

Variance Petition No. V06-050

HEARING & MEETING DATES

Design Review Board
June 27, 2006 (Deferred)
July 25, 2006

Board of Zoning Appeals Hearing
September 14, 2006 (Deferred)
November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
5730 Glenridge Associates, LLC	5730 Glenridge Associates, LLC	AEC, Inc./Brad Riffel

PROPERTY INFORMATION

Address, Land Lot, and District.	5730 Glenridge Drive Land Lots 37 & 38, District 17
Council District	5
Frontage and Area	149.41 feet of frontage along the south side of Glenforest Road, 433 feet of frontage along the east side of Glenridge Drive, and 1,044 feet of frontage along the north side of I-285. The subject property has a total area of approximately 7.53 acres.
Existing Zoning and Use	O-I (Office and Institutional District) currently developed as medical offices.
Overlay District	Sandy Springs Overlay District – Urban District
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre) and R5-8 Residential (5-8 units per acre)

INTENT

The applicant is requesting four primary variances, as follows:

- 1) A variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees and disturbance of the critical root zone of one (1) specimen tree.
- 2) A primary variance from Section 18.3.1.E to allow parking in the minimum front and side yards.
- 3) A primary variance from Section 4.23.2 to eliminate the required parking lot landscaping.
- 4) A primary variance from Section 12B.5.B.1 of the Zoning Ordinance to eliminate the required 10 foot landscape strip for 55 feet of the 436 feet of frontage along Glenridge Drive to respect Bell South easement.

All variances for the purpose to create fifty-three (53) additional parking spaces and improve the office site

5730 Glenridge Dr.



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

CASE NUMBER:

V06-050

STAFF CONTACT:

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

ANALYSIS:

The site is currently developed with a four-story medical office building having 393 parking spaces. The applicant is proposing to increase the amount of parking by adding fifty-three (53) spaces and to make general improvements to the site. The applicant is requesting four (4) primary variances, as follows: 1) a primary variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees and disturbance of the critical root zone of one (1) specimen tree, 2) a primary variance from Section 18.3.1.E of the Zoning Ordinance to allow parking in the minimum front and side yards, 3) a primary variance from Section 4.23.2 of the Zoning Ordinance to eliminate the required parking lot landscaping, and 4) a primary variance from Section 12B.5.B.1 of the Zoning Ordinance to eliminate the required 10 foot landscape strip for 55 feet of the 436 feet of frontage along Glenridge Drive to respect Bell South easement as shown on the development plans supplied by the applicant and dated received October 26, 2006 by the Department of Community Development.

With the exception of the 55 foot by 16 foot Bell South easement, the applicant is proposing to improve the site to meet the streetscape requirements for the Urban District of the Sandy Springs Overlay District (per detail section 12B2.3) as shown on the development plans supplied by the applicant and dated received October 24, 2006 by the Department of Community Development.

The applicant is offering to use porous concrete for the proposed additional parking spaces that would apply towards water quality credits and help minimize the required detention.

On June 27, 2006, the Design Review Board (DRB) voted to defer recommendation on the subject application until July 11, 2006. The DRB requested additional detail of the proposed plantings and trees to be saved.

On July 25, 2006, the Design Review Board (DRB) endorsed approval subject to the following condition(s): 1.) That a berm or landscaping is installed behind the sidewalk on Glenridge Drive. 2.) That porous paving is used 3.) That the required streetscape items are installed in the power easement. 4.) That specimen trees are planted in islands.

At the September 14, 2006 Board of Zoning Appeals (BZA) meeting the Members of the Board voted to defer application V06-050 to allow Staff to work with concerned and adjoining neighbors and with the applicant to revise the site plan. A meeting between Staff, the applicant, and concerned and adjoining neighbors was held at City Hall on October 4, 2006. At the aforementioned meeting, a revised site plan indicating no parking within the side street setback along I-285, significant landscape buffering at the intersection of Glenforest Road and Glenridge

Drive, and indicating a reduction in proposed tree removal to a quantity of three (3) was conceptually agreed upon. Additionally, it was noted, at the aforementioned meeting, petition V06-050 is unique and situational in nature - should it be approved, it would not be considered precedent setting.

The applicant supplied an email dialog between himself and a Bell South representative indicating that due to periodic equipment maintenance, landscape plantings are not suitable within the subject easement.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction. To ensure the health of the remaining specimen tree(s) requested to have critical root encroachment, a remedial root mitigation plan by an ISA certified arborist should be required.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant claims that industry parking standards for medical use call for five (5) to six (6) spaces per 1,000 square feet of medical use and that the subject property's current parking ratio is 3.92 spaces per 1,000 square feet of medical use. The applicant is proposing an increase in parking to achieve a ratio of 4.46 spaces per 1,000 square feet of medical use where the Zoning Ordinance requires four (4) spaces per 1,000 square feet of medical use. The applicant states that by increasing the amount of parking spaces, it would bring the site into the range of compliance with the Zoning Ordinance while approaching industry parking standards – the increase and convenient location, relative to the building entry, of new parking spaces would better serve the community. The applicant is offering to use porous concrete for the proposed additional parking spaces that would apply towards water quality credits and help minimize the required detention.

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

The applicant claims as a hardship that the site's configuration and existing structures are creating limited space to achieve the necessary parking to best serve the use – the applicant believes he is limited to proposing this plan to improve the site's parking situation and best serve the community.

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

1. That the site be developed in accordance with the Development Plans provided by the applicant dated received October 26, 2006 by the Department of Community Development showing and limiting the proposed parking lot configuration to be located in the setbacks where necessary to accommodate the portion of the encroachment only.
2. The owner/developer shall plant the ten (10) foot landscape strip along Glenridge Drive to buffer standards, as approved by the City of Sandy Springs Arborist/Landscape Architect. In the area of the Bell South easement, located south of the entry drive, the owner/developer shall submit a modified plan meeting the requirements of Bell South and the Sandy Springs Arborist/Landscape Architect.
3. All new parking areas shall be constructed of pervious paving.

4. That specimen tree recompense shall be used in the parking islands. Any recompense trees remaining and the required parking lot shade trees shall be planted on other locations on site.
5. That a certified arborist provide and implement a remedial root mitigation plan for the tree(s) requested to incur critical root encroachment as approved by the City Arborist.
6. That landscape treatments be planted to buffer standards at the intersection of Glenforest Road and Glenridge Drive as approved by the City Arborist.

ATTACHMENTS: Letter of appeal, development plans, and Bell South email

Rezoning Petition No. V06-058

HEARING & MEETING DATES

Board of Zoning Appeals

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Scott Hazelrigs

Petitioner

Scott Hazelrigs

Representative

Scott Hazelrigs

PROPERTY INFORMATION

**Address, Land Lot,
and District**

980 West Kingston Drive
Land Lot 15, District 17

Council District

5

Frontage and Area

199 feet of frontage along the north side of West Kingston Drive. The subject property has a total area of 1 acre.

Existing Zoning and Use

R-2 (Single-Family Dwelling District)

Overlay District

N/A

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

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

INTENT

The applicant is seeking two primary variances:

- 1) Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback adjacent to an interior line from fifteen (15) feet to ten (10) feet, and
- 2) Variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to two and one-half (2.5) feet.

Both variances are proposed in order to permit the construction of a detached garage.

Parcel Map

980 W. Kingston Dr.



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

CASE NUMBER: V06-058

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

ANALYSIS:

The applicant is applying for relief from Sections 6.2.3.C and 6.2.3.D of the Zoning Ordinance to allow for a ten (10) foot side-yard setback where a fifteen (15) foot setback is required, and a two and one-half (2.5) foot rear-yard setback where a forty (40) foot setback is required to construct a detached garage.

The lot is developed with a single family residence, which is located towards the rear of the parcel, as shown on the submitted survey.

Application V06-058 was deferred at the Board of Zoning Appeals meeting held on August 10, 2006. The Board approved the motion for deferral and recommended to the applicant that he work with the staff and the neighbors to develop a revised site plan providing for a lessened setback encroachment. To date, Staff has not been provided any revised plans and has not taken part in nor been made aware of any meeting(s) between the applicant and concerned neighbors.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant claims that given subject property's condition, having a residence located in its present location, there is limited space for storage of vehicles and equipment. The applicant has provided a site plan to support the above claim that shows the location of the existing house on the lot. The applicant also states that the proposed detached garage would be in harmony with the neighborhood and will not cause detriment to the public; however, the applicant has not provided evidence to support this claim.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received June 6, 2006 by the Department of Community Development. (Original site plan submitted)

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

Rezoning Petition No. V06-083

HEARING & MEETING DATES

Board of Zoning Appeals

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Jim Cook

JCRM Properties

Petitioner

Jim Cook

JCRM Properties

Representative

Russell Mote

PROPERTY INFORMATION

**Address, Land Lot, and
District**

8212 Hewlett Road
Land Lot 356, District 6

Council District

1

Frontage and Area

35 of frontage along the northwest side of Hewlett Road. The subject property has a total area of 1.016 acres.

Existing Zoning and Use

AG-1 (Agricultural District)

Overlay District

N/A

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

R0-1 Residential, 0 to 1 units per acre

INTENT

The applicant is seeking two (2) primary variances as follows:

1. Relief from Section 8.5 of the Tree Preservation Ordinance to allow the encroachment into the critical root zone of seven (7) specimen trees.
2. Relief from Section 14.6.5.a.i and ii of the Development Regulations to reduce the stream buffer from seventy-five (75) feet to thirty-five (35) feet.

Parcel Map

8212 Hewlett Rd.



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

CASE NUMBER: V06-083

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

ANALYSIS:

The applicant is requesting primary variances to encroach on the critical root zones of seven (7) specimen trees and to reduce the stream buffer by forty (40) feet, from the required seventy-five (75) feet to thirty (35) feet. The subject property is a currently platted flag lot. Roughly two-thirds (2/3) of the proposed house is indicated to be located in the stream buffer, as well as a portion of the driveway as it enters the flag portion of the lot from the stem portion. The subject creek is located on the adjacent property to the north; however, the seventy-five (75) foot buffer impacts approximately one-half (1/2) of the subject property.

With regard to the specimen tree encroachment, one (1) of the trees, a thirty-six (36) inch oak, is impacted by the location of the driveway entering the property; the other six (6) specimen trees are located towards the rear of the property and are encroached upon by the proposed septic field repair area. The six (6) trees include a twenty-six (26) inch beech, thirty (30) inch and twenty-nine (29) inch oaks, a ten (10) inch sourwood, and twenty-seven (27) inch and twenty-nine (29) inch pines. The subject application was heard by the Board of Zoning Appeals on August 10, 2006. The Board deferred consideration of the petition at that time to allow the applicant time to work with concerned property owners nearby and to possibly revise the proposed plans. The applicant has indicated that they have met with nearby property owners, but has not provided the staff with any documentation of such; the applicant has not revised the proposed plans or variance requests, but has submitted supplemental material clarifying the request.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments at this time.
	Sandy Springs Building Plan Reviewer	▪ No comments at this time.
	Sandy Springs Landscape Architect/Arborist	▪ The applicant will be required to provide a plan for the maintenance of the subject trees. Conditions have been recommended to address the encroachment in the stream buffer.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments at this time.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments at this time.
	Georgia Department of Transportation	▪ Not applicable.

Standards for Consideration

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

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

The applicant states that due to the unique shape and extreme topography of the property, and due to the stream buffer encompassing over one-half (1/2) of the area of the property, that there is only one area where the home may be located. The applicant further indicates that the proposed home can be moved no further to the south, as it is close to encroaching on the twenty-five (25) foot side setback and the steep topography does not make this a viable option.

While staff does note that the property does exhibit steep topography and the stream buffer accounts for a large amount of the site area, the site plan indicates that the proposed home could be moved approximately fifteen (15) feet further to the south before encountering the twenty-five (25) foot side setback line. Additionally, there does appear to be an opportunity to adjust the orientation of the structure to lessen the encroachment on the buffer.

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

The applicant has indicated that since they are encroaching on the critical root zone of the trees rather than removing the trees that the proposal is in harmony with the intent of the Zoning Ordinance. The applicant has submitted plans detailing the encroachment of the septic field lines into the critical root zones of several trees. The plans do indicate the encroachment on the critical root zones to be minimal.

Staff notes that the intent of the Ordinance is to maintain and protect specimen trees. It is the opinion of the staff that the intent would be met if the applicant submits a maintenance plan for the affected trees that meets the approval of the Arborist and successfully protects the subject trees. Should the variance be approved, the Tree Preservation Ordinance requires the submittal of a maintenance plan prior to the issuance of permits. Penalties are incurred should the health of the trees not be properly protected in a predetermined time period.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plans provided by the applicant dated received September 8, 2006 by the Department of Community Development.
2. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the 75 foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the 75 foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.

6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The 35 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 35 foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Site plans, letter of appeal, and septic permits.

Variance Petition No. V06-104

HEARING & MEETING DATES

Board of Zoning Appeals

September 14, 2006

January 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Glenlake Apartment
Investments, LLC

Petitioner
Glenlake Apartment
Investments, LLC

Representative
David O. Eldridge

PROPERTY INFORMATION

**Address, Land Lot, and
District**

6901 Glenlake Parkway
Land Lots 33 & 34, District 17

Council District

4

Frontage and Area

1,211.92 feet of frontage along the north side of Glenlake Parkway and approximately 1,425 feet of frontage along the east side of Glenridge Drive. The subject property has a total area of 25.4 acres

Existing Zoning and Use

A (Medium Density Apartment District) conditional, Z80-015

Overlay District

N/A

Interim 2025

**Comprehensive Future
Land Use Map
Designation**

LWC - Living-Working Community

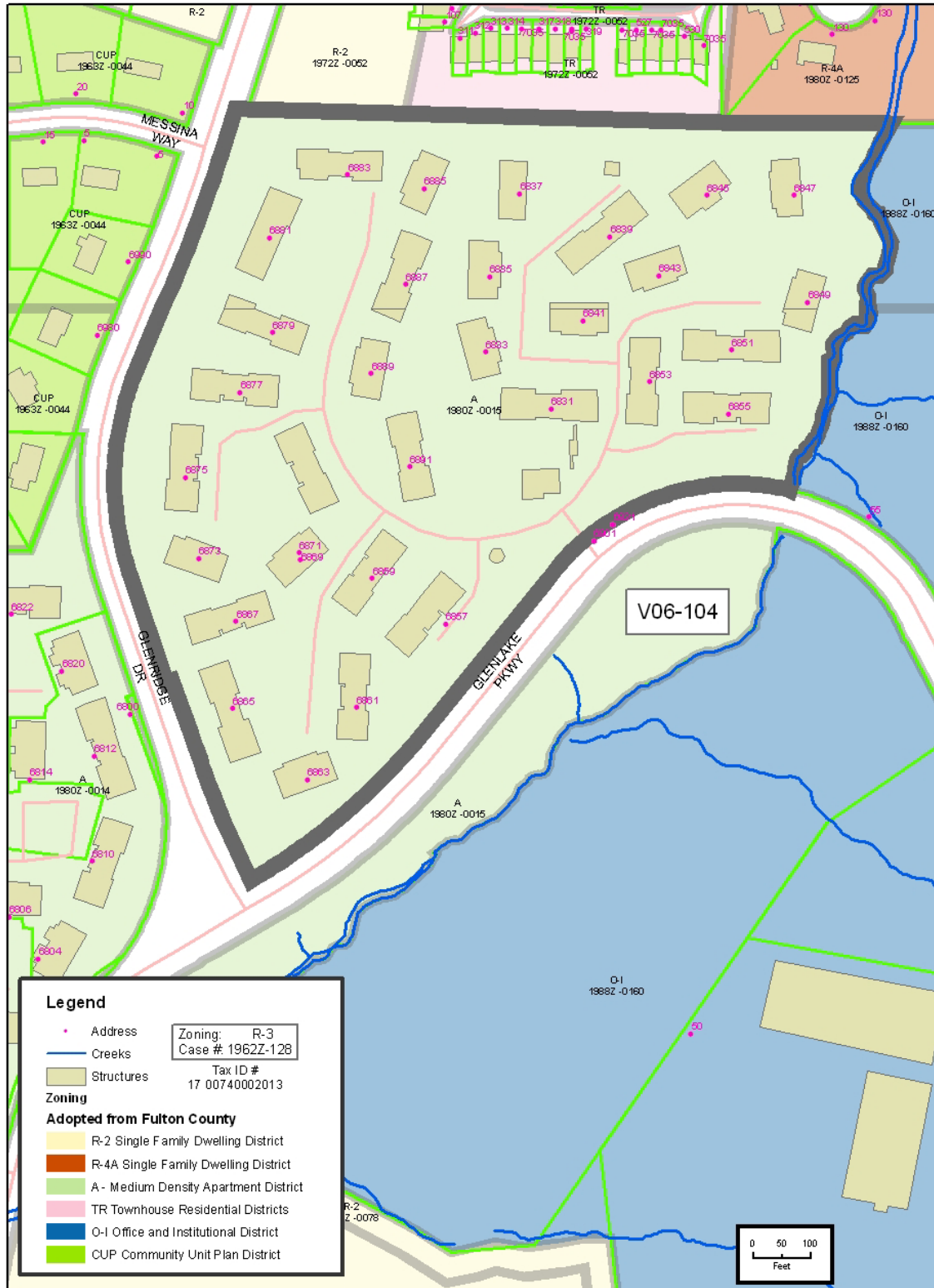
INTENT

The applicant is seeking a secondary variance to appeal the interpretation of the Director of the Department of Community Development, rendered July 3, 2006, with respect to the following determinations:

1. The denial of the Sign Permit Application for Glenlake Apartments was based on the fact that the existing sign is nonconforming based on its noncompliant setback and square footage, and therefore the existing sign face shall not be changed without bringing the sign into conformity.

Parcel Map

6901 Glenridge Pkwy



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

CASE NUMBER: V06-104

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

BACKGROUND:

In February of 2006 the petitioner filed a Sign Permit Application to change the sign face on an existing monument sign located on Glenlake Parkway. A review of the application material indicated that the applicant intended to replace the existing thirty-six (36) square foot sign face with one of equal size. It was determined that the existing sign is a nonconforming sign based on square footage and setback, and cannot be changed without bringing the structure into compliance; therefore, the Sign Permit Application was denied on March 2, 2006.

At the September 14, 2006 Board of Zoning Appeals meeting, the applicant requested deferral to allow the opportunity to perform additional research that could allow the matter to be resolved without the Secondary Variance/Appeal. At this time, the applicant has not submitted any additional material.

APPEAL:

The applicant indicates that his appeal of the Director's determination is based on four (4) reasons, as follows:

- 1) The applicant indicates that the Director's reliance on Section 33.6.3 as a basis for denial is incorrect. The applicant indicates that there has been no change to the regulations, specifically the sign regulations of the City, which would bring about any non-compliance. The applicant furthers that the only applicable section is Section 4.3.1, *Nonconforming Lots, Uses and Structures*, of the Zoning Ordinance, as it allows those noncompliant structures that exist on the effective date of the adoption of this Ordinance to remain until such time as they are enlarged or altered in a way which increases its nonconformity, destruction of more than sixty (60) percent of the gross square footage of the structure occurs, or the structure is moved for any distance. The applicant stipulates that since the structure existed on the date of the adoption of the Ordinance and is not being enlarged or altered in a way which increases its nonconformity, that it should therefore be allowed to remain and the permit granted.
- 2) The applicant indicates that the subject sign was lawful before the Ordinance was adopted and that the City has produced no evidence to the contrary. The applicant furthers this argument by stating that a legal nonconforming sign in Fulton County should remain as such in the City of Sandy Springs, and that the creation of the new City cannot require the sign to be brought into compliance.

- 3) The applicant indicates that the denial should be reversed because it is anti-business and discourages business investment in the City of Sandy Springs due to the costs involved to new businesses having to correct nonconforming situations.
- 4) The applicant indicates that the denial of the sign permit should be reversed as it is unconstitutional and constitutes a taking of the owner's property without just and adequate compensation and without due process of law.

BASIS FOR DIRECTOR'S INTERPRETATION/DETERMINATION:

The denial of the subject Sign Permit Application was based on the nonconforming status of the existing sign and the proposed change to that nonconforming sign. The existing sign is setback four (4) feet from the right-of-way and is thirty-six (36) square feet in area. The Zoning Ordinance currently requires a setback of at least ten (10) feet from the right-of-way and allows a maximum square footage of thirty-two (32) square feet; therefore, the existing sign, per Article III, Definitions, 3.3.14, N, of the City of Sandy Springs Zoning Ordinance, is considered a nonconforming structure as it is a "structure that was nonconforming at the time of the adoption of the Fulton County Zoning Ordinance on March 11, 1955, or subsequent amendments thereto...and does not meet the minimum requirements of the district in which it is located." It is important to note that the applicant never contends that the subject sign is not a nonconforming sign or structure.

Since the subject sign is a nonconforming sign or structure, both the definition of nonconforming structure and Section 33.6.3 (A), *Nonconforming Signs*, of the City of Sandy Springs Zoning Ordinance, apply. The definition of nonconforming structure states that "any change or addition to a...structure must comply with current provisions of the Zoning Ordinance. Section 33.6.3 (A) states that "no nonconforming sign shall be enlarged, extended, structurally reconstructed, moved, replaced or altered in any manner including the sign face except for normal maintenance." Based on the definition of nonconforming sign and Section 33.6.3 (A), the applicant's proposal to change or alter the sign face is not allowed unless compliance with current provisions of the Zoning Ordinance is achieved. Since the original application to change or alter the sign face did not indicate that the existing structure was being moved from its current noncompliant four (4) foot setback to a compliant ten (10) foot setback, nor was the sign face being reduced from a noncompliant thirty-six (36) square feet to a compliant thirty-two (32) square feet, the sign permit application was denied. With regard to the applicant's contention that Section 4.3.1 is the applicable section rather than Section 33.6.3, subsection (E) indicates that a nonconforming sign shall comply with any other applicable provisions of Section 4.3.1; thereby indicating that those provisions of Section 4.3.1 are secondary with regard to signs when compared with the regulations of Section 33.6.3.

It is the opinion of the staff that the aforementioned basis satisfactorily dismisses the applicant's first reason for appeal. With regard to the applicant's second reason, staff would agree, the City's incorporation alone cannot require the subject sign to be brought into compliance; however, it is not the City's incorporation that is requiring the sign to be brought into compliance, but rather the fact that the applicant is desiring to change or alter the sign that is requiring the sign to be brought into compliance. The applicant's third and fourth reasons are policy based, and have no bearing on the Director's determination of the provisions of the rules and regulations of the Zoning Ordinance.

CONCLUSION AND REQUESTED ACTION:

Staff respectfully requests the Board of Zoning Appeals to uphold the determinations made by the Director of the Department of Community Development, thereby requiring the applicant to either bring the subject sign into compliance in conjunction with the sign permit for the change to the sign face or seek primary variances to maintain the noncompliant setback and sign face area.

Thank you for your attention to this matter.

ATTACHMENTS: Site plan, sign elevation, letter of appeal, letter of determination,
 denial letter.

Variance Petition No. V06-066

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Tom Major

Petitioner

Vernon Woods, LLC.

Representative

Tom Major

PROPERTY INFORMATION

Address, Land Lot, and District. 6346 Vernon Woods Drive
Land Lot 72, District 17

Council District 4

Frontage and Area The subject property has 125 feet of frontage along the west side of Vernon Woods Drive and a total area of approximately 0.59 acres.

Existing Zoning and Use R-3 (Single-Family Dwelling District) developed with a single family residence.

Overlay District N / A

Interim 2025

Comprehensive

Future Land Use

Map Designation

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

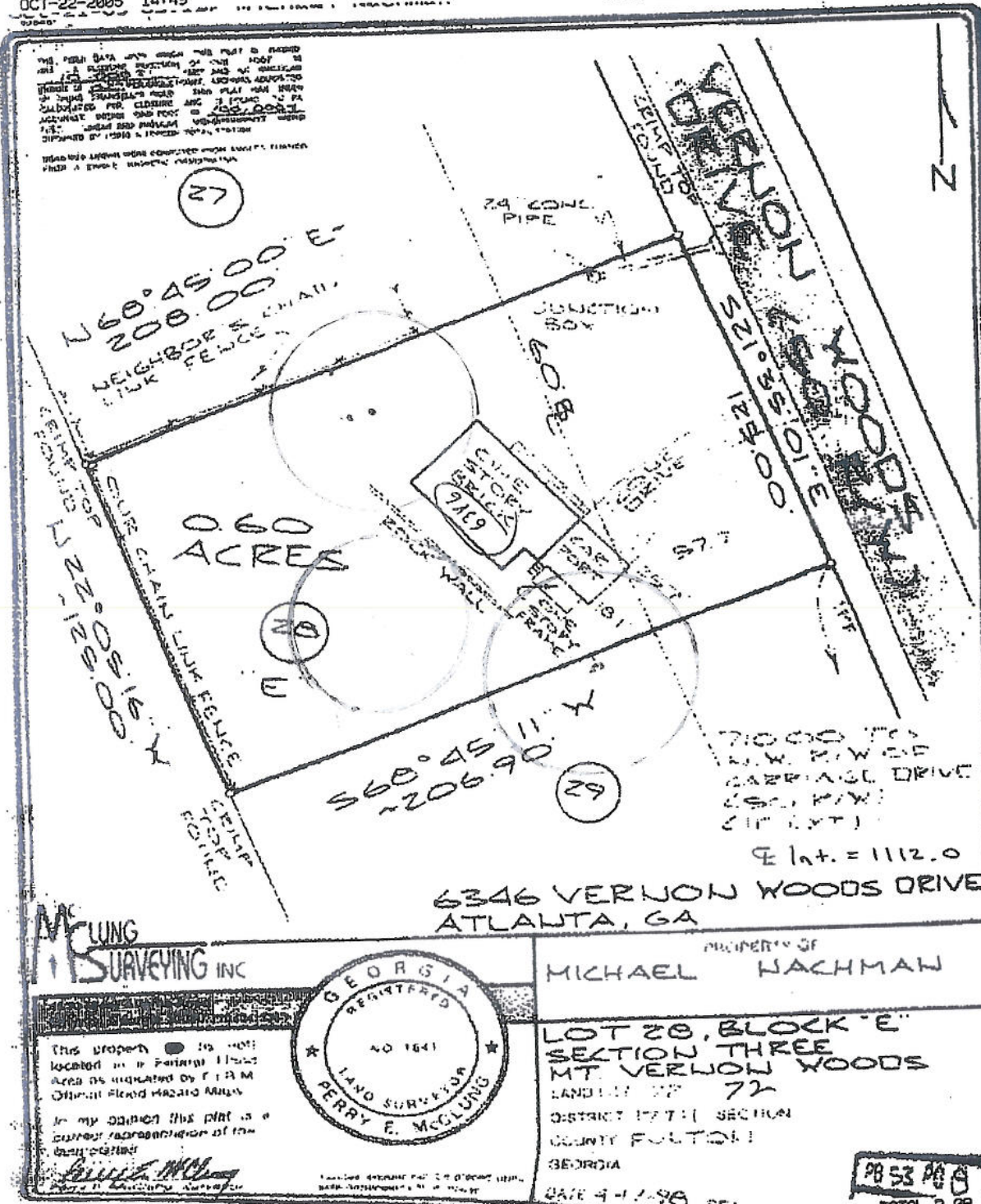
INTENT

The applicant is seeking primary variances for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree and to encroach into the critical root zone of two (2) specimen trees for the construction of a single-family house and septic tank.

815 E-1

P.09

OCT-22-2005 14:49



EXISTING HOME

RECEIVED

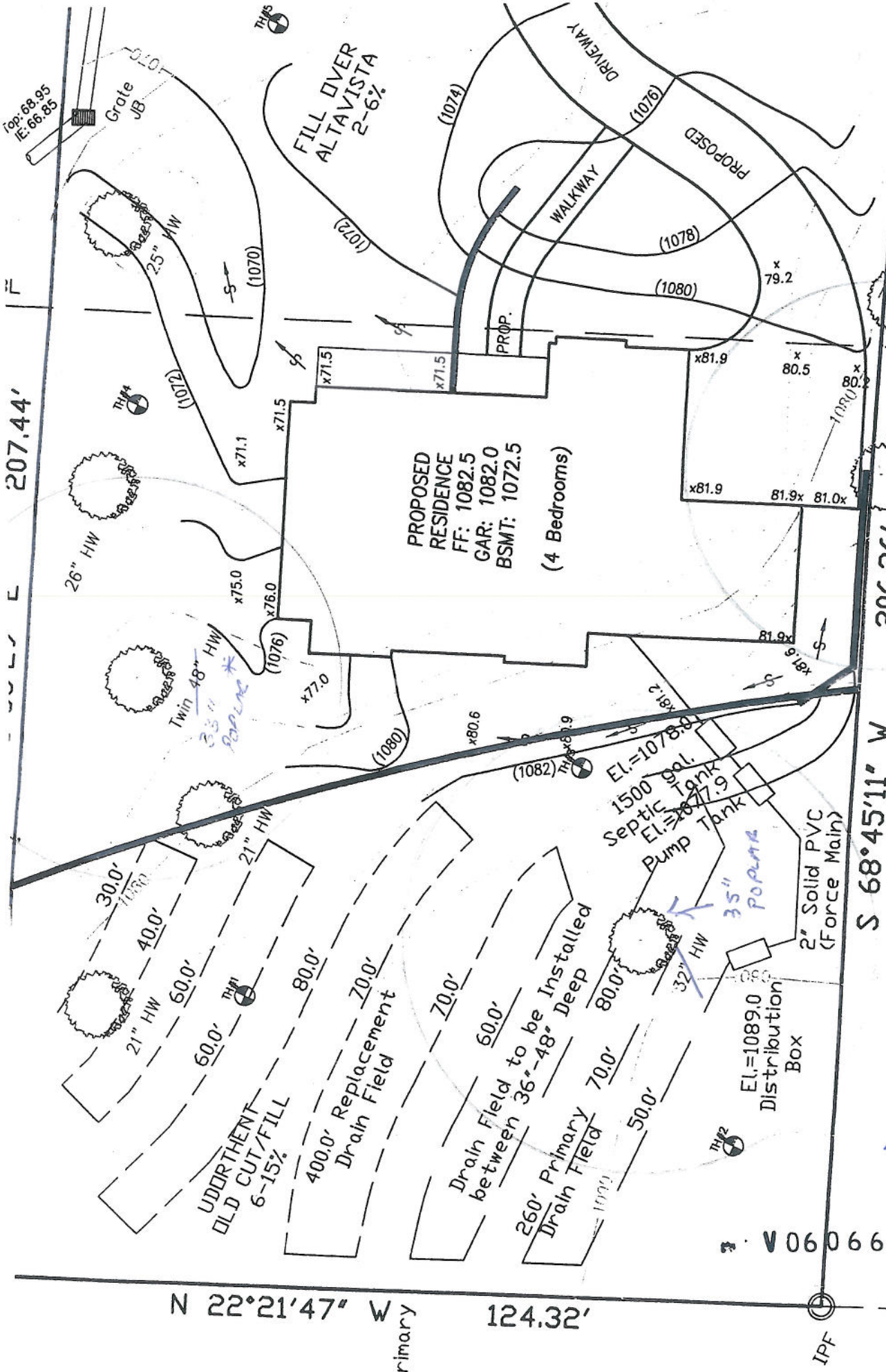
JUN 29 2006

W-V 06 066

City of Sandy Springs
Community Development

6346 Vernon Woods Dr.





207.44'

206.36'

S 68°45'11" W

N 22°21'47" W

124.32'

RECEIVED

JUN 29 2006

City of Sandy Springs
Community Development

NEW HOME

V 06066

IPF

Parcel Map

6346 Vernon Woods Dr.



Variance Petition No. V06-067

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Westfield Partners, LLC.

Petitioner
Scott Reiser

Representative
Scott Reiser

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 490 Franklin Road
Land Lot 67, District 17

Council District 5

Frontage and Area The subject property has 100.11 feet of frontage along the north side of Franklin Road and a total area of approximately 0.69 acres.

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

Overlay District N/A

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

INTENT

The applicant is requesting two primary variances:

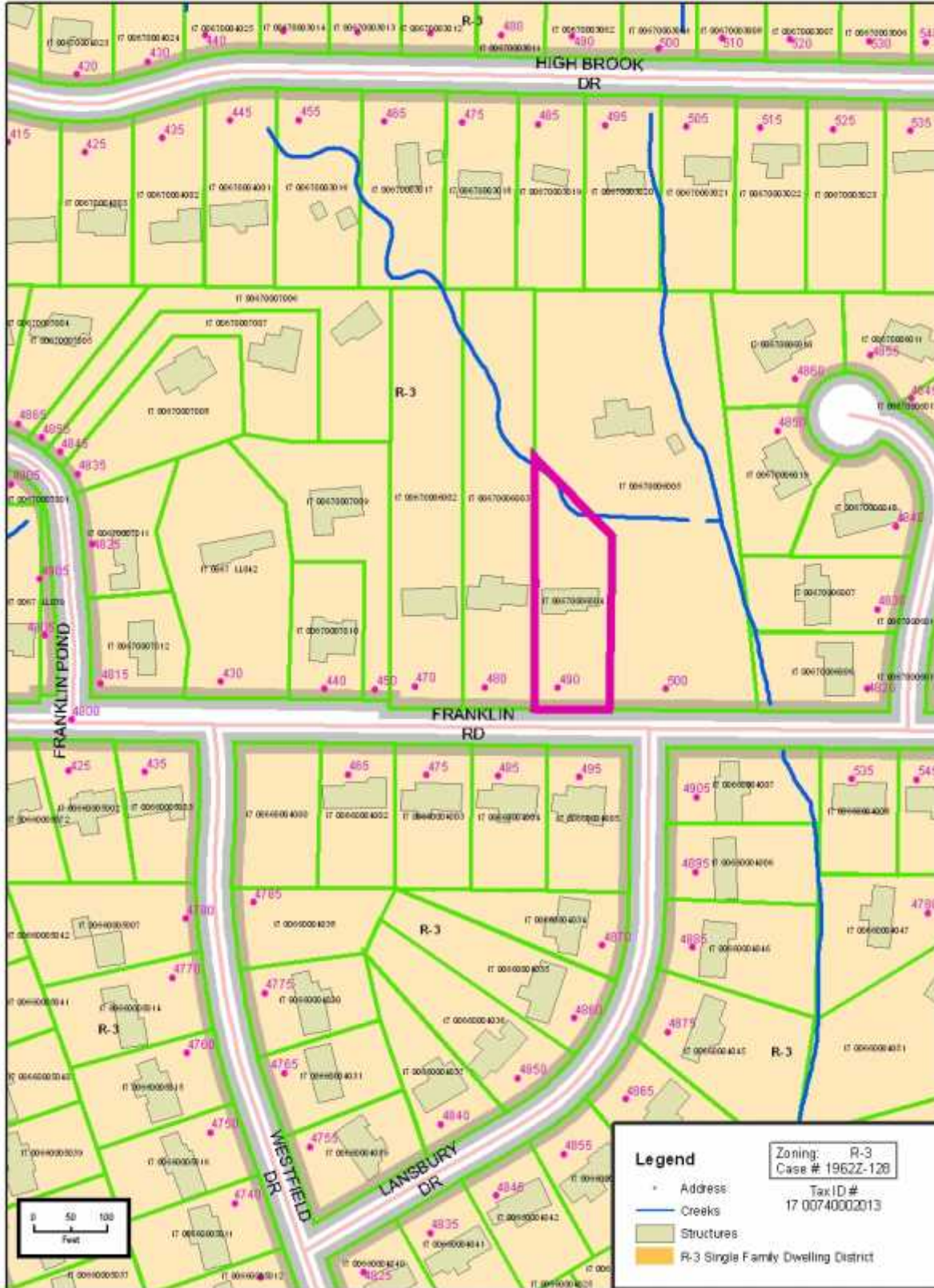
1) Primary variance from Chapter 14, Article 6, sec 5(a)(i) and Chapter 14, Article 6, sec 5(a)(ii) of the Land Development and Environment Protection Ordinance to reduce the seventy-five (75) foot stream buffer to 21.6 feet, and

2) Minor variance from Section 6.4.3.C of the Zoning Ordinance to reduce the minimum side yard setback required from ten (10) feet to 9.1 feet.

Both variances are for the construction of additions to an existing house.

Parcel Map

490 Franklin Rd.



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

CASE NUMBER:

V06-067

STAFF CONTACT:

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Chapter 14, Article 6, Section 5(a)(i) and Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed second floor and bay window additions to be setback a minimum of twenty-one (21) feet from the top of pond bank, located in the 25 foot impervious setback and fifty (50) foot undisturbed areas of the required 75 foot stream buffer. The applicant is also requesting a minor variance for relief from Section 6.4.3.C of the Zoning Ordinance to allow a proposed second floor addition to have a 9.1 foot side yard setback where ten (10) feet is required. A Georgia – EPD variance is not required because the house is existing.

The subject lot appears to be irregular in shape, heavily wooded, and has a stream located near the rear northern property line. There is a pond adjacent to the subject property to the east. The existing residence currently is located in the 75 foot pond buffer required for the adjacent pond and has a side yard setback of 9.1 feet. The applicant claims that the proposed improvements, other than the addition of two footings needed for two proposed bay windows, would not alter the existing footprint of the house.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ If new house in existing footprint (foundations), applicant must submit a sealed and signed later stating that the construction meets the requirements of IRC Appendix J.
	Sandy Springs Landscape Architect/Arborist	▪ The proposed construction would have minimal impact on the stream and pond.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the property is legally non-conforming, having structures encroaching into the stream buffer and having a east side setback of 9.1 feet. He also states that other than a footing for one (1) of the two (2) proposed bay windows, the proposed additions would not further encroach into the stream buffer and would not further encroach into the required side setback beyond what already encroaches. Further, the applicant states that an addition that would expand the current footprint of the house would require the removal of trees, disturbance of land, and further

encroachment into required stream buffers and setbacks – the proposed second story addition will not require the removal of trees, would disturb very little land, and affect the pond and stream minimally. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received June 27, 2006 by the Department of Community Development, showing a buffer reduced to no less than 21.6 feet.
2. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the 75 foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the 75 foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The 21.6 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 21.6 foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for the swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Letter of appeal and site plan.

Variance Petition No. V06-069

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
James and Melissa Eaton	Historic Designs, Inc.	James Eigel

PROPERTY INFORMATION

Address, Land Lot, and District.	Tara Trail Land Lot 136, District 17
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Council District	6
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Frontage and Area	The subject property has 151.27 feet of frontage on the south side of Tara Trail and a total area of approximately 1.01 acres.
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Existing Zoning and Use	R-2 (Single-Family Dwelling District) developed with a single family residence.
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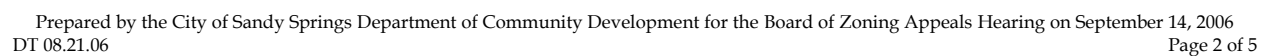
Overlay District	N/A
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Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acres)
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INTENT

The applicant is seeking a primary variance for relief from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of seven (7) specimen trees for the construction of a single-family house, pool, and septic sewage system.

485 Tara Trail



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

CASE NUMBER:

V06-069

STAFF CONTACT:

Doug Trettin, City Planner 770-730-5579

E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of seven (7) specimen trees: two (2) 28 inch pines, a 28 inch oak, a 35 inch red oak, a 27 inch poplar, a 29 inch poplar, and a 33 inch chestnut oak, for the construction of a single-family house, pool, and septic sewage system. Five (5) of the seven (7) specimen trees are located in the lot's buildable area. The other two (2) specimen trees are located in the minimum front yard where the septic sewage system is proposed to be located.

The lot appears to be heavily wooded and is sloped at the front and rear yards, with the rear yard having the most extreme slope. The footprint of the new house is proposed to be located at the most level part of the lot which is the approximate center of the property, and would require the removal of the 35 inch red oak and the 28 inch oak. The proposed rear location of the pool would require the removal of the 27 inch poplar, the 29 inch poplar, and the 33 inch chestnut oak. The proposed front location of the septic sewage system would require the removal of the two (2) 28 inch pine trees.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the lot is heavily wooded and that he would be willing to reduce the effect of the variance request by planting eighteen (18) replacement trees if this application to remove specimen trees is approved. The applicant has supplied a site plan indicating existing trees and a full-size tree replacement plan to support the above statements. Additionally, the applicant states that the proposed house and pool would be in character with the surrounding area. The applicant has provided photographs as evidence to document this statement.

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

The applicant states as a hardship for relief from Article 8, Section 5 of the Tree Preservation Ordinance that due to the lot's sloping topography in relation to its buildable area, there is no other appropriate place on the lot for the proposed house and pool. The applicant also states that due to the lot's sloping topography, there is no other appropriate place on the lot for the proposed septic sewage system. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received June 30, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal, site plans, and photographs

Variance Petition No. V06-070

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

John Stern

Petitioner

John Stern

Representative

Steven Berger

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 1300 West Garmon Road
Land Lot 202, District 17

Council District 6

Frontage and Area The subject property has 300 feet of frontage along the south side of
West Garmon Road and a total area of approximately 5.36 acres.

**Existing Zoning
and Use** R-1 (Single-Family Dwelling District) developed with a single family
residence.

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

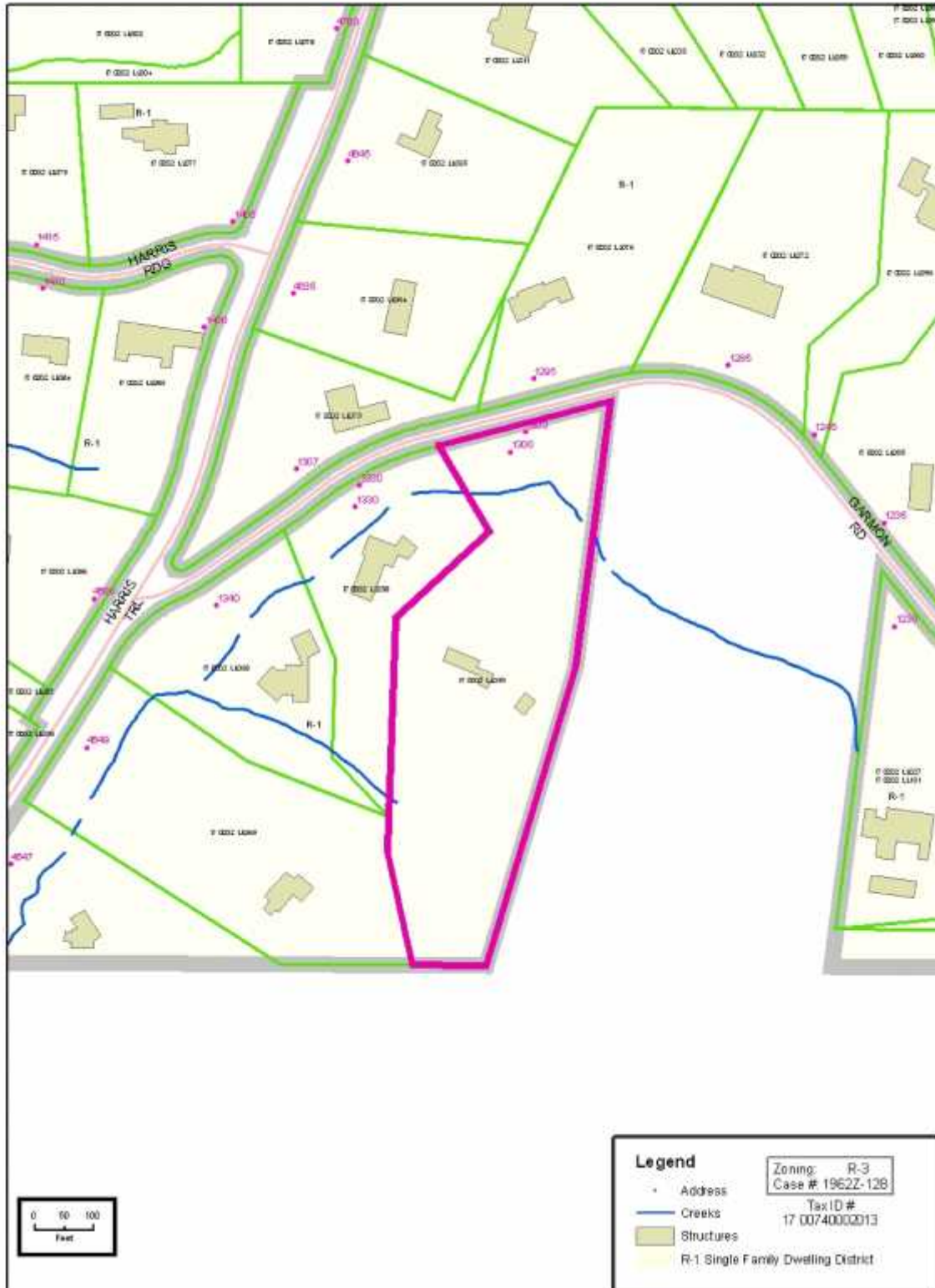
R0-1 Residential (0 to 1 units per acres)

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of eight (8) specimen trees and to allow encroachment into the critical root zone of twelve (12) specimen trees for the construction of a single-family house.

Parcel Map

1300 W. Garmon Rd.



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

CASE NUMBER: V06-070

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

ANALYSIS:

The original application requested the removal fifteen (15) specimen trees and the encroachment into the critical root zone of nine (9) specimen trees. The applicant has worked with staff to reduce the number of trees to be affected by land disturbance and new construction.

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of eight (8) specimen trees and the encroachment into the critical root zone of twelve (12) specimen trees detailed as follows:

1. Land disturbance for guest house construction.
 -) Removal of two (2) specimen trees: a 27 inch pine and a 29 inch oak.
 -) Critical root zone encroachment of one (1) specimen trees: a 27 inch oak.
2. Land disturbance for driveway construction.
 -) Removal of three (3) specimen trees: a 24 inch pine, a 12 inch sourwood, and a 30 inch pine.
 -) Critical root zone encroachment of four (4) specimen trees: a 14 inch sourwood, a 12 inch sourwood, a 30 inch pine, and a 29 inch oak.
3. Land disturbance for wall and fence construction.
 -) Removal of two (2) specimen trees: a 27 inch oak and a 30 inch pine.
 -) Critical root zone encroachment of two (2) specimen trees: two (2) 24 inch pines.
4. Land disturbance for recreation court construction.
 -) Removal of one (1) specimen tree: a 27 inch poplar.
5. Land disturbance in the existing driveway and garage area.
 -) Critical root zone encroachment of five (5) specimen trees: three (3) 24 inch pines, a 30 inch pine, and a 36 inch oak.

The lot is somewhat irregular in shape and heavily wooded with both specimen and non-specimen trees. The subject property contains a total of 37 specimen trees. The lot appears to be very sloped at the front and rear yards, or in the northern and southern areas of the lot. Two (2) streams are located on the subject property – one near the southern rear property line and one near the northern front property line. The footprint of the new house is proposed to be located at the most level part of the lot which is in the approximate center of the property. Proposed construction includes a two-entrance, meandering driveway and associated structures located in the rear yard including a tennis court, swimming pool and cabana, and a guest house.

The applicant's revised letter of intent, dated received September 6, 2006 by the Department of Community Development, proposes eight (8) trees to be removed and twelve (12) trees to be encroached upon. After reviewing the revised site plan, dated received September 5, 2006 by the Department of Community Development, Staff has counted thirteen (13) trees to be encroached upon. Staff also notes that one of the trees proposed to be encroached upon, a thirty (30) inch pine, is located on the adjacent property to the west.

The City of Sandy Springs Arborist has determined that, according to the proposed site plan dated received September 5, 2006 by the Community Development Department, the thirty (30) inch specimen pine tree, located on the adjacent property to the west, would not incur detrimental critical root zone damage if the planned pool house demolition occurs as shown - provided that no contour grading occur within its critical root zone.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction. To ensure the health of the remaining specimen tree(s) requested to have critical root encroachment, a remedial root mitigation plan by an ISA certified arborist should be required.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the lot is heavily wooded and that he would be willing to save and protect, other than those trees indicated to be removed, as many of the remaining trees as possible. He is also willing to supplement the existing trees to remain by planting new trees. The applicant has supplied a site plan indicating existing trees to be saved and protected and new trees to be planted.

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

The applicant states as a hardship for relief from Article 8, Section 5 of the Tree Preservation Ordinance that due to location of two (2) streams on the lot and due to the lot's sloping topography in relation to its buildable area, there is no other appropriate place for the proposed residence, pool & cabana, tennis court, guest house, and meandering driveway. The applicant has provided a site plan to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 5, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal, letter of opposition, and site plans.

Variance Petition No. V06-073

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Rob and Michelle Leven	Rob Leven	Daniel J. Scalise

PROPERTY INFORMATION

Address, Land Lot, and District.	420 North Errol Court Land Lot 134, District 17
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Council District	6
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Frontage and Area	The subject property has 50.19 feet of frontage along the northwest side of the North Errol Court cul-de-sac and has a total area of approximately 0.85 acres.
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Existing Zoning and Use	R-2A (Single-Family Dwelling District) under zoning case Z79-032 developed with a single family residence.
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Overlay District	N/A
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Interim 2025

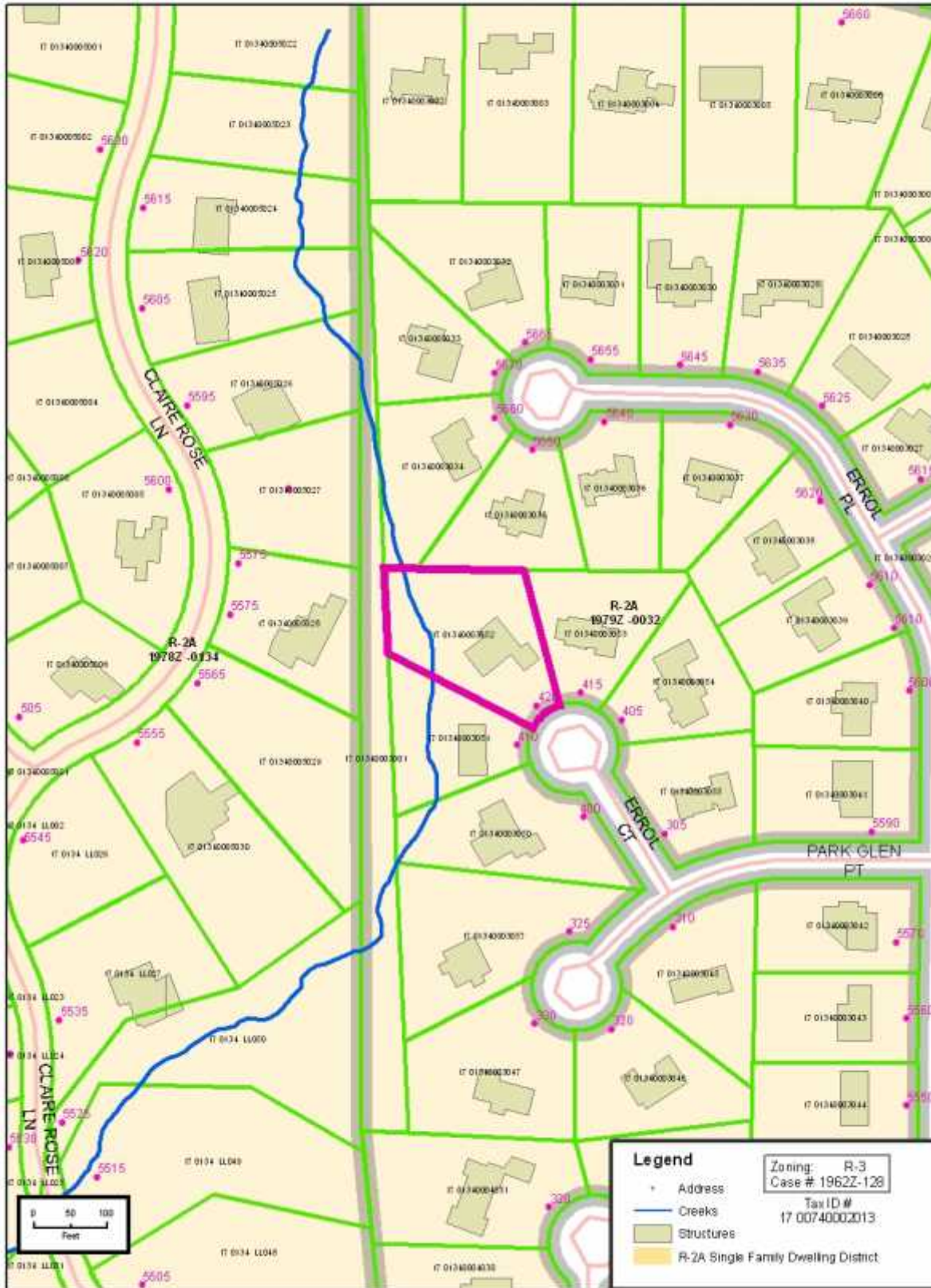
Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
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INTENT

The applicant is seeking a primary variance for relief from Section 14.6.5.a. i and ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to thirty-two (32) feet to allow for construction of home additions.

Parcel Map

420 N. Errol Ct.



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

CASE NUMBER:

V06-073

STAFF CONTACT:

Doug Trettin, City Planner 770-730-5579

E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(i) and Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed wood deck, screened porch, stone steps and decking, and exercise room with fireplace, to be set back a minimum of thirty-two (32) feet from the top of stream bank, located in the twenty-five (25) foot impervious setback and fifty (50) foot undisturbed areas of the required seventy-five (75) foot stream buffer. The applicant is also proposing a playroom addition to the east side of the existing residence. The play room addition would be outside of the required stream buffer.

The applicant has submitted a topographical map to support his contention that the lot is irregular in shape and sloped at the side yards, or eastern and western portions of the lot. A stream and a sanitary sewer easement are located on the subject property at the western part of the lot. Existing construction includes a residence, a pool, a pool deck, and retaining walls all located in the seventy-five (75) foot stream buffer. The existing house has an above-ground wood deck. Beneath the deck, at basement level, exists a storage structure on top of a concrete slab. The footprint of the storage structure is smaller than the concrete slab. The concrete slab is larger than the above-ground wood deck and extends to the western, back corner of the house. The applicant indicates that the proposed improvements, other than the play room addition, would either replace existing structures or be built over the existing footprint of the concrete slab and pool deck.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Applicant must submit a sealed and signed later stating that the construction meets the requirements of IRC Appendix J. Additions must comply with 2000 IRC with Ga State Amendments.
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed construction would have minimal impact on the stream and pond.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the property is legally non-conforming, having structures encroaching into the stream buffer, and that the proposed additions would not further encroach into the stream buffer beyond what already encroaches. The applicant has provided site plans in support of the above statements.

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

The applicant states as a hardship for relief from Chapter 14, Article 6, Section 5(a)(i) and Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance that due to the location of a stream and a sanitary sewer easement on the lot and due to the lot's shape and sloping topography in relation to its buildable area, there is no other appropriate place for the proposed additions. The applicant has provided site plans and a topographical map to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received July 5, 2006 by the Department of Community Development, showing the buffer reduced to no less than thirty-two (32) feet.
2. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The thirty-two (32) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the thirty-two (32) foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.

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

Variance Petition No. V06-075

HEARING & MEETING DATES

Design Review Board Meeting
August 8, 2006

Board of Zoning Appeals Hearing
September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

RA Ventures, LLC.

Petitioner

RA Ventures, LLC.

Representative

The Providence Group
@ Alderwood

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 6701 Roswell Road (SR9)
Land Lots 73 & 87, District 17

Council District 4

Frontage and Area The subject property has 1,967 feet of total frontage along the east side of Roswell Road (SR 9) and along the north side of Abernathy Road and has a total area of 10.54 acres.

**Existing Zoning
and Use** A-O (Apartment Office District) conditional under zoning case Z63-017. Zoning case ZM04-060 modified the property's previous zoning conditions to, among other things, a specific site plan. The site is being developed with condominiums.

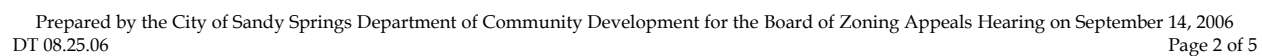
Overlay District Urban District

**Interim 2025
Comprehensive
Future Land Use
Map Designation** Living-Working Community (LWC)

INTENT

The applicant is seeking a primary variance for relief from Section 4.3.4.B.3 of the Zoning Ordinance to increase the maximum allowed projection of steps into the front yard and side street yard setbacks from three (3) feet to ten (10) feet for the construction of townhouses.

Alderwood on Abernathy



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

CASE NUMBER: V06-075

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

ANALYSIS:

The applicant is applying for relief from Section 4.3.4.B.3 of the Zoning Ordinance to increase the maximum allowed projection of steps into the front yard and side street yard setbacks from 3 feet to 10 feet for the construction of townhouses. The units included in this application along Abernathy Road are numbered twenty-nine (29) through fifty-six (56), and the units included in this application along Roswell Road are numbered one (1) through twenty-eight (28) for a total of fifty-six (56) units proposed to encroach. The subject property is planned to have a total of 118 units constructed.

The lot is irregularly shaped, is a corner lot adjoining two (2) major thoroughfares, and is being developed with townhouse units. Staff notes that the proposed stoops and steps are required do to the topography of the parcel and that the subject property is limited by being a corner lot – side street setbacks are typically more restrictive than interior side setbacks.

On August 8, 2006, the Design Review Board (DRB) endorsed this variance petition.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Townhouses must comply with 2000 IRC if 3 stories or less, 2000 IBC if 4 stories or more.
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that once fully developed, the property will comply with the City of Sandy Springs Overlay District standards for streetscape improvements. The proposed stoops and steps along with the installation of required streetscape items would be in harmony with the intent of the Zoning Ordinance by creating an attractive and pedestrian-friendly area along two critical thoroughfares. The applicant has provided a Site Plan as evidence to support the above claims.

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

The applicant states as a hardship for relief from Section 4.3.4.B.3 of the Zoning Ordinance that due to the lot being irregularly shaped, a corner lot adjoining two (2) major thoroughfares, and being sloped causing the need for stoops and steps, there is no other appropriate place for the proposed stoops and steps. The applicant has provided a Site Plan as evidence to support the above claims.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 6, 2006 by the Department of Community Development. The units included in this application along Abernathy Road are numbered twenty-nine (29) through fifty-six (56), and the units included in this application along Roswell Road are numbered one (1) through twenty-eight (28) for a total of fifty-six (56) units proposed to encroach.

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

Variance Petition No. V06-076

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tyler Walk Estates, LLC.	BWC Properties, LLC.	Bobby Webb

PROPERTY INFORMATION

Address, Land Lot, and District. 5515 Claire Rose Lane
Land Lot 134, District 17

Council District 6

Frontage and Area The subject property has 125.08 feet of frontage along the east side of Claire Rose Lane and a total area of approximately 1.68 acres.

Existing Zoning and Use R-2A (Single-Family Dwelling District) conditional under zoning case Z78-0134. The property is undeveloped.

Overlay District N/A

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

INTENT

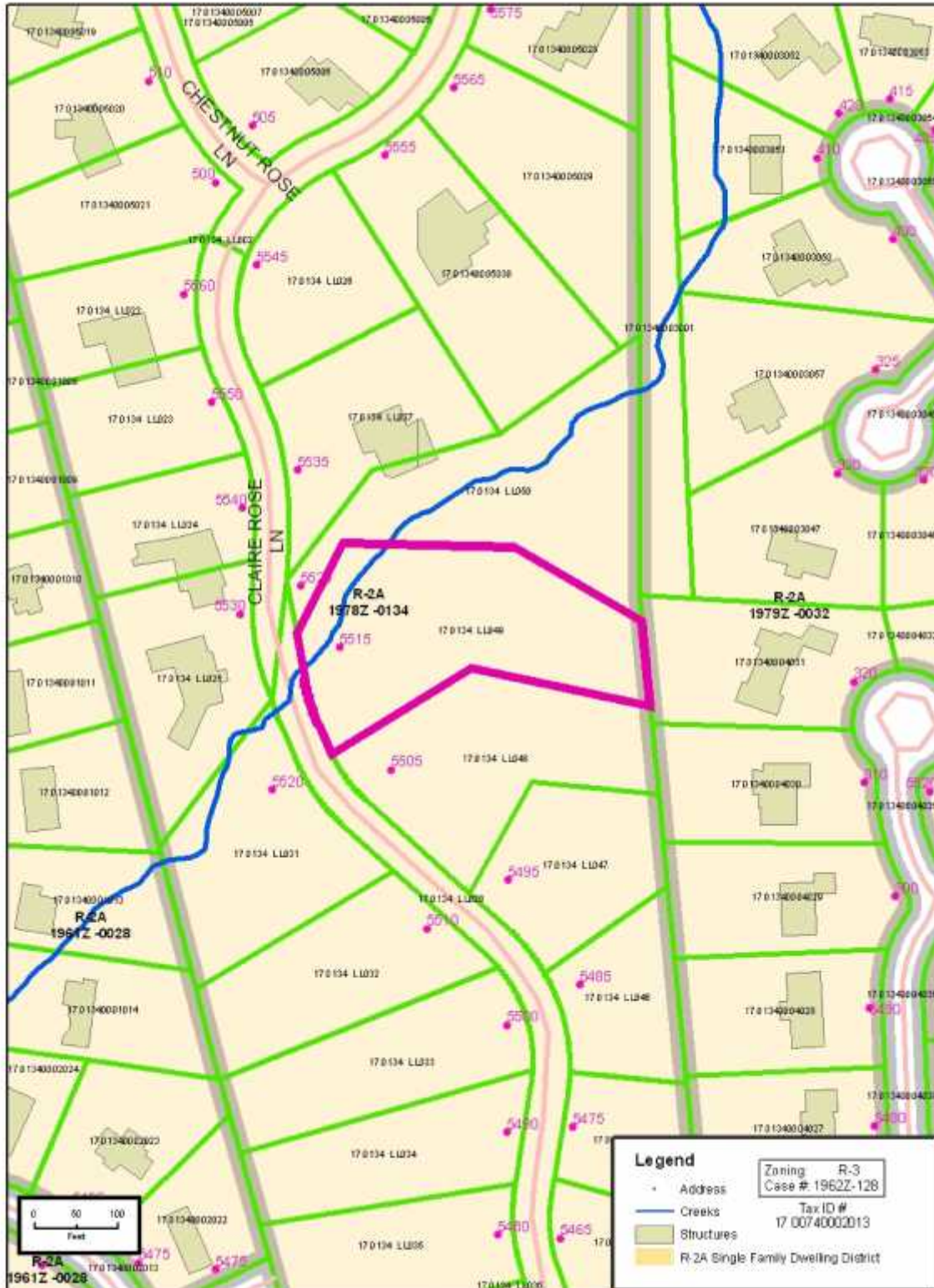
The applicant is requesting two primary variances:

- 1) Variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree and to encroach into the critical root zone of one (1) specimen tree, and
- 2) Variance from Section 14.6.5.a ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to sixty-five (65) feet.

Both variances to construct a single-family house and associated driveway

Parcel Map

5515 Claire Rose Lane



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

CASE NUMBER: V06-076

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed shared driveway to be set back a minimum of 65 foot from the top of stream bank, located in the 25 foot impervious setback area of the required 75 foot stream buffer and from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of one (1) 32 inch specimen oak tree and the encroachment into the critical root zone of one (1) 30 inch specimen oak tree.

The 32 inch oak intended to be removed is located in the footprint of the proposed house, and the 30 inch oak that the applicant is requesting to encroach upon the critical root zone is located adjacent to the proposed driveway.

The applicant has submitted a site plan indicating existing topography and location of specimen trees to support the contention that the lot is irregular in shape, heavily wooded with both specimen and non-specimen trees, and is sloped from the rear yard, or eastern portion of the lot, towards the front yard, or western portion of the lot. A stream is located on the subject property near the western front property line. Proposed construction includes a residence, a shared driveway, and a pool located in the rear yard.

The applicant has worked with staff to design the shared driveway in such a way as to minimize the adverse effect that its construction would have on the stream and trees growing on the subject property. The applicant could construct an independent driveway not requiring a variance from the stream buffer requirement.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ A shared drive needing a variance would have less impact on the stream than two perpendicular drives not requiring variances. The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction. To ensure the health of the remaining specimen tree(s) requested to have critical root encroachment, a remedial root mitigation plan by an ISA certified arborist should be required.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the lot is already heavily wooded and that he would be willing to save and protect, other than those trees indicated to be removed, as many of the remaining trees as possible. The applicant has worked with staff to design the shared

driveway in such a way to minimize the adverse effect that its construction would have on the stream and trees growing on the subject property. The applicant has supplied a site plan indicating existing trees to be saved and protected, and he has supplied a site plan showing alternate driveway configurations.

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

The applicant states as a hardship for relief from Article 8, Section 5 of the Tree Preservation Ordinance that due to the location of the stream on the lot and due to the lot's shape and sloping topography in relation to its buildable area, there is no other appropriate place for the proposed residence, pool, and driveway. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received July 10, 2006 by the Department of Community Development, showing the buffer reduced to no less than sixty-five (65) feet.
2. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The sixty-five (65) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the sixty-five (65) foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.

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

Variance Petition No. V06-077

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tyler Walk Estates, LLC.	BWC Properties, LLC.	Bobby Webb

PROPERTY INFORMATION

Address, Land Lot, and District. 5525 Claire Rose Lane
Land Lot 134, District 17

Council District 6

Frontage and Area The subject property has 63 feet of frontage along the east side of Claire Rose Lane and a total area of approximately 1.48 acres.

Existing Zoning and Use R-2A (Single-Family Dwelling District) conditional under zoning case Z78-0134. The property is undeveloped.

Overlay District N/A

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

INTENT

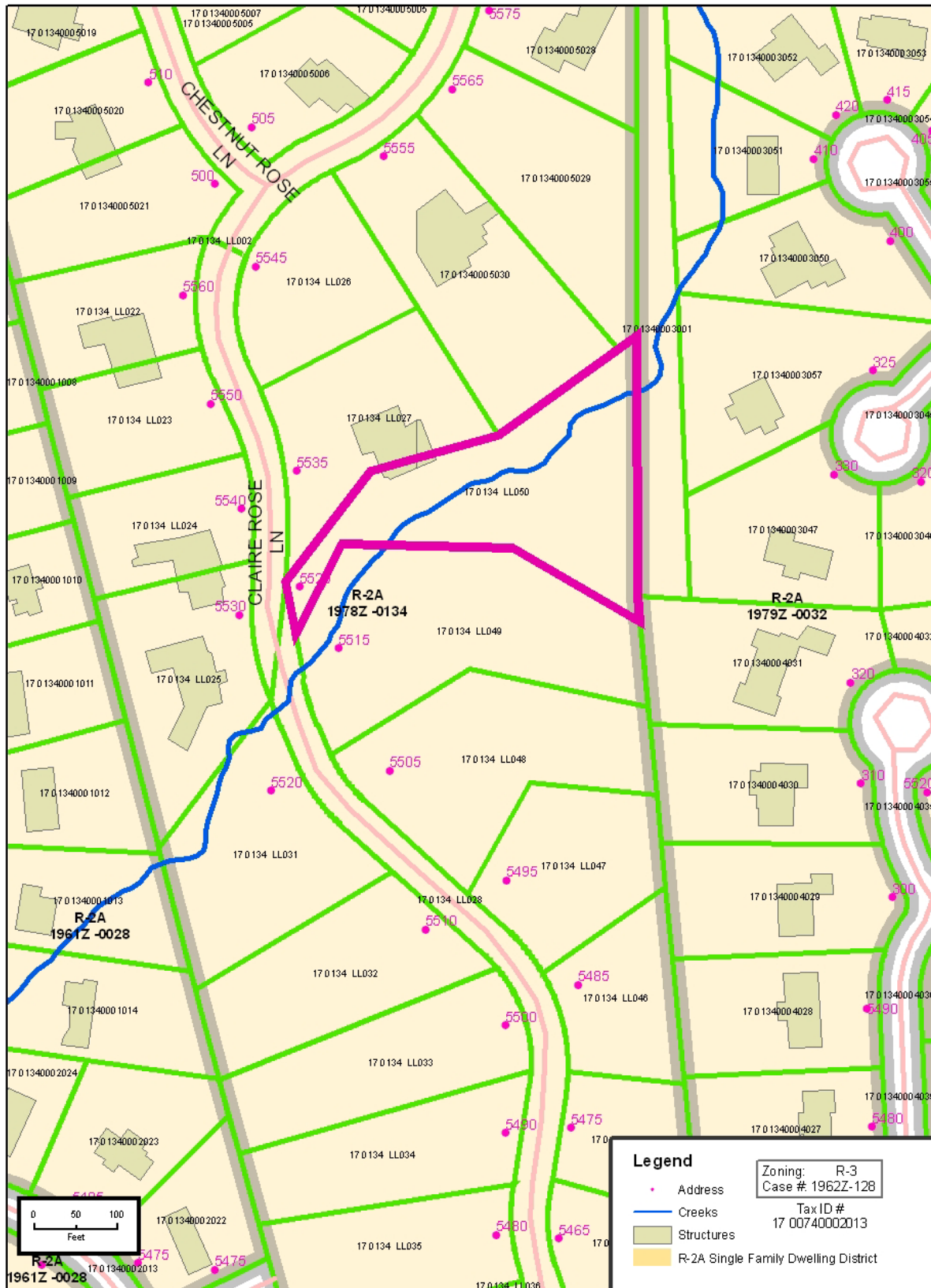
The applicant is requesting two primary variances:

- 1) Variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees, and
- 2) Variance from Section 14.6.5.a ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to sixty (60) feet.

Both variances to construct a single-family house and associated driveway.

Parcel Map

5525 Claire Rose Lane



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

CASE NUMBER:

V06-077

STAFF CONTACT:

Doug Trettin, City Planner 770-730-5579

E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed shared driveway and retaining wall to be set back a minimum of 60 feet from the top of stream bank. Said driveway and retaining wall would be located in the 25 foot impervious setback area of the required 75 foot stream buffer. The applicant is also requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of two (2) specimen trees, a twenty-seven (27) inch oak and a twenty-nine (29) inch oak to allow construction of the house.

The 27 inch oak is located in the footprint of the proposed house, and the 29 inch oak is located adjacent to the proposed house within the minimum side yard.

The submitted site plan is intended to support the applicant's contention that the lot is irregular in shape and heavily wooded with both specimen and non-specimen trees. The lot is sloped from the rear yard, or eastern portion of the lot, toward the front yard, or northwestern portion of the lot. A stream is located on the subject property at the approximate center of the lot. Proposed construction includes a residence, a shared driveway, and a pool located in the rear yard.

The applicant has worked with staff to design the shared driveway in such a way to minimize the adverse effect that its construction would have on the stream and trees growing on the subject property. The applicant could construct an independent driveway not requiring a variance from the stream buffer requirement.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ A shared drive needing a variance would have less impact on the stream than two perpendicular drives not requiring variances. The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the lot is already heavily wooded and that he would be willing to save and protect, other than the two (2) trees indicated to be removed, as many of the remaining trees as possible. The applicant has worked with staff to design the shared driveway in such a way to minimize the adverse effect that its construction would have on the stream and trees growing on the subject property. The applicant has supplied a site plan indicating existing trees to be saved and protected, and he has supplied a site

plan showing alternate driveway configurations.

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

The applicant states as a hardship for relief from Article 8, Section 5 of the Tree Preservation Ordinance that due to the location of the stream on the lot and due to the lot's shape and sloping topography in relation to its buildable area, there is no other appropriate place for the proposed residence, pool, and driveway. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received July 10, 2006 by the Department of Community Development. Buffers reduced to no less than sixty (60) feet as shown on the site plan.
2. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the 75 foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the 75 foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The 60 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 60 foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.

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

Variance Petition No. V06-079

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Michael Begelfer

Petitioner

Michael Begelfer

Representative

Jeff Dehner

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 5705 Winterthur Lane
Land Lot 206, District 17

Council District 3

Frontage and Area The subject property has 115.27 feet of frontage along the east side of the Winterthur Lane cul-de-sac and 249.10 feet of frontage along the west side of Northside Drive and has a total area of approximately 2.7 acres.

**Existing Zoning
and Use** CUP (Community Unit Plan District) conditional under zoning case Z71-063 developed with a single family residence. The applicant plans to redevelop the lot.

Overlay District N/A

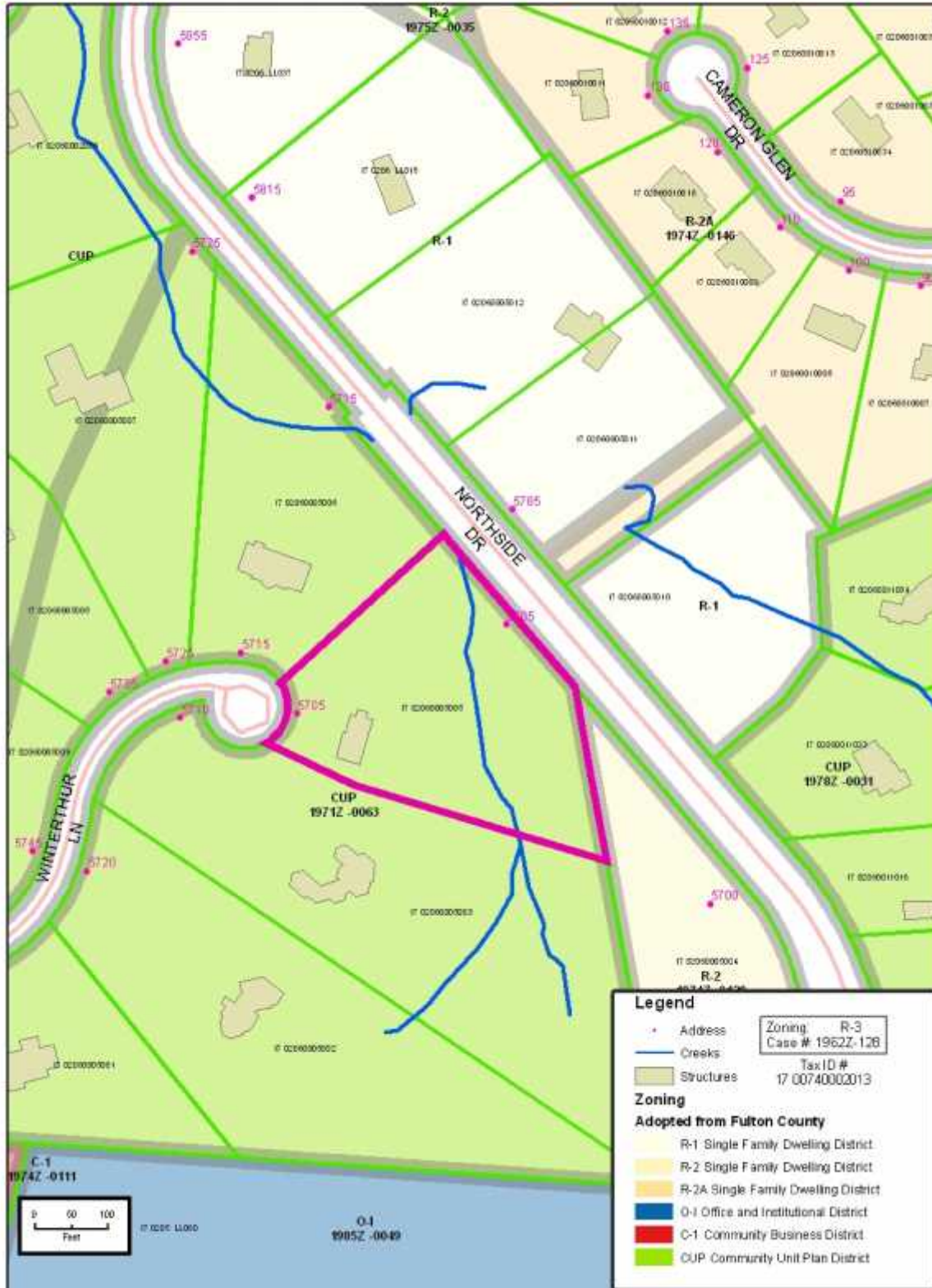
**Interim 2025
Comprehensive
Future Land Use
Map Designation** R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of four (4) specimen trees to construct a single-family house.

Parcel Map

5705 Winterthur Ln.



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

CASE NUMBER: V06-079

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

ANALYSIS:

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of four (4) specimen trees, two (2) 26 inch pines, a 12 inch sourwood, and a 27 inch hardwood for the construction of a single-family house.

The lot appears to be irregularly shaped and sloped at the eastern portion, or rear yard. A stream exists at the eastern portion, or rear yard. The footprint of the new house is proposed to be located toward the southwestern front property line at the most level part of the lot and out of the required stream buffer. The two (2) pines and the one (1) hardwood proposed to be removed are located in the buildable area of the lot and outside the proposed footprint of the house. The one (1) sourwood proposed to be removed is located within the minimum required front yard.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant plans to redevelop the lot and states that the proposed residence, once constructed, would largely overlap the footprint of the existing house, such that it would have the least impact to the vegetation on the site. He further states that due to the lot's two-plus acre size and position, the removal of specimen trees would have de minimus impact on community and neighbors, and no detriment to the public. The applicant has not provided evidence to document the above statements. However, the applicant states that he would be willing to reduce the effect of the variance request by planting replacement trees for those specimen trees removed.

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

The applicant states as a hardship for relief from Article 8, Section 5 of the Tree Preservation Ordinance that due to the Tree Preservation Ordinance requirements and the nature of the property and neighborhood, there are no possibilities of building a home on the subject property. The applicant has provided a site plan in an attempt to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received July 5, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal and site plan.

Variance Petition No. V06-080

HEARING & MEETING DATES

Design Review Board Meeting

August 22, 2006

Board of Zoning Appeals Hearing

September 14, 2006

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Triton Incorporated

Petitioner

Triton Marketing

Representative

Mark Barron

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 5345 Roswell Road (SR 9)
Land Lot 92, District 17

Council District 5

Frontage and Area 150 feet of frontage along the east side of Roswell Road. The subject property has a total area of 0.543 acres (23,653.08 square feet).

**Existing Zoning
and Use** C-1 (Community Business District) conditional, currently developed with a gas station and convenience store.

Overlay District Urban District

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

C - Commercial

INTENT

The applicant is requesting five primary variances from the Zoning Ordinance:

- 1) Variance from Section 12B.6.A.1 to allow for a free standing sign on property that is less than 40,000 square feet,
- 2) Variance from Section 12B.6.A.2.a to increase the maximum allowed height for a free standing sign from 6 feet to 14 feet 3 inches,
- 3) Variance from Section 12B.6.A.2.b to increase the maximum allowed face size for a free standing sign from 32 square feet to 60 square feet,
- 4) Variance from Section 12B.6.A.5 to allow a free standing sign support to be less than one-third of the width of the sign face.
- 5) Variance from Section 33.6.8 to reduce the required free-standing sign minimum set back from the right-of-way from 10 feet to 6.5 feet (sign support location).

All variances to allow for a face change of an existing sixty (60) square foot, fourteen (14) feet in height free standing sign.

Parcel Map

5345 Roswell Rd.



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

CASE NUMBER:

V06-080

STAFF CONTACT:

Cristina Nelson, City Planner 770-730-5569

E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The applicant is seeking relief from Sections 12B.6.A.1, 12B.6.A.2.a, 12B.6.A.2.b, 12B.6.A.5, and 33.6.8 of the Zoning Ordinance to reface an existing single pole sign on the site advertising the Triton name and gas prices (Exhibit 3). The applicant wants to change the name to Phillips 66 which requires the sign to meet the current Zoning Ordinance regulations. The cabinet is six (6) feet tall and ten (10) feet long for a total of sixty (60) square feet, the overall height of the sign is 14 feet 3 inches. The applicant is proposing to maintain the existing sign and replace the face with a red, black, and white lettering featuring the Phillips 66 gas station logo (Exhibit 2).

This site received endorsement from the Design Review Board, for a previously applied variance, at the March 14, 2006 meeting, to erect a monument sign for a property less than 40,000 square feet in area. The sign reviewed by the Board was six (6) feet in height. Prior to the Board of Zoning Appeals meeting, the applicant requested to revise the height of the sign to nine (9) feet. The variance petition was heard by the Board of Zoning Appeals at the April 12, 2006 hearing and the application was deferred by the Board of Zoning Appeals to give an opportunity to the Design Review Board for review of the revised sign design. The application returned to the April 25, 2006 Design Review Board meeting, the Board recommended that the Board of Zoning Appeals deny the subject variance request. It is important to note that the variance request was to allow a sign on a property less than 40,000 square feet, not for the sign height. The Board of Zoning Appeals, at the May 11, 2006 hearing, approved the variance request conditional to a six (6) foot tall, thirty two (32) square foot monument sign. The applicant did not install the approved monument sign stating in his letter of intent, that a six (6) foot tall sign cannot be seen by prospective customers because of the shrubs and cars parked in the adjacent property as shown on attached pictures (Exhibits 4 and 5).

Staff suggested to the applicant to explore other locations within the property to place the sign. The applicant stated that this is the only location available to locate the sign due to the buried gas tanks in the property as shown on attached pictures (Exhibits 6, 7, 8, 9 and 10).

This application was reviewed by the Design Review Board at their August 22, 2006 meeting. The Board recommended that the Board of Zoning Appeals **DENY** the subject variance request as the sign exceeds the height and sign face area limitations typically afforded to properties less than 40,000 square feet in area only through the variance process.

At the September 14, 2006 Board of Zoning Appeals meeting the applicant requested deferral for sixty days.

The applicant proposes the following:

- 1) Variance from Section 12B.6.A.1 Free Standing Signs. *Properties with lots smaller than 40,000 square feet are not permitted free Standing signs.* This request relates to allow for a free standing sign on a property which has a total area of 23,653.08 square feet.
- 2) Variance from Section 12B.6.A.2.a. Free Standing Signs. *All properties 40,000 square feet or larger with street frontages up to and including 500 linear feet are permitted one free-standing sign per street frontage, with maximum height of six (6) feet from finished grade.* This request relates to increase the maximum allowed height for a free standing sign from six (6) feet to 14 feet 3 inches.
- 3) Variance from Section 12B.6.A.2.b. Free Standing Signs. *All properties 40,000 square feet or larger with street frontages up to and including 500 linear feet are permitted one free-standing sign per street frontage, with maximum sign area 32 square feet.* This request relates to increase the maximum sign face area to sixty (60) square feet.
- 4) Variance from Section 12B.6.A.5. Prohibited Sign Types. *Signs with supporting members less than one-third of the width of the sign face are prohibited.* This request relates to allow a free standing sign support to be less than one-third of the width of the sign face.
- 5) Variance from Section 33.6.8 SIGN SPECIFICATIONS, that states that *Unless a more restrictive setback is specified in conditions of zoning, all signs shall be setback at least 10 feet from the right-of-way.* This request relates to allow for a free standing sign to be set back 6.5 feet from right-of-way.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

Building and Development Division	Sandy Springs Engineering Reviewer	Plan	▪ No Comments
	Sandy Springs Building Plan Reviewer		▪ No Comments
	Sandy Springs Landscape Architect/Arborist		▪ No Comments
Fire Dept.	Fulton County Fire Inspector		▪ No Comments
Transportation	Sandy Springs Department of Transportation, Planning Engineer		▪ Per the AASHTO 2002 Roadside Design Guide, the clear zone requirements for road with the volumes and speed limit of Roswell Road at this location is 14'-16'. The sign, at its proposed location of 16' from the face of the curb, complies with the clear zone requirements.
	Georgia Department of Transportation		▪ No Comments

Standards for Consideration

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

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

Per Article 12B.1, *Purpose and Intent*, the Sandy Springs Overlay District ordinance is designed to provide for the aesthetic, economic, and functional value of properties, neighborhoods and structures. The applicant indicates that they are seeking relief so that they may advertise the brand of gas they offer and the price they will be charging per gallon in a manner that is consistent with other surrounding businesses that have free-standing signs. The applicant states that, if necessary, a skirt can be placed to hide the pole that supports the sign.

The applicant submitted pictures to support his hardship.

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

1. That the sign be constructed pursuant to the Site Plan provided by the applicant dated received July 24, 2006 by the Department of Community Development. (Exhibit 1)
2. That the sign be constructed pursuant to the sign design which provides for a 14 feet 3 inches foot tall sign with a sixty (60) square foot sign face area, submitted by the applicant dated received July 21, 2006 by the Department of Community Development. (Exhibit 2)
3. That the sign shall be located not less than 6.5 feet from the right of way as provided on the Site plan provided by the applicant dated received July 24, 2006 by the Department of Community Development . (Exhibit 1)

ATTACHMENTS: Sign elevation, site plan, pictures and letter of appeal.

Variance Petition No. V06-085

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Anthony Larson

Petitioner

Anthony Larson

Representative

Anthony Larson

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 4674 Mystic Drive
Land Lot 94, District 17

Council District 6

Frontage and Area The subject property has 149.18 feet of frontage along the west side of
Mystic Drive and a total area of approximately one (1) acre.

**Existing Zoning
and Use** R-3 (Single-Family Dwelling District) developed with a single family
residence. The applicant plans to redevelop the lot.

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

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

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees, a 29 inch pine tree and a 25 inch pine tree, to construct a single-family house.

Parcel Map

4674 Mystic Dr.



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

CASE NUMBER:

V06-085

STAFF CONTACT:

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

ANALYSIS:

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of two (2) specimen trees, a 29 inch pine and a 25 inch pine, for the construction of a single-family house, pool, and septic sewage system. There are nine (9) specimen trees located on the subject property. Six (6) of the nine (9) specimen trees are located in the lot's buildable area. The two (2) specimen pine trees that the applicant is requesting to remove are located within the footprint area of the proposed house.

The applicant contends and provides a site plan having a topographical map indicating that the lot is irregularly shaped and heavily wooded and is very sloped at the western portion, or rear yard. The footprint of the new house is proposed to be located at the most level part of the lot which is toward the eastern front property line, and would require the removal of the 29 inch and 25 inch pine trees.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The proposed site plan verifies the application in that the specimen tree(s) requested to be removed would not survive the proposed construction.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the lot is already heavily wooded and will remain heavily wooded after proposed construction is completed. Additionally, the applicant states that he would be willing to reduce the effect of the variance request by planting replacement trees for those specimen tree removed. The applicant has supplied a site plan indicating the existing trees on the subject property.

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

The applicant states as a hardship for relief from Article 8, Section 5 of the Tree Preservation Ordinance that due to the lot's sloping topography in relation to its buildable area, there is no other appropriate place on the lot for the proposed house to

be constructed. The applicant has provided site plans indicating existing topography and specimen trees to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received June 18, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal, letters of support, and site plan.

Variance Petition No. V06-055

HEARING & MEETING DATES

Design Review Board

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

Board of Zoning Appeals Hearing

August 10, 2006/ Sept. 14, 2006

APPLICANT/PETITIONER INFORMATION

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

PROPERTY INFORMATION

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

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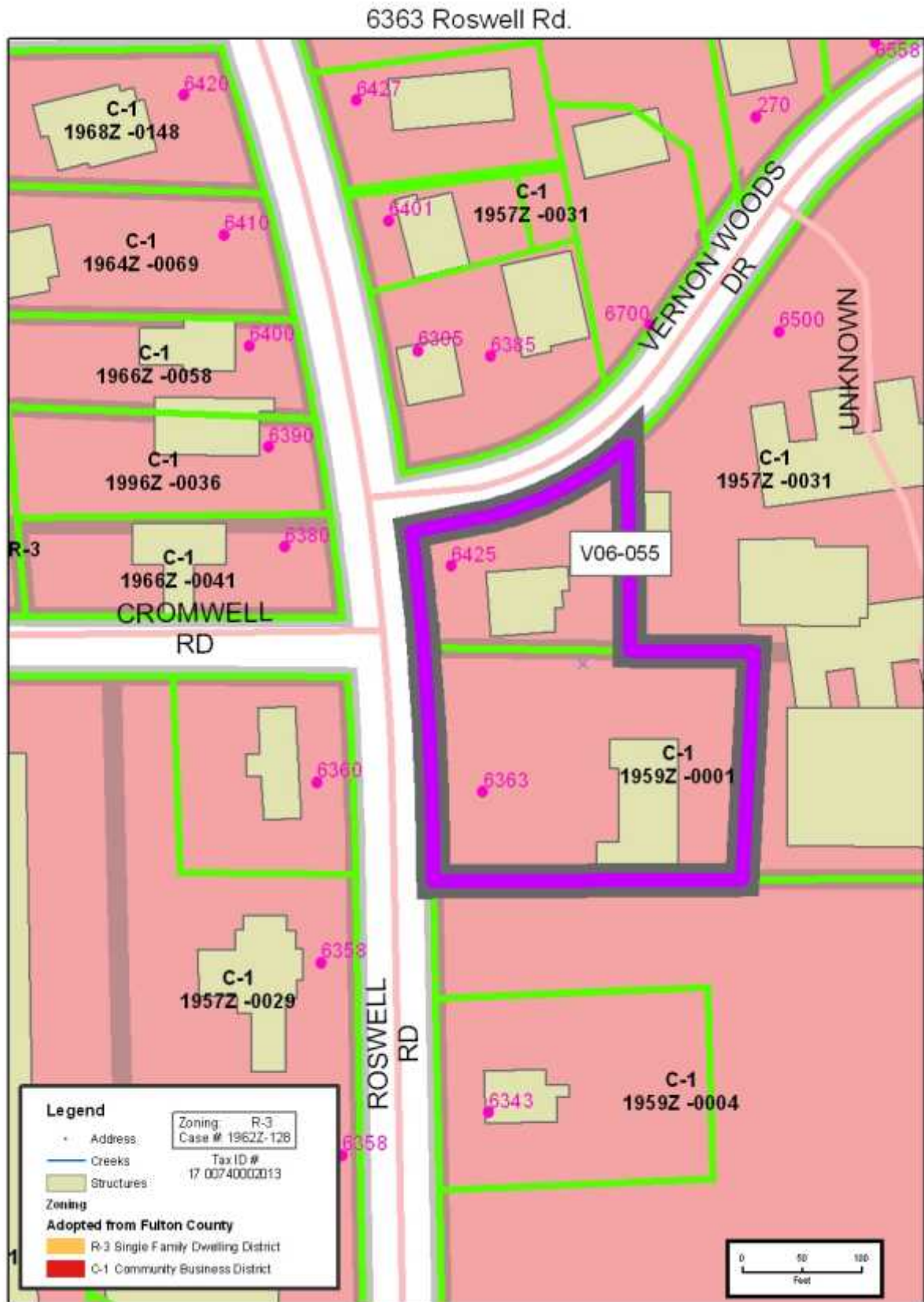
INTENT

The applicant seeks two primary variances from the Zoning Regulations:

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

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

Parcel Map



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

CASE NUMBER: V06-055

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

ANALYSIS:

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

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

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

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

Department Comments

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

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

Standards for Consideration

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

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

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

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

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 7, 2006 by the Department of Community Development.

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

Variance Petition No. V06-071

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Thomas B. Elias

Petitioner

Thomas B. Elias

Representative

Thomas B. Elias

PROPERTY INFORMATION

Address, Land Lot, and District.	351, 361, 371 Windsor Pkwy and 354, 364, 382, 380 Pine Forest Rd. Land Lot 66, District 17
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Council District	5
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Frontage and Area	Approximately 380 feet of frontage along the north side of Pine Forest Rd. The subject property has a total area of 2.2 acres.
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Existing Zoning and Use	R-4 (Single-Family Dwelling District), currently developed with single family houses.
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Overlay District	N/A
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**Interim 2025
Comprehensive
Future Land Use
Map Designation**

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

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of four (4) specimen trees to subdivide seven (7) existing lots into fourteen (14) lots.

Parcel Map

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



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

CASE NUMBER: V06-071

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

ANALYSIS:

The applicant is applying for relief from Section 8.5 of the Sandy Springs Development Regulations to remove four (4) trees from the existing seven (7) lots to allow for the construction of a subdivision. This application is concerning the same property as Variance application V06-030, an application for stream buffer reduction that was **denied**. This tree removal application has been revised to now include the removal of four (4) trees as opposed to seven (7) that were previously requested. The site plan for the property has also been revised to reflect lot layout revisions.

The trees proposed to be removed are on the western edge of the property. Tree #1, a 31" oak, occupies the front portion of the building area of Lot 9. Tree #2, a 30" pine, is located in the front right corner of Lot 8. Tree #3, a 28' oak, occupies the back corner of lot #8 and extends into the available building area of Lot 7. Tree #4, a 27" pine, is situated in the middle of the buildable area of Lot 7.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The applicant states that the location of these trees and their critical root zones greatly restricts the area available for the placement of houses. The applicant states that a stream buffer variance will not be needed for house placement in Lots 6 (six) and 7 (seven). The applicant has also stated that the detention area is proposed to be underground in the cul-de-sac. Any specimen trees that remain will require variances to remove or intrude into the critical root zone.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 6, 2006 by the Department of Community Development.
2. To the removal of four (4) specimen trees as shown tree-save plan received by the Department of Community Development dated September 6, 2006.

ATTACHMENTS: Proposed site plan, letter of appeal.

Variance Petition No. V06-081

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Adams Ventures, LLC	Southern Gentry Developments, LLC	Robert Donner

PROPERTY INFORMATION

Address, Land Lot, and District	5270 Greenland Road Land Lot 68, District 17
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Council District	5
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Frontage and Area	462.92 feet of frontage along the north side of Greenland Road. The subject property has a total area of 19.822 acres.
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Existing Zoning and Use	CUP (Community Unit Plan District) conditional under Z05-0024, currently vacant.
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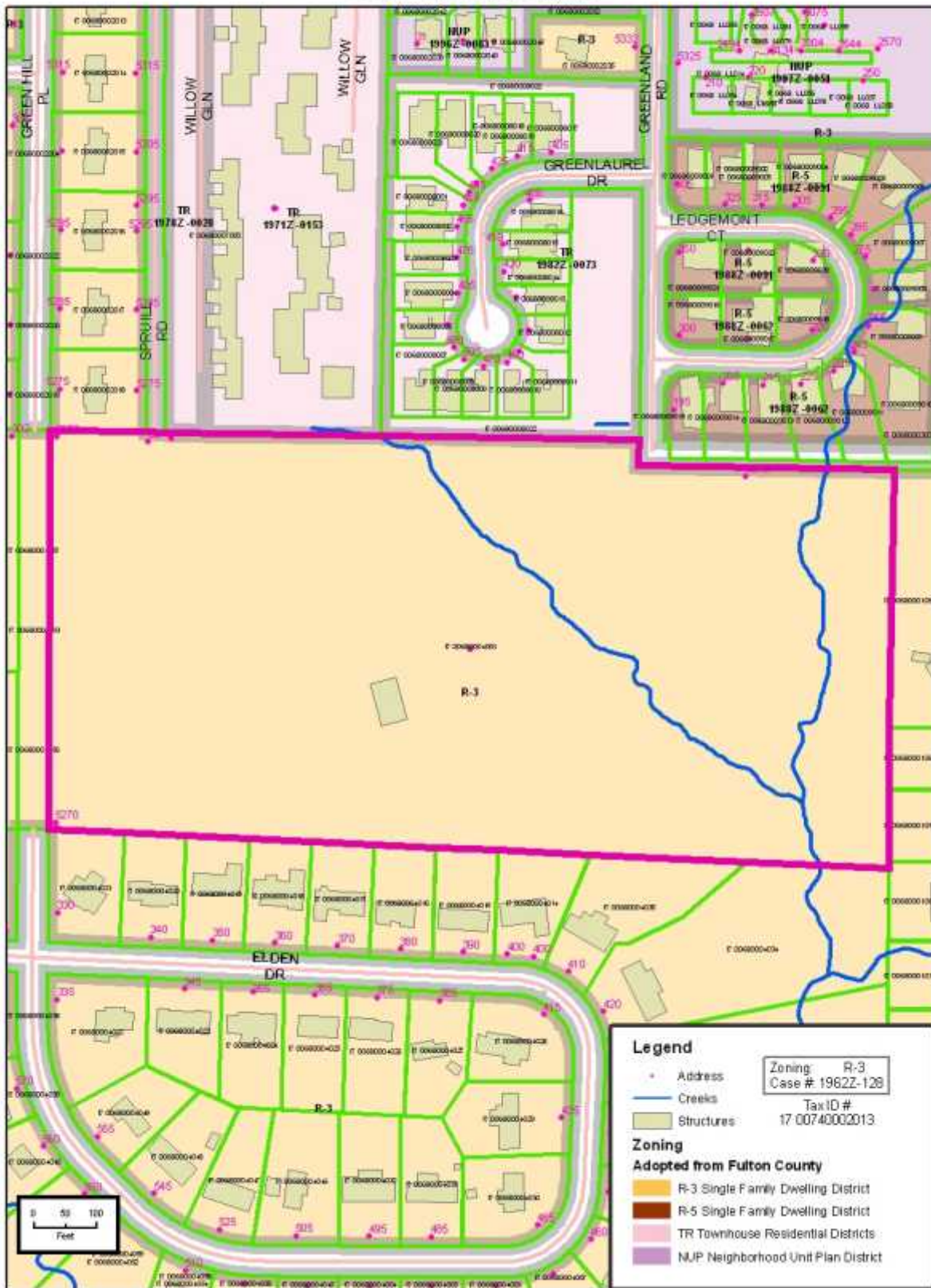
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre)
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INTENT

The applicant is requesting a primary variance for relief from Chapter 14, Article 8, *Tree Preservation*, for the removal of seven (7) specimen trees and for the encroachment into the critical root zone of eight (8) specimen trees for the construction of a 32-unit single family development.

Parcel Map

5270 Greenland Rd.



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

CASE NUMBER: V06-081

STAFF CONTACT: Patrice S. Ruffin, AICP, Planner I, 770-730-5591
patrice.ruffin@sandyspringsga.org

ANALYSIS:

The applicant is seeking relief from Chapter 14, Article 8, *Tree Preservation*, for the removal of seven (7) specimen trees and for the encroachment into the critical root zone of eight (8) specimen trees throughout the 19.822 acre site.

The subject property received zoning approval for a 32-lot subdivision on July 18, 2006 from the Mayor and City Council under ZM06-005.

The trees marked for removal on the site are indicated in yellow on the attached site plan (Tree IDs 1-2, 4-8, and 12). Four (4) of the trees proposed for removal are located within the buildable area of three (3) of the proposed lots in the 32-lot subdivision. The other three (3) trees proposed for removal are trees into which the critical root zone will be encroached and they are located by the development's proposed roads.

The trees marked as having their critical root zones encroached upon are indicated on the attached site plan in blue (Tree IDs 3, 9-11, and 13-15). These trees will be affected by the internal roads that will be constructed as a part of the development.

DEPARTMENT COMMENTS:

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ There are no development requirements that need to be addressed at this time.
	Sandy Springs Building Plan Reviewer	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no landscape requirements that need to be met at this time. ▪ A site visit was completed and the trees marked for removal and encroachment have been identified.
FIRE DEPT.	Fulton County Fire Inspector	▪ There are no fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ There are no transportation requirements that need to be addressed at this time.

Standards for Consideration

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

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

The applicant indicates that the entire development is in harmony with the intent to ensure preservation of the natural environment, as they are proposing to maintain much of the 2,158 trees on the site and are seeking only to remove of seven (7) specimen trees and to encroach into the critical root zone of eight (8) specimen trees of the 43 specimen trees that have been identified on the site.

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

1. To the site plan received by the Department of Community Development dated July 17, 2006.
2. To the removal of seven (7) specimen trees and to the encroachment into the critical root zone of eight (8) specimen trees as shown tree-save plan received by the Department of Community Development dated July 17, 2006.

ATTACHMENTS:

Tree-save plan dated July 17 , 2006
Letter of appeal dated July 17, 2006

Variance Petition No. V06-082

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Beverly Lewyn

Petitioner

Beverly Lewyn

Representative

Beverly Lewyn

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 450 Franklin Road
Land Lot 67, District 17

Council District 5

Frontage and Area The subject property has 36.6 feet of frontage along the north side of Franklin Road and a total area of approximately 0.77 acres.

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

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

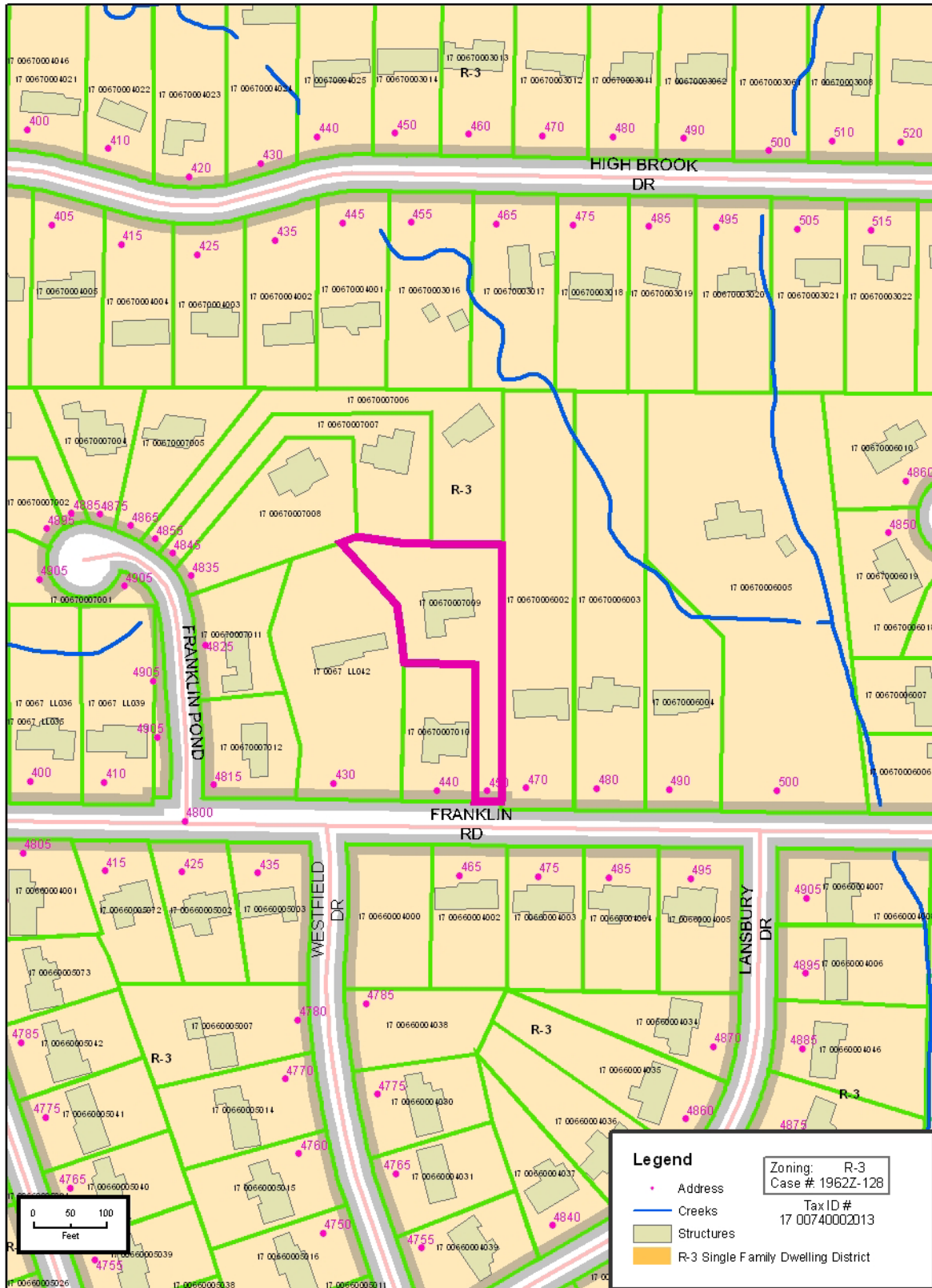
R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Development Regulations to reduce the 75 foot lake buffer to 25 feet to allow for first and second story home additions and construction of a fence.

Parcel Map

450 Franklin Rd.



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

CASE NUMBER: V06-082

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

ANALYSIS:

Applicant is applying for a relief from Section 14.6.5.a 1 of the Sandy Springs Development Regulations to reduce the stream buffer from 75 feet to 25 feet for the purpose of constructing a house addition at the 50 foot buffer and installing a fence at the 25 foot buffer. The applicant is proposing to add an addition to the house and indicates that a variance is needed in order to do any work on the house. The proposed addition would be further away from the lake than the present house and deck. The applicant is also proposing to construct a simple metal fence 25 feet from the edge of the lake.

The lot is heavily wooded with a lake at the rear of the property. There is an existing pool and sanitary sewer easement to the rear of the house as shown on the attached site plan. The fence is proposed to be built between trees 25' from the lake edge.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ A tree to be removed for the addition is not considered a specimen tree.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

The applicant has indicated the variance request is based on the following standard(s).

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

The applicant states that the proposed reduction of the stream buffer to 25 feet to allow for a fence and addition to be built would allow for greater usability and safety for the applicant. The applicant is looking to provide a safe area for her young children and a back yard for a play area. No additional activity will occur in this buffer area. The applicant indicates that the fence proposed would incur minimal disturbance in the buffer. (The only disturbance for the fence would be the holes for the posts.) There are no specimen trees in the area of the proposed fence and disturbance to the critical root zones of these non-specimen trees in this area would be limited.

The applicant also states that the addition of the house is only feasible in the proposed area on the site plan as an existing pool and sanitary sewer easement block expansion to the north and east of the house. The applicant also says that the use proposed for the addition best fits on the west side of the house, where similar uses exist.

The applicant has provided pictures to support her hardship claims.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received July 12, 2006 by the Department of Community Development.
2. The buffer shall be reduced to no less than twenty-five (25) feet as shown on the site plan.
3. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.
4. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
5. Downspouts shall not be located within the 75 foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
6. The 25 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25 foot buffer.

7. The location of the post(s) should be located at the furthest point from the trunk of the tree as feasible. If the tree is in line with the fence the position of the post(s) should not disturbed the major support roots or the structural root plate. Location of the post(s) is subject to the approval of the City Arborist.

ATTACHMENTS: Proposed site plan, letter of appeal, letter of support, site pictures.

Variance Petition No. V06-105

HEARING & MEETING DATES

Design Review Board

Sept 12, 2006

Board of Zoning Appeals Hearing

September 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Speedway Super America

Petitioner

Spur Environmental

Representative

Roger Dyer

PROPERTY INFORMATION

Address, Land Lot, and District. 295 Mount Vernon Highway
Land Lot 89, District 17

Council District 3

Frontage and Area 125 feet on the south side of Mt. Vernon Hwy. The subject property has a total area of 0.37 acres.

Existing Zoning and Use C-1 (Community Business District)

Overlay District Main Street District

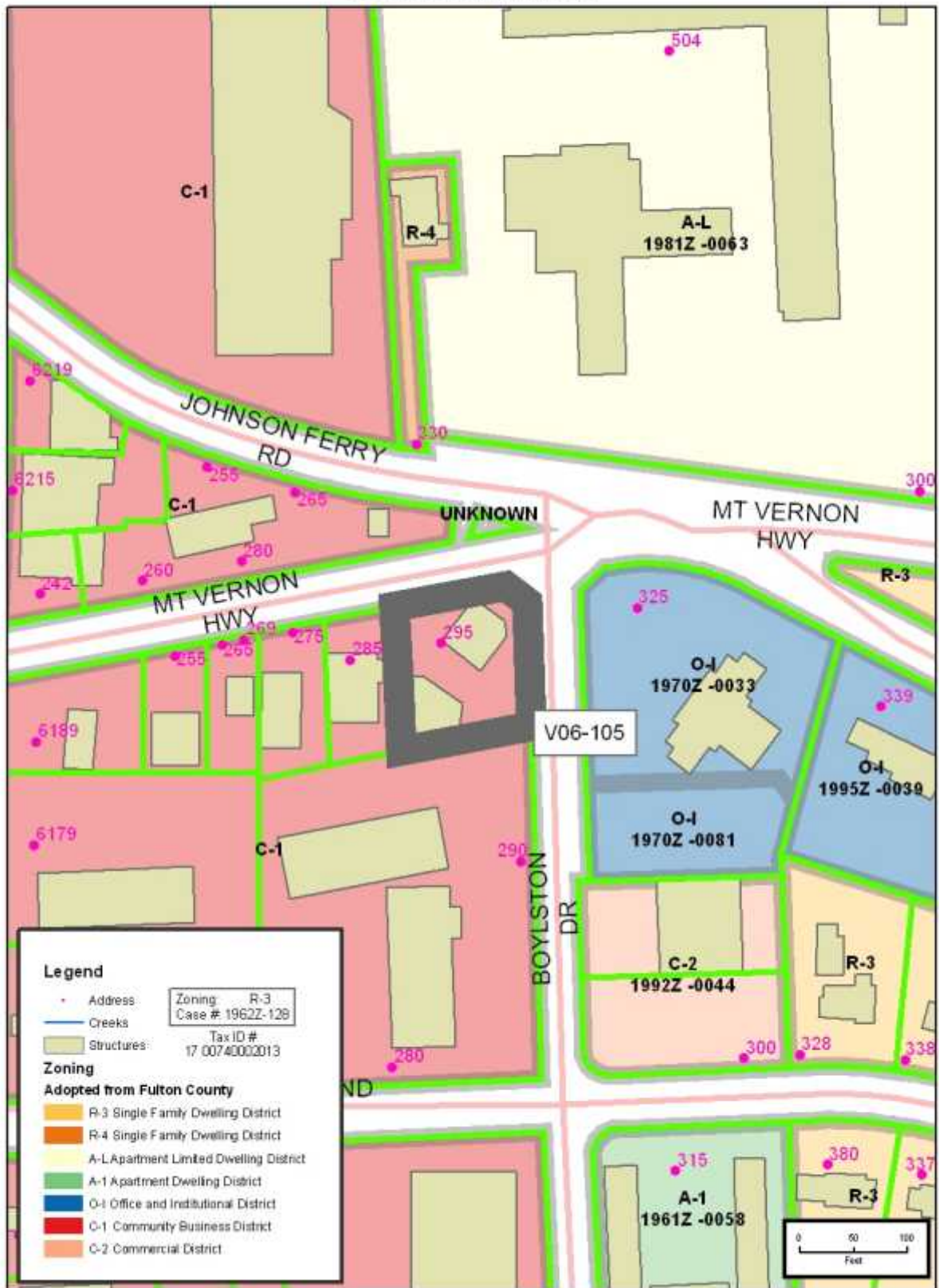
Interim 2025 Comprehensive Future Land Use Map Designation Live Work Community - LWC

INTENT

The applicant is seeking a primary variance for relief from Section 4.23.1.A of the Sandy Springs Zoning Ordinance to allow the reduction in the southeast portion of the landscape strip requirement from 10 feet to 0 feet for the construction of an environmental monitoring station.

Parcel Map

295 Mt. Vernon Hwy.



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

CASE NUMBER: V06-105

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

ANALYSIS:

The applicant is applying for relief from Section 4.23.1.A of the Zoning Ordinance to reduce the landscape strip requirements from 10 feet to 0 feet. The applicant is proposing to locate an environmental monitoring station at the site of this gas station and indicates that the only available site is at the southeast corner of the property adjacent to the rear property line. The monitoring station is required by the Georgia Department of Natural Resources.

The Design Review Board will consider this variance request at its September 12th meeting.

The site is currently occupied by an established gas station. The surrounding area consists of retail, office, and apartment uses.

Department Comments

The staff held a Focus Meeting on September 5, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ No specimen trees.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the requirement for a monitoring area for the gas station is mandated by the state and it must be installed. The area disturbed by the associated buildings will be removed in September of 2010. The applicant indicates the proposed location is the only one available for the monitoring equipment. A site plan showing existing buildings and the proposed monitoring equipment was provided by the applicant.

Recommended Condition(s)

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

1. That the southeast portion of the landscape strip be developed in accordance with the Site Plan provided by the applicant dated received August 18, 2006 by the Department of Community Development.
2. The equipment be removed when decommissioned in September of 2010.

ATTACHMENTS: Proposed site plan, letter of appeal, Georgia Dept. of Natural Resources letter concerning the monitoring station.

Variance Petition No. V06-106

HEARING & MEETING DATES

Design Review Board
September 12, 2006

Board of Zoning Appeals Hearing
September 14, 2006

APPLICANT/PETITIONER INFORMATION

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

PROPERTY INFORMATION

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

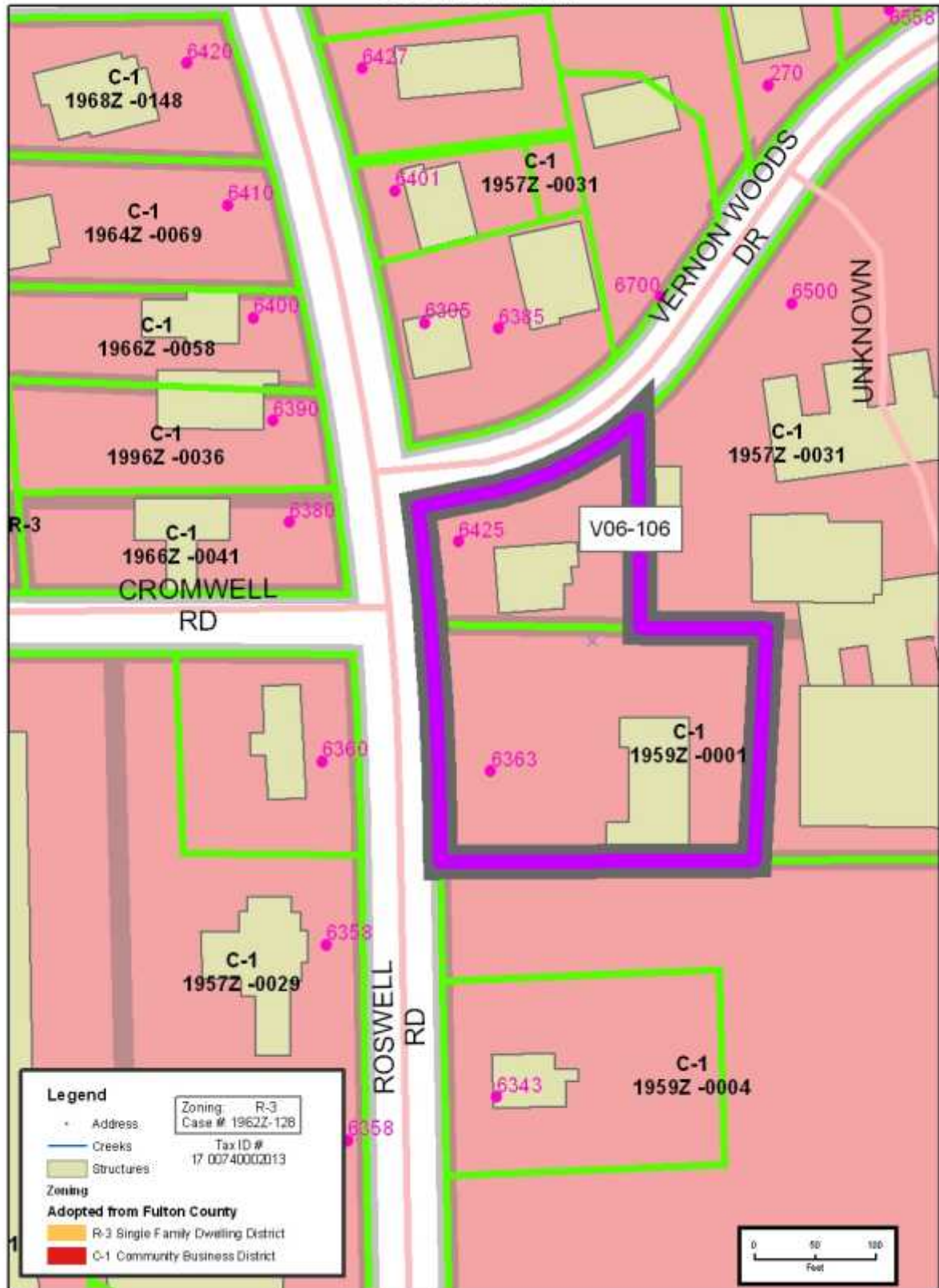
The applicant seeks two primary variances from Sandy Springs' Regulations:

- 1) Variance from Section 8.5 of the Tree Preservation Ordinance to remove 10 specimen trees.
- 2) Variance from Section 12.B.8.c.1b to increase the maximum yard adjacent to a public street (Roswell Rd.) from 21 feet to 48 feet.

Both variances are for the construction of a drugstore building and parking.

Parcel Map

6363 Roswell Rd.



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

CASE NUMBER: V06-106

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

ANALYSIS:

The applicant is applying for relief from Section 12B.8.C.1B of the Sandy Springs Zoning Ordinance regarding the Main Street Overlay District to increase the maximum yard adjacent to a public street from 21 feet to 48 feet on the Roswell Road side. An additional variance is sought from Section 8.5 of the Sandy Springs Development Regulations to remove 10 specimen trees from the southern portion of the site. A drugstore is proposed on the subject property.

The subject property is comprised of two lots developed with two commercial buildings. The parcel to the north, adjacent to Vernon Woods Dr., is flat and sparsely vegetated at street level. The parcel to the south is heavily wooded and is 12-15 feet below street level, as reflected on the submitted topographic map.

These variance applications will be heard by the Design Review board at its September 12, 2006 meeting.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comment
	Sandy Springs Building Plan Reviewer	▪ No comment
	Sandy Springs Landscape Architect/ Arborist	▪ 10 specimen trees are on the property
FIRE DEPT.	Fulton County Fire Inspector	▪ No comment
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ Concerns about entrances on Roswell Rd.
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the proposed development includes lots combined together and that the shape of the combined lots makes it difficult to adhere to overlay district standards, to properly locate the proposed building, and to provide adequate traffic circulation for the proposed use. Furthermore, the applicant states that the trees on the southern parcel, due to their number and situation, would not allow for any redevelopment to occur without their removal.

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

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 7, 2006 by the Department of Community Development.

ATTACHMENTS: Proposed site plan, existing site plan, elevations, tree location survey, topo map, proposed layout, existing Walgreens picture similar to the proposed, and letter of appeal.

Variance Petition No. V06-021

HEARING & MEETING DATES

Design Review Board
June 27, 2006

Board of Zoning Appeals
September 14 , 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Sun River XX, LLC

Petitioner
Sun River XX, LLC

Representative
Manny Fialkow

PROPERTY INFORMATION

Address, Land Lot, and District	200 Hannover Park Road Land Lot 368, District 6
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Council District	2
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Frontage and Area	200 feet of frontage along the west side of Roswell Road (SR 9) and 200 feet of frontage along the south side of Hannover Park Road. The subject property has a total area of 0.917 acres.
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Existing Zoning and Use	O-I (Office and Institutional District) conditional under Z75-59.
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Overlay District	Suburban District
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Interim 2025 Comprehensive Future Land Use Map Designation	O - Office
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INTENT

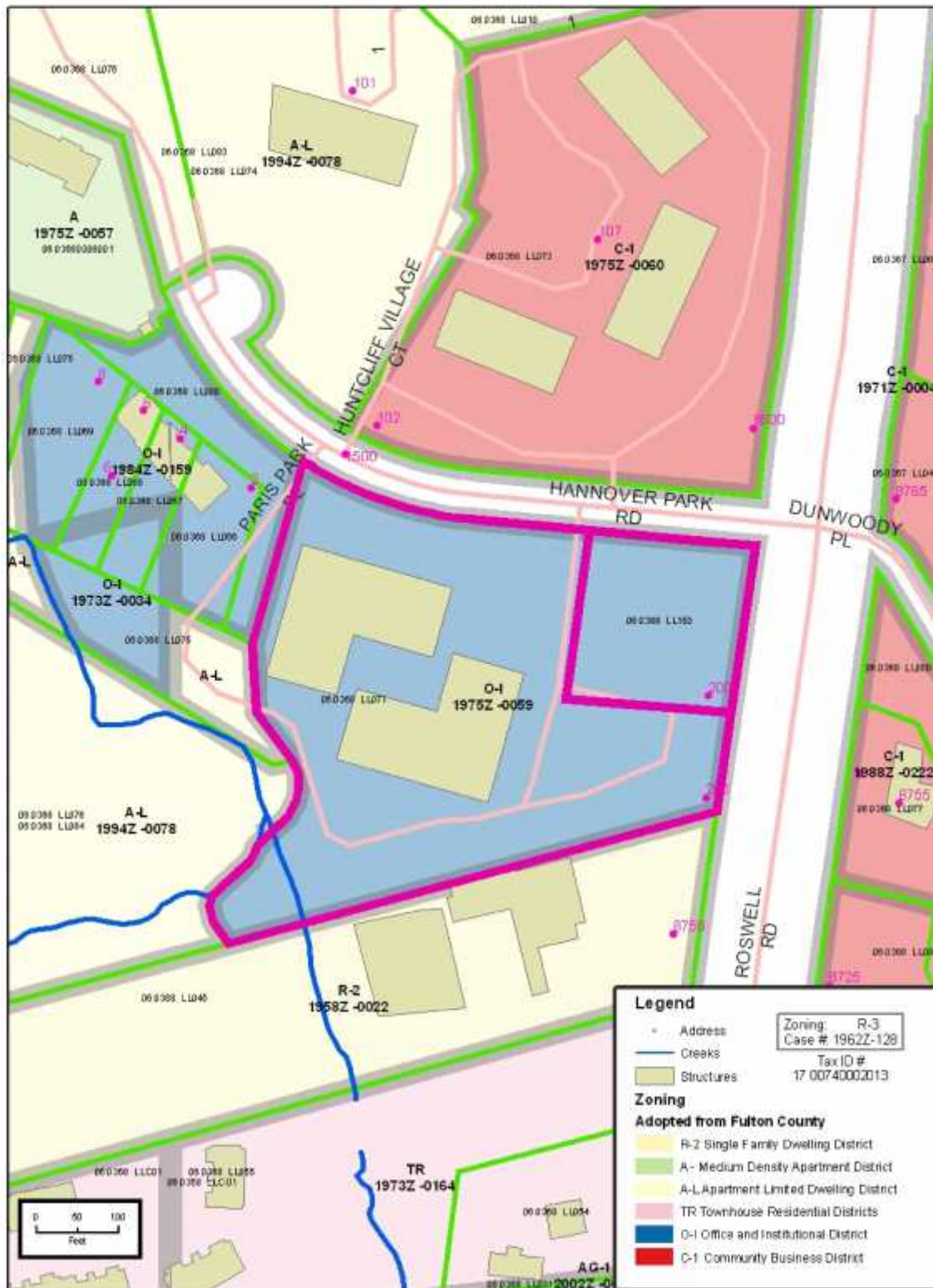
The applicant is requesting two primary variances:

1. Variance from Section 18.3.1(e) of the Zoning Ordinance to allow parking within the forty (40) foot front and side yard (adjacent to street) setbacks where off street parking is not permitted,
2. Variance from Section 12B.5 of the Zoning Ordinance to reduce the required landscape strip from ten (10) feet to zero (0) feet along Roswell Road as shown on the site plan submitted by the applicant dated received April 6, 2006 by the Community Development Department.

The applicant intends to construct a proposed commercial building that includes a bank.

Parcel Map

200 Hanover Park



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

CASE NUMBER: V06-021

STAFF CONTACT: Doug Trettin, City Planner 770-730-5590
E-mail: doug.trettin@sandyspringsga.org

ANALYSIS:

These primary variances are being sought for relief from Section 18.3.1.E of the Zoning Ordinance to allow parking within the forty (40) foot front and side yard (adjacent to street) setbacks and from Section 12B.5 to allow the elimination of the required ten (10) foot landscape strip along Roswell Road as shown on the site plan submitted by the applicant dated received April 6, 2006 by the Community Development Department.

Previously, under variance case V04-060, the subject property was granted relief from the required landscape strip along the Hannover Park Road frontage and along the corner intersection with Roswell Road.

The City of Sandy Springs Arborist issued a stop work order for the subject property on June 6, 2006. The stop work order was issued to prevent the continuation of specimen tree removal. On June 20, 2006 the stop work order was released after the applicant provided the City with monetary compensation to replace the trees removed and to bring the site into compliance with required tree density.

On June 27, 2006, the Design Review Board (DRB) recommended approval of the variance request subject to the applicant providing, other than the ten (10) foot landscape strip, the required Overlay District streetscape improvements at the time of permit.

Application V06-021 was deferred at the Board of Zoning Appeals meeting held on July 27, 2006. The Board approved the applicant's request for deferral to allow him more time to further discuss the application with the concerned neighbors and the staff.

Attached is correspondence from concerned neighbors indicating such discussions may not have occurred in a timely manner. Also attached is correspondence provided by the applicant that discussions have occurred.

In a second-amended letter of appeal having various attachments, the applicant furthers his claim of hardship by stating that a hardship exists due to an increase of right-of-way width at the intersection of the subject property. The applicant has provided supporting documents, but Staff is unable to determine how they relate to this hardship claim and is awaiting documentation from the Georgia Department of Transportation to compare the actual intersection improvements scheduled compared to what the applicant is contending to be the planned intersection improvements.

Department Comments

The staff held a Focus Meeting on August 1, 2006 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Design and construction shall be in accordance with the current versions of the Bldg Codes identified in the Sandy Springs Code of Ordinances, Chapter 9. Fire dept access must also be met....send to Brian Eskew for his comments.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ Awaiting comments

Standards for Consideration

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

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

The applicant states that the variance would allow him to enhance this particular development and improve the aesthetics and functionality of this parcel in its developed state. Further, he states the variances are necessary to allow the best positioning of the building and, in particular, to allow for adequate parking while having the bank drive-through located in the rear of the building rather than on the front or side of the building. The applicant has not provided evidence to substantiate that relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance

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

In the original and first-amended letters of appeal, the owner states that variances are necessary due to the size and shape of the buildable space in combination with the area being surrounded on four sides by either public streets or private parking areas. Additionally, the owner states that the provisions of the Sandy Springs' Zoning Ordinance, as they exist as applied to this proposed development, would result in creating an unnecessary hardship for him while, if modified, would cause no detriment to the public. The applicant has not provided evidence to substantiate his hardship claims as stated above.

In a second-amended letter of appeal having various attachments, the applicant further states that a hardship exists due to an increase of right-of-way width at the intersection of the subject property. The applicant has provided supporting documents, but Staff is unable to determine how they relate to his hardship claim.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 5, 2006 by the Department of Community Development subject to the streetscape improvements, other than the required ten (10) foot landscape strip, as required in the Sandy Springs Overlay District.
2. That four (4) four-inch caliper trees be planted within the right-of-way along Hannover Park Drive per the approval of the City of Sandy Springs Arborist and the City of Sandy Springs Public Works Department .
3. That if a sidewalk is required along the frontage, brick pavers should be provided.

ATTACHMENTS: Site plans, letter of appeal, first-amended letter of appeal, letters of opposition, letters of support, and second-amended letter of appeal and supporting documentation provided by the applicant.