



Variance Petition No. V07-049

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 19, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Sara Knochel

Petitioner
Dan Hanlon

Representative
Dan Hanlon

PROPERTY INFORMATION

Address, Land Lot, and District
1055 Windsor Parkway
Land Lot 13, District 17

Council District
5

Frontage and Area
120 feet of frontage along the south side of Windsor Parkway. The subject property has a total area of approximately 0.85 acres.

Existing Zoning and Use
R-2A (Single-family Dwelling District). The property is 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)

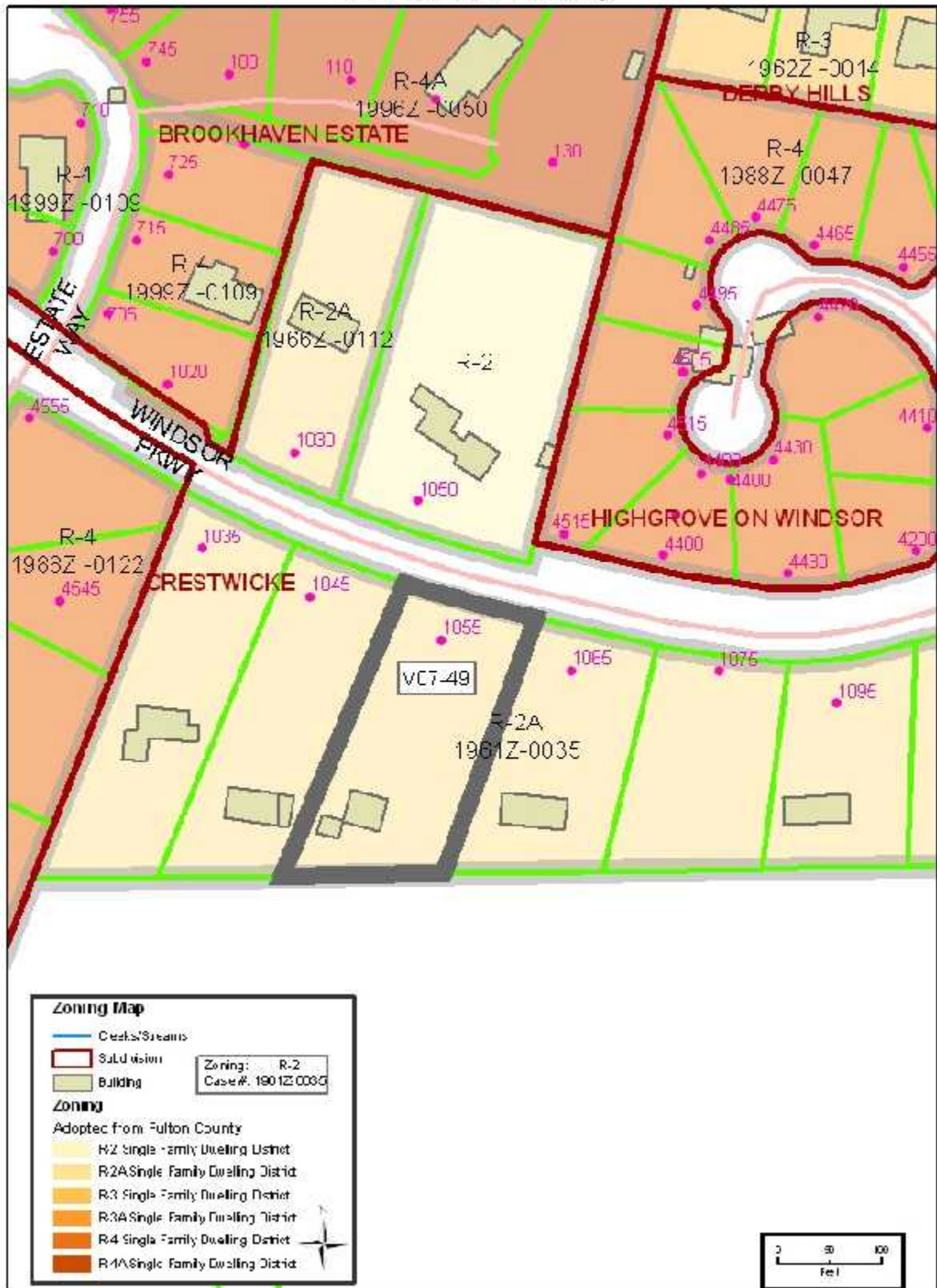
INTENT

The applicant is seeking a primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to seven (7) feet.

The variance is to allow for the construction of additions to a single-family house.

Parcel Map

1055 Windsor Parkway



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 19, 2007

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

CASE NUMBER: V07-049

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

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a.ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to seven (7) feet to allow for a kitchen expansion and for the construction of a two-car garage.

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape and a branching stream running diagonally through the middle of it. The yard slopes at the front and rear portions. The majority of the existing house encroaches into the seventy-five (75) foot stream buffer. The applicant states that there is almost no buildable area and that any reasonable expansion to the house would require a variance of some kind.

Under application V04-103, variances were approved allowing reductions in the required side and rear yards. The minimum side yard setback was reduced from fifteen (15) feet to six (6) feet, and the minimum rear yard setback was reduced from forty (40) feet to thirty (30) feet. The aforementioned variances are still in effect at this time.

The applicant states that the intent is to replace the existing carport with a two-car garage and to expand the kitchen area. The applicant states that when the plan was originally developed and the previous variances granted, the seventy-five (75) foot stream buffer did not exist as it does today. The applicant feels that the intended improvements would result in desirable living conditions, and it is the best use of land on this property.

The applicant states that, given the existing floor plan, there is no other way to expand the kitchen as desired. Additionally, the applicant states that alternate designs were considered, but that the proposed expansion is at the furthest possible point from the creek. The applicant further states that only a small portion of the proposed addition (75 square feet) would be in the twenty-five (25) foot impervious surface setback area, with no proposed encroachment into the fifty (50) foot undisturbed natural buffer.

Department Comments

The staff held a Focus Meeting on August 1, 2007 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	▪ Add the standard stream buffer variance conditions.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ 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 intent is to replace the existing carport with a two-car garage and to expand the kitchen area. The applicant states that when the plan was originally developed and the previous variances granted, the seventy-five (75) foot stream buffer did not exist as it does today. The applicant feels that the intended improvements would result in desirable living conditions, and it is the best use of land on this property.

The applicant states that, given the existing floor plan, there is no other way to expand the kitchen as desired. Additionally, the applicant states that alternate designs were considered, but that the proposed expansion is at the furthest possible point from the creek. The applicant further states that only a small portion of the proposed addition (75 square feet) would be in the twenty-five (25) foot impervious surface setback area, with no proposed encroachment into the fifty (50) undisturbed natural buffer.

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

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape and a branching stream running diagonally through the middle of it. The yard slopes at the front and rear portions. The majority of the existing house encroaches into the seventy-five (75) foot stream buffer. The applicant states that there is almost no buildable area and that any reasonable expansion to the house would require a variance of some kind.

Recommended Condition(s)

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

1. That the proposed kitchen and garage addition shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received August 9, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a seven (7) foot impervious surface setback to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, 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 infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.

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

ATTACHMENTS: Letter of appeal, site plans, photographs, and prior variance approval.



Variance Petition No. V07-050

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 19, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Hammond Property Investors, LLC	Street Smarts	Melissa Dion

PROPERTY INFORMATION

Address, Land Lot, and District	5229 Roswell Road Land Lot 92, District 17
Council District	5
Frontage and Area	194 feet of frontage along the east side of Roswell Road and 217 feet of frontage along the south side Beachland Drive. The subject property has a total area of approximately 1.16 acres.
Existing Zoning and Use	O-I (Office Institutional District) under zoning case Z06-023. The property is developed with an Office Building.
Overlay District	Urban

Interim 2025

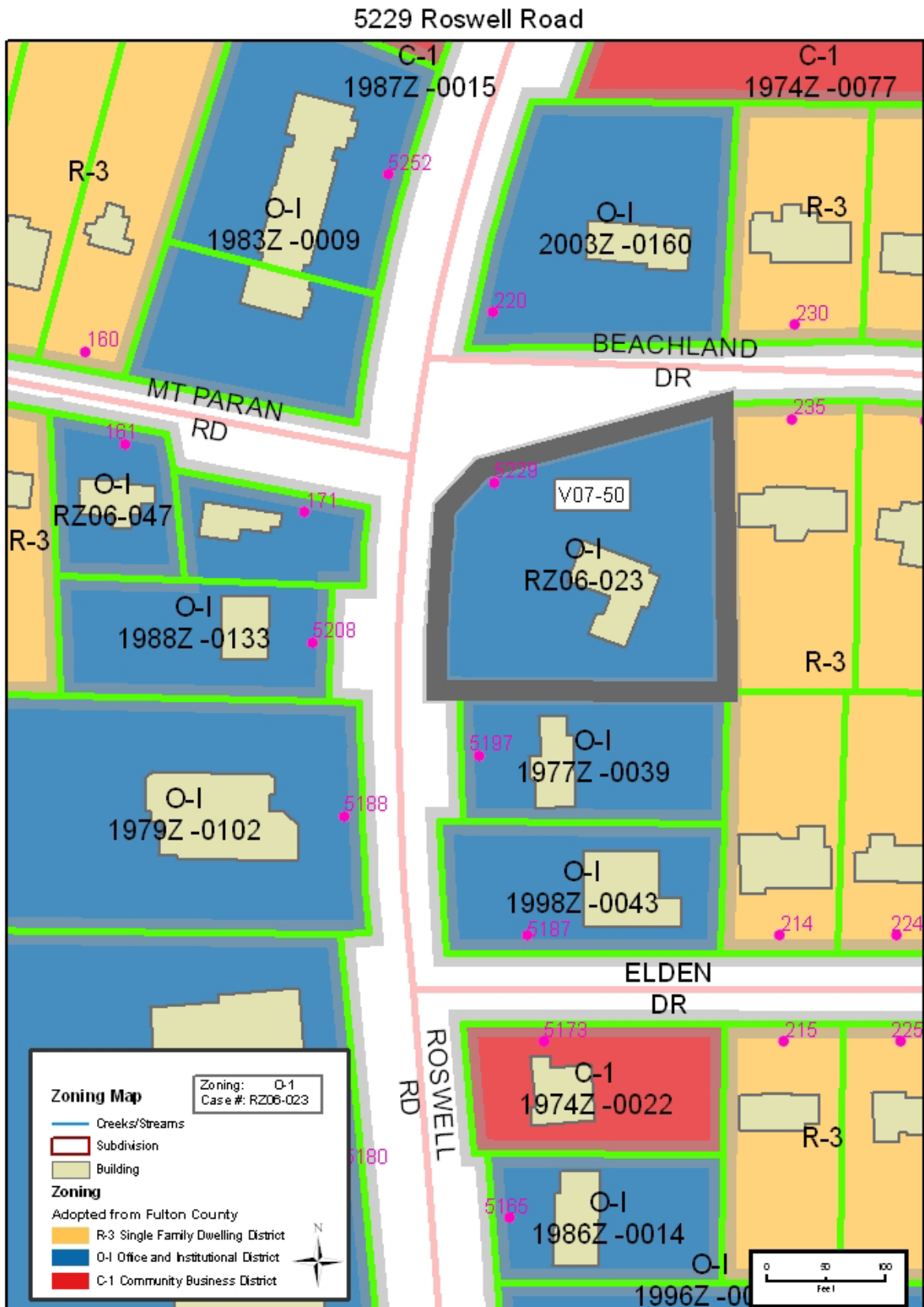
Comprehensive Future Land Use Map Designation	LWN (Living-Working Community)
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INTENT

The applicant is requesting six (6) primary variances:

- 1) Variance from Section 4.3.5 of the Zoning Ordinance to allow for a privately owned structure (wall) to be located on public right-of-way,
 - 2) Variance from Section 4.11.D.4 of the Zoning Ordinance to allow relief of the required minimum three-foot landscape strip between a fence and a public right-of-way,
 - 3) Variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot minimum fence setback from the right-of-way to ----- feet,
 - 4) Variance from Section 12B.5.B.1 of the Zoning Ordinance to -----,
 - 5) Variance from Section 12B.5.D.3 12, 3) 4), 5) , and
 - 6).
- All variances to allow for the construction of wall -----.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 19, 2007



Variance Petition No. V07-051

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 19, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Carriage Drive Properties, LLC	New Again Real Estate LLC	Randy Arndt

PROPERTY INFORMATION

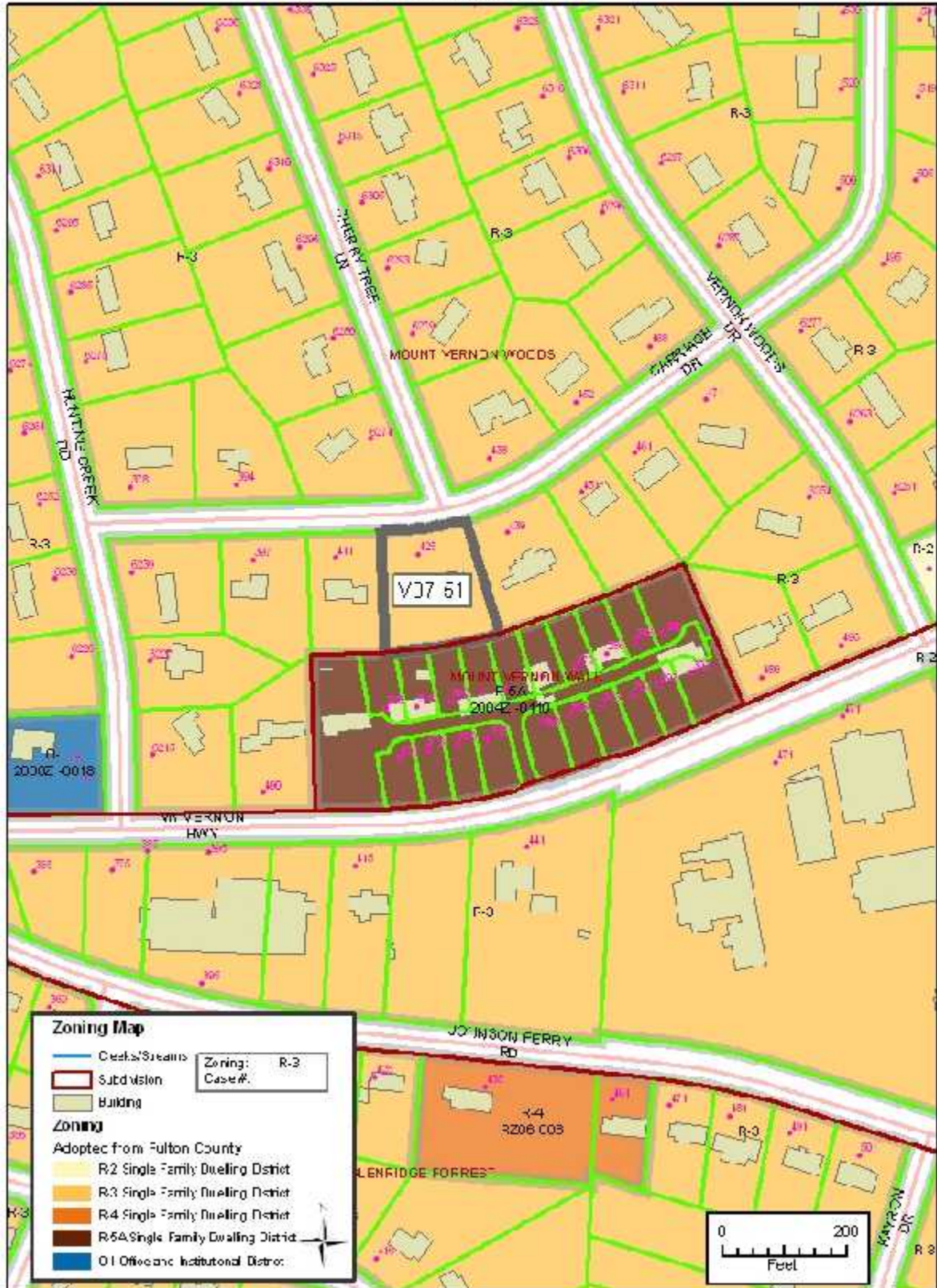
Address, Land Lot, and District	425 Carriage Drive Land Lot 71, District 17
Council District	4
Frontage and Area	140 feet of frontage along the south side of Carriage Drive. The subject property has a total area of approximately 0.73 acres.
Existing Zoning and Use	R-3 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	Urban District
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 from Section 14.6.5.a. ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) stream buffer to a zero (0) feet to allow for the construction of a single-family house.

Parcel Map

425 Carriage Drive



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

CASE NUMBER: V07-051

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

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a.ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to zero (0) feet to allow for the construction of a new residence.

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape and a stream running along the rear property line. The existing house, proposed to be demolished, encroaches into both the twenty-five (25) impervious surface setback and the fifty (50) foot undisturbed natural buffer. The applicant is proposing to re-develop the lot with a house that would be encroaching into the twenty-five (25) impervious surface setback, with no proposed encroachment into the fifty (50) undisturbed natural buffer.

The applicant states that two housing plans have been evaluated that could potentially work well on the subject lot and would be harmonious to the neighborhood. The applicant states that the plan having the smaller footprint and least encroachment was chosen. Additionally, the applicant states that every effort was made to not only site the house primarily over the current footprint, but also to move the house forward on the lot to minimize the impact on the land, the stream, and on an existing heritage tree.

Staff notes that the applicant provided a revised site plan showing no disturbance of the undisturbed buffer, where previously piping was shown to be installed.

The applicant states that the proposed home has a footprint comparable to existing homes in the subdivision. The style of the proposed house and the adherence to the required minimum front yard setback would create a home that is harmonious with its surroundings. Staff notes that houses on the subject street appear to respect the required front yard setback and do not appear to be staggered.

The applicant states that the proposed house would have 1031.8 square feet of impervious surface within the twenty-five (25) foot impervious surface setback, but that 350 square feet of this area is a wood deck having slats.

Regarding existing and proposed conditions, the applicant states the following:

Impervious area within the impervious setback.

1,298 square feet **existing** 1,031.80 square feet **proposed**

Linear feet into the buffer.

38.8 feet **existing** 25 feet **proposed**

Area within the undisturbed buffer.

326 square feet **existing** 0 feet **proposed**

Total surface area of dwelling.

3,450 square feet **existing** 3,683 square feet **proposed**

In the letter of appeal, the applicant has detailed a list of environmentally friendly features that the proposed project would have. These features include, but are not limited to the following:

-) All rainwater from the house and driveway will be directed to an underground BMP.
-) The fifty (50) foot undisturbed buffer will be re-vegetated and left undisturbed.

Department Comments

The staff held a Focus Meeting on August 1, 2007 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	▪ Add the standard stream buffer variance conditions. The 48" Silver Maple will be treated as a boundary tree and money put into escrow.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ 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 existing house, proposed to be demolished, encroaches into both the twenty-five (25) impervious surface setback and the fifty (50) foot undisturbed natural buffer. The applicant is proposing to re-develop the lot with a house that would be encroaching into the twenty-five (25) impervious surface setback, with no proposed encroachment into the fifty (50) undisturbed natural buffer. The applicant has provided site plan(s) to document the above statement(s).

The applicant states that two housing plans have been evaluated that could potentially work well on the subject lot and would be harmonious to the neighborhood. The applicant states that the plan having the smaller footprint and least encroachment was chosen. Additionally, the applicant states that every effort was made to not only site the house primarily over the current footprint, but also to move the house forward on the lot to minimize the impact on the land, the stream, and on an existing heritage tree. The applicant has provided site plan(s) to document the above statement(s).

Staff notes that the applicant provided a revised site plan showing no disturbance of the undisturbed buffer, where previously piping was shown to be installed.

The applicant states that the proposed home has a footprint comparable to existing homes in the subdivision. The style of the proposed house and the adherence to the required minimum front yard setback would create a home that is harmonious with its surroundings. Staff notes that houses on the subject street appear to respect the required front yard setback and do not appear to be staggered.

The applicant states that the proposed house would have 1031.8 square feet of impervious surface within the twenty-five (25) foot impervious surface setback, but that 350 square feet of this area is a wood deck having slats. The applicant has provided site plan(s) to document the above statement(s).

In the letter of appeal, the applicant has detailed a list of environmentally friendly features that the proposed project would have. These features include, but are not limited to the following:

-) All rainwater from the house and driveway will be directed to an underground BMP.
-) The fifty (50) foot undisturbed buffer will be re-vegetated and left undisturbed.

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

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape and a stream running along the rear property line.

Recommended Condition(s)

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

1. That the proposed house shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received August 21, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a zero (0) foot impervious surface setback to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, 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 infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.

8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of applicable permit for the site.
12. That within the fifty (50) foot undisturbed natural buffer, the owner/developer shall re-vegetate the area indicated as impervious surface to be demolished, as approved by the City Arborist.

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



Variance Petition No. V07-052

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 19, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
CNL Funding 2000-A, LP	Wachovia	Travis Pruitt & Associates, Inc.

PROPERTY INFORMATION

PIN#s, Land Lot, and District	PIN#s 170205LL023, 170205LL070, and 170205LL069 Land Lot 205, District 17
Council District	6
Frontage and Area	550 feet of frontage along the east side of New Northside Drive and 280 feet of frontage along the south side of I-285. The subject property has a total area of approximately 3.40 acres.
Existing Zoning and Use	C-1 (Community Business District) under zoning case Z71-071 and A-O (Apartment Office District) under zoning case Z68-009. The property is developed with two (2) commercial buildings.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	LWC (Living-Working Neighborhood)

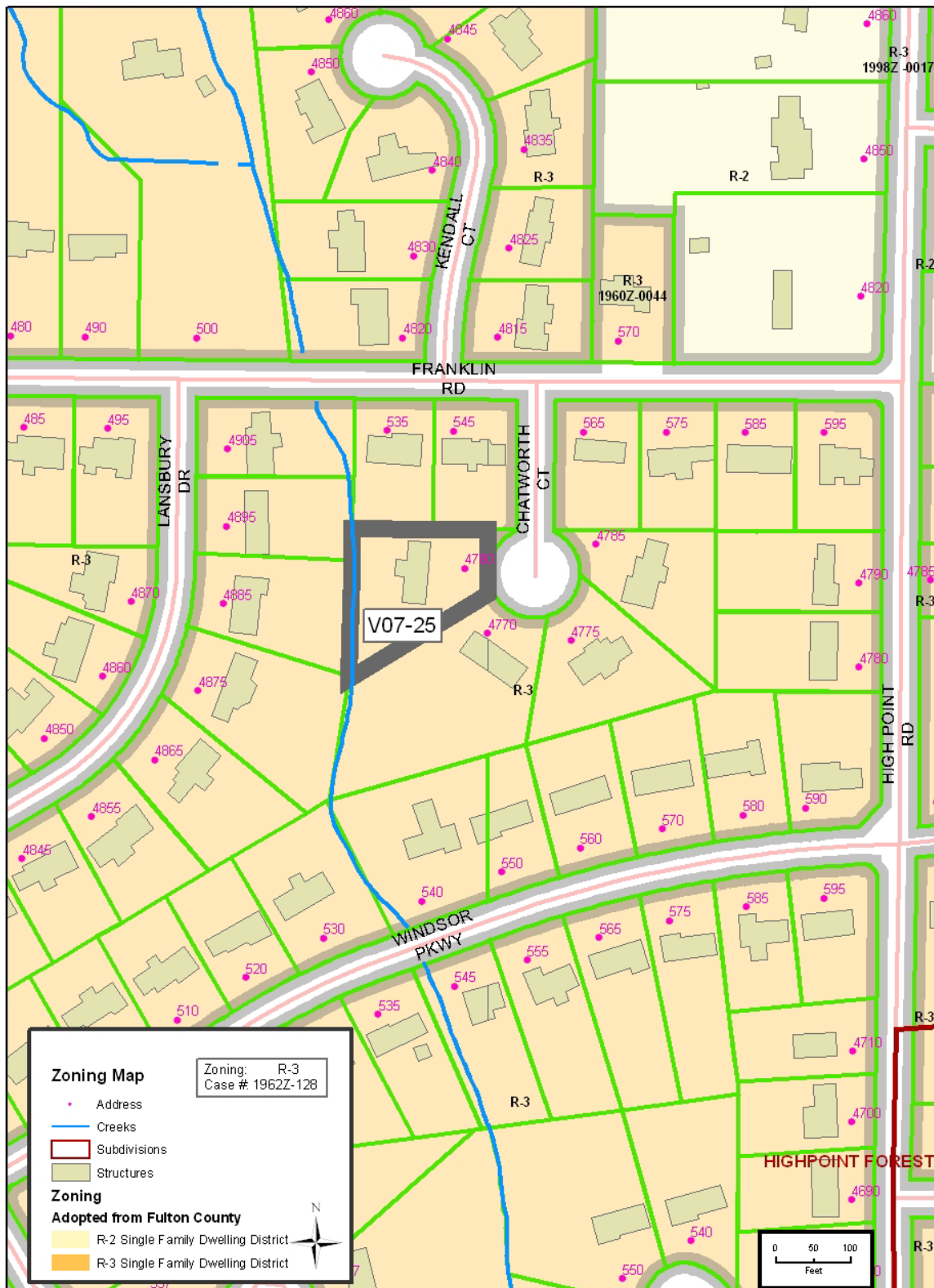
INTENT

The applicant is seeking a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a ----- foot undisturbed buffer. **Sign variance? Parking landscape island variance?**

Variance(s) to allow the construction of a bank.

Parcel Map

4780 Chatsworth Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 19, 2007



Variance Petition No. V07-055

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 19, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Archer	Mr. and Mrs. Archer	Mr. and Mrs. Archer

PROPERTY INFORMATION

Address, Land Lot, and District	691 Londonberry Road Land Lot(s) 164, District 17
Council District	6
Frontage and Area	222 feet of frontage along the north side of Londonberry Road. The subject property has a total area of approximately 0.92 acres.
Existing Zoning and Use	R-2 (Single-family Dwelling District). The property is 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 acre)

INTENT

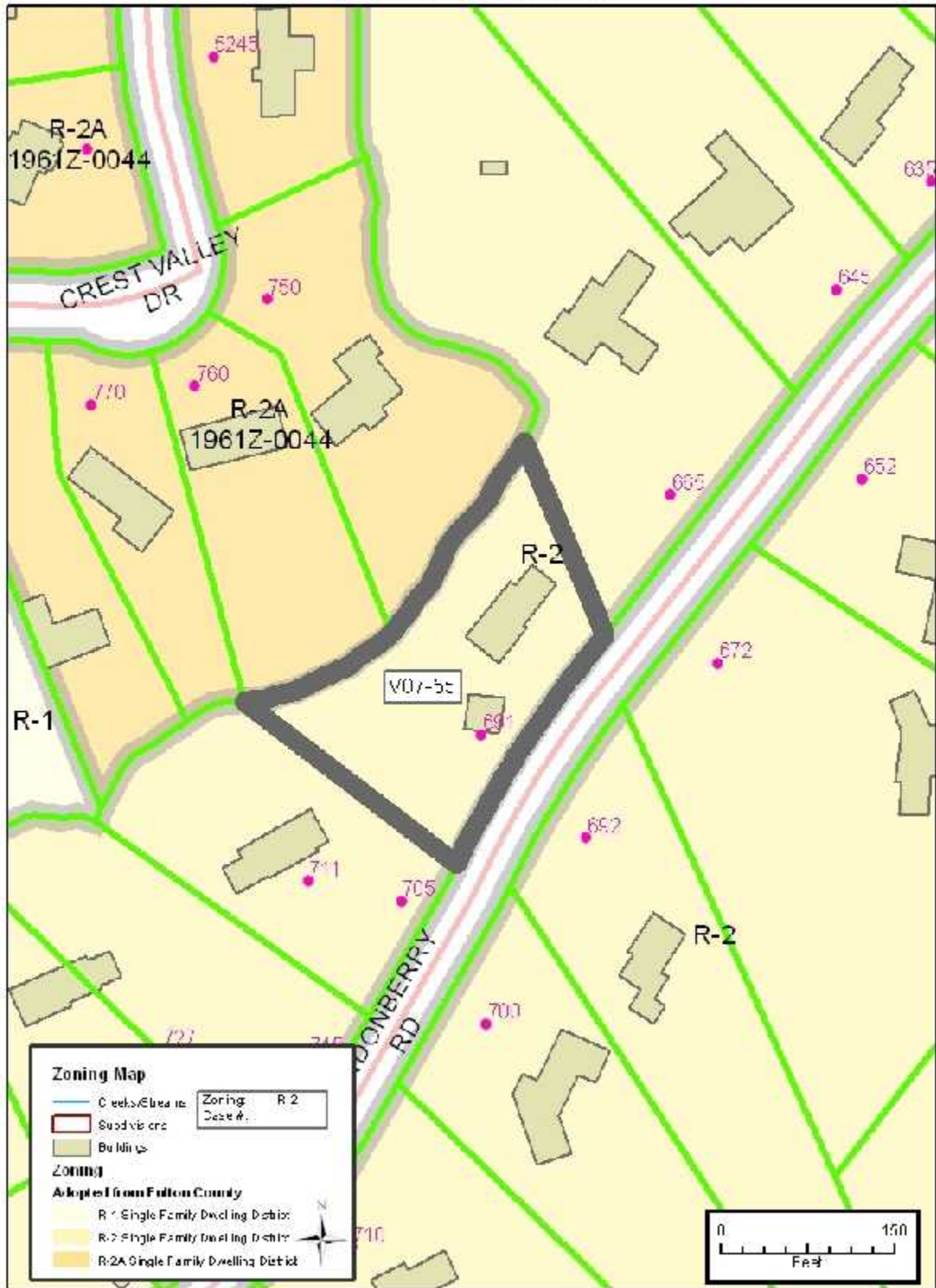
The applicant is requesting seven (7) primary variances:

- 1) Variance from Section 4.24.9.B.1.b of the Zoning Ordinance to allow the expansion of a non-conforming use located on a flood area,
- 2) Variance from Section 4.24.9.C of the Zoning Ordinance to allow a new structure to extend over a Special Flood Hazard Area,
- 3) Variance from Section 4.24.9.E of the Zoning Ordinance to allow the lowest minimum finished floor elevation to be less than three feet above the base flood elevation,
- 4) Variance from Section 14.3.5.a.i of the Floodplain Management/Flood Damage Prevention Ordinance to allow for new construction of a principal building within the limits of the future-conditions floodplain,
- 5) Variance from Section 14.3.5.b.i.a of the Floodplain Management/Flood Damage Prevention Ordinance to allow for new construction of a principal building within the limits of the future-conditions floodplain,

- 6) Variance from Section 14.3.5.b.i.b of the Floodplain Management/Flood Damage Prevention Ordinance to allow substantial improvement of a principal structure to have the lowest floor, including basement, elevated less than 3 feet above the base flood elevation and less than 1 foot above the future conditions flood elevation, and
- 7) Variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a thirty-two (32) foot undisturbed buffer to allow for additions to a single-family house. All variances to allow for additions to a single-family house.

Parcel Map

691 Londonberry Road



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

CASE NUMBER: V07-055

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

ANALYSIS:

The applicant is requesting relief from Section 4.24.9.B.1.b of the Zoning Ordinance to allow the expansion of a non-conforming use located on a flood area, Section 4.24.9.C of the Zoning Ordinance to allow a new structure to extend over a Special Flood Hazard Area, Section 4.24.9.E of the Zoning Ordinance to allow the lowest minimum finished floor elevation to be less than three feet above the base flood elevation, Section 14.3.5.a.i of the Floodplain Management/Flood Damage Prevention Ordinance to allow for new construction of a principal building within the limits of the future-conditions floodplain, Section 14.3.5.b.i.a of the Floodplain Management/Flood Damage Prevention Ordinance to allow for new construction of a principal building within the limits of the future-conditions floodplain, Section 14.3.5.b.i.b of the Floodplain Management/Flood Damage Prevention Ordinance to allow substantial improvement of a principal structure to have the lowest floor, including basement, elevated less than 3 feet above the base flood elevation and less than 1 foot above the future conditions flood elevation, and from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a thirty-two (32) foot undisturbed buffer to allow for additions to a single-family house. All variances are to allow for additions to a single-family house.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream located along the northwestern rear property line. The yard slopes from the front property line towards the northwestern rear property line. Much of the existing house, not including and prior to recent improvements, encroaches into the seventy-five (75) stream buffer. The depth of the subject lot is less than the width; in other words, the front and rear property lines are greater in length than the side property lines. The property has R-2 zoning and is required to be a minimum of one acre. The subject property is approximately one acre and is one of the smaller lots on Londonberry Road and appears to be the only lot on Londonberry Road having a depth smaller than the width. The current residence respects all required setbacks and is located right up to the required sixty (60) foot front yard setback. Staff notes that most neighboring houses respect the required sixty (60) foot front yard setback; however, most appear to be further back from the street than sixty (60) feet.

In June of 2006, the applicant was granted a variance, under V06-029, to the seventy-five (75) foot stream buffer and was allowed to reduce it to a thirty-two (32) foot stream buffer. The variance, however, was granted subject to the new construction being in accordance with an approved site plan (attached).

In November of 2006, the applicant filed for a Building Permit to construct his intended improvements. At which time it was determined that the site plan was not in accordance with the one approved under V06-029, and it was determined that there were floodplain issues. Subsequent to the aforementioned determination, Staff met with the applicant and the

applicant's associates to discuss the realities of the project and site conditions. At that meeting the applicant's associates suggested some changes to the construction documents, including the site plan (attached), so that a building permit could be issued. The changes were suggested in order to prevent a new structure, supported by structural elements, from being located within a floodplain and prevent the need for variances, for which the applicant would have to go before the Board of Zoning Appeals again. One change to the building permit site plan, in particular, was to re-grade a portion of the site and to add a retaining wall that would elevate grade adjacent to the new addition so structural elements associated with the new addition would not extend down into the floodplain; thereby complying with the floodplain regulation that states no new structure shall be supported by structural elements located within the floodplain. It is noted that all of the improvements were to occur outside of the thirty-two (32) foot undisturbed buffer under V06-029.

The applicant states that it was determined by his "septic person" that an old septic area adjacent to Long Island Creek was discharging into the creek. On his own volition, the applicant decided it was best for the creek for the septic tank to be drained and filled and to connect to the sewer line on Londonberry road. After consulting with his design professionals, the applicant had concerns over the re-grading of his lot and the construction of the retaining wall, including: the effectiveness of the wall, the amount of land disturbance involved, and there potentially being a problem because the fill soil for the re-grading was shown to be generated by cutting into the ground of the abandoned septic area.

When the construction of the retaining wall was questioned by the applicant, it created a re-visitation to the original floodplain issues and created some confusion as to what additions were allowed to be constructed under the building permit and how the building permit site plans relate to the site plans approved under V06-029. Due to the aforementioned situations, Staff determined that the condition of the subject property could be in a better state of conformity if the variance process was utilized again.

The applicant states that the new southwestern screened porch was reduced to accommodate a significant oak tree and that a significant amount of concrete was removed from under the old deck and from the side of the house. Additionally, the applicant states that the new porch and deck additions are marginally smaller than the old deck. The applicant further states that the original footprint of the house was retained with no net gain or loss of impervious area except for the garage addition.

Department Comments

The staff held a Focus Meeting on August 1, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ See condition #12
	Sandy Springs Building Plan Reviewer	▪ No comments.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ 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;*

Much of the existing house, not including and prior to recent improvements, encroaches into the seventy-five (75) stream buffer.

The applicant states that the new southwestern screened porch was reduced to accommodate a significant oak tree and that a significant amount of concrete was removed from under the old deck and from the side of the house. Additionally, the applicant states that the new porch and deck additions are marginally smaller than the old deck. The applicant further states that the original footprint of the house was retained with no net gain or loss of impervious area except for the garage addition.

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

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream located along the northwestern rear property line. The yard slopes from the front property line towards the northwestern rear property line. The depth of the subject lot is less than the width; in other words, the front and rear property lines are greater in length than the side property lines. The property has R-2 zoning and is required to be a minimum of one acre. The subject property is approximately one acre and is one of the smaller lots on Londonberry Road and appears to be the only lot on Londonberry Road having a depth smaller than the width. The current residence respects all required setbacks and is located right up to the required sixty (60) foot front yard setback. Staff notes that most neighboring houses respect the required sixty (60) foot front yard setback; however, most appear to be further back from the street than sixty (60) feet.

Recommended Condition(s)

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

1. That the proposed additions shall be constructed in accordance with the Existing Site Conditions Site Plan, provided by the applicant dated received August 07, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) undisturbed natural buffer reduced to no less than a thirty-two (32) foot undisturbed natural buffer to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, 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 infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required

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

ATTACHMENTS: Letter of appeal, site plans, photographs, and septic letter



Variance Petition No. V07-038

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 19, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Cityview River Place 442, LLC	Trammell Crow Residential	Jeffrey Holly/Nathan Hunter

PROPERTY INFORMATION

Address, Land Lot, and District	6600 Powers Ferry Road Land Lots 204, 205, 210, 211 of the 17 District
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Council District	6
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Frontage and Area	Approximately 3,500 feet of frontage along the south side of Powers Ferry Road and 815.0 feet of frontage along Northside Drive. The subject property has a total area of 53.25 acres
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Existing Zoning and Use	Mix (Mixed Use District) conditional under Fulton County zoning case Z04 -142. The property is currently been developed with residential uses and maintaining existing low rise buildings used for office/retail and restaurants.
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Overlay District	N/A
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Interim 2025 Comprehensive Future Land Use Map Designation	LWN (Living-Working Neighborhood)
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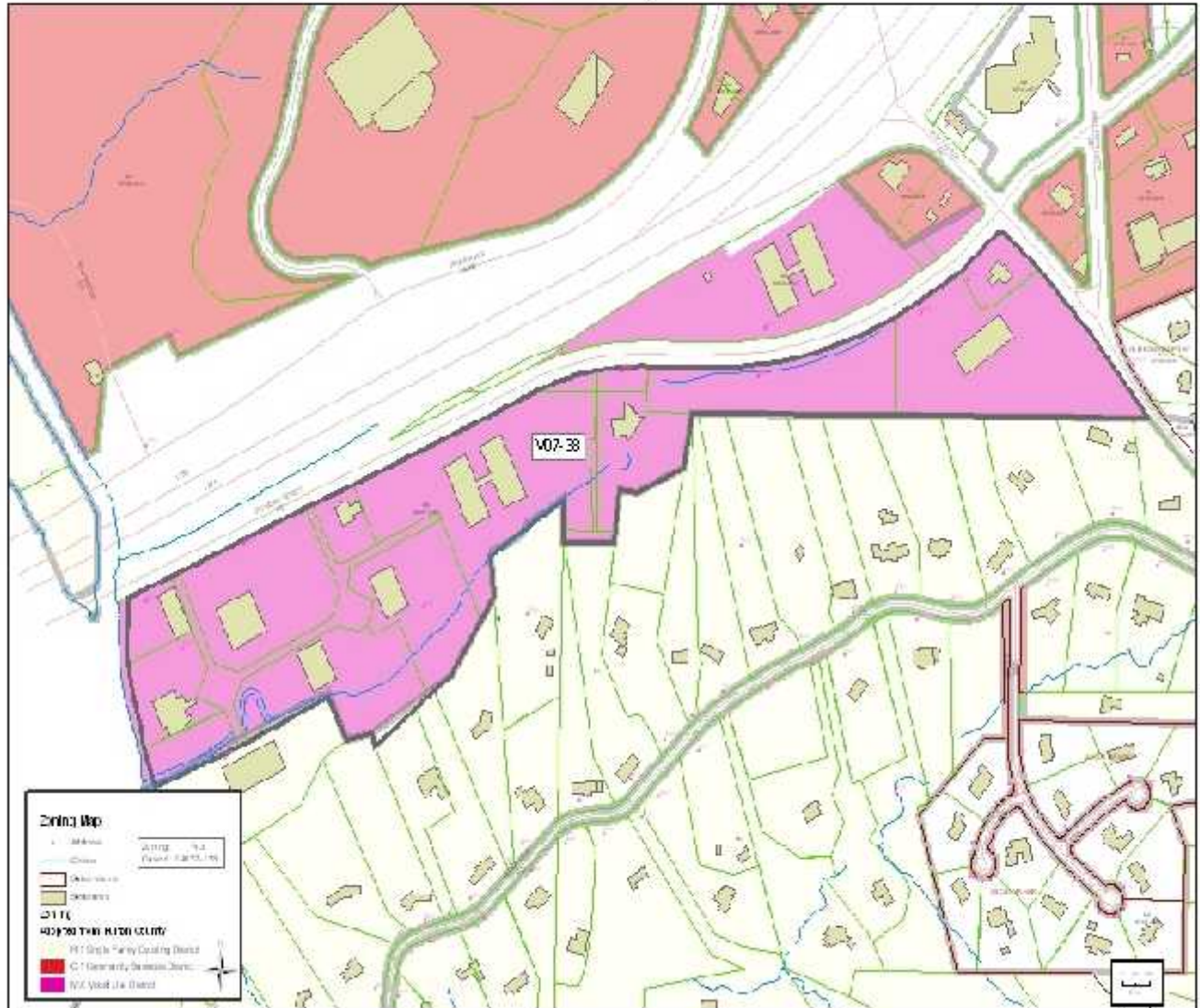
INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance for the construction of residential units in a mixed use development. The applicant's request is as follows:

1. Variance from Section 33.26.E.1.c of the Zoning Ordinance to exceed the number of free standing signs on mixed use property that has more than 1,000 linear feet of frontage and,
2. Variance from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (fence/wall) within the landscape strip.

Parcel

0610 Powers Ferry Road



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

CASE NUMBER: V07-038

STAFF CONTACT: Cristina Nelson\Doug Trettin City Planner 770-206-1516 and 770-206-1515
E-mail: cristina.nelson@sandyspringsga.org
doug.trettin@sandyspringsga.org

ANALYSIS:

This property is identified as Powers Ferry Landing containing approximately fifty-four (54) acres, subdivided in zones, 1 thru 6. The subject of these variances are Zone 2, 3 and 4, as per site development zone plan dated receive June 25, 2007 by the Department of Community Development and part of zoning case file Z04-142 (See Exhibit 1). The current zoning of the subject property is MIX (Mixed Use District). It is being developed with office, restaurant, and residential uses. The residential units are identified as One River Place.

The following information pertains to the sign variance request:

The staff of the Planning and Zoning Division reviewed a sign permit application to place identification signs at the entrance to One River Place on the east side of Powers Ferry Road. It was determined that a variance was needed to allow the signs, as Article 33.26.E.1.c Mixed Use District allows properties which lots have more than one thousand (1,000) linear feet of frontage, only one (1) maximum seventy-two (72) square foot freestanding sign per street frontage. There are three exiting signs in the property along the Powers Ferry road frontage advertising Medica, Olive's Masterside, and Ray's on the River (as shown in exhibits 2, 3 and 4). The petitioner wants to place these signs to identify the location of the residential community.

The applicant states that without the appropriate signage it will be difficult to locate the community as One River Place, a private gated residential community, to be known more by its name than by the private streets located within. The absolute necessity for which One River Place should be allowed to have entry signage is more for safety than marketing, without identification signs it will be complicated for emergency vehicles or emergency assistant to find it.

The applicant proposes to install two (2) signs on walls erected along the perimeter of the development, on each side of the entrance. The signs are to be 15.88 square feet in area, mounted on the proposed brick walls.

The following information pertains to the variance request for the proposed wall to be located in the landscape strip:

The applicant is requesting a primary variance from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow a permanent structure within the landscape strip. The variance request is to allow for the construction of a fence/wall.

The applicant states that because a good portion of the proposed fence/wall would be a transparent rail-type fence, the intended purpose of the required landscape strip would not be compromised. The applicant also states that the proposed wall would create a positive unified street front that would promote the use of public space and protect the private development of One River Place. The applicant further states that the subject wall would ensure the health, safety, and welfare of the One River Place community. The proposed wall location has been included in the subject property's overall plan since 2005 and was indicated in its proposed location on a site plan as a part of a Land Disturbance Permit approved in 2006. Additionally, the applicant states that the subject wall is in character with other walls in the area that service other multi-family and single-family developments. The aforementioned developments include Vernon Walk and Cross Roads Manor.

Staff notes that an area designated as right-of-way reservation (per condition of zoning) on permitted plans has been waived (under Administrative Modification AM07-009) because the Public Works Department has determined it will not be necessary for that section of Powers Ferry Road. The aforementioned right-of-way reservation was shown to be located in the first ten (10) feet of the required twenty (20) foot landscape strip from Powers Ferry Road.

Department Comments

The staff held a Focus Meeting on June 6, 2007 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 landscape strip requirements for trees and shrubs can still be met with the location of the proposed fence.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ Provide 4" street number signage on all signs as required by the International Fire Code.
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;*

Regarding the sign variance request:

The applicant's purpose is to present an identification of its premises, communicating to the public the location of One River Place community. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

Regarding the variance request for the proposed wall to be located in a landscape strip:

The applicant states that because a good portion of the proposed fence/wall would be a transparent rail-type fence, the intended purpose of the required landscape strip would not be compromised. The applicant also states that the proposed wall would create a positive unified street front that would promote the use of public space and protect the private development of One River Place. The applicant further states that the subject wall would ensure the health, safety, and welfare of the One River Place community. The proposed wall location has been included in the subject property's overall plan since 2005 and was indicated in its proposed location on a site plan as a part of a Land Disturbance Permit approved in 2006. Additionally, the applicant states that the subject wall is in character with other walls in the area that service other multi-family and single-family developments. The aforementioned developments include Vernon Walk and Cross Roads Manor.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following conditions:

1. That the sign area shall be installed as per sign detail submitted by the applicant and dated received September 6, 2007 by the Department of Community Development.
2. That the fence/wall be constructed in accordance with the Proposed Site Plan provided by the applicant dated received September 6, 2007 by the Department of Community Development, showing the proposed wall located in the required twenty (20) foot landscape strip and setback a minimum of four (4) feet from the right-of-way.

ATTACHMENTS: Site Plans, Photos, Detail Drawings, Letters of Appeal, and Approvals.

