



Variance Petition No. V07-054

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jeremy Daniels	Adam Ardoin	Adam Ardoin

PROPERTY INFORMATION

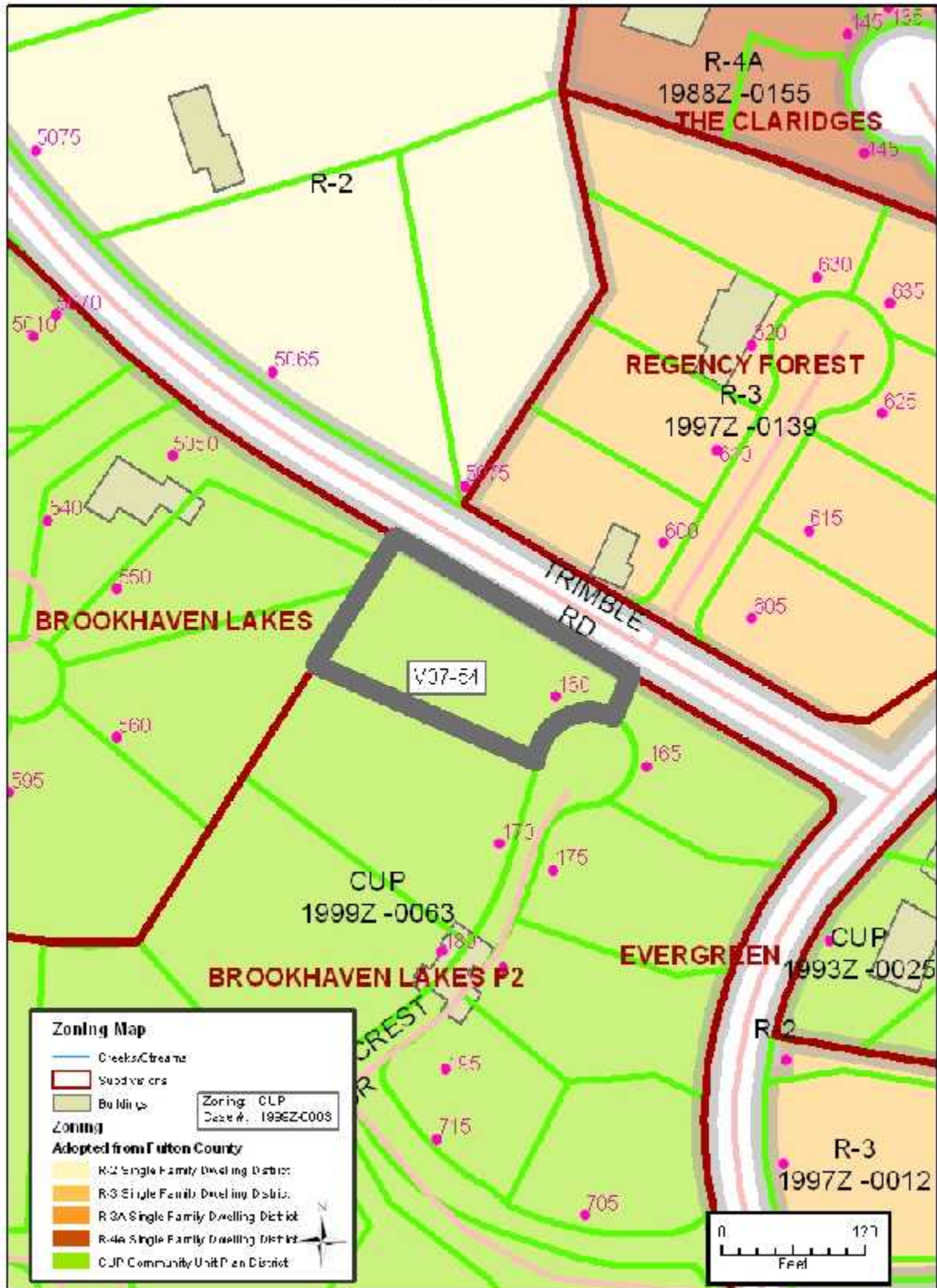
Address, Land Lot, and District	160 Trimble Crest Drive Land Lot 14, District 17
Council District	5
Frontage and Area	76 feet of frontage along the northwest side of the Trimble Crest cul-de-sac and 213 feet of frontage along the southwest side of Trimble Road. The subject property has a total area of approximately 0.56 acres.
Existing Zoning and Use	CUP (Community Unit Plan District) under zoning case Z99-063. 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. 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 zero (0) feet to allow for stream bank restoration.

Parcel Map

160 Trimble Crest Drive



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

CASE NUMBER: V07-054

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.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 zero (0) feet to allow for stream bank restoration.

The applicant has submitted a site plan indicating the subject property to be a corner lot having a trapezoidal shape and curving frontage that matches the Trimble Crest Drive cul-de-sac. A stream runs widthwise through the middle of the back yard. For the width of the backyard, an existing gas pipeline easement is adjacent and parallel to the northwest side of the stream. The existing house encroaches into both the twenty-five (25) impervious surface setback and the fifty (50) foot undisturbed natural buffer. The existing house (stairs) encroaches approximately thirty-seven (37) feet into the stream buffer.

A citation was issued to the applicant on May 25, 2007 for performing work without a permit.

A site plan provided by the applicant indicates that a retaining wall, approximately three (3) feet in height and 113 feet in length, was constructed a minimum of five (5) feet from the top of stream bank on the south side of the stream. The plan also indicates that land disturbance occurred on the northwest side of the stream in an area that measures 113 feet by 13 feet (1,469 square feet). The site plan also indicates that land disturbance occurred on the southeast side of the stream in an area that measures 113 feet by 30 feet (3,390 square feet).

The applicant states that when the subject subdivision was platted, the required stream buffer at the time was thirty-five (35) feet. The applicant also states that the condition of the back yard was assessed and it was found to be graded and cleared down to the stream; while under Fulton County's jurisdiction, the site was developed with massive encroachment into the stream buffer and signs of erosion were evident on both sides of the creek. Severe erosion was evident in the area shown to be the gas pipeline easement, adjacent to the stream on the northwest side, because practically no vegetation exists there. The small area next to the creek was covered with declining brush. The applicant further states that the erosion had undermined and killed a large tree. The tree fell into the backyard and needed to be removed. The creek was washing away much of the surviving plants and soil on the bank.

The applicant states that there were concerns about safety and proper water flow because of the fallen tree and the very steep, unstable creek bank; the property would continue to be washed away if the erosion was not controlled. The applicant further states that the erosion problem was controlled by reestablishing the stream bank by installing large boulders and smaller creek stone. The new plants that were installed were chosen from an approved plant list provided by the City Arborist. A jute mesh product was used to stabilize the soil until the new plant material could mature and take root. A dry laid (no footing or mortar) boulder wall was built along the creek to stabilize the bank closer to the way it was before the vegetation was removed and the soil washed away.

The applicant applied for a State stream buffer variance to allow the construction to remain. A letter from Georgia EPD regarding the request for a State stream buffer variance on the subject property states that no “after the fact” variances shall be issued.

Department Comments

The staff held a Focus Meeting on September 5, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ A Georgia Environmental Protection Division stream buffer variance is required for the encroachment within the state stream buffer on state waters.
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ The contractor was cited for constructing a wall and land disturbance in the CoSS and State of Georgia stream buffer. They will need to obtain a variance from the State to allow the wall to remain.
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 condition of the back yard was assessed and it was found to be graded and cleared down to the stream; while under Fulton County's jurisdiction, the site was developed with massive encroachment into the stream buffer and signs of erosion were evident on both sides of the creek. Severe erosion was evident in the area shown to be the gas pipeline easement, adjacent to the stream on the northwest side, because practically no vegetation exists there. The small area next to the creek was covered with declining brush. The applicant further states that the erosion had undermined and killed a large tree. The tree fell into the backyard and needed to be removed. The creek was washing away much of the surviving plants and soil on the bank. The applicant has provided photographs to document the above statements.

The applicant states that there were concerns about safety and proper water flow because of the fallen tree and the very steep, unstable creek bank; the property would continue to be washed away if the erosion was not controlled. The applicant further states that the erosion problem was controlled by reestablishing the stream bank by installing large boulders and smaller creek stone. The new plants that were installed were chosen from an approved plant list provided by the City Arborist. A jute mesh product was used to stabilize the soil until the new plant material could mature and take root. A dry laid (no footing or mortar) boulder wall was built along the creek to stabilize the bank closer to the way it was before the vegetation was removed and the soil washed away.

Recommended Condition(s)

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

1. That the wall and landscaping remain in accordance with the Site Plan, provided by the applicant dated received July 31, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to zero (0) feet.
2. No additional structures, including fencing, shall be constructed within the seventy-five (75) foot stream buffer without the approval of additional variances.

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



Variance Petition No. V07-056

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Pruitt	Clayton Doss	Clayton Doss

PROPERTY INFORMATION

Address, Land Lot, and District	615 Blue Teal Court Land Lot 164, District 17
Council District	6
Frontage and Area	76 feet of frontage along the southwest side of the Blue Teal Court cul-de-sac. The subject property has a total area of approximately 0.83 acres.
Existing Zoning and Use	CUP (Community Unit Plan District) under zoning case Z82-040. 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. 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 forty-five (45) foot undisturbed natural buffer.

The variance is to allow for a kitchen expansion.

615 Blue Teal Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 11, 2007

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

CASE NUMBER: V07-056

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.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 forty-five (45) foot undisturbed natural buffer. The variance is to allow for a kitchen expansion. An existing bay window is planned to be replaced by an enlarged breakfast area. The proposed expansion is approximately fifty-eight (58) square feet and proposed to be on an existing deck.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running along the southwestern side property line. Photographs of the subject property indicate the yard to be sloped from the front yard towards the southwestern side property line, where the stream is located. The existing house encroaches into both the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer.

The applicant states that they have been living in the house since they built it in 1983 when stream buffer requirements were less stringent. Now, their children are now having children, and certain home improvements are necessary to accommodate the family growth. The applicant is performing a series of home improvements and hopes to include the proposed kitchen expansion. The applicant further states that they have made every attempt to accomplish the improvement objectives while staying within the original footprint of the house as much as possible. Additionally, the applicant states that the impact on the stream would be negligible (if it exists at all) because no land will be disturbed, and because the upper deck, where the extension of the breakfast room would be built, has a water tight "dry below" system to ensure that the lower deck, where the hot tub is located, remains dry. Consequently, this project does not add to the square footage of impervious surface on the property.

The applicant states that a great deal of effort has been put forth to maintain the natural environment of the property. No grass exists on the lot, and items such as mulch and native plants have been used to achieve the landscape design.

The applicant states that after twenty-five (25) years, it is time to upgrade the kitchen and the breakfast room is an important part of the overall concept. Additionally, the applicant states that no other rational design alternative exists and that a genuine hardship would be incurred if the kitchen expansion is not permitted.

Department Comments

The staff held a Focus Meeting on September 5, 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	▪ 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;*

The applicant states that they have been living in the house since they built it in 1983 when stream buffer requirements were less stringent. Now, their children are now having children, and certain home improvements are necessary to accommodate the family growth. The applicant is performing a series of home improvements and hopes to include the proposed kitchen expansion.

The existing house encroaches into both the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer. The applicant states that they have made every attempt to accomplish the improvement objectives while staying within the original footprint of the house as much as possible. Additionally, the applicant states that no other rational design alternative exists. The applicant states that the impact on the stream would be negligible (if it exists at all) because no land will be disturbed, and because the upper deck, where the extension of the breakfast room would be built, has a water tight “dry below” system to ensure that the lower deck, where the hot tub is located, remains dry. Consequently, this project does not add to the

square footage of impervious surface on the property. The applicant has provided plans and photographs to document the above statements.

The applicant states that a great deal of effort has been put forth to maintain the natural environment of the property. No grass exists on the lot, and items such as mulch and native plants have been used to achieve the landscape design. The applicant has provided photographs to document 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 has submitted a site plan indicating the subject property to have an irregular shape and a stream running along the southwestern side property line. Photographs of the subject property indicate the yard to be sloped from the front yard towards the southwestern side property line, where the stream is located.

The applicant states that after twenty-five (25) years, it is time to upgrade the kitchen and the breakfast room is an important part of the overall concept, and that a genuine hardship would be incurred if the kitchen expansion is not permitted.

Recommended Condition(s)

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

1. That the proposed kitchen addition shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received August 7, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a forty-five (45) 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.

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



Variance Petition No. V07-057

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007

APPLICANT/PETITIONER INFORMATION

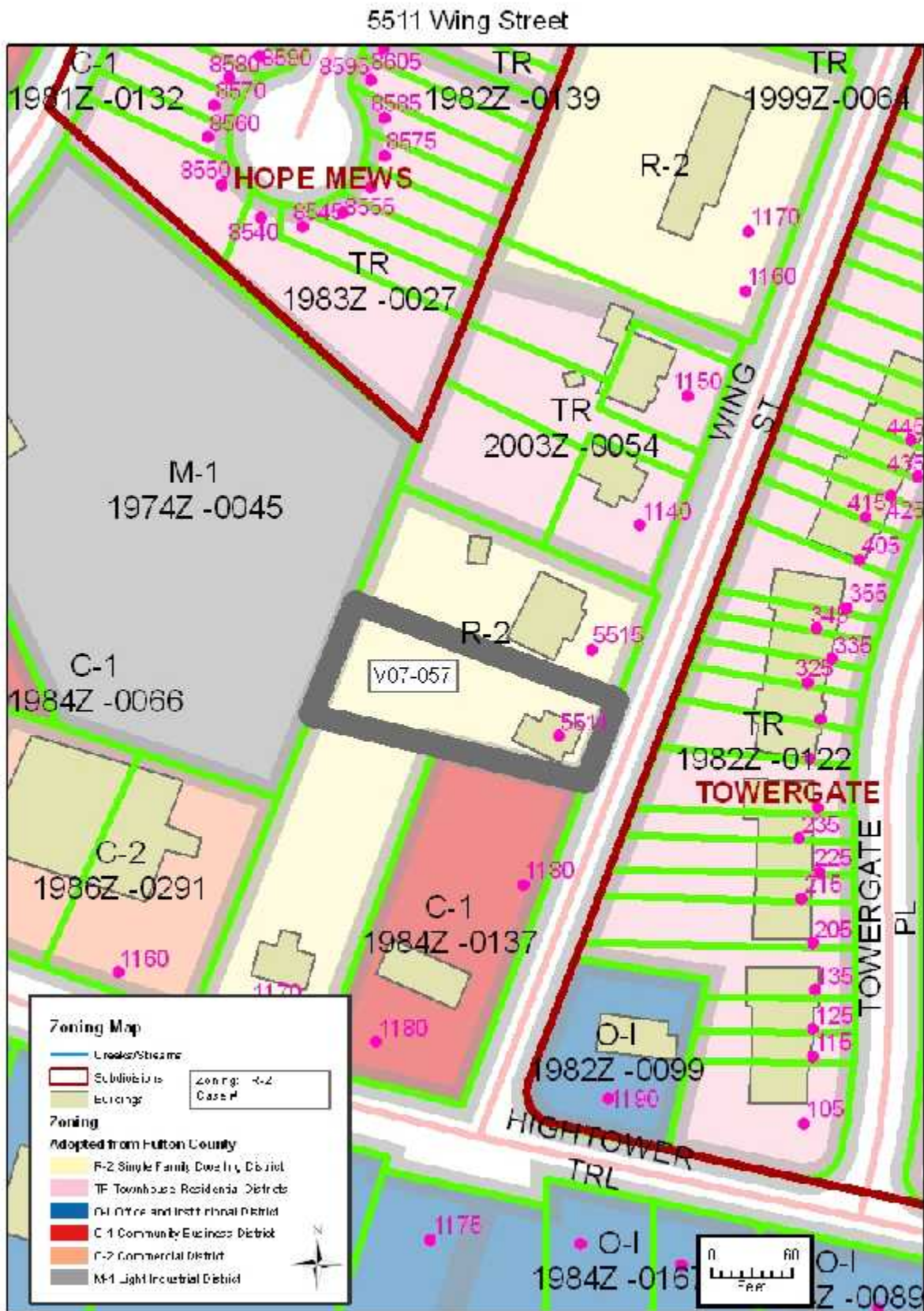
Property Owner	Petitioner	Representative
Sears Partners, LLC	Craig Sears	Craig Sears

PROPERTY INFORMATION

Address, Land Lot, and District	5511 Wing Street Land Lot 363, District 6
Council District	2
Frontage and Area	70 feet of frontage along the northwest side of Wing Street. The subject property has a total area of approximately 0.37 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	R5-8 Residential (5 to 8 units per acre)
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 twenty-five (25) foot undisturbed buffer to allow for a retaining wall.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 11, 2007

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

CASE NUMBER: V07-057

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.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 twenty-five (25) foot undisturbed buffer to allow for completion of an eighty (80) foot long unfinished retaining wall.

A citation was issued to the applicant on June 28, 2007 for performing work without a permit.

The applicant has submitted a site plan indicating the subject property to have a trapezoidal shape, a stream running diagonally through the rear western corner, and sloping topography in the rear of the lot. The existing house encroaches into the twenty-five (25) foot impervious surface setback.

The applicant states that on the west side of the wall (stream side), approximately two (2) feet of land disturbance occurred for the entire length of the wall (160 square feet). The applicant states that on the east side of the wall (house side), approximately ten (10) feet of land disturbance occurred for the entire length of the wall (800 square feet).

The applicant states that due to the current drainage conditions of the subject property and adjacent properties, a persistent erosion problem existed. The retaining wall adds value to the community because it reduces erosion in the area and improves water quality as well. For improved drainage, the wall was constructed having gravel drainage beds and weep holes. Fill dirt was brought in from a neighboring lot; therefore, it does not change the soil makeup of the subject property. The wall, having gravel drainage beds and weep holes, and the fill dirt help reduce the sharp slope of the backyard resulting in a slower rate of water flow, thereby controlling erosion.

The applicant states that properties in the area are being improved, and the construction of the wall is in keeping with rising property values.

Department Comments

The staff held a Focus Meeting on September 5, 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	▪ The subject wall will have to be permitted and will have to be certified by an Engineer.
	Sandy Springs Landscape Architect/Arborist	▪ Owner was cited for construction of a wall and land disturbance in the CoSS stream buffer.
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 encroaches into the twenty-five (25) foot impervious surface setback. The applicant has provided a site plan to document the above statement.

The applicant states that due to the current drainage conditions of the subject property and adjacent properties, a persistent erosion problem existed. The retaining wall adds value to the community because it reduces erosion in the area and improves water quality as well. For improved drainage, the wall was constructed having gravel drainage beds and weep holes. Fill dirt was brought in from a neighboring lot; therefore, it does not change the soil makeup of the subject property. The wall, having gravel drainage beds and weep holes, and the fill dirt help reduce the sharp slope of the backyard resulting in a slower rate of water flow, thereby controlling erosion. The applicant has provided a site plan, topographical map, and photographs to document the above statements.

The applicant states that properties in the area are being improved, and the construction of the wall is in keeping with rising property values.

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 stream running diagonally through the rear western corner and sloping topography in the rear of the lot.

Recommended Condition(s)

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

1. That the retaining wall shall be completed in accordance with the Proposed Site Plan, provided by the applicant dated received August 7, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a twenty-five (25) foot undisturbed 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.

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



Variance Petition No. V07-058

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007 (Deferred)

November 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Fallon	Mr. and Mrs. Fallon	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District	296 Tara Trail Land Lot 120, District 12
Council District	6
Frontage and Area	145 feet of frontage along the south side of Tara Trail. The subject property has a total area of approximately 1.00 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

Application V07-058 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with the concerned neighbors in an attempt to resolve design issues and that the proposed house encroachment into the Stream Buffer be lessened.

The original application included a proposed house to encroach twenty-one (21) feet into the twenty-five (25) foot impervious surface setback. The applicant has since shifted the proposed house completely out of the seventy-five (75) foot stream buffer.

The applicant is now 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 thirty-three (33) foot undisturbed buffer to allow for a retaining wall.

Parcel Map

296 Tara Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 8, 2007

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

CASE NUMBER: V07-058

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

ANALYSIS:

Application V07-058 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with the concerned neighbors in an attempt to resolve design issues and that the proposed house encroachment into the Stream Buffer be lessened.

The original application included a proposed house to encroach twenty-one (21) feet into the twenty-five (25) foot impervious surface setback. The applicant has since shifted the proposed house completely out of the seventy-five (75) foot stream buffer.

The applicant is now 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 thirty-three (33) foot undisturbed buffer to allow for a retaining wall.

The applicant states that in order to proceed with the redevelopment of the subject property, the site needed to be stabilized due to the constraints of the burdening topography. A retaining wall permit application was submitted by the applicant, and when the application was under review by Staff, no stream was indicated or detected. As a result, the existing wall was permitted by the City.

The applicant states that in seeking a building permit for the new residence, a stream as a water of the state, was found to be located along the westerly side of the property. The aforementioned existing retaining wall was then found to be located thirty-three (33) feet from the stream bank, within the stream buffer. The wall is located within twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer of the seventy-five (75) foot stream buffer. Approximately 510 square feet of disturbance occurred within the fifty (50) foot undisturbed natural buffer.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream located adjacent to the western side property line. The site plan has topographical lines showing the property to be sloped. The existing house, proposed to be demolished, encroaches into the twenty-five (25) impervious surface setback by approximately twenty-one (21) feet.

Staff notes that the property numbered 296 Tara Trail was previously a one (1) acre rectangular lot having side property lines of approximately 289 feet in length. The applicant received approval from Sandy Springs of a consolidation plat creating a two (2) acre "L" shaped lot.

The applicant states that 567.15 square feet of the northwest corner of the existing house encroaches into the twenty-five (25) foot impervious surface setback, compared to zero (0) feet for the proposed house. Additionally, the applicant states that the pool was originally desired and designed to have its western edge (side) to be in the same plane as the western edge (side) of the proposed house; this original location would have encroached into the twenty-five (25) foot impervious surface setback. The applicant revised the site plan to have the pool shifted out of the twenty-five (25) foot impervious surface setback. The applicant further states that the proposed construction would have less impervious surface than what currently exists on the site. Per the submitted site plans, existing pavement will be removed from the rear of the lot.

The applicant states that the hardship of the topography and the need for the retaining wall to stabilize the subject property and the narrow and confining area for the construction of the new residence are unique to the property and the approval of this request would not cause any harm to the health and safety of the general public while strict adherence would place an undue burden on the applicant and the approval of this request would be in harmony with the intent of the Zoning Ordinance.

Department Comments

The staff held a Focus Meeting on September 5, 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 retaining wall was permitted without the identification of the existing waters of the state by the CoSS or the design consultant. The waters of the state were discovered during the demo and building permit process.
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 original application included a proposed house to encroach twenty-one (21) feet into the twenty-five (25) foot impervious surface setback. The applicant has since shifted the proposed house completely out of the seventy-five (75) foot stream buffer. The applicant has provided site plans to document the above statement.

The applicant states that 567.15 square feet of the northwest corner of the existing house encroaches into the twenty-five (25) foot impervious surface setback, compared to zero (0) feet for the proposed house. The applicant has provided site plans to document the above statement.

Additionally, the applicant states that the pool was originally desired and designed to have its western edge (side) to be in the same plane as the western edge (side) of the proposed house; this original location would have encroached into the twenty-five (25) foot impervious surface setback. The applicant revised the site plan to have the pool shifted out of the twenty-five (25) foot impervious surface setback. The applicant further states that the proposed construction would have less impervious surface than what currently exists on the site. Per the submitted site plans, existing pavement will be removed from the rear of the lot. The applicant has provided site plans to document the above statements.

The applicant states that the approval of this request would be in harmony with the 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;*

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream located adjacent to the western side property line. The site plan has topographical lines showing the property to be sloped.

The applicant states that the hardship of the topography and the need for the retaining wall to stabilize the subject property and the narrow and confining area for the construction of the new residence are unique to the property and the approval of this request would not cause any harm to the health and safety of the general public while strict adherence would place an undue burden on the applicant. The applicant has provided site plans to document the above statements.

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 October 26, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to thirty-three (33) feet for an existing retaining wall.
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, letters of support, photographs, and site plans.



Variance Petition No. V07-059

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007 (Deferred)

November 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Christelle Williams, Howard Williams, and Peter Casey	Howard Williams	Howard Williams

PROPERTY INFORMATION

Address, Land Lot, and District	131 & 141 Burdette Road and 70 Chevaux Court Land Lots 121 & 122, District 17
Council District	6
Frontage and Area	90 feet of frontage along the west side of the Chevaux Court cul-de-sac and 75 feet of frontage along the north side of Burdette Road. The subject properties have a total area of approximately 6.8 acres.
Existing Zoning and Use	R-2 (Single-family Dwelling District) under zoning case Z66-025. The properties are developed with single-family residences.
Overlay District	N/A

Interim 2025

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

The applicant is requesting six (6) primary variances:

- 1) Variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback,
- 2) Variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to twenty-one (21) for 131 Burdette Road,
- 3) Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to eight (8) feet for 131 Burdette Road,
- 4) Variance from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width required (only at the beginning of the buildable area) from 150 feet to 146 feet for 141 Burdette Road,

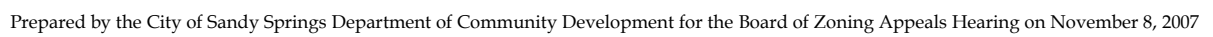
5) Variance from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback required from any property line from ten (10) feet to one (1) foot for 141 Burdette Road, and

6) 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 zero (0) feet for 131 Burdette Road and to a minimum of seven (7) feet for 70 Chevaux Court to allow for existing structures.

Application V07-059 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with concerned neighbors in an attempt to resolve issues and to work with Staff to find solutions.

All variances are to allow for the reconfiguration of internal lot lines of two (2) legal nonconforming flag lots (131 & 141 Burdette Road) and a conforming lot (70 Chevaux Court).

141, 131 Burdette Road & 70 Chevaux



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

CASE NUMBER: V07-059

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

ANALYSIS:

The applicant is requesting relief from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road (existing flag lots) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to 21.2 feet for an attached garage at 131 Burdette Road, from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to 13.5 feet for a gazebo (in the rear) and to 8 feet for a rock step structure at 131 Burdette Road, from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 146 feet (only at the beginning of the buildable area) for 141 Burdette Road, from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback to 1.8 feet for 141 Burdette Road, 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 zero (0) feet for 131 Burdette Road to allow for existing structures (play area, gazebo, tennis court, pool & equipment, pool deck, and foot bridge) and to a minimum of seven (7) feet for 70 Chevaux Court to allow for existing walkways and the existing house. The house encroaches twenty-two (22) feet into the twenty-five (25) foot impervious surface setback.

Application V07-059 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with concerned neighbors in an attempt to resolve issues and to work with Staff to find solutions.

On Friday October 9, 2007, a meeting was held between the applicant and his representatives, concerned neighbors, and Staff. The neighbors expressed concerns over:

-) The vehicular access to a planned guest house having a garage
-) The planned location of a construction entrance for possible future construction
-) The hours of planned future construction
-) The method of supplying concrete during planned construction
-) The proposed reconfiguration of the subject properties
-) Any future easements within the subject properties
-) The noise of an existing intercom system

At the aforementioned meeting, the City Attorney suggested that a follow-up meeting take place between the applicant, including his representatives, and the concerned neighbors to attempt to resolve any outstanding issues. Staff is aware of two (2) such meetings taking place.

To date, Staff has not received any revisions to the original application or to the original site plans submitted by the applicant. The neighbors have submitted to the City a statement with their position which includes the issues in which they are willing to compromise. The applicant has proffered additional conditions of approval as listed below:

- J Except for deliveries and installation of landscaping, the 70 Chevaux Court entrance will not be used for any construction activity and deliveries related to activity in connection with homes addressed on Burdette Road.
- J Additional landscaping will be provided, if necessary, to screen the proposed guest house from the view of homes addressed on Chevaux Court as approved by the City Arborist.
- J The proposed guest house will not exceed 1,000 square feet of heated floor area and not exceed thirty-five (35) feet to the highest point from the lowest point of finished grade.
- J The intercom system at the tennis court of 70 Chevaux Court will be disconnected from the main system at the house so that it is on a specific extension. The volume of the aforementioned intercom shall remain a private matter.

Staff is not aware of any resolution between the applicant and the concerned neighbors. Staff has included the above proffered conditions in the Recommended Condition(s) portion of the report should the Board approve the requested variances.

The applicant has submitted, with the original application, a proposed site plan and photographs indicating the subject properties are irregularly shaped and sloped. The site plan also indicates a stream located within lots proposed to be 70 Chevaux Court and 131 Burdette Road, primarily running east to west along the most northern portion of the lots.

On June 14, 2007, the Board of Zoning Appeals approved, with conditions, variance application V07-014 for 70 Chevaux Court. The aforementioned application included variances to allow an existing waterfall and foot bridge to encroach into the required stream buffer. With the proposed lot reconfiguration, the aforementioned waterfall and bridge would become located on what is indicated as 131 Burdette Road.

Property numbered 141 Burdette Road is owned by Mr. Peter Casey, property numbered 131 Burdette Road is owned by Christelle Williams, and property numbered 70 Chevaux Court is owned by Dr. Howard Williams. The applicant states that over the years, land transactions, involving the three subject properties, have occurred. The aforementioned transactions are recognized by deed; however, because the platting process was never utilized, the land ownership recognized by deed is not recognized by the City as the same lots-of-record. In hopes of re-platting the properties as lots-of-record to match the ownership by deed, the applicant has currently brought forth proposed configurations of the three (3) subject lots. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed because they involve changes to existing nonconforming flag lots, existing nonconforming structures, and stream buffer variances granted (V07-014) that would become void, creating additional existing nonconforming structures.

The applicant states that he wishes to have the three different properties in compliance, legally recorded, and documented appropriately with the City of Sandy Springs. The applicant states that he has worked diligently with design professionals and Staff to file appropriately for the variances that would allow for the subject three lots to be reconfigured as proposed. The

applicant states that the variances he is requesting pertain to existing conditions (nonconformities) that, essentially, exist regardless of the proposed reconfiguration of the subject lots.

The applicant states that, with the exception of properties numbered 65 and 70 Chevaux Court having over 2 acres, lots in the Paddocks North Subdivision range from 1 to 1.3 acres. The applicant further states that he has made every effort to make sure that 70 Chevaux Court would remain 2 acres or greater after completing the proposed subdivision. Additionally, the applicant states he has gone to great lengths and expense to work with the neighbors and Sandy Springs to resolve any concerns and zoning issues.

Department Comments

The staff held a Focus Meeting on September 5, 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 original variance case (V07-014 for 70 Chevaux Court) was tributary buffer violation. There was encroachment into the stream buffer and the Arborist has approved a revegetation plan. The Arborist and Environmental Engineer believe it would cause more damage to the buffer and stream to have the pedestrian bridge removed due to the construction technique.
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;*

Property numbered 141 Burdette Road is owned by Mr. Peter Casey, property numbered 131 Burdette Road is owned by Christelle Williams, and property numbered 70 Chevaux Court is owned by Dr. Howard Williams. The applicant states that over the years, land transactions, involving the three subject properties, have occurred. The aforementioned transactions are recognized by deed; however, because the platting process was never utilized, the land ownership recognized by deed is not recognized by the City as the same lots-of-record. In hopes of re-platting the properties as lots-of-record to match the ownership by deed, the applicant has currently brought forth proposed configurations of the three (3) subject lots. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed because they involve changes to existing nonconforming flag lots, existing nonconforming structures, and stream buffer variances granted (V07-014) that would become void, creating additional existing nonconforming structures.

The applicant states that he wishes to have the three different properties in compliance, legally recorded, and documented appropriately with the City of Sandy Springs. The applicant states that he has worked diligently with design professionals and Staff to file appropriately for the variances that would allow for the subject three lots to be reconfigured as proposed. The applicant states that the variances he is requesting pertain to existing conditions (nonconformities) that, essentially, exist regardless of the proposed reconfiguration of the subject lots.

The applicant states that, with the exception of properties numbered 65 and 70 Chevaux Court having over 2 acres, lots in the Paddocks North Subdivision range from 1 to 1.3 acres. The applicant further states that he has made every effort to make sure that 70 Chevaux Court would remain 2 acres or greater after completing the proposed subdivision. Additionally, the applicant states he has gone to great lengths and expense to work with the neighbors and Sandy Springs to resolve any concerns and zoning issues.

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

The applicant has submitted a site plan and photographs indicating the subject properties are irregularly shaped and sloped. The site plan also indicates a stream located within lots proposed to be 70 Chevaux Court and 131 Burdette Road, primarily running east to west along the most northern portion of the lots.

Recommended Condition(s)

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

1. That the three subject lots be configured and existing nonconforming structures remain in accordance with the Proposed Site Plan, provided by the applicant dated received August 27, 2007 by the Department of Community Development, showing a: minimum lot width of 131 & 141 Burdette Road to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, minimum 21.2 foot front yard setback for an attached garage at 131 Burdette Road, minimum 13.5 foot side yard setback for a gazebo in the rear of the lot and minimum 8 foot east side yard setback for a rock step structure at 131 Burdette Road, minimum 146 foot lot width (only at the beginning of the buildable area) for 141 Burdette Road, minimum 1.8 foot pool equipment setback for 141 Burdette Road, and a reduction of the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to zero (0) feet for 131 Burdette Road to allow for existing structures (play area, gazebo, tennis court, pool & equipment, pool deck, and foot bridge) and to a minimum of seven (7) feet for 70 Chevaux Court to allow for existing walkways and the existing house.
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. Except for deliveries and installation of landscaping, the 70 Chevaux Court entrance will not be used for any construction activity and deliveries related to activity in connection with homes addressed on Burdette Road.
12. Additional landscaping will be provided, if necessary, to screen the proposed guest house from the view of homes addressed on Chevaux Court as approved by the City Arborist.
13. The proposed guest house will not exceed 1,000 square feet of heated floor area and not exceed thirty-five (35) feet to the highest point from the lowest point of finished grade.
14. The intercom system at the tennis court of 70 Chevaux Court will be disconnected from the main system at the house so that it is on a specific extension.

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



Variance Petition No. V07-060

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
City of Sandy Springs	City of Sandy Springs	City of Sandy Springs

PROPERTY INFORMATION

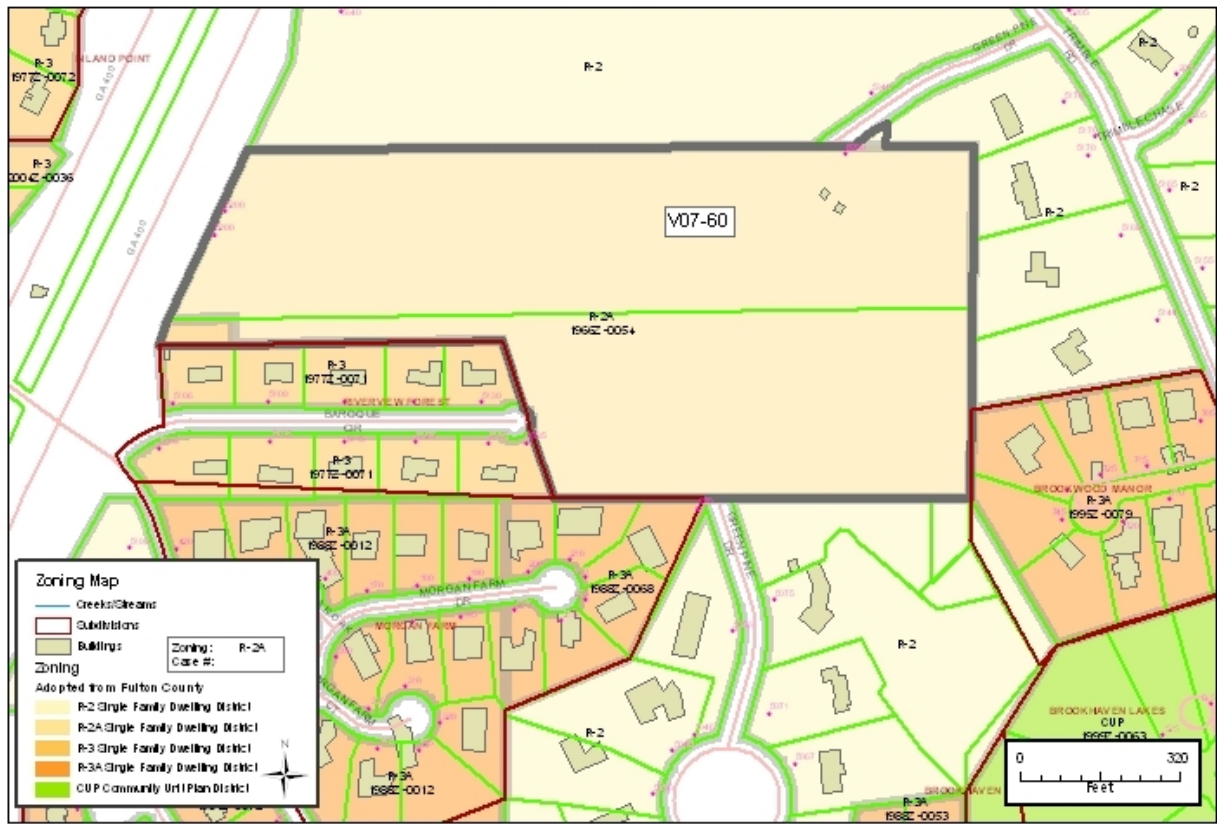
Address, Land Lot, and District.	5200 South Trimble Road Land Lot 39, District 17
Council District	5
Frontage and Area	50.44 feet of frontage along the west side of South Trimble Road. The subject property has a total area of 20.72 acres (902,350 square feet).
Existing Zoning and Use	R-2A (Single Family Dwelling District) conditional under Fulton County 66Z-054, currently developed with a Park.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	PRC (Public Recreational and Conservation)

INTENT

The City of Sandy Springs is seeking a primary variance from the Zoning Ordinance to allow for a free standing sign at the entrance to the Park to identify the location of Ridgeview Park. The applicant's request is as follows:

1. Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of way from 10 feet to zero (0) feet.

5200 South Trimble Rd



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V07-060

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

ANALYSIS:

The applicant is seeking relief from Article 33, Section 22. C of the Zoning Ordinance to reduce the required identification monument sign minimum setback from the right-of-way, from ten (10) feet to zero (0) feet to replace the structure of an existing monument sign. The Planning and Zoning staff reviewed the proposal to install a free standing sign identifying Ridgeview Park entrance. It was determined, that a variance was needed to allow the proposed sign to be located at the same location as the existing sign is located zero feet from the right of way. The site has 20 acres (902,350 square feet) and approximately 50.44 linear feet of road frontage along the west side of South Trimble Road. The site is developed with a park (as shown in exhibits 1 and 2).

The subject of this petition is to replace the existing park sign with a new sign featuring the City's logo, name of the park and the street address (as shown in exhibits 3 and 4). Per Section 33.26.B.1.a. *Freestanding Signs*, of the Sandy Springs Zoning Ordinance, lots occupied with an institutional use shall be permitted one (1) maximum thirty-two square foot, free standing sign, for each street that the lot has frontage. The petitioner's proposed sign is 26.21 square feet of sign area and six (6) feet tall. The sign will be constructed of stone and externally illuminated.

The Staff is of the opinion that locating the sign in a compliant location, ten (10) feet from the right-of-way, would limit its visibility for the north bound traffic which is the primary access to the park. Placing an identification sign at the proposed location, the applicant is intending to capture visibility from the north and south bound traffic on South Trimble Road. According to the traffic engineer the proposed sign location is outside the minimum required clear zone.

Department Comments

The staff held a Focus Meeting on September 5, 2007 at which time 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	The sign location is outside the right of way and clear zone at this location. As such, Public Works has no further comment on the variance application.
	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's purpose is to present an identification of its premises, communicating to the citizens the location of the Ridgeview Park. The applicant finds that the proposed sign will be in harmony with the intent of the 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;*

The applicant has indicated, due to the shape of the property there is not other options to place the sign visible from the street. The frontage of the property is limited to an access road to the park (as shown in exhibit 5).

3. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from and adjoining road.*

The applicant has indicated that if the sign location has to meet the required ten (10) foot setback from the right-of-way, the visibility of their sign from the northbound traffic on South Trimble Road would be severely hampered by the vegetation located on the adjacent parcel to the south (as shown in exhibit 6).

The applicant has provided pictures supporting these applications.

Recommended Conditions:

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

1. That the sign shall be located not less than ten (10) feet from the back of the curb.
2. That the sign area shall not exceed thirty-two (32) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received Sept 10, 2007 by the Department of Community Development.

ATTACHMENTS: Proposed sign site plan, proposed sign detail.



Variance Petition No. V07-062

HEARING & MEETING DATES		
Design Review Board September 25, 2007		Board of Zoning Appeals Hearing October 11, 2007
APPLICANT/PETITIONER INFORMATION		
Property Owner City of Sandy Springs	Petitioner City of Sandy Springs	Representative City of Sandy Springs
PROPERTY INFORMATION		
Address, Land Lot, and District.	254 Johnson Ferry Road Land Lot 125, District 17	
Council District	3	
Frontage and Area	388 linear feet of road frontage along the River Valley Road, 229.98 linear feet of road frontage along Johnson Ferry Road, 498 linear feet of road frontage along Burdett Dr and 147 linear feet of road frontage along Bridgewood Valley Road. The subject property has a total area of 3.67 acres (159,865 square feet).	
Existing Zoning and Use	R-3 (Single Family Dwelling District) currently developed with a building, a tennis court and a recreational area.	
Overlay District	Urban District	
Interim 2025 Comprehensive Future Land Use Map Designation	PRC (Public Recreational and Conservation)	
INTENT		

The City of Sandy Springs is seeking one (1) primary variance from the Zoning Ordinance to allow for a second free standing sign along the River Valley Road street frontage of the property to identify the location of Abernathy Park. The applicant's request is as follows:

1. Variance from Section 33.26.H.1.a to allow for an additional free standing sign on residential property which lot has less than 500 linear feet of frontage.

DESIGN REVIEW BOARD RECOMMENDATION

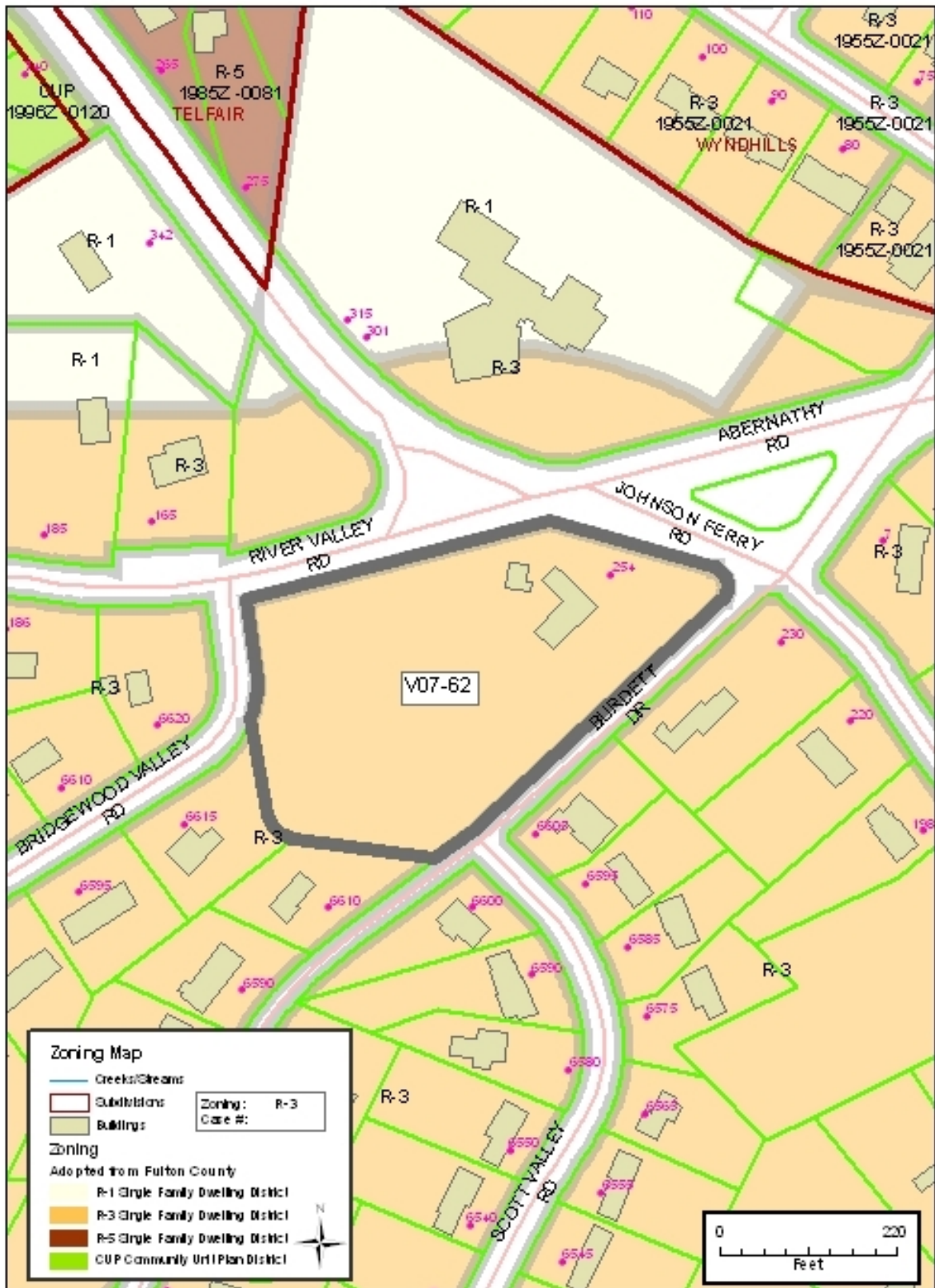
The application was heard at the September 25, 2007 DRB meeting. The Board endorsed (6-0) this application (V07-062) as submitted without any conditions and/or requirements.

Staff is requesting withdrawal of the application because a new sign will not be installed at this time due to a road improvement project.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 11, 2007

Parcel Map

254 Johnson Ferry Rd



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V07-062

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

ANALYSIS:

The Planning and Zoning staff reviewed the proposal to install a free standing sign identifying Abernathy Park at the southernmost entrance to the Park on River Valley Road. The site has 3.67 acres (159,865 square feet) and approximately 388 linear feet of road frontage along the River Valley Road, 229.98 linear feet of road frontage along Johnson Ferry Road, 498 linear feet of road frontage along Burdett Drive and 147 linear feet of road frontage along Bridgewood Valley Road. The site is developed with three (3) buildings, a tennis court and a recreational area (as shown in exhibits 1, 2, 3, 4 and 5). The site has three existing signs as the previous ordinance provided one (1) sign per street frontage (as shown in exhibits 6, 7, and 8). The subject of this petition is to replace the park sign with a sign featuring the City's logo, name of the park and the street address. Per Section 33.26.H.1.a. *Freestanding Signs*, of the Sandy Springs Zoning Ordinance, properties with a frontage of less than Five-hundred (500) linear feet are allowed one maximum thirty-two (32) square foot free standing sign. It was determined, that a variance was needed to allow the proposed sign to be located on River Valley Road, as only one sign is allowed per lot. Placing an identification sign at the proposed location, the applicant is intending to capture visibility from the north and south bound traffic on River Valley Road.

The sign will be constructed of stone and externally illuminated. The petitioner's proposed sign is 26.21 square feet of sign area and six (6) feet tall.

Department Comments

The staff held a Focus Meeting on September 5, 2007 at which time 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	For the present conditions the sign location is outside the right of way and clear zone at this location. As such, Public Works has no further comment on the variance application. In regards to the projecting road improvements see exhibit # 9
	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's purpose is to present an identification of its premises, communicating to the citizens the location of the Abernathy Park for their enjoyment and recreation. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

The applicant has provided pictures supporting these applications.

Recommended Conditions:

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

1. That the sign shall be located not less than twenty (20) feet from the back of the curb, or edge of pavement
2. That the sign area shall not exceed thirty-two (32) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received September 10, 2007 by the Department of Community Development.

ATTACHMENTS: Proposed sign site plan, proposed sign detail.

Withdrawn