

Variance Petition No. V06-068

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Aaron Baranan

Petitioner
Aaron Baranan

Representative
Aaron Baranan

PROPERTY INFORMATION

Address, Land Lot, and District 5030 Rebel Trail
Land Lot 163, District 17

Council District 6

Frontage and Area 400 feet of frontage along the west side of Rebel Trail. The subject property has a total area of 1.4 acres.

Existing Zoning and Use R-2 (Single-Family Dwelling District) currently 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 seeking three primary variances:

- 1) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to thirteen (13) feet,
- 2) Variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback required from sixty (60) feet to forty-nine (49) feet, and
- 3) Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback required from fifteen (15) feet to thirteen (13) feet.

All variances are requested in order to permit the construction of a second-story addition to the existing single-family house.

Parcel Map

5030 Rebel Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 12, 2006

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

CASE NUMBER: V06-068

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Chapter 14, Article 6, Section 5(a)(i) and Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed second floor addition to be setback a minimum of thirteen (13) feet from the top of stream bank, located in the twenty-five (25) foot impervious setback and fifty (50) foot undisturbed areas of the required seventy-five (75) foot stream buffer. The applicant is also requesting primary variances for relief from Sections 6.2.3.B and 6.2.3.C of the Zoning Ordinance to allow a proposed second floor addition to have a forty-nine (49) foot front yard setback where sixty (60) feet is required and to have a thirteen (13) foot side setback where fifteen (15) feet is required. A Georgia – EPD variance is not required because the house is existing.

The existing residence is located in the seventy-five (75) foot stream buffer required for the adjacent stream and has a side yard setback of thirteen (13) feet and has a front yard setback of forty-nine (49) feet. The applicant indicates that the proposed improvements, other than the addition of small walkway to the rear of the house, would not alter the existing footprint of the house.

Department Comments

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

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

Standards for Consideration

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

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

The applicant states that the existing house on the property is legally non-conforming having structures encroaching into the stream buffer and having a southwestern side setback of thirteen (13) feet and a front setback of forty-nine (49) feet. Other than the addition of small walkway to the rear of the house, the proposed additions would not further encroach into the stream buffer and would not further encroach into the required side setback and front setback beyond what already encroaches. Further, the applicant states that the proposed second story addition will not require the removal of trees, would disturb very little land, and would affect the stream minimally. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received September 7, 2006 by the Department of Community Development, showing a stream buffer reduced to no less than thirteen (13) feet and showing the front yard setback reduced to no less than forty-nine (49) feet and showing the side yard setback reduced to no less than thirteen (13) feet where necessary to accommodate the portion of the encroachment(s) only.
2. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The thirteen (13) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the thirteen (13) foot buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

ATTACHMENTS: Letter of appeal, survey, and site plan.

Variance Petition No. V06-088

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tiller Walk Estates, LLC	Bobby Webb	Bobby Webb

PROPERTY INFORMATION

Address, Land Lot, and District	5635 Claire Rose Lane Land Lot 134, District 17
Council District	6
Frontage and Area	85.39 feet of frontage along the east side of Claire Rose Lane and 250.72 feet of frontage along the south side of Glen Errol Road. The subject property has a total area of 0.77 acres.
Existing Zoning and Use	R-2A (Single-Family Dwelling District) conditional under zoning case Z78-0134 and currently undeveloped.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking two primary variances:

- 1) Variance from Section 14.6.5.a. ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to fifty (50) feet, and
- 2) Variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow encroachment into the critical root zone of two (2) specimen trees.

The scope of the original application included a third variance from the Zoning Ordinance to reduce the required front setback. Subsequent to the original filing, the applicant amended his application to eliminate the front setback variance request. The two remaining variances are for the construction of a single-family house.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 12, 2006

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

CASE NUMBER: V06-088

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

ANALYSIS:

Originally, the scope of the application included a third variance from the Zoning Ordinance to reduce the required front setback. Subsequent to the original filing, the applicant amended his application to eliminate the front setback variance request.

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed house to be set back a minimum of fifty (50) feet from the top of stream bank, located in the twenty-five (25) foot impervious setback area of the required seventy-five (75) foot stream buffer and from Article 8, Section 5 of the Tree Preservation Ordinance to permit the encroachment into the critical root zone of two (2) specimen trees, a thirty-one (31) inch chestnut oak and a thirty-four (34) inch yellow poplar.

The thirty-one (31) inch chestnut oak that the applicant is requesting to encroach upon the critical root zone is located adjacent to the proposed house to the south. The thirty-four (34) inch yellow poplar that the applicant is requesting to encroach upon the critical root zone is located to the rear of the proposed house.

The applicant has submitted a site plan indicating existing topography and location of specimen trees to support the contention that the lot is heavily wooded and sloped. A stream is located at the eastern, or rear one-third ($1/3$), portion of the lot.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ To ensure the health of the specimen tree(s) requested to have critical root encroachment, a remedial root mitigation plan by an ISA certified arborist should be required.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

To be in harmony with the Zoning Ordinance and the neighborhood, the applicant states he has utilized the side and front setbacks to their fullest extent and he has provided a reasonable size house in order to intentionally remain out of the fifty (50) foot undisturbed portion of the stream buffer. The applicant has provided a site plan to support the above statements.

The applicant states that the lot is already heavily wooded and he would be willing to save and protect as many of the remaining trees as possible. The applicant has supplied a site plan indicating existing trees to be saved and protected.

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

The applicant states as a hardship for relief from the Tree Preservation Ordinance, the Land Development and Environment Protection Ordinance, and the Zoning Ordinance that due to the location of the stream on the lot and due to the lot's sloping topography in relation to its buildable area, there is no other appropriate place for the proposed residence. The applicant has provided a site plan to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received September 29, 2006 by the Department of Community Development, showing the buffer reduced to no less than fifty (50) feet where necessary to accommodate the portion of the encroachment only.
2. That a remedial root mitigation plan by an ISA certified arborist shall be provided for the specimen tree(s) requested to have critical root encroachment.
3. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
4. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
5. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
6. Stream crossings shall be as narrow as possible and shall be pervious.
7. 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.
8. The fifty (50) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the fifty (50) foot buffer.
9. 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.

10. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
11. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

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

Variance Petition No. V06-089

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tiller Walk Estates, LLC	Bobby Webb	Bobby Webb

PROPERTY INFORMATION

Address, Land Lot, and District	5625 Claire Rose Lane Land Lot 134, District 17
Council District	6
Frontage and Area	76.65 feet of frontage along the east side of Claire Rose Lane. The subject property has a total area of 0.77 acres.
Existing Zoning and Use	R-2A (Single-Family Dwelling District) conditional under zoning case Z78-0134 and currently undeveloped.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
INTENT	

The applicant is seeking three primary variances:

- 1) Variance from Section 14.6.5.a. ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to fifty-two (52) feet, and
- 2) Variance from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback required from sixty (60) feet to thirty-eight (38) feet.
- 3) Variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow encroachment into the critical root zone of a specimen tree.

The variances are for the construction of a single-family house.

Parcel Map

5625 Claire Rose Lane



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

CASE NUMBER: V06-089

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed house to be set back a minimum of fifty-two (52) feet from the top of stream bank, located in the twenty-five (25) foot impervious setback area of the required seventy-five (75) foot stream buffer and from Article 8, Section 5 of the Tree Preservation Ordinance to permit the encroachment into the critical root zone of one (1) specimen tree, a thirty-one (31) inch chestnut oak. The applicant is also requesting relief from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback required from sixty (60) feet to thirty-eight (38) feet.

The thirty-one (31) inch chestnut oak that the applicant is requesting to encroach upon the critical root zone is located adjacent to the proposed house to the north.

The applicant has submitted a site plan indicating existing topography and location of specimen trees to support the contention that the lot is heavily wooded and sloped. A stream is located at the eastern, or rear one-third (1/3), portion of the lot. The applicant has submitted an additional site plan indicating other homes on Claire Rose Lane as having staggered setbacks – some greater than sixty (60) feet and some less than sixty (60) feet.

Staff notes that the applicant's request for relief from the front setback is to locate the proposed house further away from the tree intended to incur critical root zone encroachment and further away from the stream, out of the fifty (50) foot undisturbed portion of the stream buffer.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ To ensure the health of the specimen tree(s) requested to have critical root encroachment, a remedial root mitigation plan by an ISA certified arborist should be required.
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

To be in harmony with the Zoning Ordinance and the neighborhood, the applicant has shifted the house forward (causing the need to request a front setback variance) to be further away from the tree intended to incur critical root zone encroachment and further away from the stream, out of the fifty (50) foot undisturbed portion of the stream buffer. To substantiate the above claim, the applicant has provided two site plans - one indicating the proposed house on the subject property and one that indicates other homes on Claire Rose Lane as having staggered setbacks, with some greater than sixty (60) feet and some less than sixty (60) feet.

The applicant states that the lot is already heavily wooded and he would be willing to save and protect as many of the remaining trees as possible. The applicant has supplied a site plan indicating existing trees to be saved and protected.

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

The applicant states as a hardship for relief from the Tree Preservation Ordinance, the Land Development and Environment Protection Ordinance, and the Zoning Ordinance that due to the location of the stream on the lot and due to the lot's sloping topography in relation to its buildable area, there is no other appropriate place for the proposed residence. The applicant has provided a site plan to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received September 21, 2006 by the Department of Community Development, showing the buffer reduced to no less than fifty-five (55) feet and showing the front yard setback no less than thirty-eight (38) feet where necessary to accommodate the portion of the encroachment(s) only.
2. That a remedial root mitigation plan by an ISA certified arborist shall be provided for the specimen tree requested to have critical root encroachment.
3. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
4. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
5. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
6. Stream crossings shall be as narrow as possible and shall be pervious.
7. 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.
8. The fifty-two (52) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the fifty-two (52) foot buffer.

9. 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.
10. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
11. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

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

Variance Petition No. V06-091

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
High Point Manor, LLC	Doug Estes	James McNash

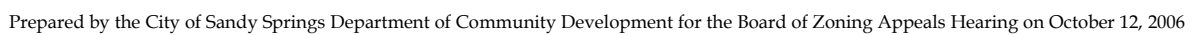
PROPERTY INFORMATION

Address, Land Lot, and District	5330 High Point Road Land Lots 38, 39, and 68, District 17
Council District	5
Frontage and Area	1,010 feet of frontage along the west side of High Point Road and 1,540 feet of frontage along the east side of Northland Drive. The subject property has a total area of 10.44 acres.
Existing Zoning and Use	NUP (Neighborhood Unit Plan District) conditional under zoning case Z05-087 and developed with single-family residences.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of five (5) specimen trees. The applicant intends to subdivide the subject property for the purpose of constructing twenty (20) single-family residences.

5330 High Point Rd.



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

CASE NUMBER: V06-091

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

ANALYSIS:

The subject property is zoned NUP (Neighborhood Unit Plan District) under zoning case Z05-087 and currently developed with single family residences to be demolished. Conditions of Z05-087 include an approved site plan for subdividing the subject property. The site plan included in this variance application is in accordance with the approved site plan under Z05-087. In order to redevelop the property in accordance with the approved site plan, under Z05-087, the applicant needed to apply for this variance requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of five (5) specimen trees as follows: a twenty-six (26) inch pine, a thirty (30) inch / twenty-five (25) inch poplar (twin tree), an eleven (11) inch sour wood, a thirty-two (32) inch oak, and a thirty-one (31) inch oak. The aforementioned trees are located throughout the subject property and have critical root zones that extend into buildable areas of a few of the twenty (20) proposed lots.

The applicant states that the subject property is heavily wooded and he intends to save and protect as many of the remaining trees as possible. The applicant has supplied a site plan indicating existing trees.

A Land Disturbance Permit has been applied for with the City of Sandy Springs that is in accordance with the approved site plan under Z05-087 and in accordance with the site plan provided in this variance application.

Department Comments

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

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

Standards for Consideration

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

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

In order to redevelop the property in accordance with the approved site plan, under Z05-087, the applicant states he needs to remove five (5) specimen trees. The applicant also states that the subject property is heavily wooded and he intends to save and protect as many of the remaining trees as possible. The applicant has provided a site plan to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received July 28, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal and site plans.

Variance Petition No. V06-092

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006 (Deferred)

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Ernest Kline Driver, Jr.	Estes Shields Engineering	Chuck Abbott

PROPERTY INFORMATION

Address, Land Lot, and District	86, 106, and 116 West Belle Isle Land Lot 93, District 17
Council District	5
Frontage and Area	400 feet of frontage along the north side of West Belle Isle. The subject property has a total area of 1.5 acres.
Existing Zoning and Use	R-4 (Single-Family Residential District) developed with single-family residences.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre) and R3-5 Residential (3 to 5 units per acre)

INTENT

The applicant is seeking primary variances for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of six (6) specimen trees and to allow the encroachment into the critical root zone of one (1) specimen tree. The applicant intends to subdivide three (3) existing lots into six (6) lots for the construction of six (6) single-family homes.

Parcel Map

W. Belle Isle Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 9, 2006

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

CASE NUMBER: V06-92

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

ANALYSIS:

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to allow the encroachment into the critical root zone of one (1) twenty-four (24) inch pine tree and to allow the removal of six (6) specimen trees as follows: a thirty-six (36) inch red oak, a thirty-seven (37) inch water oak, a forty-five (45) inch water oak, a thirty (30) inch pine, a thirty-six (36) inch pine, and a thirty-nine (39) inch maple. The aforementioned trees are located throughout the subject property and have critical root zones that extend into the buildable areas of five (5) of the six (6) proposed houses and into one (1) of the proposed shared driveways.

The applicant states that the underlying zoning of the subject property is R-4 (Single-Family Residential District) and that the intended subdivision from three (3) lots into six (6) lots would be in compliance with the Development Standards of the Zoning Ordinance.

The applicant states that two (2) of the three (3) existing houses to be demolished currently encroach into the critical root zones of two (2) specimen trees, the forty-five (45) inch water oak and the thirty-six (36) inch red oak. The applicant also states that the subject property has a total of eight (8) specimen trees and thirty-four (34) significant trees that could be removed due to proposed construction. Of the specimen and significant trees stated above, the applicant intends to save and protect two (2) specimen trees and nine (9) significant trees. The applicant has supplied a site plan indicating existing trees and existing structures.

At the October 12, 2006 Board of Zoning Appeals (BZA) meeting the Members of the Board voted to defer application V06-092 to allow the applicant to work with the neighborhood to minimize the natural impact of the plan by reducing the amount of proposed lots or by reconfiguration. Staff has attempted to contact the applicant in attempt to acquire revised petition documents. To date, the applicant has not provided Staff revised site plans addressing the BZA's concerns expressed at the October 12, 2006 meeting.

Department Comments

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

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

Standards for Consideration

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

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

The applicant states that the underlying zoning of the subject property is R-4 (Single-Family Residential District) and that the intended subdivision from three (3) lots into six (6) lots would be in compliance with the Development Standards of the Zoning Ordinance. The applicant also states that two (2) of the existing houses, to be demolished, currently encroach into the critical root zones of two (2) specimen trees, the forty-five (45) inch water oak and the thirty-six (36) inch red oak. The applicant further states that the subject property has a total of eight (8) specimen trees and thirty-four (34) significant trees that could be removed due to proposed construction. Of the specimen and significant trees stated above, the applicant intends to save and protect two (2) specimen trees and nine (9) significant trees. The applicant has provided a site plan to

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 9, 2006

support the above statements. Additionally, the applicant believes that proposed development, including landscaping, would be in harmony with surrounding areas. The applicant has not provided documentation to support the above claim, however; Staff notes there are lots of similar size along West Belle Isle to the ones proposed by the applicant.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received July 28, 2006 by the Department of Community Development.
2. That a remedial root mitigation plan by an ISA certified arborist shall be provided for the specimen tree(s) requested to have critical root encroachment.

ATTACHMENTS: Letter of appeal and site plans.

Variance Petition No. V06-096

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

David Webster

Petitioner

Pitts Road Construction

Representative

David Webster

PROPERTY INFORMATION

**Address, Land Lot,
and District** 1024 and 1030 Pitts Road
Land Lot 24, District 17

Council District 1

Frontage and Area 35 feet of frontage for house #1024 and 65 feet of frontage for house #1030 along the north side of Pitts Road. House #1024 has an area of 0.24 acres and house #1030 has an area of 0.21 acres for a total combined area of 0.45 acres.

**Existing Zoning
and Use** R-5 (Single-Family Dwelling District) and developed with single-family residences.

Overlay District N/A

Interim 2025

Comprehensive

Future Land Use

Map Designation

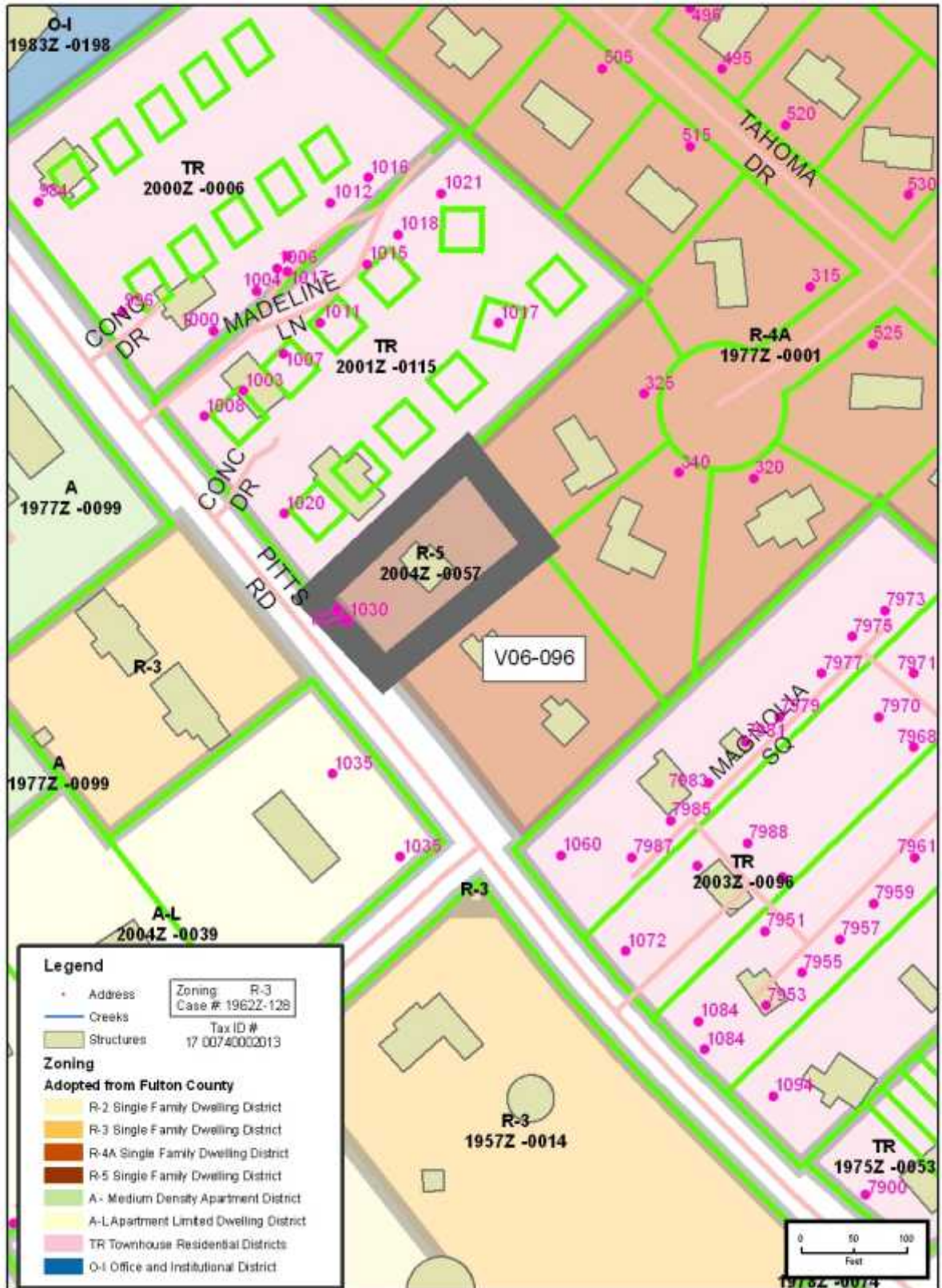
R3-5 Residential (3 to 5 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 4.11.B of the Zoning Ordinance to reduce the minimum right-of-way setback required for a gate from twenty (20) feet to thirteen (13) feet. The applicant intends to construct a fence having a gate.

Parcel Map

1024,1030 Pitts Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 12, 2006

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

CASE NUMBER: V06-096

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

ANALYSIS:

The applicant is applying for relief from Section 4.11.B of the Zoning Ordinance to reduce the minimum right-of-way setback required for a driveway gate from twenty (20) feet to thirteen (13) feet. The applicant intends to construct a fence having a gate.

The subject properties have house numbers 1024 and 1030 Pitts Road and have a shared driveway off Pitts Road through a twenty (20) foot ingress/egress easement on property #1024.

Due to the slope of the property a retaining wall was constructed at the front of 1030 Pitts Road. A seven (7) foot space between the aforementioned retaining wall and proposed gate is necessary for the gate to operate properly. The necessary seven (7) foot spacing from the retaining wall to the proposed gate is causing the applicant to request a thirteen (13) foot setback from the right-of-way where a twenty (20) foot setback is required.

The applicant states that similar gates are being installed in surrounding areas and that these gates increase property values. The applicant also states that due to the high volume of foot traffic along Pitts Road, the proposed gate would be to everyone's benefit in terms of health, safety and welfare.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments (See attached document from the City's Transportation Planning Engineer.)
	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 similar gates are being installed in surrounding areas and that these gates increase property values. The applicant also states that due to the high volume of foot traffic along Pitts Road, the proposed gate would be to everyone's benefit in terms of health, safety and welfare. The applicant has provided photographs as documentation to support the above claims.

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

The applicant states as a hardship that due to the slope of the property, a retaining wall was constructed at the front of 1030 Pitts Road. A seven (7) foot space between the aforementioned retaining wall and proposed gate is necessary for the gate to operate properly. The necessary seven (7) foot spacing from the retaining wall to the proposed gate is causing the applicant to request a thirteen (13) foot setback from the right-of-way where a twenty (20) foot setback is required. The applicant has provided a Site Plan and photographs as evidence to support the above claims.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received August 3, 2006 by the Department of Community Development, showing the setback from the right-of-way reduced to no less than thirteen (13) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Site plan, photographs, letters of support, copy of plat, and letter of appeal.

Variance Petition No. V06-097

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006 (Deferred)

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Sylvia and Ronald Jones	Sylvia Jones	Sylvia Jones

PROPERTY INFORMATION

Address, Land Lot, and District	94 Silverwood Road Land Lot 92, District 17
Council District	5
Frontage and Area	90 feet of frontage along the north side of Silverwood Road. The subject property has a total area of 0.36 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) and developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 6.4.3.C of the Zoning Ordinance to reduce the minimum west side yard setback required from ten (10) feet to two (2) feet. The applicant intends to expand an existing carport and build a second story addition over the current house's footprint and over the proposed expanded carport.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 9, 2006

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

CASE NUMBER: V06-097

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.4.3.C of the Zoning Ordinance to reduce the minimum west side yard setback required from ten (10) feet to two (2) feet. The applicant intends to expand the one-car carport into a two-car carport and to build a second story addition over the current house's footprint and over the proposed expanded carport.

The existing carport is currently set back five (5) feet where a ten (10) foot setback is required. The applicant has provided photographs indicating other residences in the area having two-car garages. The applicant also states that the owners of 114 Silverwood Road obtained a variance to allow a five (5) foot side setback for the construction of a two-car garage.

At the October 12, 2006 Board of Zoning Appeals (BZA) meeting the Members of the Board voted to defer application V06-092 to allow the applicant to work with the adjoining neighbor to the west and her architect to finalize a site plan. Staff has repeatedly contacted the applicant in attempt to acquire revised petition documents. To date, the applicant has not provided Staff revised site plans.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Design and construction of the existing carport must be in accordance with the 2000 IRC with Ga State Amendments. The design professional must submit a sealed and signed letter confirming that the existing structure is in compliance with Appendix J of the 2000 IRC with Ga Amendments.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the existing one-car carport is set back five (5) feet where a ten (10) foot setback is required. A further encroachment of three (3) feet is required to allow for a two-car carport. The applicant has provided photographs indicating that other residences in the area have two-car carports. Therefore, the proposed two-car carport will be in harmony with the neighborhood. The applicant also states that the owners of 114 Silverwood Road obtained a variance to allow a five (5) foot side setback for the construction of a two-car garage.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received August 1, 2006 by the Department of Community Development, showing the side yard setback to no less than two (2) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, letter of opposition, photographs, and site plan.

Variance Petition No. V06-098

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Scott Brandt

Petitioner
William Fadul

Representative
William Fadul

PROPERTY INFORMATION

Address, Land Lot, and District 5685 Cross Gate Drive
Land Lot 122, District 17

Council District 6

Frontage and Area 53 feet of frontage along the south side of Cross Gate Drive. The subject property has a total area of 0.73 acres.

Existing Zoning and Use R-2A (Single Family Dwelling District) and developed with a single-family residence.

Overlay District N/A

Interim 2025

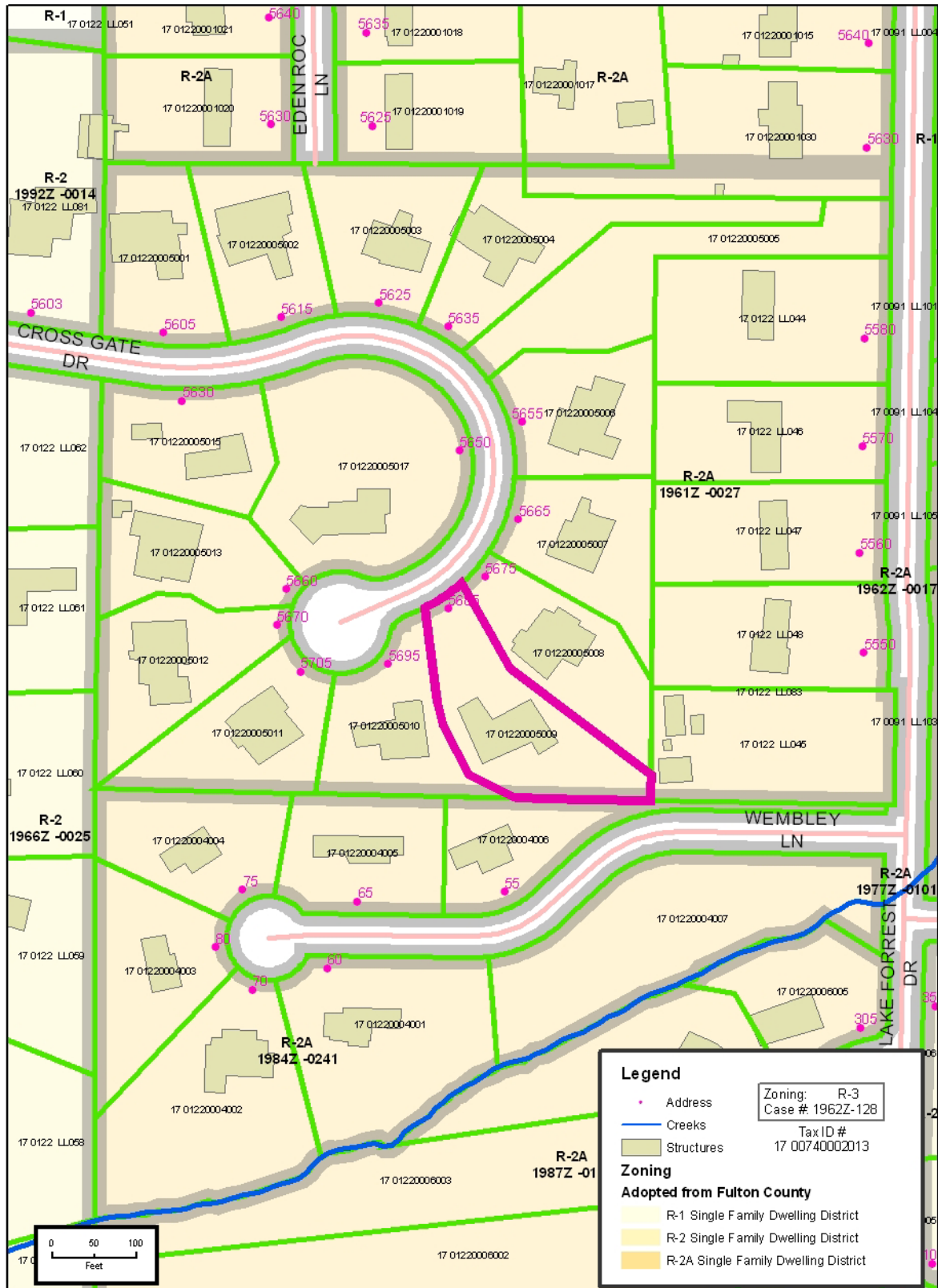
Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 6.3.3.C of the Zoning Ordinance to reduce the minimum side yard setback required from fifteen (15) feet to five (5) feet. The applicant intends to construct a sunroom addition.

Parcel Map

5685 Cross Gate Dr.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 12, 2006

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

CASE NUMBER: V06-098

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

ANALYSIS:

The applicant is requesting a primary variance for relief from Section 6.3.3.C of the Zoning Ordinance to reduce the minimum side yard setback required from fifteen (15) feet to five (5) feet. The applicant intends to construct a sunroom addition.

The existing house has an above-ground deck currently set back five (5) feet where a fifteen (15) foot setback is required. Underneath the deck exists a concrete slab. The applicant has provided photographs and a site plan indicating the layout of existing structures.

The lot has an irregular shape. The proposed sunroom addition, including stairs at the southwest corner of the residence, would be an above ground addition and would replace the existing deck in footprint and location.

Due to the lot's irregular configuration and how the house is sited, the sunroom's proposed location would require a side yard setback variance. The applicant states that the most ideal place for the proposed sunroom addition is as proposed, off the living room area. This location would provide access for the entire family and would provide a natural extension of the house.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ If sunroom is to be added to existing structure or foundation, the design professional must submit a sealed and signed letter confirming that the existing structure and/or foundations are in compliance with Appendix J of the 2000 IRC with Ga Amendments.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comment
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that the most ideal place for the proposed sunroom addition is as proposed, off the living room area. This location would provide access for the entire family and would provide a natural extension of the house. The applicant believes the proposed sunroom addition would create an improved rear façade appearance over the existing deck and that the location of the proposed sunroom in relation to adjoining properties, would impact the neighbors minimally. The applicant has provided a site plan, a floor plan, an elevation plan, and photographs to support the above statement.

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

The applicant states that due to the lot's irregular configuration and how the house is sited, the sunroom's proposed location would require relief from the interior side setback requirement. The property has an existing above-ground deck currently set back five (5) feet where a fifteen (15) foot setback is required. The proposed sunroom addition, including stairs at the southwest corner of the residence, would be an above ground addition and would replace the existing deck in footprint and location. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received August 1, 2006 by the Department of Community Development, showing the side yard setback reduced to no less than five (5) feet where necessary to accommodate the portion of the encroachment only.

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

Variance Petition No. V06-101

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Shayne Sticher

Petitioner

Sandy Springs Custom
Homes

Representative

Reid Sellars

PROPERTY INFORMATION

Address, Land Lot, and District	109 Long Island Place Land Lot 125, District 17
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Council District	3
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Frontage and Area	100' of frontage along the north side of Long Island Place. The subject property has a total area of 0.68 acres.
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Existing Zoning and Use	R-4 (Single Family Dwelling District) and developed with a single family residence.
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Overlay District	N/A
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Interim 2025

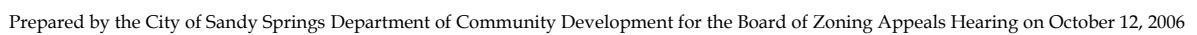
**Comprehensive
Future Land Use
Map Designation**

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

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree. The applicant intends to construct a single family residence.

109 Long Island Place



Variance Petition No. V06-115

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Abraham Kamor

Petitioner
Abraham Kamor

Representative
Abraham Kamor

PROPERTY INFORMATION

Address, Land Lot, and District 468 Tara Trail
Land Lot 136, District 17

Council District 6

Frontage and Area 150 feet of frontage along the north side of Tara Trail. The subject property has a total area of 1.43 acres.

Existing Zoning and Use R-2 (Single-Family Dwelling District) currently 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)

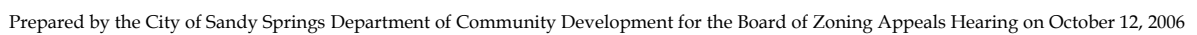
INTENT

The applicant is seeking two primary variances:

- 1) Variance from Section 14.6.5.a. ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to sixty (60) feet, and
- 2) Variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree.

The variances are for the construction of a single-family house.

468 Tara Trail



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

CASE NUMBER: V06-115

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

ANALYSIS:

The applicant is requesting relief from Chapter 14, Article 6, Section 5(a)(ii) of the Land Development and Environment Protection Ordinance to allow a proposed retaining wall to be set back a minimum of sixty (60) feet from the top of stream bank, located in the twenty-five (25) foot impervious setback area of the required seventy-five (75) foot stream buffer and from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of one (1) specimen tree, a twenty-seven (27) inch white oak.

The applicant has submitted a site plan indicating a stream is located at the southwestern, or front one-third (1/3), portion of the lot. The front part of the lot is unbuildable due to the presence of the stream and the seventy-five (75) foot buffer on both sides of it. It also indicates existing topography to support the contention that the lot is sloped. The twenty-seven (27) inch white oak that the applicant is requesting to remove is shown located adjacent to the footprint of the proposed house.

The applicant states that the existing driveway to be demolished currently encroaches in the critical root zone of the subject tree and that the future house, although larger than the existing one, is proposed to be constructed primarily over the footprint of the house to be demolished. He also states that the lot is heavily wooded and will remain that way after proposed construction is completed.

Department Comments

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

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

Standards for Consideration

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

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

The applicant states that the existing driveway to be demolished currently encroaches into the critical root zone of the subject tree and that the future house, although larger than the existing one, is proposed to be constructed primarily over the footprint of the house to be demolished, thereby minimizing land disturbance. He also states that the lot is heavily wooded and will remain that way after proposed construction is completed. The applicant has aerial photographs and site plans to document the above statement.

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

The applicant states as a hardship for relief from the Tree Preservation Ordinance and the Land Development and Environment Protection Ordinance that due to the location of the stream on the lot and due to the lot's sloping topography in relation to its buildable area, there is no other appropriate place for the proposed residence and retaining wall. He also states that the retaining wall is required in the proposed location to reduce the possibility of erosion and to allow access to the front door. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received October 2, 2006 by the Department of Community Development, showing the buffer reduced to no less than sixty (60) feet where necessary to accommodate the portion of the encroachment only.
2. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The sixty (60) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the sixty (60) foot buffer.

8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

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

Variance Petition No. V06-118

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Stewart Weinhoff	Stewart Weinhoff	Stewart Weinhoff

PROPERTY INFORMATION

Address, Land Lot, and District	4785 Dudley Lane Land Lots 119 & 120, District 17
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Council District	6
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Frontage and Area	The subject property has 150 feet of frontage along the east side of Dudley Lane and a total area of approximately 0.74 acres.
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Existing Zoning and Use	R-3 (Single-Family Dwelling District) and developed with a single-family residence.
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Overlay District	N/A
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Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
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INTENT

The applicant is seeking a primary variance for relief from Section 34.5.10.A of the Zoning Ordinance to reduce the minimum setback required for a building (residence) from a pipeline easement from forty (40) feet to zero (0) feet. The applicant intends to construct a single-family house.

Parcel Map

4785 Dudley Ln.



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

CASE NUMBER: V06-118

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

ANALYSIS:

The applicant is applying for relief from Section 34.5.10.A of the Zoning Ordinance to reduce the minimum setback required for a building used for human occupancy, in this case the proposed single-family house, from a pipeline easement from forty (40) feet to zero (0) feet.

The applicant states that the house that existed on the lot, prior to its demolition, was encroaching into the pipeline easement setback. The existing gas pipeline easement runs east/ west and diagonally cuts the rectangular subject property approximately in half. When the forty (40) foot setback from the easement is applied, the lot is virtually unbuildable.

Department Comments

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

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

Standards for Consideration

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

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

The pipeline easement diagonally cuts the rectangular subject property approximately in half. The applicant states as a hardship that when the forty (40) foot setback from the easement is applied, the lot is virtually unbuildable. The applicant states the house that existed on the lot, prior to its demolition, was encroaching into pipeline easement setback. The applicant has provided a Site Plan as evidence to support the above claims.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 14, 2006 by the Department of Community Development, showing the pipeline easement setback reduced to zero (0) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Site plan, and letter of appeal.

Variance Petition No. V06-072

HEARING & MEETING DATES

Design Review Board Meeting

August 22, 2006

October 10, 2006

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Fountainbleau 2006, LLC.

Petitioner

Fountainbleau 2006, LLC.

Representative

Rob Stein

PROPERTY INFORMATION

Address, Land Lot, and District. 5095 Roswell Road (SR 9) and 220 Forrest Hills Drive
Land Lot 93, District 17

Council District 5

Frontage and Area The subject property has 183.4 feet of frontage along the east side of Roswell Road and 296.3 feet of frontage along the north side of Forrest Hills Drive and a total area of approximately 1.69 acres.

Existing Zoning and Use A-1 (Apartment Dwelling District) conditional under Z60-041 and currently developed with an apartment building and a single-family house.

Overlay District Village District

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

R8-12 Residential (8 to 12 units per acre)

INTENT

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

- 1) Variance from Section 12B.4.A to eliminate the requirements for street trees,
- 2) Variance from Section 12B.4.B to reduce the minimum sidewalk width from nine (9) feet to six (6) feet along Roswell Road and 5 feet along Forest Hills Drive, and
- 3) Variance from Section 12B.4.C to eliminate the requirements for pedestrian lighting.

All variances to allow for the renovation of the existing apartment building and single-family home on the subject property.

Parcel Map

5095 Roswell Rd.



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

CASE NUMBER: V06-072

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

ANALYSIS:

The applicant is applying for relief from Section 12B.4.A of the Zoning Ordinance to eliminate the requirement for street trees, from Section 12B.4.B to reduce the minimum sidewalk width from nine (9) feet to six (6) feet along Roswell Road and to approximately five (5) feet along Forest Hills Drive, and from Section 12B.4.C to eliminate the requirement for pedestrian lighting. The site is developed with a multi-family building and a single family house. The applicant plans to renovate the thirty-unit apartment building and associated structures as a part of converting the apartments to for-sale condominiums.

The applicant has provided a site plan that includes photographs to support his contention that the lot is relatively small for multifamily use, is irregularly shaped, is a corner lot adjoining two (2) streets, and is very sloped from both adjoining rights-of-way towards the center of the lot.

The site plan and photographs were provided to also support the applicant's contention that the area to install the required streetscape improvements is restricted in appropriate space due to the existence of various structures (i.e. guardrails, utility poles, and guy wires), landscape treatments, and large topographic changes.

On August 22, 2006, the Design Review Board (DRB) recommended deferral of case DRB06-179 for this variance petition, V06-072, due to questions regarding the dedication of right-of-way. The case was scheduled for the September 12, 2006 DRB meeting. The applicant requested to be rescheduled for a later date. Therefore, the application will be heard by the DRB at the October 10, 2006 meeting; the results of which will be forwarded to the Board of Zoning appeals before the October 12, 2006 BZA meeting.

The applicant scheduled an on-site meeting with the City Arborist that was subsequently cancelled by the applicant. The meeting was to assess whether the subject property's existing trees, including those adjacent to the rights-of-way, consist of any specimen trees and could count toward both streetscape and density requirements.

To date, the applicant has not attempted to re-schedule the meeting with the City Arborist and no additional information has been provided to Staff to supplement the subject application.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ Apt renovations must comply with 2000 IBC with Ga State Amendments, and SFR renovation must comply with 2000 IRC with Ga State Amendments.
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Fulton County Fire Inspector	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that he is attempting to be in harmony with the Zoning Ordinance by intending to construct sidewalks ranging from five (5) to six (6) feet along the entire frontage of the subject property. Additionally, the existing trees along the rights-of-way will be maintained and would serve well as the required street trees. The applicant has provided a site plan and photographs as evidence to support the above claims.

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

The applicant states as a hardship for relief from Sections 12B.4.A, 12B.4.B, and 12B.4.C of the Zoning Ordinance that due to the lot being relatively small for multifamily use, irregularly shaped, very sloped just beyond the rights-of-way, and due to the lot having existing landscaping and structures, relief from the Zoning Ordinance is needed. The applicant has provided a site plan and photographs as evidence to support the above claims.

Recommended Condition(s)

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

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

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

Variance Petition No. V06-074

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Dart Court Builders, LLC.	Dart Court Builders, LLC.	Stewart Weinhoff

PROPERTY INFORMATION

Address, Land Lot, and District.	4745 Dudley Lane Land Lot 119, District 17
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Council District	6
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Frontage and Area	The subject property has 61.17 feet of frontage along the east side of Dudley Lane and a total area of approximately 0.44 acres.
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Existing Zoning and Use	R-3 (Single-Family Dwelling District) The lot is undeveloped.
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Overlay District	N/A
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Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
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INTENT

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

Parcel Map

4745 Dudley Ln.



Variance Petition No. V06-094

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Neal Creech

Petitioner

Neal Creech

Representative

Neal Creech

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 440 Kenbrook Drive
Land Lot 119, District 17

Council District 6

Frontage and Area The subject property has 150 feet of frontage along the south side of Kenbrook Drive and a total area of approximately 0.99 acres.

**Existing Zoning
and Use** R-2 (Single-Family Dwelling District) developed with a single-family residence.

Overlay District N/A

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

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

INTENT

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

Parcel Map

440 Kenbrook Dr.



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V06-94

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

ANALYSIS:

The applicant is requesting relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) thirty-two (32) inch pine tree and to allow the encroachment into the critical root zone of two (2) specimen trees, a twenty-four (24) inch beech tree and a twenty-five (25) inch pine tree. The applicant believes the aforementioned trees will be affected by the proposed demolition of the existing house and the construction of a new residence.

The site plans indicate that an existing driveway and a one story brick accessory structure, located at the rear of the property, will remain after the proposed main residence is constructed. The site plans also indicate that the proposed house will be built primarily over the footprint of the existing house to be demolished.

According to the site plans provided by the applicant, there are a total of thirteen (13) trees on the subject property (including those intended to be removed and incur critical root zone encroachment), and the lot appears to be sloped from the southern rear property line towards the northern front property line.

The site plan delineates a tree save area and indicates twelve (12) of the existing trees to be protected. The thirty-two (32) inch pine intended to be removed is located just outside the northern front part of the proposed house's footprint. The twenty-four (24) inch beech tree and the twenty-five (25) inch pine tree intended to incur critical root zone encroachment are located southwest of the proposed house – it appears a proposed retaining wall will affect the roots of both trees.

Department Comments

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

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

Standards for Consideration

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

- 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 believes the subject specimen trees will be affected by the proposed demolition of the existing house and the construction of a new residence. The site plans indicate that the proposed house will be built primarily over the footprint of the existing house to be demolished, and the lot appears to be sloped from the southern rear property line towards the northern front property line. The thirty-two (32) inch pine

intended to be removed is located just outside the northern front part of the proposed house's footprint. The twenty-four (24) inch beech tree and the twenty-five (25) inch pine tree intended to incur critical root zone encroachment are located southwest of the proposed house – it appears a proposed retaining wall will affect the roots of both trees.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received July 31, 2006 by the Department of Community Development.
2. That a remedial root mitigation plan by an ISA certified arborist shall be provided for the specimen tree(s) requested to have critical root encroachment.

ATTACHMENTS: Letter of appeal and site plans.

Variance Petition No. V06-087

HEARING & MEETING DATES

Design Review Board Meeting

September 12, 2006

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Lee Dennis Armstrong

Petitioner

Shahrzad Moghangard

Representative

Mehdi Mehrpad

PROPERTY INFORMATION

Address, Land Lot, and District 85 Johnson Ferry Road
Land Lot 125, District 17

Council District 3

Frontage and Area 100 feet of frontage along the east side of Johnson Ferry Road. The subject property has a total area of 0.42 acres.

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

Overlay District Urban District

Interim 2025

Comprehensive

Future Land Use

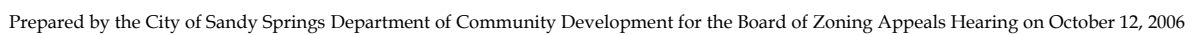
Map Designation

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

INTENT

The applicant is seeking one (1) primary variance from Section 6.4.3.F to reduce the minimum lot width for an R-3 lot from 100 feet to 98 feet, to allow for the construction of a single-family house.

85 Johnson Ferry Rd.



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

CASE NUMBER: V06-087

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

ANALYSIS:

The applicant is applying for relief from Section 6.4.3.F to reduce the minimum lot width for an R-3 lot from 100 feet to 98 feet. The applicant intends to redevelop the lot with a single-family residence.

The applicant states that the subject property (85 Johnson Ferry Road) as it exists today was a part of lot 6 in Section "B" of the Floyd Spruell Property Subdivision. The applicant provided a copy of plat, recorded in 1946, to support the above claim. In 1946, Lot 6 had frontage of 100 feet, a northern side property line of 470.8 feet, a southern side property line of 448.5 feet, and a rear lot line of 90 feet. Because Lot 6 tapered from 100 feet at the front to 90 feet at the rear, it was considered to have a slightly pie piece shape. Over the years, several parcels in Section "B" of the Floyd Spruell Property Subdivision were subdivided and developed with single family homes. It appears that Lot 6 was subdivided at the approximate middle, creating a lot still having frontage of 100 feet, but now having a northern side property line of 184.87 feet, a southern side property line of 194.79 feet, and a rear property line of 97.5 feet. The subdivided Lot 6, as it currently exists, was developed with a single-family residence now proposed to be demolished. The subject property is still considered to have a slightly pie piece shape – due to its tapering configuration, the applicant is seeking a variance from lot width at the front setback line so that he may redevelop the property.

On September 12, 2006, the Design Review Board (DRB) recommended approval of the variance request subject to the applicant installing the Overlay District streetscape improvements as required at the time of building permit approval.

Department Comments

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

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

Standards for Consideration

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

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

The applicant states as a hardship that due to the subdivision of Lot 6 that was part of Section "B" of the Floyd Spruell Property Subdivision (plat recorded in 1946) into property now developed as 85 Johnson Ferry Road, the property is irregular in shape having a slightly pie piece configuration. Due to the lots tapering nature, the applicant is seeking a variance from lot width at the front setback line so that he may redevelop the property. The applicant provided a copy of plat, recorded in 1946, for Section "B" of the Floyd Spruell Property Subdivision and a site plan to support the above claims.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 20, 2006 by the Department of Community Development.

ATTACHMENTS: Site plan, copy of plat, letter of support, and letter of appeal.

Variance Petition No. V06-060

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

August 10, 2006

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Paul A. Harney	Wexford Development	Estes Shields Engineering

PROPERTY INFORMATION

Address, Land Lot, and District.	100, 106 and 110 Mt. Paran Rd. Land Lot 92, District 17
Council District	6
Frontage and Area	221 feet on the northern side of Mt. Paran Rd. The subject property has a total area of 3.2 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) currently developed with three (3) single-family houses.
Overlay District	None
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees and encroachment into the critical root zone of two (2) specimen trees for the subdivision of three (3) residential lots into six (6) residential lots. This case was deferred for 2 months to allow the applicant to redesign the lot layout and meet with neighbors and local neighborhood associations.

Parcel Map

100, 106, and 110 Mt. Paran Rd.



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

CASE NUMBER: V06-060

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

ANALYSIS:

The applicant is applying for relief from Section 8.5 of the Tree Preservation Ordinance to remove two (2) specimen trees and encroach into the critical root zone of two (2) additional specimen trees. The applicant is proposing to subdivide three (3) existing lots into six (6) lots. The two trees to be removed are located in the center of one of the proposed lots. The other trees are encroached upon by the proposed drive. This case was deferred at the August 10, 2006 meeting. The board directed the applicant to better meet the standards of the Sandy Springs subdivision requirements. The Board also asked the applicant to work with the neighbors and local neighborhood associations to find an agreeable compromise for development.

The applicant's original submittal called for the removal of four (4) specimen trees from the property. The new revised site plan calls for the removal of two (2) trees: a thirty (30) inch oak and a forty-eight (48) inch oak. The two other trees shown on the site plan are now being saved with only critical root zone encroachment. They are a thirty (30) inch poplar and a thirty (30) inch oak.

The existing lots are currently developed with three houses placed at the southern end of each property. The properties are currently zoned R-4. Rezoning or other variances are not needed to redevelop these three (3) existing lots into six (6) lots.

Department Comments

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

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

Standards for Consideration

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

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

The applicant states that the location of the trees presents a new house placement hardship. Per the proposed site plan (attached), a 48" oak and a 30" oak exist within the proposed buildable area of the southernmost lot. The applicant has also modified the proposed drive to avoid two other specimen trees and asks for a variance for a minor intrusion into the critical root zones of these two trees. The applicant states in the proposal letter that they have discussed the proposed layout with the neighbors and local neighborhood associations and have had positive feedback concerning the submitted site plan.

The applicant has provided no additional evidence to support the removal of these specimen trees.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated September 27, 2006 by the Department of Community Development.
2. A remedial root mitigation plan by an ISA certified arborist shall be provided for the specimen trees requested to have a critical root encroachment.

ATTACHMENTS: Existing site plan, proposed lot layout with tree locations, letter of appeal, and pictures of the site.

Variance Petition No. V06-086

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Dr. Steven Parnes

Petitioner

Dr. Steven Parnes

Representative

Dr. Steven Parnes

PROPERTY INFORMATION

**Address, Land Lot,
and District** 1205 Tynecastle Way.
Land Lot 356, District 6

Council District 1

Frontage and Area 240 feet of frontage along the east side of Tynecastle Way. The subject property has a total area of 0.98 acres.

**Existing Zoning
and Use** R-2 (Single-Family Dwelling District) currently developed with a single-family house.

Overlay District N/A

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

INTENT

The applicant is seeking a primary variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from 40 feet to 30 feet to construct home additions.

Parcel Map

1205 Tynecastle Way



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

CASE NUMBER: V06-086

STAFF CONTACT: Joshua Lontz, City Planner 770-206-1514
E-mail: Joshua.lontz@sandyspringsga.org

ANALYSIS:

The applicant is seeking a primary variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to thirty (30) feet to construct home additions. The existing structure was constructed in 1973. An existing rear deck encroaches into the rear yard setback by eight (8) feet. The applicant is proposing to take the existing deck footprint and build a sunroom with a master bedroom expansion in the space. Entrance stairs off the back of the addition would reduce the rear yard setback to thirty (30) feet.

The applicant had originally applied for an administrative variance for a minor encroachment into the setback, but changed to a primary variance having decided to enclose the deck.

Department Comments

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

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

Standards for Consideration

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

1. *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 this new addition to his house will benefit the City as a great improvement to the existing property. The applicant would like to expand the uses already located in the rear of the house and the existing deck creates a prime space for a house addition, with a greatly reduced physical impact. The site plan shows no tree encroachment in the proposed deck location, and the applicant will be re-landscaping the rear of house after the addition is completed.

The applicant has provided no additional evidence to support the rear yard setback reduction or evidence of alternate locations.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received July 28, 2006 by the Department of Community Development showing the rear yard setback reduced to not less than thirty (30) feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Proposed site plan with addition, letter of appeal, letters of support and picture of the site.

Variance Petition No. V06-095

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Vinings Building Group

Petitioner
Vinings Building Group

Representative
Guy Cherwonuk

PROPERTY INFORMATION

Address, Land Lot, and District Conway Point Dr. Lot 3
Land Lot 137, District 17

Council District 6

Frontage and Area Thirty-five (35) feet frontage on new street Conway Point Dr.

Existing Zoning and Use R-3 (Single-Family Dwelling District) currently undeveloped.

Overlay District N/A

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

INTENT

The applicant is seeking two primary variances:

- 1) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Development Regulations to reduce the Sandy Springs stream buffer from seventy-five (75) feet to twenty-six (26) feet and
- 2) Variance from section 6.4.3.D of the Sandy Springs Zoning Ordinance to reduce the minimum rear yard setback from thirty-five (35) feet to twenty-nine (29) feet.

Both variances are for the construction of a single-family house.

Parcel Map

Conway Point Lot 3



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

CASE NUMBER: V06-095

STAFF CONTACT: Joshua Lontz, City Planner 770-206-1514
E-mail: Joshua.lontz@sandyspringsga.org

ANALYSIS:

This is a Fulton County platted flag lot parcel with site issues. A stream buffer is on the front of the lot, and a sewer easement occupies the rear of the lot. Thus, the applicant is seeking two primary variances:

The first variance from Section 14.6.5.a.i and ii of the Sandy Springs Development Regulations seeks to reduce the Sandy Springs stream buffer from 75 feet to 26 feet. The second variance from section 6.4.3.D of the Sandy Springs Zoning Ordinance seeks to reduce the minimum rear yard setback from 35 feet to 29 feet, building adjacent to the sewer easement. Both variances are for the construction of a single-family house.

The original sanitary sewer easement on this lot was adjacent to the existing stream. The applicant moved this easement to the rear of the lot.

Department Comments

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

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

Standards for Consideration

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

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

The applicant is looking to develop an existing lot platted in Fulton County. Current Sandy Springs stream buffer regulations render this lot unbuildable. Furthermore, an existing Fulton County sewer easement restricts building toward the back of the lot. This is an odd shaped lot. The applicant states that to build a dwelling consistent with the size and scope of nearby properties, the intrusion into the stream buffer and rear setback is necessary. The applicant states that they are willing to plant material to help fortify the remaining buffer.

The applicant has provided a site plan showing the stream and new sewer easement location.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received August 1, 2006 by the Department of Community Development showing the rear yard setback reduced to no less than twenty-five (29) feet and the stream buffer reduced to no less than twenty-six (26) feet where necessary to accommodate the portion of the encroachments only.
2. Pervious pavers shall be used within the 75 foot buffer for driveways, path, or patios.
3. All downspouts from the house shall be directed away from the structure in such a way that sheet flow can occur before hitting the stream or directed into a "rain garden" or other such flow diverting device.
4. Every effort should be made to keep garages or parking pads out of the stream buffer and any grates used for drainage of these areas where oil, grease or antifreeze might flow should have to have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Bank restoration of the area from which the sewer pipe was removed shall occur with the supervision of the City Arborist.

6. Footing for bridge crossing and pipes used to carry the water under a stream crossing should be kept out of the streambed. The span should be wide enough to prevent any obstruction to the flow of the water.
7. Stream crossing should be kept as narrow as possible and it is preferred that they not be solid if possible.

ATTACHMENTS: Existing site plan, proposed lot layout, letter of appeal.

Variance Petition No. V06-099

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Windsor at Mount Vernon LLC	Windsor at Mount Vernon LLC	Melissa Fang

PROPERTY INFORMATION

Address, Land Lot, and District	1265 Mount Vernon Hwy. Land Lot 019 and 020, District 17th
Council District	5
Frontage and Area	1,233.66 feet of frontage along the east side of Mount Vernon Hwy. The subject property has a total area of 24.1443 acres (1,051,726 square feet).
Existing Zoning and Use	A-L (Apartment Limited Dwelling District) conditional under Fulton County zoning case Z94-019, currently developed with apartment buildings.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	Living Working Regional (LWR)

INTENT

The applicant is seeking two (2) primary variances: 1) variance from Section 33.6.8 of the Zoning Ordinance to reduce an identification monument sign minimum setback from the right-of-way from 10 feet to 0 feet and 2) variance from Section 33.7.C.2 of the Zoning Ordinance to allow an identification monument sign to exceed the 32 square feet maximum sign area allowed.

1265 Mount Vernon Hwy.



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

CASE NUMBER: V06-099

STAFF CONTACT: Cristina Nelson, City Planner 770-730-5569
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The applicant is seeking relief from Section 33.6.8 of the Sandy Springs Zoning Ordinance, to reduce the required identification monument sign minimum setback from the right-of-way, from 10 feet to 0 (0.52) feet. Additionally, the applicant is seeking relief from Section 33.7.C.2 of the Zoning Ordinance, to allow an identification monument sign to exceed the maximum sign area allowed from thirty two (32) square feet to thirty eight (38) square feet.

The subject sign is an existing monument at the entrance of the Windsor at Mount Vernon apartments located at 1265 Mount Vernon Highway. The property is developed with apartment homes on 24.1443 acres (1,051,726 square feet) of land. The applicant is requesting these variances to bring into compliance the existing sign after replacing the sign face with the new name of the apartment complex.

The City of Sandy Springs Planning and Zoning Division, during the sign permit review, determined that the sign for the Windsor at Mount Vernon apartment complex is not code compliant. Therefore, variances were necessary to be in compliance with the present standards

The sign structure is made of brick, featuring an address panel and an aluminum cabinet with flat acrylic faces and applied translucent vinyl graphics.

Staff was not able to find the documents to establish that the previous sign for the Windsor at Mount Vernon had a Fulton County sign permit.

Department Comments

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No 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, at its location complies with the clear zone requirements.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

1. *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 stated in the letter of intent that the existing monument sign is located at the corner of a triangularly-shaped existing development of apartment homes located at the corner of Mount Vernon Highway and a private driveway easement area. The structure is directly in front of a wrought iron fence and a brick wall as shown on exhibits 1 and 2, all of which have been in existence since the original development of the site in 1997. Requiring the sign to be further back would create an unnecessary hardship for the owner, in that it would require the demolition of several structures which are already in existence and have been for several years. In addition, the applicant states that since the top of the sign area is shape as an arc, depending upon how one measure the allowable sign area, the existing sign may meet the allowable sign area of thirty two (32) square feet.

The applicant has provided pictures supporting these applications beside the minimum variance submittal.

The applicant states that without this sign it will be extremely difficult to identify the property.

Recommended Condition(s)

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

1. That the sign shall be located not less than 0 feet from the right of way, pursuant to the Site Plan provided by the applicant dated received August 1, 2006 by the Department of Community Development. (Exhibit 3).
2. That the sign area shall not exceed thirty eight (38) square feet, pursuant to the sign design detail, for Windsor at Mount Vernon, LLC, submitted by the applicant, dated received August 1, 2006 by the Department of Community Development. (Exhibit 4)

ATTACHMENTS: Site plan dated August 1, 2006, Photos of existing sign dated August 1, 2006, Letter of appeal dated August 1, 2006.

Variance Petition No. V06-103

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
Seth. G Weissman

Petitioner
Seth. G Weissman

Representative
Seth. G Weissman

PROPERTY INFORMATION

**Address, Land Lot,
and District** 2460 Spalding Dr.
Land Lot 358, District 6

Council District 1

Frontage and Area 170 feet of frontage on the northern side of Spalding Dr. The lot contains
3 acres.

**Existing Zoning
and Use** AG-1 (Agricultural District) currently developed with a single-family
house.

Overlay District N/A

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

INTENT

The applicant is seeking a primary variance for relief from Section 5.1.3.C of the Zoning Ordinance to reduce the minimum side yard setback from twenty-five (25) feet to ten (10) feet for the construction of an attached garage addition to a single-family home.

Parcel Map

2460 Spalding Dr.



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

CASE NUMBER: V06-103

STAFF CONTACT: Joshua Lontz, City Planner 770-206-1514
E-mail: Joshua.lontz@sandyspringsga.org

ANALYSIS:

The applicant is seeking a primary variance for relief from Section 5.1.3.C of the Zoning Ordinance to reduce the minimum side yard setback from twenty-five (25) feet to ten (10) feet for the construction of an attached garage addition adjacent to an existing pool on a single-family home.

The existing house is currently located thirty-four (34) feet from the side property line. This property is located in the Chattahoochee River Corridor; however, due to the fact that this proposed addition is being built over existing impervious surface, no approval is needed.

Department Comments

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

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

Standards for Consideration

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

1. *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 granting of this variance would support the intent of the Zoning Ordinance to promote the health, safety and welfare of the citizens of Sandy Springs by allowing the applicant to keep his property in conformance with nearby properties. His neighbor to the west has recently built an addition to his garage and has expressed his support for Mr. Weissman's variance.

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

The applicant states that the proposed garage addition location is the only available space near the house above the flood plain. Building in the proposed area would avoid additional hardships involved with floodplain mediation.

The applicant has provided a copy of a letter of support from the neighbor adjoining the proposed garage addition.

Recommended Condition(s)

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

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

ATTACHMENTS: Proposed site plan and lot layout, letter of appeal, and letter of support.

Variance Petition No. V06-117

HEARING & MEETING DATES

Design Review Board Meeting
September 26, 2006

Board of Zoning Appeals Hearing
October 12, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner
MTW-Roswell, Ltd. (L.P.)

Petitioner
Eric Rafalik

Representative
Nathan V. Hendricks III

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 4535 Roswell Road (SR9)
Land Lot 94, District 17

Council District 5

Frontage and Area The subject property has 225 feet of frontage along the south side of Windsor Parkway, 215 feet of frontage along the east side of Roswell Road, and 180 feet of frontage along the north side of Meadow Brook Drive. The subject property has a total area of approximately 1.15 acres.

**Existing Zoning
and Use** C-1 (Community Business District) conditional, under zoning case Z05-023/CV05-056. The property is developed with a gas station.

Overlay District Village District

**Interim 2025
Comprehensive
Future Land Use
Map Designation** Living Working Neighborhood (LWN)

INTENT

The applicant is seeking a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees. The applicant intends to re-develop the site with a retail/pharmacy store.

Parcel Map



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

CASE NUMBER:

V06-117

STAFF CONTACT:

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

ANALYSIS:

The subject property is zoned C-1 (Community Business District) under zoning case Z05-023/CV05-056 and currently developed with a gas station that is proposed to be demolished. Conditions of Z05-023/CV05-056 include an approved site plan for redevelopment having the proposed retail building location, vehicular access, and parking as presented in this subject variance application. In order to redevelop the property in accordance with the approved site plan, under Z05-023/CV05-056, the applicant needed to apply for this variance requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of two (2) specimen trees, a twenty-seven (27) inch pine and a twenty-six (26) inch pine. The aforementioned trees are located at the southeast corner of the subject property where vehicular access, off Meadowbrook Drive, is planned.

On September 26, 2006, the Design Review Board (DRB) endorsed the variance request. It was noted that the applicant will be required to install the required Village District streetscape in conjunction with the building permit.

Department Comments

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

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

Standards for Consideration

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

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

In order to redevelop the property in accordance with the approved site plan, under Z05-023/CV05-056, the applicant states he needs to remove two (2) specimen trees, a twenty-seven (27) inch pine and a twenty-six (26) inch pine. The applicant is going to comply with all the requirements of the Sandy Springs Overlay District. The applicant has provided site plans to support the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 12, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal and site plans.