

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. V06-097

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. V06-107

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
John Wieland Homes and Neighborhoods	Bart Conneen	Bart Conneen

PROPERTY INFORMATION

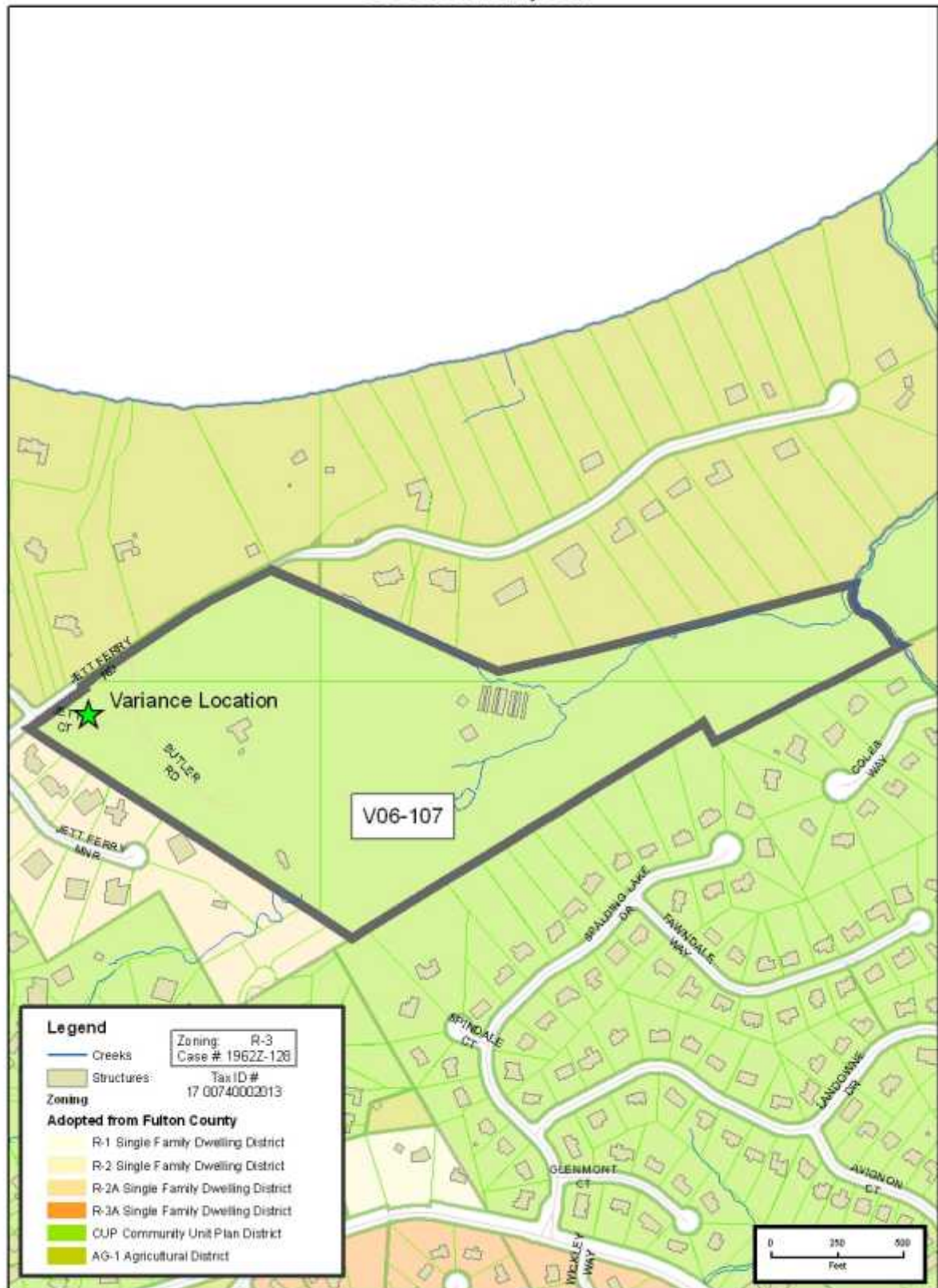
Address, Land Lot, and District	8205 Jett Ferry Road Land Lot 343 and 344, District 6
Council District	1
Frontage and Area	245 feet of frontage along the south side of Jett Road and 190 feet of frontage along the private street at the southern entrance to The Enclave at Jett Ferry. The subject property has a total area of approximately 1.07 acres.
Existing Zoning and Use	CUP (Community Unit plan District) conditional under Z05-020. The property is undeveloped.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is seeking a primary variance for relief from Section 11.1.4.L of the Zoning Ordinance to allow for an accessory structure (unoccupied guard house with portico) to be located in the front yard of a single-family house and in the fifty (50) foot perimeter setback of a CUP development. The guard house will be a part of the main entrance to a single-family development that will include forty-four (44) homes.

Parcel Map

8205 Jett Ferry 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: V06-0107

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

ANALYSIS:

This primary variance is being sought for relief from Section 11.1.4.L of the Zoning Ordinance to allow for an accessory structure (unoccupied guard house with portico) to be located in the front yard of a single-family house and in the fifty (50) foot perimeter setback of a CUP development. The guard house will be a part of the main entrance to a single-family development that will include forty-four (44) homes.

The planned subdivision has a total area of approximately fifty-one (51) acres subdivided into forty-four (44) lots. Of the forty-four (44) planned lots, four (4) lots are located adjacent to Jett Ferry Road. The accessory structure is proposed to be on a lot that is located northeast of the intersection of the subdivision's main entrance (a private street) and Jett Ferry Road. The subject property is a corner lot having a front property line of 190 feet along the main entrance (a private street) and having a side-street property line of 245 feet along Jett Ferry Road. The four (4) lots located adjacent to Jett Ferry Road, including the subject lot, are conditioned to have a perimeter setback of fifty (50) feet along Jett Ferry Road. Although the accessory structure is proposed to be out of the subject lot's front setback, it is intended to be located in the front yard and located in the fifty (50) foot perimeter setback.

The applicant states that the proposed unoccupied guard house having a portico would be in harmony with the surrounding estate homes and would add an architectural and artistic component to the neighborhood.

Department Comments

The staff held a Focus Meeting on October 4, 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):

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

The applicant states that the proposed unoccupied guard house having a portico would be in harmony with the surrounding estate homes and would add an architectural and artistic component to the neighborhood. The applicant has provided photographs and elevation plans 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 Plans provided by the applicant dated received October 24, 2006 by the Department of Community Development.

ATTACHMENTS: Site plans and letter of appeal.

Variance Petition No. V06-109

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Richard Sosebee

Petitioner

Richard Sosebee

Representative

Richard Sosebee, Jr.

PROPERTY INFORMATION

**Address, Land Lot,
and District**

445 Heard's Ferry Road
Land Lot 132 and 133, District 17

Council District

3

Frontage and Area

216 feet of frontage along the north side of Heard's Ferry Road. The subject property has a total area of approximately 1.73 acres.

**Existing Zoning
and Use**

R-1 (Single-Family Dwelling District) and 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 a primary variance for relief from Section 6.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from fifty (50) feet to thirty (30) feet. The applicant intends to construct a pool house.

Parcel Map

445 Heards Ferry Rd.



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

CASE NUMBER: V06-109

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 6.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from fifty (50) feet to thirty (30) feet. The applicant intends to construct a pool house directly behind an existing pool and deck that are located directly behind the main residence.

The lot appears to be densely wooded in the rear or northeast portion, where the pool house is proposed to be located. The applicant states that the impact of the proposed pool house would be minimal because a thirty (30) foot setback would remain and because no trees will be affected, thereby preserving the existing dense landscape buffer. The applicant also states that the proposed location of the pool house would not cause any detriment to the public and that his adjoining neighbors have provided written endorsement for the proposed pool house.

The applicant states that the topography of the subject lot falls off to the west, indicated by the basement entry for the house. Further, the applicant states that he does not wish to construct the proposed pool house to the east of the pool due to existing landscaping and topography.

Department Comments

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

The staff held a Focus Meeting on October 4, 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	▪ Landscape screening of the proposed structure should be verified.
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 subject parcel is densely wooded in the rear or northeast portion where the pool house is intended to be located. The applicant also states that he believes the impact of the proposed pool house would be minimal because a thirty (30) foot setback would remain and because no trees will be affected, thereby preserving the existing dense landscape buffer. Further, the applicant states that the proposed location of the pool house would not cause any detriment to the public and that his adjoining neighbors have provided written endorsement for the proposed pool house. The applicant has provided a site plan and photographs to support the above statements.

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

The applicant states that the topography of the subject lot falls off to the west, indicated by the basement entry for the house. Further, the applicant states that he does not wish to construct the proposed pool house to the east of the pool due to existing landscaping and topography. The applicant has not provided evidence to document 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 31, 2006 by the Department of Community Development, showing the rear yard setback reduced to no less than thirty (30) feet where necessary to accommodate the portion of the encroachment only.

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

Variance Petition No. V06-110

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Elizabeth and Christopher Melton	Elizabeth Melton	Elizabeth Melton

PROPERTY INFORMATION

Address, Land Lot, and District	160 North Devereux Court Land Lot 174, District 17
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Council District	6
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Frontage and Area	78 feet of frontage along the southeast side of Devereux Court. The subject property has a total area of approximately 0.58 acres.
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Existing Zoning and Use	R-3A (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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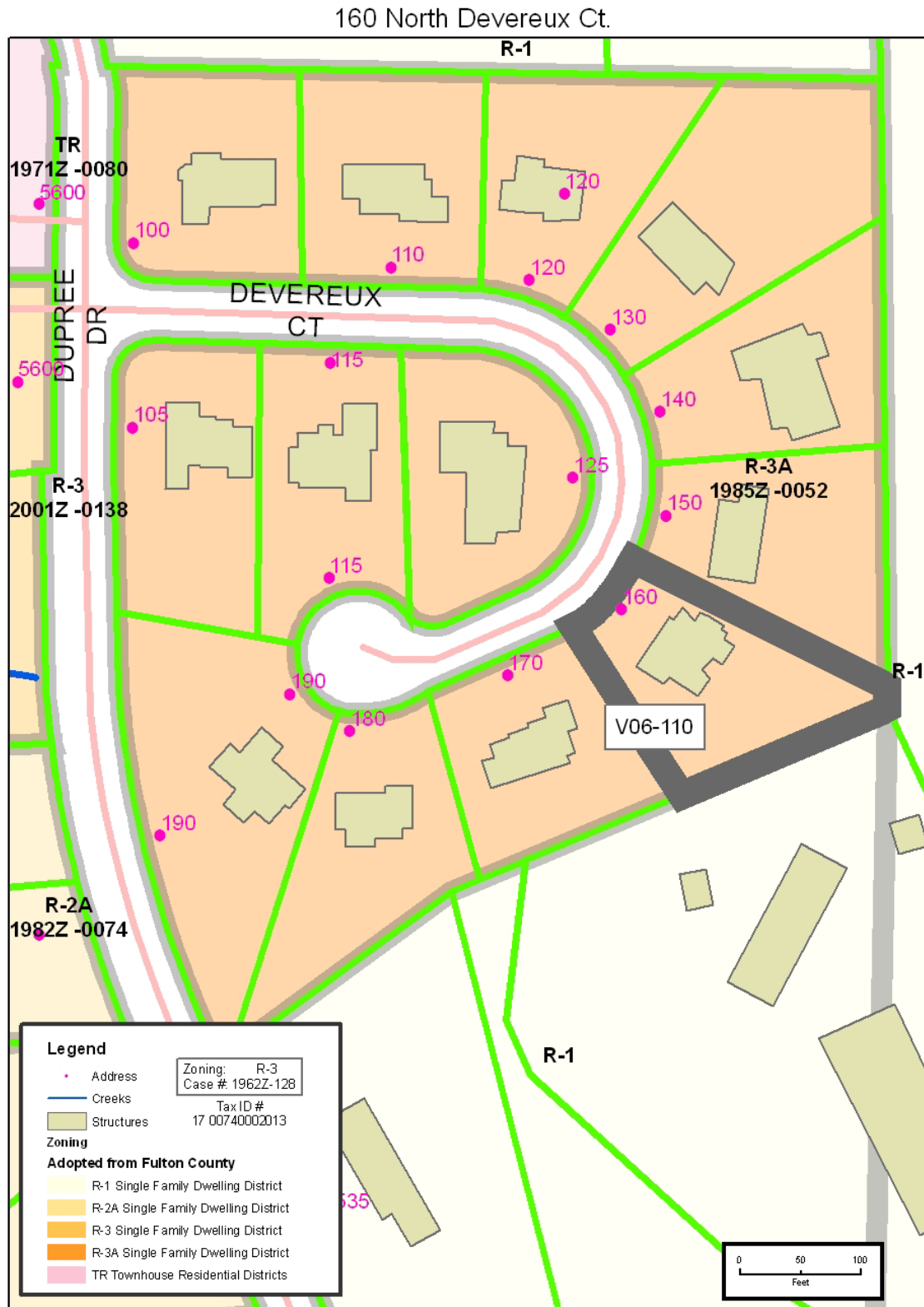
INTENT

The applicant is seeking two (2) primary variances for relief from:

- 1) Section 6.5.3.C of the Zoning Ordinance to reduce the minimum side yard setback from ten (10) feet to six (6) feet and
- 2) Section 6.5.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from thirty-five (35) feet to twelve (12) feet.

The applicant intends to construct a garage and pool cabana structure.

Parcel Map



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

CASE NUMBER: V06-110

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

ANALYSIS:

The applicant is requesting primary variances for relief from Section 6.5.3.C of the Zoning Ordinance to reduce the minimum side yard setback from ten (10) feet to six (6) feet and from Section 6.5.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from thirty-five (35) feet to twelve (12) feet. The applicant intends to construct a detached garage and pool cabana structure at the southern corner of the house, located in the side and rear yard setbacks.

The applicant has submitted a site plan indicating the subject property as irregularly shaped and having a ten (10) foot utility easement along two-thirds (2/3) of the northern side property line. The applicant states that the proposed location of the detached garage and pool cabana is the most suitable place because the slope of the northern portion of the lot is not conducive for the proposed structure without extensive grading which would impact the existing utility easement. Further, the applicant states that the location of a previous sinkhole, utility easement, hardwood tree, brick wall, and patio in the area of the subject lot's north side property line prevents her from constructing the proposed detached garage and pool cabana in that area.

The applicant states that because an existing garage and driveway are located along the south side property line, the proposed location, off the southern corner of the house, is the most suitable place for the proposed detached garage and pool cabana. The applicant contends that the proposed location would require the least amount of land disturbance and would affect the surrounding neighbors minimally compared to other locations on the subject lot. Further, the applicant states that a neighboring property at 125 North Devereux Court acquired a variance for a garage addition. Staff notes that a more liberal use (Holy Innocents' Episcopal School) is located to the rear of the subject property.

Department Comments

The staff held a Focus Meeting on October 4, 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 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 because an existing garage and driveway are located along the south side property line, the proposed location, off the southern corner of the house, is the most suitable place for the proposed detached garage and pool cabana. The applicant contends that the proposed location would require the least amount of land disturbance and would affect the surrounding neighbors minimally compared to other locations on the subject lot. Further, the applicant states that a neighboring property at 125 North Devereux Court acquired a variance for a garage addition. Staff notes that a more liberal use (Holy Innocents' Episcopal School) is located to the rear of the subject property. The applicant has provided a site plan and a photograph to support the above statements.

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

The applicant has submitted a site plan indicating the subject property as irregularly shaped and having a ten (10) foot utility easement along two-thirds (2/3) of the northern side property line. Also, the lot has irregular topography. The applicant states that the proposed location of the detached garage and pool cabana is the most suitable place because the slope of the northern portion of the lot is not conducive for the proposed structure without extensive grading which would impact the existing utility easement. Further, the applicant states that the location of a previous sinkhole, utility easement, hardwood tree, brick wall, and patio in the area of the subject lot's north side property line prevents her from constructing the proposed detached garage and pool cabana in that area. The applicant provided pictures to support the above statement.

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 1, 2006 by the Department of Community Development, showing the rear yard setback reduced to no less than twelve (12) feet and the side yard setback reduced to no less than six (6) feet where necessary to accommodate the portion of the encroachment only.

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

Variance Petition No. V06-111

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Marvin and Kerry Solomiany	Marvin and Kerry Solomiany	Colin Lichtenstein

PROPERTY INFORMATION

Address, Land Lot, and District	590 High Point Lane Land Lot 66, District 17
Council District	5
Frontage and Area	110 feet of frontage along the south side of High Point Lane and 180 feet of frontage along the west side of High Point Road. The subject property has a total area of approximately 0.45 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) and developed with a single-family residence.
Overlay District	N/A

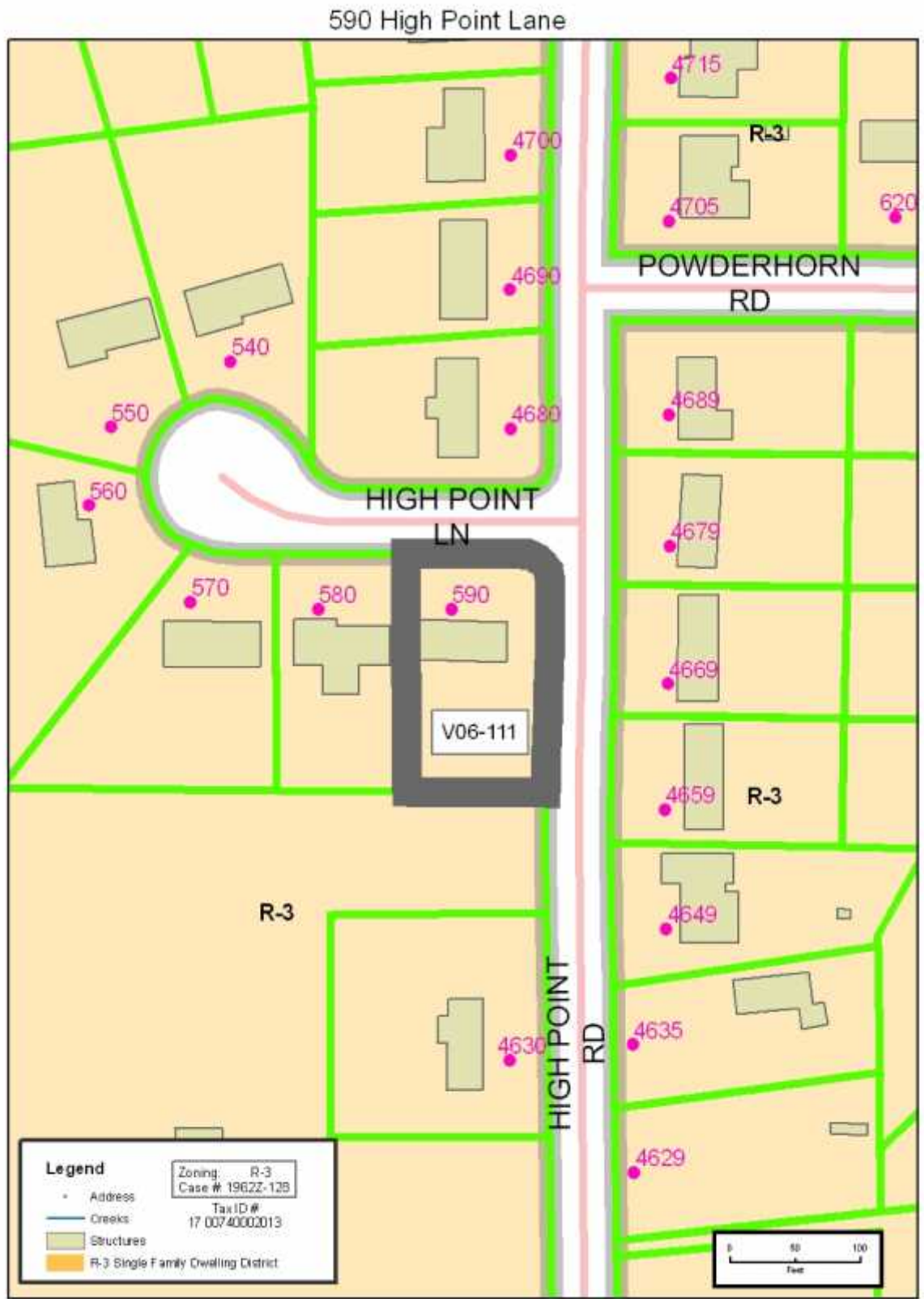
Interim 2025

Comprehensive Future Land Use Map Designation	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 five (5) specimen trees for the construction of a single-family house.

Parcel Map



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

CASE NUMBER: V06-111

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 removal of five (5) specimen trees, a thirty-eight (38) inch tulip poplar and four (4) twenty-eight (28) inch pine trees. The applicant intends to redevelop the site with a single family residence. Three (3) of the four (4) pine trees are located at the southern or rear portion of the subject property and have critical root zones that extend into the buildable area of the lot. The fourth twenty-eight (28) inch pine tree and the thirty-eight (38) inch tulip poplar are located in the eastern minimum side street yard, where a concrete drive is proposed to be constructed.

The applicant states that due to the required front and side street setbacks and due to the natural fall and narrowness of the site, the most suitable place for the proposed house, pool & deck, and driveway is as indicated on the site plan he provided. Staff notes that the subject property is a conforming R-3 lot, in terms of lot width, having 110 feet where 100 feet is required.

The applicant also states that the proposed house is in harmony with the development in the neighborhood and that the proposed driveway and garage, fronting Highpoint Road, will provide improved and quality aesthetics for the area. Further, the applicant states that due to existing trees to remain and additional/recompense trees to be planted, the site will be in keeping with neighboring landscaping.

The City Transportation Planning Engineer noted that per the COSS Driving Manual, no vehicular access for the subject property shall be located off Highpoint Road - as a collector or higher functionally classed street, the residential property must gain all vehicular access from the lower order side street. In this case, Highpoint Lane is the lower order street. In addition, the site plan should indicate only two curb cuts. The applicant was made aware of the aforementioned transportation issue(s); therefore, the applicant revised the site plan accordingly.

Department Comments

The staff held a Focus Meeting on October 4, 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	▪ Per COSS Driving Manual, no vehicular access to Highpoint Road - as a collector or higher functionally classed street, the residential property must gain all vehicular access from the lower order side street. In this case, Highpoint Lane is the lower order street. In addition, the site should indicate only two curb cuts.
	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 proposed house is in harmony with the development in the neighborhood and that the proposed driveway and garage, fronting Highpoint Road, will provide improved and quality aesthetics for the area. Further, the applicant states that due to existing trees to remain and additional/recompense trees to be planted, the site will be in keeping with neighboring landscaping. The applicant has provided a site plan as evidence to support the above statements.

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

The applicant states that due to the required front and side street setbacks and due to the natural fall and narrowness of the site, the most suitable place for the proposed house, pool & deck, and driveway is as indicated on the site plan he provided. The applicant has provided a site plan to document the above statements, with the exception of lot narrowness - the subject property is a conforming R-3 lot, in terms of lot width, having 110 feet where 100 feet is required.

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 November 1, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal and site plan.

Variance Petition No. V06-112

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006 (deferred)

December 14, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Exquisite Custom Homes, LLC	Samir Properties, Inc.	Robert Scholz, Esq.

PROPERTY INFORMATION

Address, Land Lot, and District	227 Saint Nicholas Circle Land Lot 120, District 17
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Council District	6
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Frontage and Area	230 feet of frontage along the west side of Nicholas Circle (private drive) and 35 feet of frontage along the north side of Mount Paran Road. The subject property has a total area of approximately 1.04 acres.
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Existing Zoning and Use	R-2 (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	R0-1 Residential (0 to 1 units per acre)
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INTENT

The applicant is seeking two (2) primary variances for relief from:

- 1) Section 14.6.5.a. i and ii of the Sandy Springs Development Regulations to reduce the seventy-five (75) foot stream buffer to thirty-five (35) feet and
- 2) Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-five (25) inch pine and tree "B" - a twenty-five (25) inch pine.

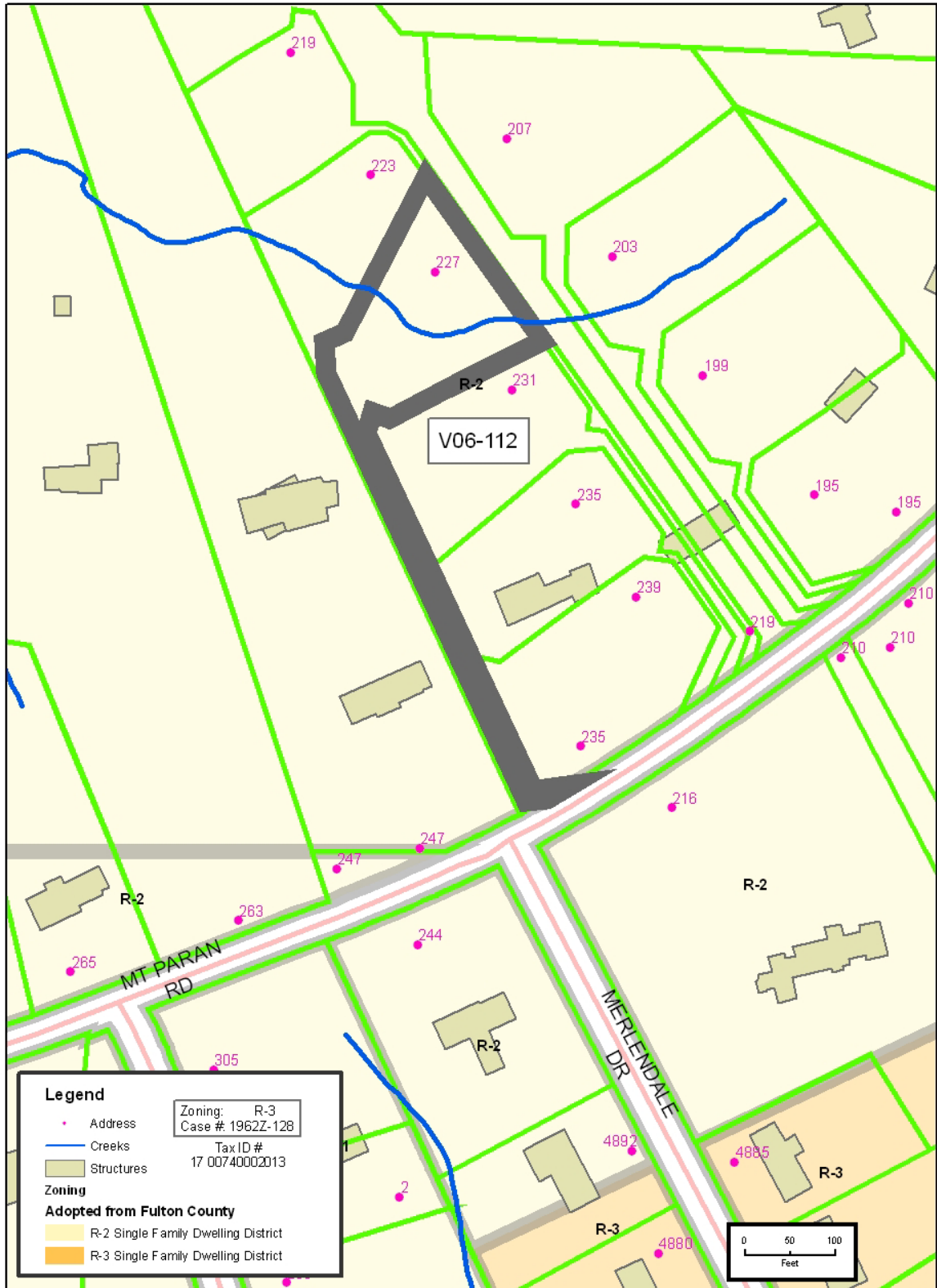
All variances are for the construction of a single-family house.

Please note: On December 6, 2006, the applicant submitted a revised site plan indicating a reduction in the scope of his variance request regarding the stream buffer. Instead of requesting to be within the fifty (50) foot undisturbed portion of the seventy-five (75) stream buffer and set back thirty-five (35) from the stream, the applicant now intends to be outside of the undisturbed buffer, within the twenty-five (25) impervious setback portion of the seventy-five (75) stream buffer, and set back fifty (50) feet from the stream.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 14, 2006

Parcel Map

227 Saint Nicholas Circle



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

CASE NUMBER: V06-112

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)(i) and 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 thirty-five (35) feet from a stream and to allow a proposed house to be setback a minimum of thirty-seven (37) feet from a stream. Both structures will be located within the twenty-five (25) foot impervious setback area and the fifty (50) undisturbed portion of the required seventy-five (75) foot stream buffer. Additionally, the applicant is requesting relief and from Article 8, Section 5 of the Tree Preservation Ordinance to permit the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-five (25) inch pine and tree "B" - a twenty-five (25) inch pine. Tree "A" is located within the footprint of the proposed house and tree "B" is located just to the rear of the proposed house.

The applicant has submitted a site plan indicating the subject property is an irregularly shaped and grandfathered flag lot having two frontages - one on Mount Paran Road and one on Nicholas Circle, a private drive. The buildable area, or flag portion, of the lot fronts Nicholas Circle and is at the most northern portion of the subject property - a stream is located at the southern one-third (1/3) portion of this buildable or flag area of the lot. The subject parcel is virtually unbuildable due to the presence of the stream and the seventy-five (75) foot buffer on both sides of it. The site plan also indicates existing topography to support the contention that the lot is sloped.

The applicant states that the proposed house is consistent in size to surrounding properties. He also contends that the lot is heavily wooded and that he will not unnecessarily remove trees on the subject lot and that existing trees and vegetation will remain along the western side of the stream and the portion of the property extending approximately five-hundred (500) feet to Mount Paran Road - if the two (2) subject pine trees are removed, three specimen trees will remain.

At the November 9, 2006 Board of Zoning Appeals (BZA) meeting, the BZA approved a 30 day deferral to allow the applicant to detail, through hydrological study, the effectiveness of the subject stream's existing detention area and to detail the condition of the stream's basin beyond the detention area. The hydrological study should include the projected effect the proposed new construction would have on the stream, including the detention area. Additionally, an alternate plan should be provided detailing reduced stream buffer encroachment and additional measures to minimize the effect on the stream.

On December 6, 2006, the applicant submitted a revised site plan indicating a reduction in the scope of his variance request regarding the stream buffer. Instead of requesting to be within the fifty (50) foot undisturbed portion of the seventy-five (75) stream buffer and set back thirty-five (35) from the stream, the applicant now intends to be outside of the undisturbed buffer, within the twenty-five (25) impervious setback portion of the seventy-five (75) stream buffer, and set back fifty (50) feet from the stream.

Department Comments

The staff held a Focus Meeting on October 4, 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. Please see attached: Arborist's Site Visit Narrative, Memorandum regarding GA Erosion and Sedimentation Act – State Waters Issues, City of Sandy Springs GIS/Hydrology Map, and site visit photographs.
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 the proposed house is consistent in size to surrounding properties. The applicant has provided copies of Fulton County Board of Assessors documents as evidence to support the above claim. He also contends that the lot is heavily wooded and that he will not unnecessarily remove trees on the subject lot and that existing trees and vegetation will remain along the western side of the stream and the portion of the property extending approximately five-hundred (500) feet to Mount Paran Road. If the two (2) subject pine trees are removed, three specimen trees will remain. Additionally, the applicant has reduced his stream buffer request to be outside of the undisturbed buffer, within the twenty-five (25) impervious setback portion of the seventy-five (75) stream buffer, and set back fifty (50) feet from the stream. The applicant has provided site plans 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 subject property is sloped, irregularly shaped, and a grandfathered flag lot having two frontages – one on Mount Paran Road and one on Nicholas Circle, a private drive. The buildable area, or flag portion, of the lot fronts Nicholas Circle and is at the most northern portion of the subject property - a stream is located at the southern one-third (1/3) portion of this buildable or flag area of the lot. The subject parcel is virtually unbuildable due to the presence of the stream and the seventy-five (75) foot buffer on both sides of it. 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 December 6, 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 and showing the removal of two (2) specimen trees identified as follows: tree "A" - a twenty-five (25) inch pine and tree "B" - a twenty-five (25) inch pine.
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 fifty (50) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the fifty (50) 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, revised letter of appeal, amended letter of appeal, site plans, photographs, letters of support, and Fulton County Board of Assessors documents.

Variance Petition No. V06-114

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Milner Thompson Homes	Robert McConnell, Inc.	Robert McConnell

PROPERTY INFORMATION

Address, Land Lot, and District	740 and 770 East Northway Lane Land Lot 40, District 17
Council District	5
Frontage and Area	300 feet of frontage along the west side of Northway Drive and 309 feet of frontage along the north side of east Northway Lane. The subject property has a total area of approximately 1.29 acres.
Existing Zoning and Use	R-3 (Single-Family Dwelling District) under zoning case Z57-002. The lots are 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 a primary variance for relief from Section 8.5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees for the construction of three (3) single-family homes.

Parcel Map

740, 770 East Northway Lane



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

CASE NUMBER: V06-114

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

ANALYSIS:

Initially, the scope of the application included removal of six (6) specimen pine trees. Upon further review of the subject property, the City Arborist determined the scope of the application should be reduced to include removal of three (3) specimen pine trees.

The applicant is requesting relief from Article 8, Section 5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees, a twenty-four (24) inch pine and two (2) twenty-five (25) inch pine trees for the construction of three (3) single-family homes. The two (2) twenty-five (25) inch pine trees are located at the southwestern area of lot #3 and have critical root zones that extend into the buildable area of the lot. The twenty-four (24) inch pine tree is located in the buildable area of lot #2, at the rear or western portion.

The applicant states that the subject property is very dilapidated and that the redevelopment of subject property would be in harmony with and benefit the neighborhood.

Further, the applicant states that because the subject pines have critical root zones that extend greatly into the buildable areas of two (2) of the three (3) lots, they must be removed in order to reasonably redevelop the irregularly shaped lots.

Department Comments

The staff held a Focus Meeting on October 4, 2006 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The applicant states that the subject property is very dilapidated and that the redevelopment of subject property would be in harmony with and benefit the neighborhood. The applicant has not provided any evidence 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 lots are irregularly shaped, and the applicant states that because the subject pines have critical root zones that extend greatly into the buildable areas of two (2) of the three (3) lots, they must be removed in order to reasonably redevelop the lots. The applicant has provided a site plan to support the above claim.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received October 24, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal and site plan.

Variance Petition No. V06-119

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Turner Home Builders, Inc	Russ Turner	Russ Turner

PROPERTY INFORMATION

Address, Land Lot, and District	835 North Island Drive Land Lot 163, District 17
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Council District	6
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Frontage and Area	175 feet of frontage along the northwest side of North Island Drive. The subject property has a total area of 3.54 acres.
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Existing Zoning and Use	R-1 (Single-Family Dwelling District) and currently undeveloped.
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Overlay District	N/A
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Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per 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 one (1) specimen tree. The applicant intends to construct a single-family home.

Parcel Map



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

CASE NUMBER: V06-119

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 permit the removal of one (1) specimen tree, a thirty-one (31) inch poplar. The poplar requested to be removed is located in the rear northwest area of the lot where a proposed pool and pool deck is planned to be constructed.

The applicant states that while working under a building permit (BP2006-01580), a demolition permit (DM2006-00076), a fence/retaining wall permit (FRW2006-00138), and pool permit (Pool2006-00092), he discovered a large rock outcropping that originally was thought to be a relatively small one. In order to build the residence as originally planned, the applicant states that dynamite would have to be used to grade the rock outcropping area, thereby causing a great amount of land disturbance.

The applicant states that he has revised his construction plans to work within the constraints of the subject property's trees, sloping topography, rock outcropping, flood plain, and required buffer for a stream located at the rear northwest property line.

The applicant further states that by positioning the house as proposed, land disturbance, tree removal, and impact to the neighbors will be minimized. The proposed construction will remain out of the stream buffer and will not involve the use of dynamite.

Department Comments

The staff held a Focus Meeting on October 4, 2006 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The applicant states that by positioning the house as proposed, land disturbance, tree removal, and impact to the neighbors will be minimized. The proposed construction will remain out of the stream buffer and will not involve the use of dynamite. The applicant has provided site plans 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 as a hardship for relief from the Tree Preservation Ordinance the constraints of the subject property, which include: sloping topography, rock outcropping, flood plain, and required buffer for a stream located at the rear northwest property line. The applicant has provided site plans and photographs to support the above statement.

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 25, 2006 by the Department of Community Development.

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

Variance Petition No. V06-050

HEARING & MEETING DATES

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

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

APPLICANT/PETITIONER INFORMATION

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

PROPERTY INFORMATION

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

INTENT

The applicant is requesting four primary variances, as follows:

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

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

5730 Glenridge Dr.



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

CASE NUMBER:

V06-050

STAFF CONTACT:

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

ANALYSIS:

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

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

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

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

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

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

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

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

Department Comments

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

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

Standards for Consideration

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

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

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

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

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

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

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

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

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

Variance Petition No. V06-080

HEARING & MEETING DATES

Design Review Board Meeting

August 22, 2006

Board of Zoning Appeals Hearing

September 14, 2006

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Triton Incorporated

Petitioner

Triton Marketing

Representative

Mark Barron

PROPERTY INFORMATION

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

Council District 5

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

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

Overlay District Urban District

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

C - Commercial

INTENT

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

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

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

Parcel Map

5345 Roswell Rd.



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

CASE NUMBER:

V06-080

STAFF CONTACT:

Cristina Nelson, City Planner 770-730-5569

E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

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

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

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

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

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

The applicant proposes the following:

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

Department Comments

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

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

Standards for Consideration

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

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

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

The applicant submitted pictures to support his hardship.

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

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

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

Variance Petition No. V06-108

HEARING & MEETING DATES

Design Review Board Meeting

October 10, 2006

Board of Zoning Appeals Hearing

November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owner

Janice Harrington

Petitioner

Metropolis Homes, Inc.

Representative

Jason Yowell

PROPERTY INFORMATION

Address, Land Lot, and District 5601 Colton Drive
Land Lot 69, District 17

Council District 5

Frontage and Area 211 feet of frontage along the east side of Colton Drive. The subject property has a total area of 1.4 acres.

Existing Zoning and Use TR (Townhouse Residential District) conditional under zoning case Z03-154 and modified under zoning case AM06-005. The lot is currently developed with a single-family residence.

Overlay District Urban District

Interim 2025

Comprehensive

Future Land Use

Map Designation

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

INTENT

The applicant is seeking a primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees. The applicant intends to construct a townhouse development. The development will comprise ten (10) residential units - it is a second phase to the development to the south.

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: V06-108

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

ANALYSIS:

The applicant intends to construct ten (10) townhouses. The subject property is zoned TR (Townhouse Residential District) conditional under zoning case Z03-154 and was modified under zoning case AM06-005. Conditions of Z03-154 and AM06-005 include an approved site plan for developing the subject property. The site plan included in this variance application is in accordance with the approved site plan under AM06-005. In order to redevelop the property in accordance with the approved site plan, under AM06-005, 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-nine (29) inch oak and a thirty (30) inch oak. The aforementioned trees are located in the buildable area of the subject property and have critical root zones that extend into the proposed footprint of the proposed western building (units 1 through 5).

On October 10, 2006, the Design Review Board (DRB) endorsed the variance request. It was noted that the applicant will be required to install the required Urban District streetscape in conjunction with the building permit.

Department Comments

The staff held a Focus Meeting on October 4, 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 AM06-005, the applicant states that he needs to remove two (2) specimen trees. The applicant has provided a site plan to support the above statement.

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 31, 2006 by the Department of Community Development.

ATTACHMENTS: Letter of appeal and site plans.

Variance Petition No. V06-121

HEARING & MEETING DATES

Board of Zoning Appeals Hearing
November 9, 2006

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
The St. Joe Company Glenlake Eighteenth Association, Inc. Development Authority Lessee	Two Glenlake, LLC Greenstone Properties	Elizabeth Otte

PROPERTY INFORMATION

Address, Land Lot, and District	1 Glenlake Parkway (17 0034 LL041) Glenlake Parkway (17 0034 LL037, 17 0034 LL165, 17 0034 LL044) Land Lot 34, District 17
Council District	4
Frontage and Area	816.42 feet of frontage along the north side of Abernathy Road, 1,372.17 feet of frontage along the east side of Glenlake Parkway, and 1,315.35 feet of frontage along the west side of Georgia State Route 400. The subject property has a total area of 18.21 acres.
Existing Zoning and Use	O-I (Office and Institutional District) conditional under Z88-0160, currently developed with an office building and parking deck.
Interim 2025 Comprehensive Future Land Use Map Designation	Live-Work Regional (LWR)

INTENT

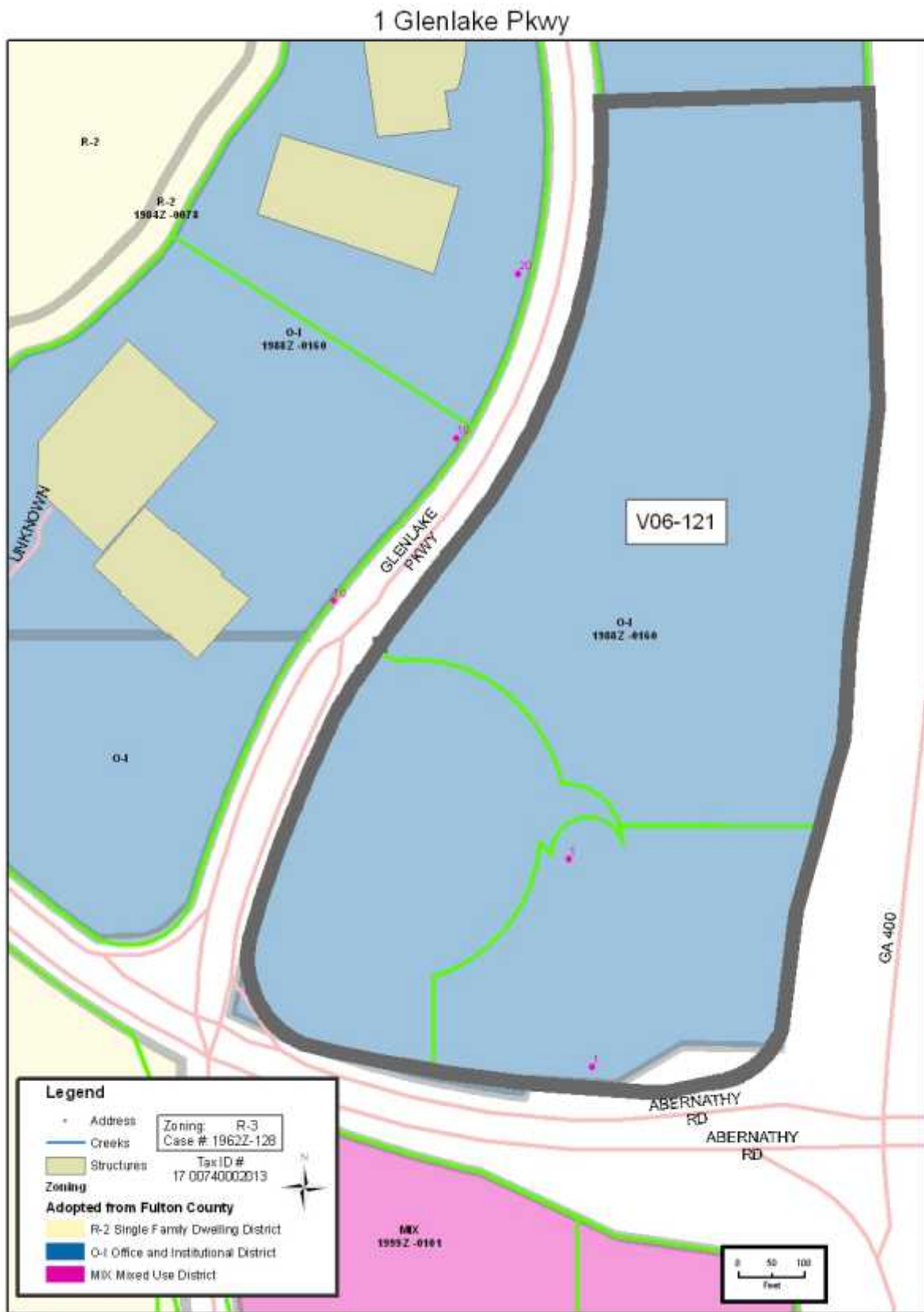
The owner/developer is proposing the construction of a new office building and parking deck at the existing office development located at the northeast corner of the intersection of Abernathy Road and Glenlake Parkway. In order to develop the site as proposed, the applicant is requesting primary variances from the Perimeter Community Improvement District (PCID) development standards (*Section 12B(1).3*) as follows:

1. To allow the existing five (5) foot sidewalk along Abernathy Road to remain in lieu of the required eight (8) foot sidewalk/bicycle lane.
2. To allow the existing two (2) foot planting strip and additional landscape area along Abernathy Road to remain in lieu of the required five (5) foot planting strip.
3. To allow the existing street trees to remain in the landscape area along Abernathy Road to remain in lieu of the required street tree species.
4. To delete the required five (5) foot bicycle lane along Glenlake Parkway.
5. To allow the existing four (4) foot sidewalk along Glenlake Parkway to remain in lieu of the required six (6) foot sidewalk.

The owner/developer is also requesting a primary variance from the Tree Preservation Ordinance (*Section 14.8.IV.D.1.b*) as follows:

6. To allow a permanent structure (retaining wall) within the required ten (10) foot landscape strip along the east property line adjacent to Georgia State Route 400.

Parcel Map



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

CASE NUMBER: V06-121

STAFF CONTACT: Patrice S. Ruffin, AICP, Planner I, 770-206-1513
patrice.ruffin@sandyspringsga.org

ANALYSIS:

The owner/developer is proposing the construction of a new 14-story, 367,000 square foot office building and 1,209 space parking deck at the intersection of Abernathy Road and Glenlake Parkway. The applicant is requesting six (6) primary variances as follows:

1. To allow the existing five (5) foot sidewalk along Abernathy Road to remain in lieu of the required eight (8) foot sidewalk/bicycle lane (Section 12B(1).3, *Perimeter Community Improvement District (PCID) Development Standards*).
2. To allow the existing two (2) foot planting strip and additional landscape area along Abernathy Road to remain in lieu of the required five (5) foot planting strip (Section 12B(1).3, *Perimeter Community Improvement District (PCID) Development Standards*).
3. To allow the existing street trees to remain in the landscape area along Abernathy Road to remain in lieu of the required street tree species (Section 12B(1).3, *Perimeter Community Improvement District (PCID) Development Standards*).
4. To delete the required five (5) foot bicycle lane along Glenlake Parkway (Section 12B(1).3, *Perimeter Community Improvement District (PCID) Development Standards*).
5. To allow the existing four (4) foot sidewalk along Glenlake Parkway to remain in lieu of the required six (6) foot sidewalk (Section 12B(1).3, *Perimeter Community Improvement District (PCID) Development Standards*).
6. To allow a permanent structure (retaining wall) within the required ten (10) foot landscape strip along the east property line adjacent to Georgia State Route 400 (Section 14.8.IV.D.1.b, *Tree Preservation Ordinance*).

DEPARTMENT COMMENTS:

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ There are no development requirements that need to be addressed at this time.
	Sandy Springs Building Plan Reviewer	▪ At the time of building permit application, the owner/developer will be required to address the building separation distance between the proposed parking deck and office building.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no landscape requirements that need to be addressed at this time. ▪ The City Arborist has completed a site visit and determined that there are no specimen trees that will be affected by the proposed development.
FIRE DEPT.	Fulton County Fire Inspector	▪ There are no fire requirements that need to be met
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ At the time of development permit application, all sidewalks and ramps on the site will be required to comply with current ADA standards.

The staff has also received comments from the Program Director of the Perimeter Center Improvement District (PCID) with regard to the request for relief from the PCID standards (see attached.)

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; or,*

The applicant indicates that there is existing sidewalk along both Abernathy Road and Glenlake Parkway. Additionally, there is existing sidewalk that meanders through the site connecting the Abernathy Road sidewalk to the Glenlake Parkway sidewalk. The applicant proposes to maintain the existing configuration due to some areas of steep topography, existing trees, and an existing lake along Glenlake Parkway that would make it difficult to install new sidewalk.

With regard to the request to allow a retaining wall within the required ten (10) foot landscape strip, the applicant has stated that the request is necessary in order to develop the property due to the topography of the site. The applicant has also stated the retaining wall will pose no negative impact on the public as it is located adjacent to Georgia State Route 400.

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. To the site plan received by the Department of Community Development dated October 25, 2006.
2. To allow the existing five (5) foot sidewalk along Abernathy Road to remain in lieu of the required eight (8) foot sidewalk/bicycle lane.
3. To allow the existing two (2) foot planting strip and additional landscape area along Abernathy Road to remain in lieu of the required five (5) foot planting strip.
4. To allow the existing street trees to remain in the landscape area along Abernathy Road to remain in lieu of the required street tree species.
5. To delete the required five (5) foot bicycle lane along Glenlake Parkway.
6. To allow the existing four (4) foot sidewalk along Glenlake Parkway to remain in lieu of the required six (6) foot sidewalk.
7. To allow a permanent structure (retaining wall) within the required ten (10) foot landscape strip along the east property line adjacent to Georgia State Route 400.

ATTACHMENTS: Site plan dated received October 25, 2006
 Letter of appeal dated received October 25, 2006
 Photographs of the subject site dated received October 25, 2006
 Comment Letter from the Program Director of the Perimeter Center
 Improvement District dated received November 2, 2006