



P&Z STAFF REPORT

Board of Appeals Hearing; November 10, 2016

Case: **V16-0121 – 4644 E Conway Dr**

Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)

Report Date: November 3, 2016

REQUEST

- (1) Variance from Section 109-225 of the Development Regulations to exchange a previously approved pervious driveway for an impervious driveway.
- (2) Variance from Section 109-225 of the Development Regulations to maintain a previously constructed retaining wall in the 50-foot City stream buffer.
- (3) Variance from Section 109-225 of the Development Regulations to construct a boulder gravity wall and a wall in the 50-foot City stream buffer and 25-foot City impervious surface setback.

APPLICANT

Property Owners: T.I. Equities, LLC	Petitioner: T.I. Equities, LLC	Representative: Charlie Sears, Land Plus Associates
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PROPERTY INFORMATION

Location:	4644 E Conway Dr
Council District:	6 – Bauman
Road frontage:	Approximately 150 feet
Acreage:	Approximately 0.7 acres
Existing Zoning:	R-3 (Residential District)
Existing Land Use:	Single-family dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R1-2 (1-2 units per acre)

PROPOSED DEVELOPMENT

The applicant is currently constructing a single-family residence. The parcel at 4644 E Conway Dr is split by a stream, leaving the property undevelopable without a stream buffer variance. In 2013, the applicant applied for a variance to allow for construction in the 50-foot City stream buffer and the 25-foot City impervious surface setback. In its December 10, 2013 hearing, the Board of Appeals approved the variance request subject to conditions.

Since 2013, the City granted a residential building permit based on the 2013 variance approval, and construction started on the residence. As part of a random site inspection, a City Land Development Inspector found encroachments into the 25-foot State stream buffer, failure to maintain construction best management practices such as silt fences, and construction of a retaining wall without a permit. The Inspector issued a stop-work order on September 9th, 2016. Since then, the applicant has provided a planting plan for the encroachments into the 25-foot buffer that was recently approved by Staff. To this date, the stop-work order is still in place until the Board of Appeals considers Variance request #2 and the applicant receives a retaining wall permit.

In addition, and beyond the 2013 request, the applicant proposes to install an additional boulder retaining wall and a free-standing wall in the front yard, and to replace the previously proposed pervious driveway with concrete.

The encroachments into the different regulated areas are as follows for the proposed project, the 2013 variance request, and the previous residence that occupied the site prior to 2013.

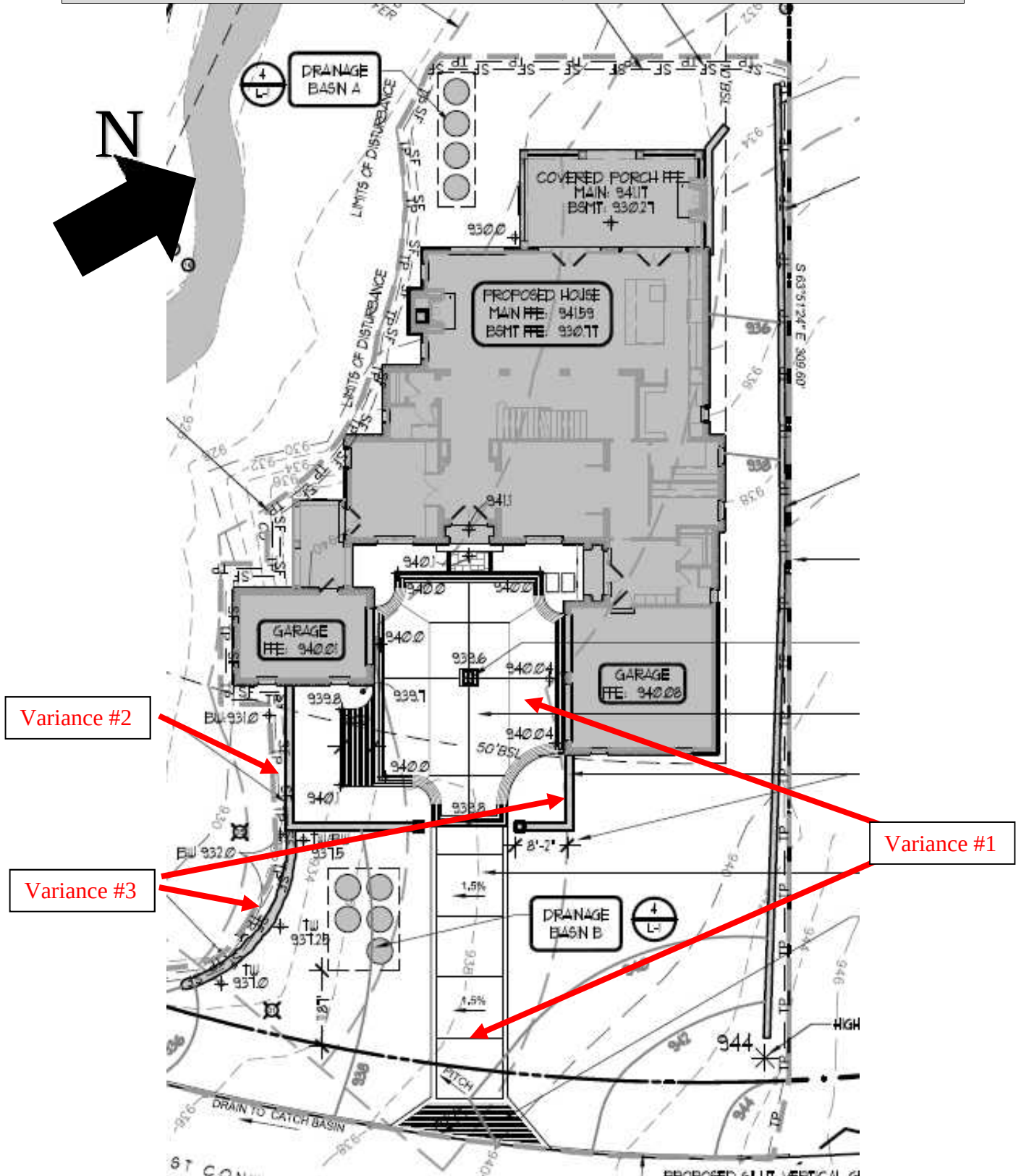
Buffer	Previous residence (sf)	2013 Variance case (sf)	Proposed Plan (sf)	Difference Proposed-2013 (sf)	Difference proposed 2013
25-foot State	366	0	0	0	-
50-foot City	2,005	1,442	1,780	338	+ 23.4%
25-foot City Setback	1,471	1,680	3,133	1,453	+ 86.5%
Total	3,842	3,122	4,913	1,791	+ 57.4%

RECOMMENDATION

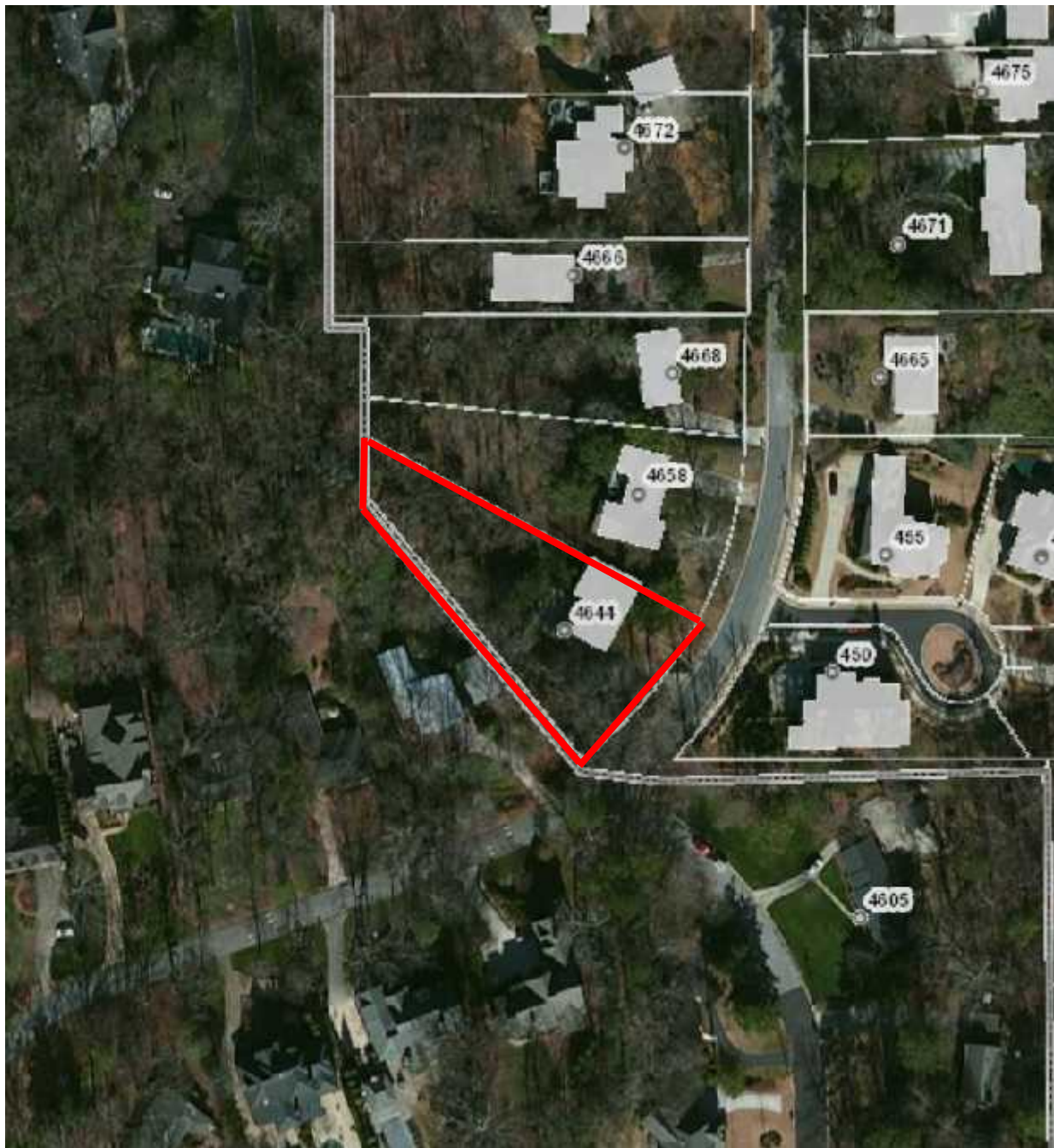
Department of Community Development

Approval of variance request #1. **Denial** of variance requests #2 and #3.

SITE PLAN (FULL SITE PLAN AS ATTACHMENT)



AERIAL IMAGE



ZONING MAP

4644 Conway Dr



VARIANCE CONSIDERATION

Per Section 109-225 of the Development Regulations, Variances will be considered only in the following cases:

A. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which the article is derived prevents land development unless a buffer variance is granted.

B. Unusual circumstances when strict adherence to the minimal buffer requirements would create an extreme hardship.

Variances will not be considered when, following adoption from this article is derived, actions of any property owner of a given property have created conditions of a hardship on that property.

Finding:

A stream runs through the entire parcel, requiring a stream buffer variance for land development. In 2013, the applicant requested such a variance for the construction of a residence, which was granted by the Board of Appeals. Subsequently, the applicant received a building permit for a 9,468 square-foot single-family detached house and started construction. At this point, the structure's exterior is largely completed, while the driveway is not yet in place.

When the applicant submitted their application for a building permit, the application did not include the retaining walls and the wall enclosing the motor court in the front of the property. A review of the 2013 showed that the walls were part of the original request, but removed from the resubmittal after the Board of Appeals deferred the case for one month. The 2013 submittal shows that the applicant has design alternatives that do not include the retaining walls but still allow for the construction of a residence on the site. Therefore, staff cannot find an extreme hardship or find evidence that land development would be impossible without the variance. This assessment includes the proposed boulder gravity retaining wall as it is an extension of the already-installed retaining wall.

During the 2013 variance case, the applicant proposed the pervious driveway as part of their mitigation strategy. In lieu of the pervious surface, the applicant is proposing to reduce the overall driveway pavement by approximately 395 sf or 20%. In addition, they propose to capture the runoff in a dry well. To accommodate the additional runoff by the driveway, the applicant will increase the dry well 30% beyond the City requirements for storm water treatment. A review by the City Engineer determined that the use of pervious pavers for a motor court may lead to long-term damage. Due to the porous elements required, these pavers often damage over time under turning movements typical in the parking process. This damage would over time reduce the ability to properly absorb surface water.

COMMENTS FROM OTHER PARTIES

No comments received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

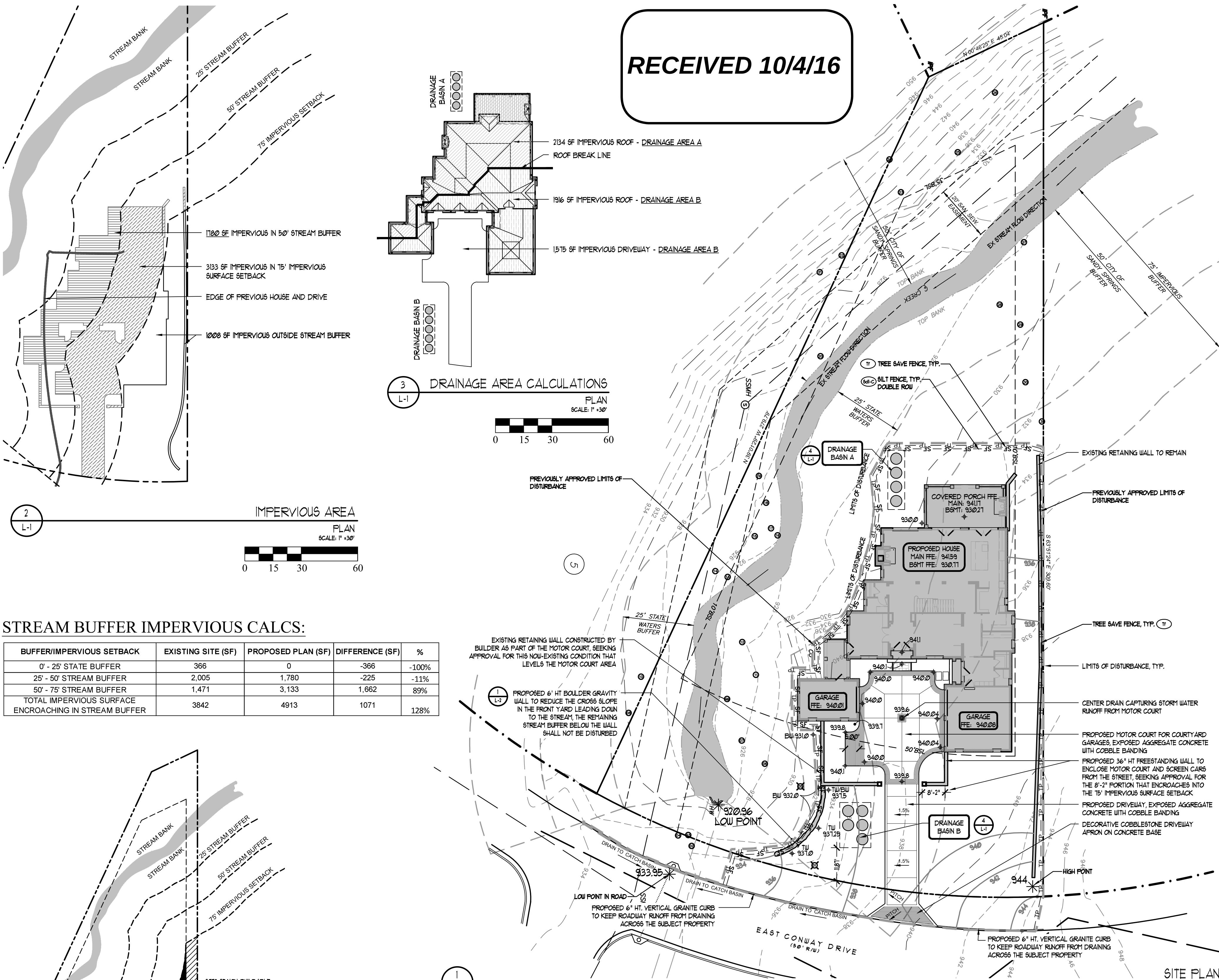
Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of variance request #1 to exchange an impervious driveway for a previously approved pervious driveway, **DENIAL** of variance requests #2 to allow for a previously constructed retaining walls to remain in the 50-foot City

stream buffer, and **DENIAL** of variance request #3 to construct a boulder gravity wall and a wall in the 50-foot City stream buffer and the 25-foot City impervious surface setback.

Should the Board of Appeals choose to approve either of the requests, staff recommends the following conditions:

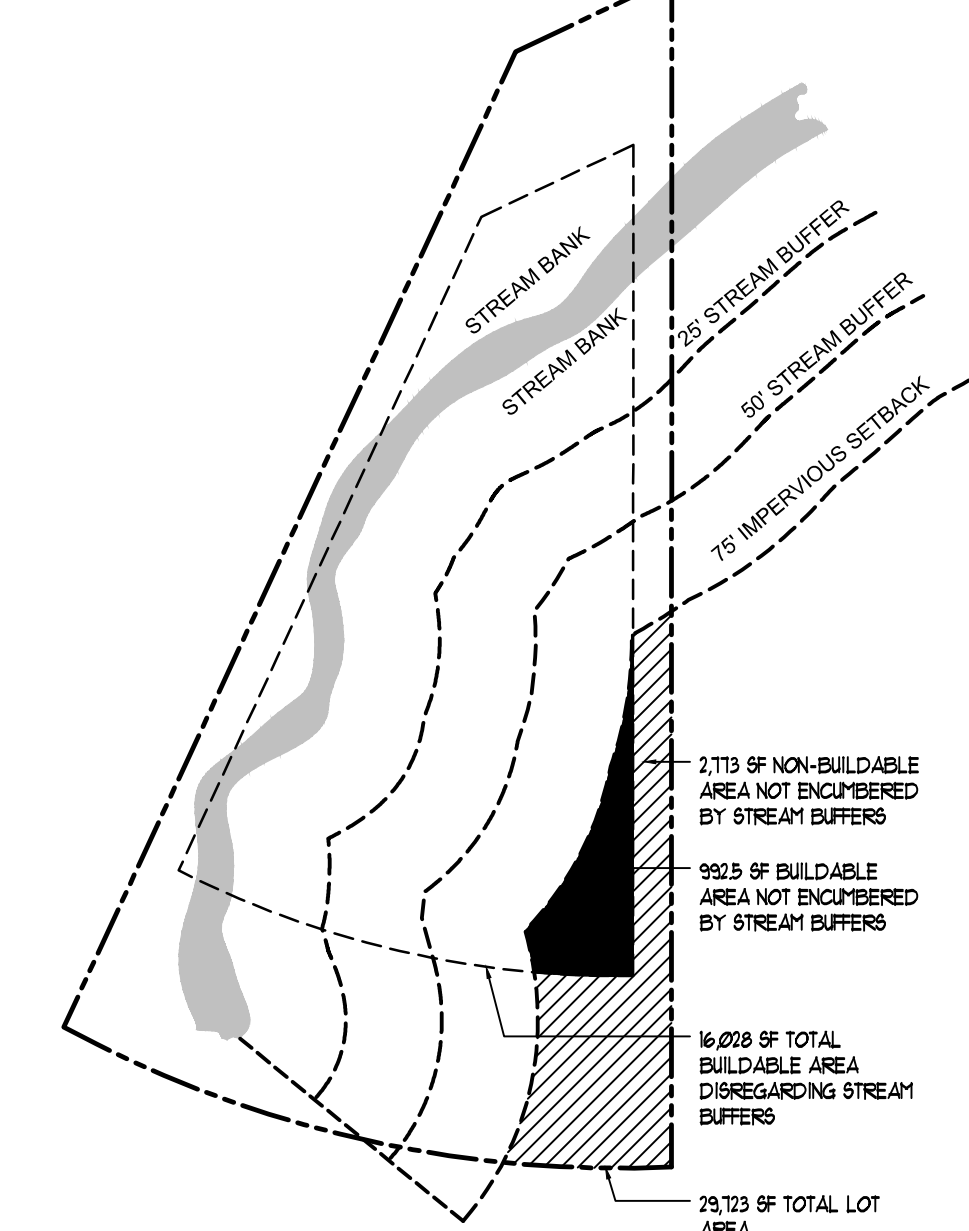
1. To exchange a previously approved pervious driveway for an impervious driveway, as shown on the site plan prepared by Land Plus Associates, dated September 6, 2016, and received by the Department of Community Development October 4, 2016.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.
3. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.
4. The installation of a two water quality devices with sufficient capacity to treat 933 cubic, or equivalent water quality installations or mitigation measures as approved by the Department of Community Development.

RECEIVED 10/4/16



STREAM BUFFER IMPERVIOUS CALCS:

BUFFER/IMPERVIOUS SETBACK	EXISTING SITE (SF)	PROPOSED PLAN (SF)	DIFFERENCE (SF)	%
0' - 25' STATE BUFFER	366	0	-366	-100%
25' - 50' STREAM BUFFER	2,005	1,780	-225	-11%
50' - 75' STREAM BUFFER	1,471	3,133	1,662	89%
TOTAL IMPERVIOUS SURFACE ENCROACHING IN STREAM BUFFER	3842	4913	1071	128%



DRAINAGE AREA - A | DRAINS TOWARDS REAR YARD AT BASEMENT LEVEL

DRAINAGE AREA - A	
CONTRIBUTING AREAS	
CONT. AREA: ROOF - A	2,314 SF
TOTAL (A)	=2,314 SF
* SYSTEM WILL BE SIZED FOR 130% OF CONTRIBUTING DRAINAGE AREA	
ENHANCED AREA (A*) = A x 130%	
A* = 2,314 SF x 1.3	
A* = 3,008 SF	
USE THESE NUMBERS FOR "A*" IN WQV CALCULATION	

WATER QUALITY VOLUME CALCULATIONS	
WQV = C x P x A*	
WQV = 1 x 1.2" x (3,008) SF	
WQV = 1 x .10 x 3,008 SF	
WQV = 300.8 CUBIC FEET	

DRY-WELL SYSTEM SPECIFICATIONS	
GRAVEL PIT VOLUME	= 21' LONG x 6' WIDE x 5.67' DEEP = 714.42 CUBIC FEET
DRY WELL STORAGE VOLUME	= 48" DIA. x 44" HT = 46 CUBIC FEET PER WELL x 4 TOTAL = 184.0 CUBIC FEET DRY WELL STORAGE CAPACITY
GRAVEL STORAGE VOLUME	= (GRAVEL PIT VOLUME - DRY WELL VOLUME) x 40% VOID SPACE IN GRAVEL = (714.42 CUBIC FEET - 184.0 CUBIC FEET) x 40% VOID SPACE IN GRAVEL = 212.16 CUBIC FEET GRAVEL STORAGE CAPACITY
TOTAL STORAGE CAPACITY	= (DRY WELL STORAGE VOLUME + GRAVEL STORAGE VOLUME) = (184.0 CUBIC FEET + 212.16 CUBIC FEET) = 396.16 CUBIC FEET TOTAL STORAGE CAPACITY

NOTE: (4) TOTAL DRY WELLS IN GROUPING, EACH UNIT IS 48" DIA. x 44" HT PER SOUTHEAST CULVERT SPECS.

DRY-WELL SYSTEM VOLUME EXCEEDS WQV CALCULATIONS BY 96.4 CUBIC FEET (CAPACITY COULD MITIGATE AN ADDITIONAL 1144.32 SF)

DRAINAGE AREA - B | DRAINS TOWARDS FRONT YARD AT STREET LEVEL

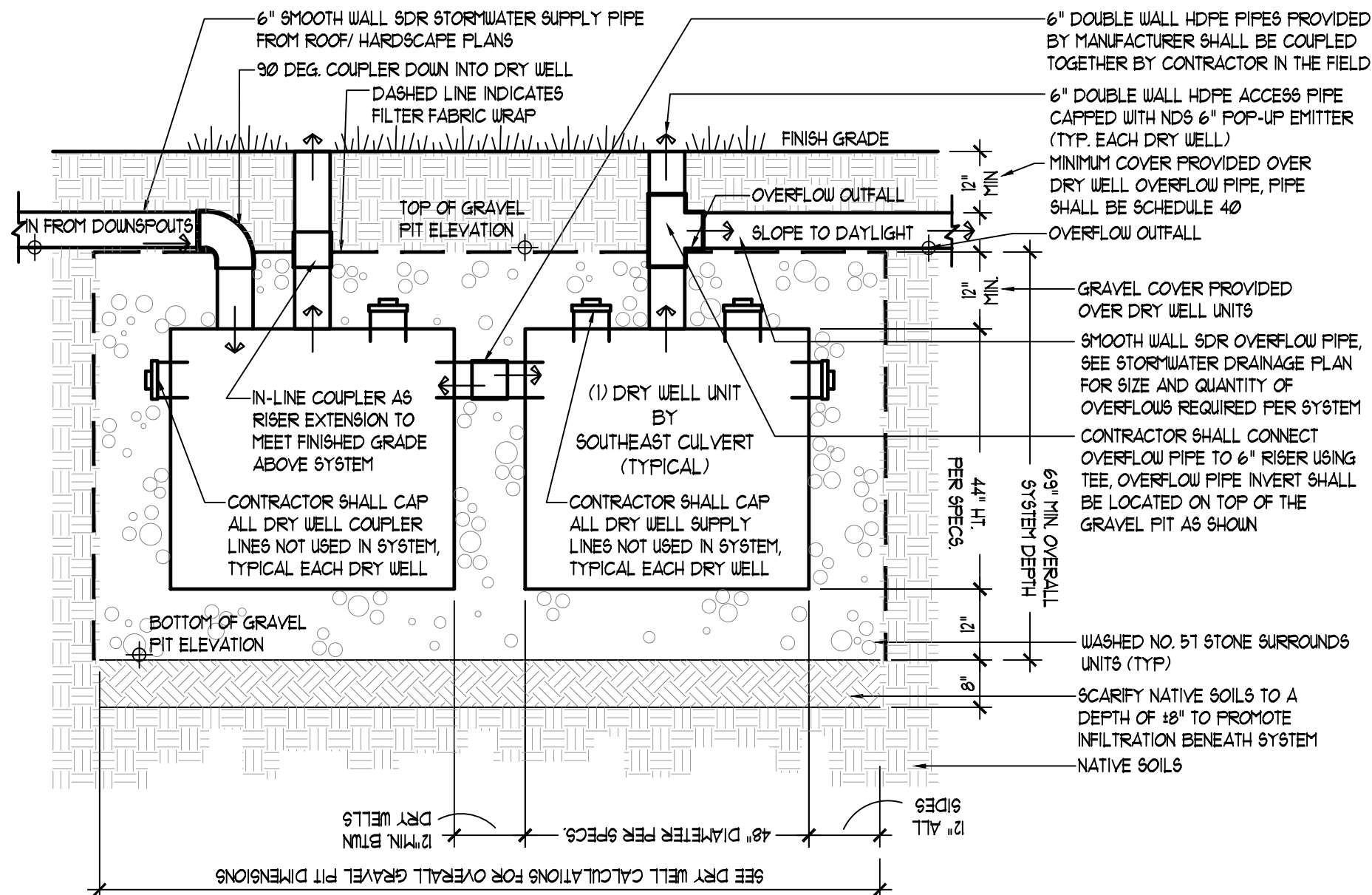
DRAINAGE AREA - B	
CONTRIBUTING AREAS	
CONT. AREA: ROOF - B	1,918 SF
DRIVE	1,573 SF
TOTAL (A)	=3,491 SF
* SYSTEM WILL BE SIZED FOR 130% OF CONTRIBUTING DRAINAGE AREA	
ENHANCED AREA (A*) = A x 130%	
A* = 3,491 SF x 1.3	
A* = 4,538 SF	
USE THESE NUMBERS FOR "A*" IN WQV CALCULATION	

WATER QUALITY VOLUME CALCULATIONS	
WQV = C x P x A*	
WQV = 1 x 1.2" x (4,538) SF	
WQV = 1 x .10 x 4,538 SF	
WQV = 453.8 CUBIC FEET	

DRY-WELL SYSTEM SPECIFICATIONS	
GRAVEL PIT VOLUME	= 16' LONG x 11' WIDE x 5.67' DEEP = 997.9 CUBIC FEET
DRY WELL STORAGE VOLUME	= 48" DIA. x 44" HT = 46 CUBIC FEET PER WELL x 5 TOTAL = 230 CUBIC FEET DRY WELL STORAGE CAPACITY
GRAVEL STORAGE VOLUME	= (GRAVEL PIT VOLUME - DRY WELL VOLUME) x 40% VOID SPACE IN GRAVEL = (997.9 CUBIC FEET - 230 CUBIC FEET) x 40% VOID SPACE IN GRAVEL = 307.2 CUBIC FEET GRAVEL STORAGE CAPACITY
TOTAL STORAGE CAPACITY	= (DRY WELL STORAGE VOLUME + GRAVEL STORAGE VOLUME) = (230.0 CUBIC FEET + 307.2 CUBIC FEET) = 537.2 CUBIC FEET TOTAL STORAGE CAPACITY

NOTE: (5) TOTAL DRY WELLS IN GROUPING, EACH UNIT IS 48" DIA. x 44" HT PER SOUTHEAST CULVERT SPECS.

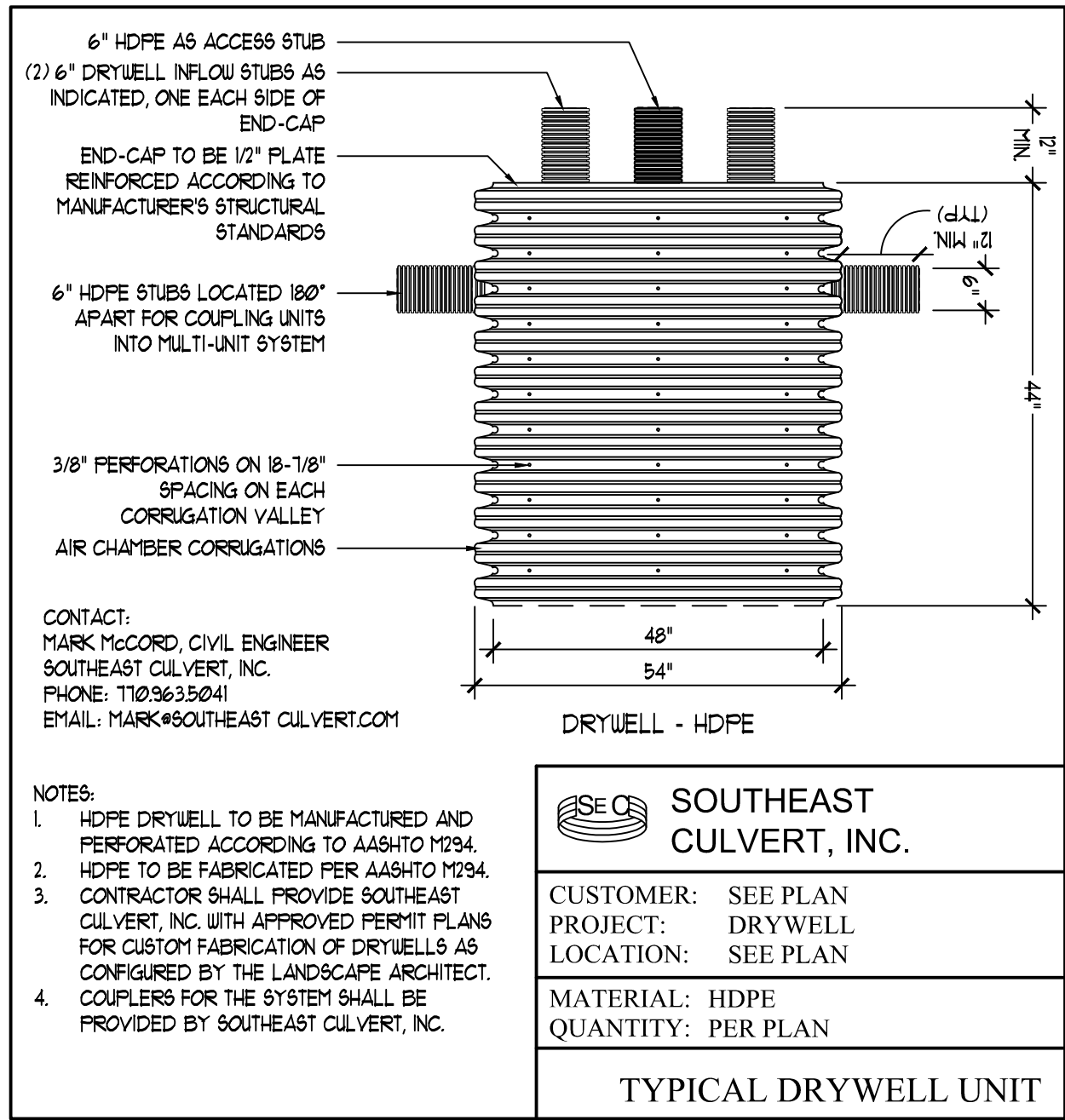
DRY-WELL SYSTEM VOLUME EXCEEDS WQV CALCULATIONS BY 83.4 CUBIC FEET (CAPACITY COULD MITIGATE AN ADDITIONAL 1000.8 SF)



- DRY WELL MAINTENANCE:
- 24-HOUR CONTACT INDICATED ON PERMIT PLANS RESPONSIBLE FOR EDUCATING HOMEOWNER ON LOCATION AND MAINTENANCE OF ALL INSTALLED DRY WELL SYSTEMS AS SPECIFIED ON THESE PLANS.
 - INSPECT GUTTERS AND DOWNSPOUTS REMOVING ACCUMULATED LEAVES AND DEBRIS, CLEANING LEAF REMOVAL SYSTEM(S).
 - IF APPLICABLE, INSPECT PRETREATMENT DEVICES FOR SEDIMENT ACCUMULATION REMOVE ACCUMULATED TRASH AND DEBRIS.
 - INSPECT DRY WELL FOLLOWING A LARGE RAINFALL EVENT TO INSURE OVERFLOW IS OPERATING AND FLOW IS NOT CAUSING PROBLEMS.

- GENERAL NOTES:
- IMPORTANT: PIPE BRINGING WATER TO THE DRYWELL SYSTEM SHALL BE SET AT THE SAME ELEVATION AS THE OVERFLOW PIPE CARRYING EXCESS WATER AWAY FROM THE SYSTEM. THIS ELEVATION SHALL BE THE TOP OF THE GRAVEL PIT.
 - ALL FITTINGS FOR SYSTEM INCLUDING COUPLERS, BENDS, TEES AND CAPS PROVIDED BY SOUTHEAST CULVERT, INC.
 - ARROWS INDICATE WATER FLOW THROUGH SYSTEM.
 - FOLLOW MANUFACTURER'S DETAILS AND SPECIFICATIONS AS REQUIRED.

TYPICAL DRY WELL SYSTEM
NOT TO SCALE



- NOTES:
- HDPE DRYWELL TO BE MANUFACTURED AND PERFORATED ACCORDING TO AASHTO M234.
 - HDPE TO BE FABRICATED PER AASHTO M234.
 - CONTRACTOR SHALL PROVIDE SOUTHEAST CULVERT, INC. WITH APPROVED PERMIT PLANS FOR CUSTOM FABRICATION OF DRYWELLS AS CONFIGURED BY THE LANDSCAPE ARCHITECT.
 - COUPLERS FOR THE SYSTEM SHALL BE PROVIDED BY SOUTHEAST CULVERT, INC.

SOUTHEAST CULVERT, INC.

CUSTOMER: SEE PLAN
PROJECT: DRYWELL
LOCATION: SEE PLAN

MATERIAL: HDPE
QUANTITY: PER PLAN

TYPICAL DRYWELL UNIT

SHEET NO. L-1
NORTH
GRADING & DRAINAGE EXHIBIT

DATE: 09/06/2016
SCALE: 1" = 20'
DRAWN: TB
CHECKED: CS

DATE	DESCRIPTION
09/06/2016	STREAM BUFFER IMPERVIOUS CALCULATIONS
09/30/2016	VARIOUS REV.

PROPOSED RESIDENCE

4644 EAST CONWAY DRIVE

PARCEL ID: 17-013700030049

ZONING CLASS: R-3

SANDY SPRINGS, GEORGIA 30327

prepared for:
T.L. EQUITIES, LLC

THIS DRAWING IS A REPRESENTATION OF THE PROJECT AND NOT A CONTRACT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE LANDSCAPE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY STRUCTURES OR UTILITIES NOT SHOWN ON THIS DRAWING. THE LANDSCAPE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY STRUCTURES OR UTILITIES NOT SHOWN ON THIS DRAWING.

LAND PLUS ASSOCIATES, LTD.
416 EAST PACIFIC FERRY ROAD, NE
ATLANTA, GA 30328
LAND PLUS ASSOCIATES, LTD.
LAND PLUS ASSOCIATES, LTD.
LAND PLUS ASSOCIATES, LTD.



Case No.:

✓ 16-0121
Planner's initials: JB

PROJECT INFORMATION SHEET

PROPERTY	Address(es):	4044 EAST CONWAY DRIVE NE		
	Parcel Tax ID:	17-013700030049		
	Land Lot(s):	137	Land District(s):	17
	Total acreage:	0.07	Council district:	6
	Current zoning:	R-3	Current use:	SINGLE FAMILY RES.
	Overlay district:	NONE	Future land use:	RES. 1 TO 2 U.P.A.

APPLICATION	Detailed request (include Code/Ordinance Section No.):		
	VARIANCE FROM SEC. 109-225.a.1 & 2		
	① SWAP PERVIOUS PAVED DRIVEWAY FOR IMPERVIOUS SURFACE WITH ASSOCIATED INFILTRATION BASIN		
	② CONSTRUCT BOUNDARY GRAVITY WALL		
	Petitioner:	T.I. EQUITIES, LLC	
	Petitioner's address:	4044 EAST CONWAY DRIVE NE SANDY SPRINGS, GA 30327	
Phone:	404-579-1922	Email:	TAYLORINMAN@ANSLEYATLANTA.COM

OWNER	Property owner:	TI Equities, LLC		
	Owner's address:	4044 East Conway Drive NE Atlanta, GA 30327		
	Phone:	(404) 579-1922	Email:	taylorinman@ansleyatlanta.com
	Signature (authorizing initiation of the process):			
	If the property is under contract and the owner is unavailable to sign, provide a copy of the contract			

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	9/2/16	Anticipated application date:	9/6/16
Anticipated PC date:	N/A ☒	Anticipated BOA date:	10/13/16
ADDITIONAL INFORMATION NEEDED:			
Legal description			
Mitigation chart to include approved conditions			



LETTER OF INTENT

JOB # 22758

Date: September 6, 2016
To: **Board of Appeals**
City of Sandy Springs
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350
From: **Charlie Sears** / Land Plus Associates, Ltd.
RE: **4644 East Conway Drive** / Letter of Appeal, Stream Buffer Variance

To the Board of Appeals:

Please accept this Letter of Intent in response to the Stream Buffer Variance Application package, last published in March of 2016.

Background Information:

The City of Sandy Springs, per the Approval of Variance Application – 201303042 dated December 17, 2013, approved the construction of a single-family residence, covered porch and required driveway and site walls within the 50ft Undisturbed Stream Buffer and the 75ft Impervious Surface Setback per a site plan dated “received, December 4, 2013 by the Department of Community Development”.

A. Requested Variances

- a. Seek approval to convert previously approved pervious paver driveway to impervious surface with infiltration basins
 - i. No construction shall occur within the 25ft. State Stream Buffer
 - ii. All impervious surface shall be mitigated in an infiltration basin sized per the required volume per city ordinance
 - iii. Proposed infiltration basin shall be oversized to accommodate at least an additional 30% beyond the minimum required per city ordinance
 - iv. Removal of previously approved pervious pavers prevents a build-up of storm water infiltration within the motor court area, which is located on the high side of the foundation wall for the proposed residence. The proposed infiltration basin will be located outside of the motor court area within the front yard of the property.
- b. Seek approval for the construction of a boulder gravity retaining wall within the 50 ft. Undisturbed Buffer
 - i. No construction shall occur within the 25ft. State Stream Buffer
 - ii. Boulder gravity wall is proposed to reduce the slope of the existing front yard leading towards the stream which reduces the velocity of storm water runoff
 - iii. Allows for the creation of a managed buffer within the front yard of the existing lot
 - iv. The boulder gravity wall construction method was selected as it is the least invasive and disruptive type of retaining wall that can be built

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B. Project Narrative

- a. This development is an approved single-family residence that was permitted to replace a 1950's era ranch-style single-family residence that existed on the site. The total lot area is 0.67 acres or 29,723.7 sf. Of the total buildable area of this R-3 lot, 16,028 sf, only 992.5 sf or 6.2% exists outside of all required stream buffers and impervious surface setbacks. This is graphically illustrated on sheet L-1, demonstrating the irregularity of the remaining usable area outside the buffers.
- b. The stream affecting the property crosses the rear of the buildable area flowing from the north to the south along the western side property line. At the southwest corner of the property, the stream is then piped underneath East Conway Drive through a 60" diameter corrugated metal pipe. East Conway Drive is above the stream, by roughly 14 feet at the lowest point in the road.
- c. The subject property has a high point of 943 at the intersection of the northern side property line and the East Conway Drive right-of-way. The lowest point of this lot is the stream invert in: of 920.96, located just south near the other property corner along East Conway Drive. This means there is nearly 23 feet of vertical change across the site just behind the right-of-way line, for an average slope of 20%

C. Mitigation Strategy

- a. Our plan proposes to mitigate the proposed impervious surface driveway by directing the storm water runoff into an infiltration system of dry wells located on the low side of the driveway leg that approaches the residence from the street. We have engineered this dry well system to accommodate 130% of the required 1.2" rainfall per city ordinance. It is important to note that the dry well systems handling infiltration for ALL impervious surfaces on the site are proposed to be upgraded to handle 130% of the required storm water volume per city ordinance. This extra 30% of infiltration volume goes above and beyond city requirements and is intended to help mitigate runoff from entering the stream system during the typical rain event. Please refer to sheet L-2 for storm water mitigation plans and calculations.
- b. Our plan also proposes a revegetation strategy for the entire property that uses native riparian species and groundcovers across the property. Similar to other adjacent lots, the front yard is proposed to be sodded with turfgrass, however, the rear buffer is proposed to be managed and revegetated with riparian plantings and a seed mixture to restore the buffer to a more natural, functional habitat. Please refer to sheets L-3 and L-3.1 for plan specifics.

D. Alternative design explored

- a. Alternative designs were not explored, as our proposed design is itself an alternative to what was approved. It is our professional opinion that the currently approved pervious paver driveway creates a dangerous situation where infiltration of storm water will be occurring immediately up against the foundation of the proposed residence. The motor court in front of the proposed house is the lowest point between the street and the road, with the driveway leg sloping down towards it. If this driveway remains pervious pavers, all storm water infiltrated into the gravel storage base below the paver system will drain towards the motor court, promoting infiltration immediately adjacent to the high side of the residence's foundation wall. This is not a recommended condition for the longevity of the structure. Our proposal infiltrates just as much storm water, but in a location that will not hold water up against a house foundation.

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2. Variance Analysis (Sec. 109-225(b)(3)&(5))

Variance No. 1: *Seek approval to convert previously approved pervious paver driveway to impervious surface with infiltration basins*

a) A pervious paver driveway system was already approved for 1,970 sf of pervious pavers as part of Approval of Variance Application – 201303042 dated December 17, 2013. Due to the fact that the lot slopes down from the street towards the house, this design promoted storm water infiltration immediately adjacent to the foundation for the proposed residence. This is not a desired condition, placing additional moisture and hydrostatic pressures up against a concrete foundation wall for a basement condition.

Our proposal reduces the total size of the approved drive by 395 sf to 1,575 sf. We propose to swap the surface to impervious concrete and cobblestones. We will infiltrate all runoff from the driveway in a dry well system located outside the motor court area on the low side of the driveway approach leg from the street. The total volume of storm water storage will equate to 130% of the standard 1.2” of rainfall per city ordinance. See sheet L-2 for calculations.

b) The unusual circumstances, when strict adherence to the minimal buffer requirements, would create extreme hardship. These circumstances have not changed from the initial submittal and still apply to this variance request.

Variance No. 2: *Seek approval for the construction of a boulder gravity retaining wall within the 50 ft. Undisturbed Buffer*

a) The construction of a boulder gravity wall is proposed to reduce the slope of the existing front yard leading towards the stream which reduces the velocity of storm water runoff. This allows for the creation of a managed buffer within the front yard of the existing lot. The subject property has a high point of 943 at the intersection of the northern side property line and the East Conway Drive right-of-way. The lowest point of this lot is the stream invert in: of 920.96, located just south near the other property corner along East Conway Drive. This means there is nearly 23 feet of vertical change across the site just behind the right-of-way line, for an average slope of 20%. Construction of the boulder wall would bring the front yard up to street level all the way up to the proposed motor court. This allows for the storm water runoff to be adequately captured and infiltrated, without the risk of these efforts occurring on a 20% slope. It should be noted that the front yard of this lot is not a natural buffer area. Rather, the grades in the front yard have already been manipulated for the construction of East Conway Drive. The valley created by the stream has been filled and the stream piped to allow for Fulton County road standards during the construction of East Conway Drive many years ago. This steep slope in the front yard of our subject property is the direct result of this filling for the construction of the road. Our design proposes to raise the front yard up to street level for the areas of property existing outside of the 25ft. state buffer, helping to reduce the velocity of runoff.

b) Strict application of the stream buffer requirements would not allow us to help correct and mitigate the steep slopes that have been left over by the construction of the road many years ago.

Thank you for the consideration of our request.

DETAILED PROCESS & INSTRUCTIONS

Legend: “□” and “o”: action required by applicant

“•”: for information only

Before the pre-application meeting:

- Read this application packet in its entirety;
- Consult the Zoning Ordinance, the Development Regulations, and the Interim Development Guidelines:
<http://www.sandyspringsga.gov/city-services/urban-development/planning-and-zoning/>
- Fill out the first page of this application packet;
- Have a sketch plan of the proposed project prepared, to scale (if applicable);
- Obtain written permission from the property owner to pursue the project. If the property is under contract, provide a copy of the contract at the pre-application meeting;
- Contact a planner at pz@sandyspringsga.gov, 770-730-5600 to schedule the meeting.

Pre-application meeting:

- The pre-application meeting must take place at least **two weeks** (but no more than two months) before the application filing date.

Filing:

- Contact the lead planner prior to coming to the office
- Complete the rest of the application packet
- Bring a check or credit card (5% surcharge) to pay the fee (verify the amount with the lead planner beforehand; see p.9)
- Filing deadline is 4:00pm on the **first Tuesday** of each month;
- No more than five new applications will be accepted each month;
- Staff will initiate review and will send a confirmation letter, or ask for more information if needed (at which point the application may be placed on administrative hold);
- Staff will provide a sign to be posted on the property.

Before the Board of Appeals (BOA) Meeting:

- Any revision to the application is due at least **three weeks** prior to the BOA meeting, to allow time for proper revision by staff and legal advertisement;
- The staff report, including the recommendation, will be posted on the City website one week prior to the BOA meeting;
- Staff will publish a legal ad in the newspaper;
- Place sign(s) on site at least **twenty days** prior to BOA meeting;
 - Send a date-stamped picture of the sign once in place to the lead planner
- Send written notice to property owners within 500’ at least **two weeks** prior to the BOA meeting. P&Z will provide the contact info and a sample letter.

Board of Appeals Meeting:

- Staff will briefly introduce your request and present their recommendation.
- You will have ten minutes to present your case to the BOA, including any supporters speaking in favor of your request. You may save any remaining time for rebuttal to the opposition.

- The opposition will also have ten minutes to speak.
- The Board members will discuss and render their decision. They may approve, approve with conditions, defer or deny the request.

Sequence of events

See p.9 for meeting schedule

Regular variance

Responsible Party	Week (approx.)	Activity & Timeframe
Applicant	-2	Pre-application meeting: Between two weeks and two months prior to filing deadline
Applicant	0	Filing: Before 4:00pm, 1st Tuesday of the month
City	+1	Initial review and Initiation Letter: One week after the filing deadline
Applicant	+3	Revised application, if necessary: At least 21 days prior to BOA
Applicant & City	+2/+3	Advertising: At least two weeks prior to BOA (20 days for signs)
City	+4	Staff report production
City	+6	BOA meeting: 2 nd Thursday of the month
City	+7	Decision Letter: A few days after BOA (max. 7)

Failure to complete any of these events within the above timeframe may result in an administrative hold, and the case being rescheduled to a future filing cycle.



AUTHORIZATION FORM – PART I

A- If the applicant is also the owner of the subject property:

Fill out the following section and have it notarized:

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name:	Sworn and subscribed before me this
Address:	
City, State, Zip Code:	_____ day of _____ 20 _____
Email address:	Notary public:
Phone number:	Seal:
Owner's signature:	
Commission expires:	

B- If the applicant is *not* the owner of the subject property:

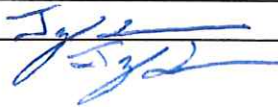
Fill out the following section, check the appropriate statement and have it notarized:

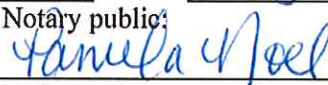
Applicant states under oath that:	
☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or	
☐ He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or	
☐ He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this
Company name:	
Address:	_____ day of _____ 20 _____
City, State, Zip Code:	Notary public:
Email address:	Seal:
Phone number:	
Applicant's signature:	Commission expires:



AUTHORIZATION FORM – PART II

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized:

Agent's name:	Charlie Sears
Company:	Land PLUS Associates, Ltd
Address:	416 East Paces Ferry Road
City, State, Zip Code:	Atlanta, GA 30305
Email address:	Charlie@landplusassociates.com
Phone number:	(404) 617-9961
Agent's signature:	
Applicant's signature:	

Sworn and subscribed before me this 31 day of Aug. 20 16
Notary public: 
Seal: PAMELA NOEL Notary Public - State of Georgia Fulton County My Commission Expires Mar 4, 2019
Commission expires: MAR. 4, 2019

ADDITIONAL REQUIREMENTS

Letter of Intent
Required for all cases
Address the following in detail, on a separate sheet: 1. Requested variance(s) 2. Project narrative including: • Factual details about the proposed development: i. Number and size of buildings, square footage of gross floor area of nonresidential uses; type and number of residential units; ii. Number of employees and customers, hours of operation, number of classrooms, etc. • Factual details about the site: shape, topography, slope, vegetation, soils and other physical characteristics of the property. 2. Mitigation and restoration strategy: phasing and timeline, construction methodology, equipment used, calculations, etc. 3. Alternative design explored: • Provide the details of alternative design(s) that could reduce the need for a variance; • Explain why the alternatives were not selected; • If no alternative was explored, provide an explanation.

Variance Analysis (Sec. 109-225(b)(3)&(5))
Required for all cases
Explain in detail, on a separate sheet, and for <u>each</u> variance requested how: a. The property's shape, topography or other physical conditions prevent land development unless a buffer variance is granted; b. Unusual circumstances, when strict adherence to the minimal buffer requirements, would create and extreme hardship. Notes: • Variances will not be considered when actions of a property owner have created conditions of a hardship on that property. • The following factors will be considered by the BOA in determining whether to issue a variance: a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; b. The location of all streams on the property, including along property boundaries; c. The location and extent of the proposed buffer or setback intrusion; d. Whether alternative designs are possible which require less intrusion or no intrusion; e. The long-term construction water quality impacts of the proposed variance; and f. Whether issuance of the variance is at least as protective of natural resource and the environment.

Chattahoochee River Corridor Certificate
Required for properties located within the Chattahoochee River Corridor (within 2,000' of the river)
Contact Michael Barnett, Chief Environmental Compliance Officer: (770) 206-1572 or mbarnett@sandyspringsga.gov

Stormwater Management Plan
Required for development of 5,000 sq.ft. or more of new impervious surface or land disturbed (typically)
Contact Gilbert Quinones, Chief Engineer: (770) 206-1567 or gquinones@sandyspringsga.gov

Georgia Environmental Protection Division Approval
Required for variance petitions to the 25' stream buffer
☐ Variance application ☐ Approval letter from EPD

Survey and Plan (Sec. 28.5.2)	
Required for all cases	
Provide one (1) copy printed on 11"x17" paper, and two (2) copies printed to scale no larger than 30"x42"; also include in electronic package.	
The survey and site plan must include, at a minimum, the following:	
Basic Information	☐ Legal description (metes and bounds; can be submitted as a separate document); ☐ Key and/or legend, site location map with North arrow, and scale; ☐ Boundary survey of the subject property which includes dimensions along property lines that match the metes and bounds of the subject property's written legal description and clearly indicates the point of beginning; ☐ Acreage of subject property; ☐ Location of subject property land lot lines and identification of land lots; ☐ Current zoning of the subject site and adjoining properties; ☐ Layout and minimum lot size of proposed single family residential lots; ☐ Topography (surveyed or City) on the subject site and adjacent property within two hundred (200) feet as required to assess runoff effects; ☐ Location of overhead and underground electrical and pipeline transmission/conveyance lines; ☐ Required and/or proposed setbacks, zoning buffers, landscape strips; ☐ Location of the requested variance(s) with dimensions;
Roads	☐ Existing and proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property; ☐ Posted speed of existing streets; ☐ Proposed streets on the subject site;

Improvements	☐ Existing buildings with square footages and heights (stories), driveways, fences, and any other structures or improvements on the property;			
	☐ Location of proposed buildings with total square footage;			
	☐ Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed;			
	☐ Required and proposed parking spaces; and loading and unloading facilities;			
	☐ Development Statistics Summary Chart, with % of total site coverage: ☐ Total area of site (acres and sq ft) ☐ Building footprints (sq ft and %) ☐ Parking provided (number of spaces and %) ☐ Total impervious surface (sq ft and %) ☐ Landscaping (sq ft and %) ☐ Undisturbed area, excluding landscaping (sq ft and %) ☐ Floodplain (acres or sq ft and %)			
	☐ Stream Buffer Encroachment Chart, example:			
	Buffer/Impervious Setback	Existing	Proposed	Difference
	State buffer: 0'-25'	22 sq ft	35 sq ft	+13 sq ft +59%
	City buffer only: 25'-50'	100 sq ft	80 sq ft	-20 sq ft -20%
	City setback: 50'-75'	2 sq ft	10 sq ft	+8 sq ft +400%
Total	134 sq ft	125 sq ft	-9 sq ft -6.7%	

Mitigation Plan (Sec. 109-225(b))	
Required for all cases	
Provide one (1) copy printed on 11"x17" paper, and two (2) copies printed to scale no larger than 30"x42"; also include in electronic package.	
The mitigation plan must include, at a minimum, the following:	
E&SC	☐ Area to be disturbed ☐ Location and width of construction entrance ☐ Location and type of E&SC and pollution control measure (temporary and permanent)
Planting	☐ Plants to be removed chart (common and botanical names, quantity and size) ☐ Planting plan (must include multiple strata, i.e. grasses, forbs, shrubs, and trees) ☐ Planting chart (common and botanical names, quantity and size, native/non-native)

FEE SCHEDULE

Item	Fee
Variance for property zoned: R-1, R-2, R-2A, R-3, R-3A, R-4, R4-A, R-5, R-5A, NUP, CUP, MHP	\$250 for first + \$50/additional request
Variance for property zoned: AG-1, R-6, TR, A, A-L, O-I, C-1, C-2, M-1A, M-1, M-2, MIX and nonresidential uses in a residential district	\$350 for first + \$100/additional request
Revision to application	\$150 each submittal
Public Notice Sign	\$25 each

MEETING SCHEDULE

Filing Deadline (1st Tuesday)	Sign Posting Deadline (20 days prior to BOA meeting)	Board of Appeals Meeting (2nd Thursday)
1/5/2016	1/22/2016	2/11/2016
2/2/2016	2/19/2016	3/10/2016
3/1/2016	3/25/2016	4/14/2016
4/5/2016	4/22/2016	5/12/2016
5/3/2016	5/20/2016	6/9/2016
6/7/2016	6/24/2016	7/14/2016
7/5/2016	7/22/2016	8/11/2016
8/2/2016	8/19/2016	9/8/2016
9/6/2016	9/23/2016	10/13/2016
10/4/2016	10/21/2016	11/10/2016
11/1/2016	11/18/2016	12/8/2016
12/6/2016	12/23/2016	1/12/2017

APPROVED SUBMITTAL

201303042

BOARD OF APPEALS HEARING
DECEMBER 10, 2013

BOARD OF APPEALS

201303042

4644 East Conway Drive
Applicant: TI Equities



Variance Petition No. 201303042

HEARING & MEETING DATES

Board of Appeals Hearing
December 10, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
TI Equities

Petitioner
TI Equities

Representative
TC Collier

PROPERTY INFORMATION

Address, Land Lot(s), and District 4644 East Conway Road
Land Lot 137, 17th District

Council District 6

Frontage Approximately 163.80 feet of frontage along East Conway Road

Area Approximately 0.67 acres

Existing Zoning R-3

Existing Use Residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to demolish the existing house and rebuild a new house. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 109-225.a.1 & 2 of Stream Buffer Protection Ordinance to allow construction of a new home within the fifty (50) foot undisturbed buffer and the seventy-five (75) foot impervious surface setback.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303042 – 1) APPROVAL CONDITIONAL

BOARD OF APPEALS – 11/12/13

201303042 – 1) DEFERRAL

At the November 12, 2013 Board of Appeals meeting, the Board deferred the petition to give the applicant the opportunity to explore the current and proposed site specific stormwater runoff conditions, to ensure that the proposed home would be less impactful to the existing site. Since the meeting, the applicant has done significant research and made several modifications to the previously submitted site plan. The revised site plan that has been submitted shows a decrease in total impervious surface of over 4,000 square feet from the previously submitted plan, and a decrease in over 700 square feet of impervious surface from the existing conditions. There were additional decreases in impervious surface for the overall site, excluding areas within the applicable stream buffers. Additionally, the applicant has proposed to install water quality facilities to further mitigate runoff from the site.

Standards for Consideration

	Existing Site	Proposed Plan	Total
0'-25' Stream Buffer	366 sf	0 sf	0 sf
25' – 50' Stream Buffer	2,005 sf	1,442 sf	1,442 sf
50' – 75' Stream Buffer	1,471 sf	1,680 sf	1,680 sf
Total Impervious Surface encroaching in Stream Buffer	3,842 sf	3,122 sf	3,122 sf

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the property is irregular in shape. The stream buffer covers more than three-fourths of the developable area of the lot. The home that exists on the lot is within all three of the applicable stream buffers, but the proposed house is designed to be outside of the twenty-five (25) foot state buffer. There is less than 1,000 square feet of buildable area outside of the stream buffer. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The stream buffer covers a majority of the existing property, and, as detailed in the above table and shown on the site plan, the existing residence is within the stream buffers. Staff notes that the stream buffer covers approximately more than three-fourths of the developable area of the lot when the minimum buffer requirement is strictly applied. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The lot is "V" shaped. Due to the shape of the lot, the proposed house is shown as close to the front and side of the lot least impacted by the stream buffers, but the stream runs diagonally across the parcel and along the southern side property line. The lot is irregularly shaped and a majority of the buildable area is covered by the applicable stream buffers, when combined with the topography, this limits locations where the proposed house could be built with minimal impact to the environment. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

The variance request is for the construction of a new single family residence. Based on the coverage of the lot by the stream buffers, no alternatives that were less intrusive were possible. Staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

The proposed location of the new residence eliminates any encroachment into the twenty-five (25) foot state buffer, and moves other portions of the residence into the seventy-five (75) foot impervious surface buffer instead of the fifty (50) foot undisturbed buffer. Additionally, the proposed site plan shows less impervious surface within the applicable stream buffers than current conditions and includes two water quality facilities. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday October 2, 2013, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development. The Arborist provided the following:

- Require that alternatives to impervious surface be explored and implemented in pavement areas prior to issuance of any permits.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for the construction of a deck.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To allow for the construction of a single family residence within the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer, as shown on the site plan dated received September 20, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

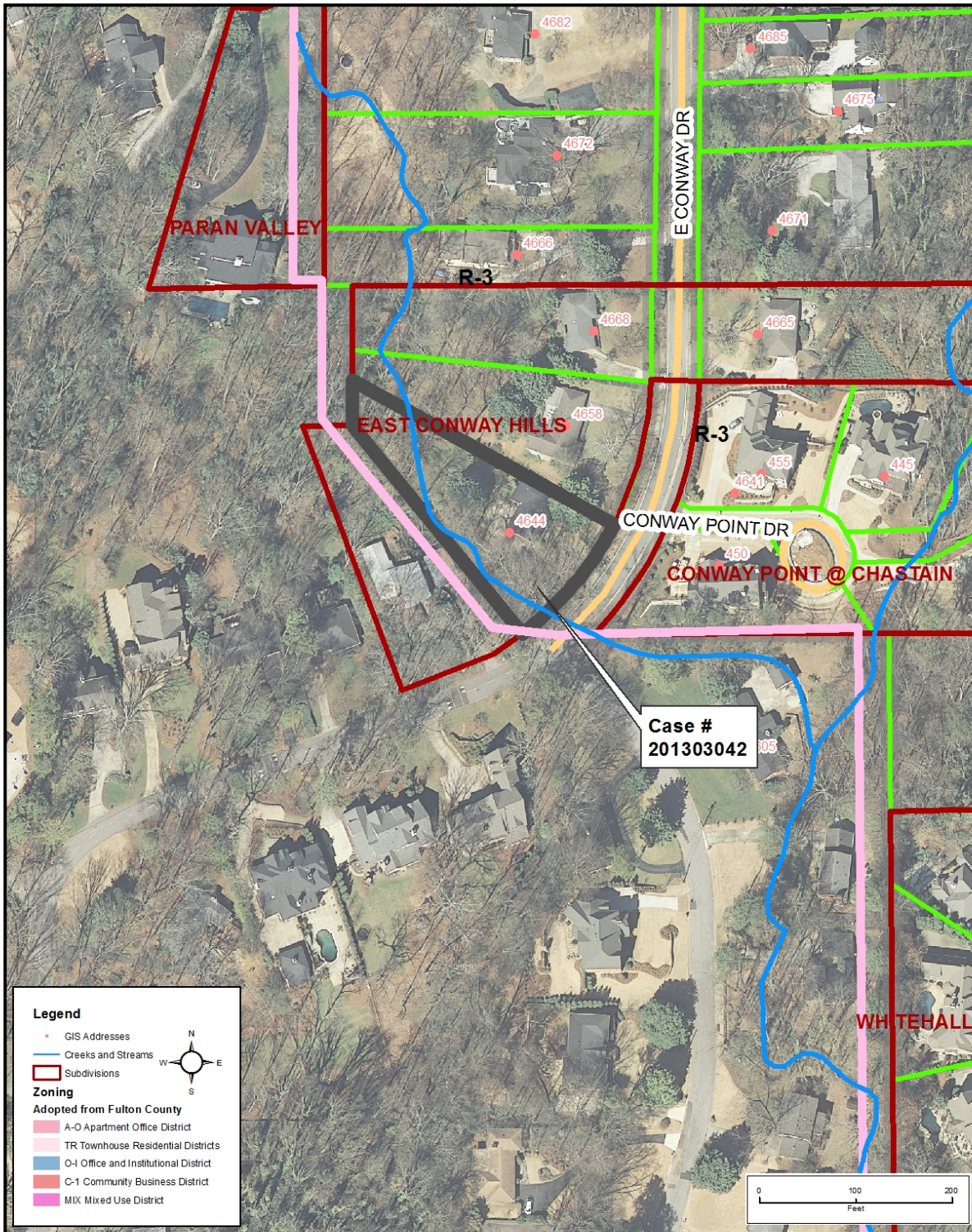
Revised Proposed and Existing Site Plans – Dated received December 4, 2013

Letter of Appeal – Dated received September 13, 2013

Proposed and Existing Site Plans – Dated received September 20, 2013

Photographs

4644 East Conway Road



Grading Notes: - for Planning Purposes

- APPROVED EROSION CONTROL DEVICES MUST BE INSTALLED PRIOR TO ANY DETENTION BMP INSTALLATION (NOT PART OF THIS PLAN)
- SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY SITE WORKS SURVEYS AND PLANNING DATED JULY 7, 2013.
- DISCOVERY OF UNSUITABLE SOILS OR ROCK MUST BE IMMEDIATELY REPORTED TO THE OWNER AND ENGINEER. ALL EARTHWORK MUST NOT PROCEED AT THAT POINT UNTIL OWNER RELEASES THE CONTRACTOR TO PROCEED.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF UTILITIES AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS PROVIDED TO THE ENGINEER. INFORMATION SHOWN IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES.
- CONTRACTOR SHALL FOLLOW ALL APPLICABLE SAFETY AND CONSTRUCTION PROCEDURES, ORDINANCES, CODES, AND STANDARDS.
- CONTRACTOR SHALL CONTACT THE UTILITY LOCATOR AS REQUIRED BY GEORGIA LAW AND HAVE ALL UTILITIES MARKED PRIOR TO ANY CONSTRUCTION ACTIVITY. CONTRACTOR WILL HAVE PRIVATE UTILITY LOCATOR LOCATE ALL UTILITIES WITHIN THE CONSTRUCTION LIMITS NOT COVERED BY THE UTILITY PROTECTION CENTER.
- ALL ELEVATIONS SHOWN ARE FINISHED GRADE.
- THE APPROXIMATE LOCATION OF KNOWN UNDERGROUND UTILITIES HAVE BEEN SHOWN AS PROVIDED BY THE SURVEY. IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY, LOCATE AND PROTECT ALL UTILITIES ON THE SITE. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR COORDINATING DEMOLITION, RELOCATION AND NEW UTILITY SERVICE WITH THE APPROPRIATE UTILITY. CONTRACTOR SHALL HIRE THEIR OWN UTILITY LOCATOR TO IDENTIFY ALL EXISTING UTILITIES WITHIN THE PROPOSED CONSTRUCTION AREA. ALL EXISTING SANITARY SEWER CONNECTIONS TO BE IDENTIFIED AND CONNECTED TO NEW SANITARY SEWER LINES.
- BEFORE STARTING WORK CONTRACTOR SHALL MAKE SUCH EXPLORATIONS AND PROBES AS NECESSARY TO ASCERTAIN ANY ACTIVE UTILITY LINES AND MAKE SURE THESE UTILITIES CAN BE BROKEN OR CHANGED WITHOUT ANY DANGER OR DISRUPTION TO ANY NECESSARY SERVICE.
- CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH THE LATEST STANDARDS OF OSHA DIRECTIVES OR ANY OTHER AGENCY HAVING JURISDICTION FOR EXCAVATION AND TRENCHING PROCEDURES. THE CONTRACTOR SHALL SUPPORT SYSTEMS, SLOPING, BENCHING, AND OTHER MEANS OF PROTECTION. THIS TO INCLUDE, BUT IS NOT LIMITED TO ACCESS AND EGRESS FROM ALL EXCAVATION AND TRENCHING. CONTRACTOR IS RESPONSIBLE TO COMPLY WITH PERFORMANCE CRITERIA FOR OSHA.
- THE HOUSE FOOTPRINT IS PER THE ARCHITECTURAL DRAWINGS AND REPRESENT THE OUTSIDE EDGE OF THE HOUSE. THE FOOTPRINT DOES NOT REPRESENT THE ROOF GUTTER LINE OR THE OUTSIDE EDGE OF THE FOOTINGS.
- THIS PLAN WAS PREPARED FOR CONCEPT APPROVAL ONLY. ACTUAL CONSTRUCTION SHOULD BE BASED ON LAYOUT BY A REGISTERED LAND SURVEYOR BASED ON THE HOUSE LAYOUT PLANS THAT WILL ENSURE THE STRUCTURE IS BUILT WITHIN THE SETBACK AND STREAM BUFFER LINES.

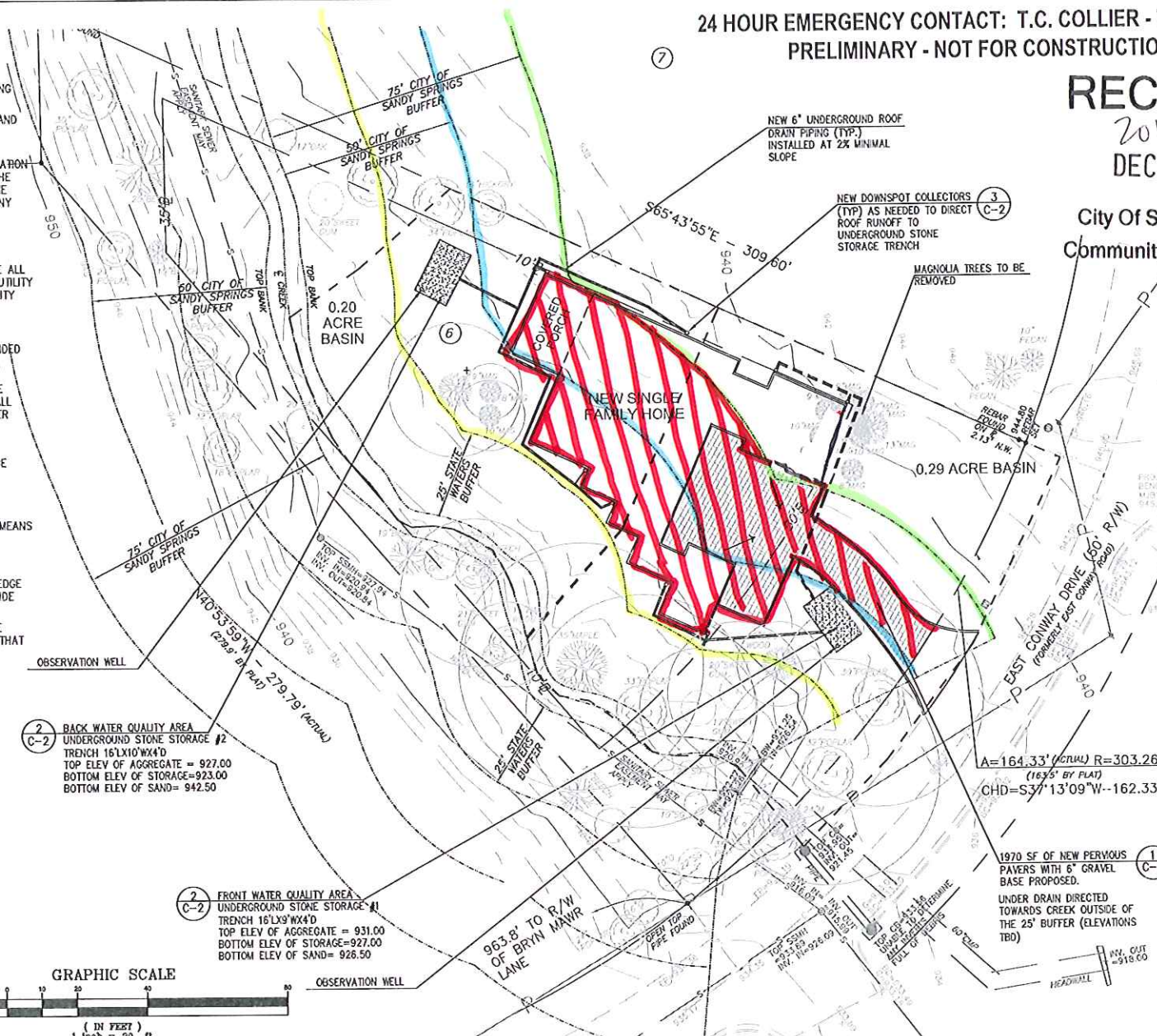
Water Quality Calculations

Front Water Quality Calculations Per GSWMM

Water Quality Volume	
Drainage Basin =	0.29 Acres
Impervious Area =	0.04 Acres 1,862 sf of Impervious
I = % Impervious =	14 %
Rv = 0.05 + 1*(0.009)	
Rv =	0.176
WQv = 1.2*Rv*(DA*43560)/12	
WQv =	222 cu ft

Back Water Quality Calculations Per GSWMM

Water Quality Volume	
Drainage Basin =	0.20 Acres
Impervious Area =	0.05 Acres 2,080 sf of Impervious
I = % Impervious =	25 %
Rv = 0.05 + 1*(0.009)	
Rv =	0.275
WQv = 1.2*Rv*(DA*43560)/12	
WQv =	240 cu ft



24 HOUR EMERGENCY CONTACT: T.C. COLLIER - 770-401-8033

PRELIMINARY - NOT FOR CONSTRUCTION

RECEIVED

201303042
DEC 04 2013

City Of Sandy Springs
Community Development



Know what's below.
Call before you dig.

TOTAL SITE ACRES = 0.082 ACRES

Stormwater Runoff Reduction

THE PROPOSED SITE PLAN SHOWS A NET REDUCTION OF 504 SF OF IMPERVIOUS AREA ONSITE. THIS AREA IS FOR THE NEW ROOF AREA. THE DRIVEWAY IS TO BE CONSTRUCTED OF PERVIOUS PAVERS THAT WILL PROMOTE GROUNDWATER INFILTRATION AND ARE NOT COUNTED IN THE IMPERVIOUS CALCULATIONS.

BECAUSE THE SITE IS REDUCING THE AMOUNT OF IMPERVIOUS AREA COUPLED WITH THE ADDITION OF TWO NEW INFILTRATION TRENCHES TO CATCH ALL ROOF AREA, IT IS MY PROFESSIONAL OPINION THAT THE STORMWATER RUNOFF FOR THE SITE WILL BE REDUCED TO LESS THAN THE CURRENT CONDITIONS. THE INFILTRATION TRENCHES ARE DESIGNED TO PROVIDE WATER QUALITY CONSISTENT WITH THE CITY REGULATIONS.

Water Quality Notes:

TOTAL PROPOSED SITE IMPERVIOUS AREA = 3,942 SQUARE FEET. THIS EXCLUDES THE PERVIOUS PAVERS WITH A SQUARE FOOTAGE OF 1970. REQUIRED WATER QUALITY VOLUME = 1.2' OF 3,942 SQUARE FEET. THE WATER QUALITY TO BE PROVIDED IN UNDERGROUND STONE STORAGE TRENCHES LOCATED IN THE FRONT AND REAR OF THE PROPERTY. THE TRENCHES ARE TO BE FILLED WITH #57 STONE (40% VOID RATIO). THE TOTAL REQUIRED VOLUME OF THE FRONT UNDERGROUND STONE STORAGE TRENCH IS 555 CUBIC FEET. THE TOTAL REQUIRED VOLUME OF THE REAR UNDERGROUND STONE STORAGE TRENCH IS 600. THE WATER QUALITY VOLUMES PROVIDED IN THE FRONT TRENCH IS 578 CUBIC FEET AND THE WATER QUALITY VOLUME PROVIDED BY THE BACK TRENCH IS 640 CUBIC FEET. BOTH TRENCHES EXCEED THE REQUIRED WATER QUALITY VOLUME. THE STORAGE STRUCTURE SHOULD BE LOCATED IN A LAWN OR OTHER PERVIOUS AREAS

THIS PRODUCT STORES THE FIRST 1.2 INCHES OF STORMWATER FROM A RAIN EVENT ONSITE AND PROMOTES GROUNDWATER RECHARGE. A SIMILAR PRODUCT THAT PROVIDES SIMILAR STORAGE IS ACCEPTABLE.

VEGETATION
THE LANDSCAPED AREA ABOVE THE SURFACE OF TRENCH CAN BE LANDSCAPED WITH SOD OR MAY BE COVERED WITH AN ENGINEERED SOIL MIX, AND PLANTED WITH MANAGED TURF OR OTHER HERBACEOUS VEGETATION. THE STONE STORAGE IS FOR STORAGE ONLY AND CAN BE GRADED ABOVE PER THE GRADING PLAN WITH A MINIMUM COVER OF 6\"/>

- MAINTENANCE MONTHLY
- ENSURE THAT CONTRIBUTING AREA, FACILITY AND INLETS ARE CLEAR OF DEBRIS.
 - ENSURE THAT THE CONTRIBUTING AREA IS STABILIZED.
 - REMOVE SEDIMENT AND OIL/GREASE FROM PRETREATMENT DEVICES, AS WELL AS OVERFLOW STRUCTURES.
 - MOW GRASS FILTER STRIPS SHOULD BE MOWED AS NECESSARY. REMOVE GRASS CLIPPINGS.
 - SEMIANNUAL INSPECTION
 - CHECK OBSERVATION WELLS FOLLOWING 3 DAYS OF DRY WEATHER. FAILURE TO PERCOLATE WITHIN THIS TIME PERIOD INDICATES CLOGGING.
 - INSPECT PRETREATMENT DEVICES AND DIVERSION STRUCTURES FOR SEDIMENT BUILD-UP AND STRUCTURAL DAMAGE.
 - REMOVE TREES THAT START TO GROW IN THE VICINITY OF THE TRENCH/REPLACE PEA GRAVEL/TOPSOIL/GRASSING AND TOP SURFACE FILTER FABRIC (WHEN CLOGGED).
- AS NEEDED:
- PERFORM TOTAL REHABILITATION OF THE TRENCH TO MAINTAIN DESIGN STORAGE CAPACITY.
 - EXCAVATE TRENCH WALLS TO EXPOSE CLEAN SOIL UPON FAILURE.

Existing Site Impervious:

TOTAL EXISTING IMPERVIOUS AREA	4446 SF
TOTAL EXISTING IMPERVIOUS OUTSIDE BUFFERS	615 SF
TOTAL EXISTING IMPERVIOUS AREA IN 75 FT BUFFER	1471 SF
TOTAL EXISTING IMPERVIOUS AREA IN 50 FT BUFFER	2005 SF
TOTAL EXISTING IMPERVIOUS AREA IN 25 FT BUFFER	366 SF

Proposed Site Impervious:

TOTAL PROPOSED IMPERVIOUS AREA	3942 SF
TOTAL PROPOSED IMPERVIOUS AREA OUTSIDE BUFFERS	820 SF
TOTAL PROPOSED IMPERVIOUS AREA IN 75 FT BUFFER	1680 SF
TOTAL PROPOSED IMPERVIOUS AREA IN 50 FT BUFFER	1442 SF
TOTAL PROPOSED IMPERVIOUS AREA IN 25 FT BUFFER	0 SF

Summary of Changes to Stream Buffer:

TOTAL DECREASE IN IMPERVIOUS AREA	504 SF
TOTAL INCREASE IN IMPERVIOUS AREA IN 75 FT BUFFER	201 SF
TOTAL DECREASE IN IMPERVIOUS AREA IN 50 FT BUFFER	563 SF
TOTAL DECREASE IN IMPERVIOUS AREA IN 25 FT BUFFER	356 SF

Stone Storage Calculations:

Front Stone Storage Infiltration Trench Calculations

Required Water Quality Volume = 222.0 CF

All WQ Volume to be provided in Infiltration Trench
Infiltration Trench w/ 40% void Ratio

Required WQ Volume X 160% = 555.0 CF

Infiltration Trench Calculations

Length =	16.0 FT
Width =	9.0 FT
Height =	4.0 FT

Required Volume = 555.0 CF
Provided Volume = 576.0 CF

Provided Volume is Greater than Required Volume

Back Stone Storage Infiltration Trench Calculations

Required Water Quality Volume = 240.0 CF

All WQ Volume to be provided in Infiltration Trench
Infiltration Trench w/ 40% void Ratio

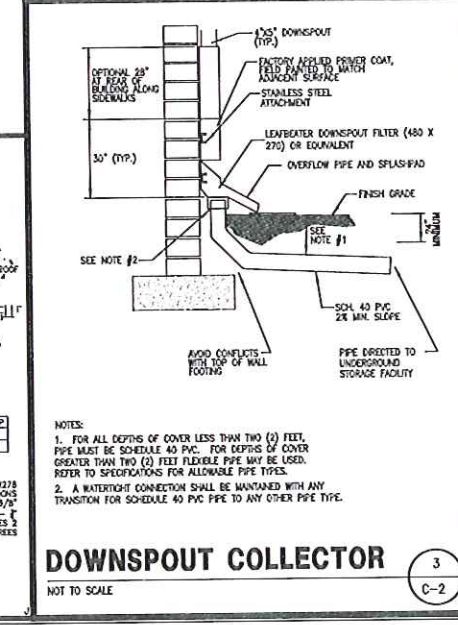
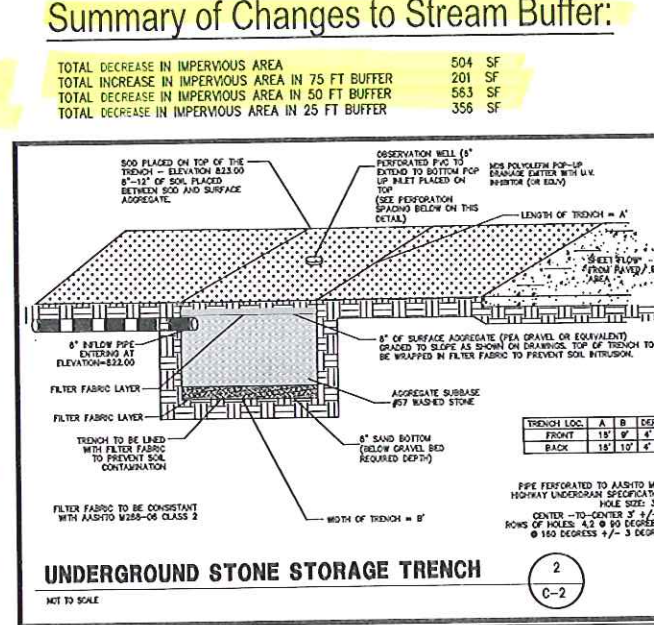
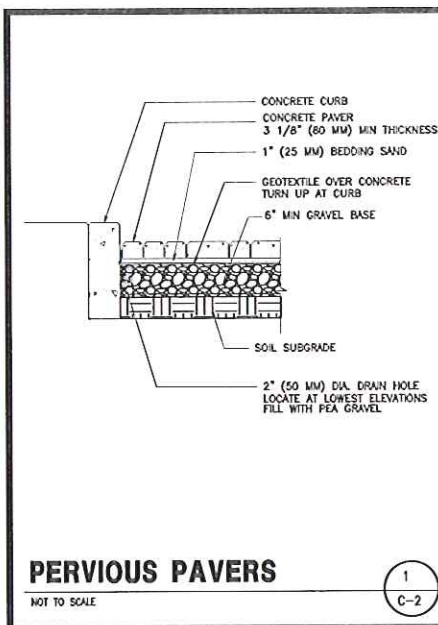
Required WQ Volume X 160% = 600.0 CF

Infiltration Trench Calculations

Length =	16.0 FT
Width =	10.0 FT
Height =	4.0 FT

Required Volume = 600.0 CF
Provided Volume = 640.0 CF

Provided Volume is Greater than Required Volume



Prepared By:
CRESCENT VIEW
ENGINEERING, LLC:
1000 Kinnell Road
Marietta, GA 30066
770-932-9410
www.crescentvieweng.com

Prepared For:
TI Equities
58 Shiloh Dr
Atlanta, GA 30305

Proposed Conditions

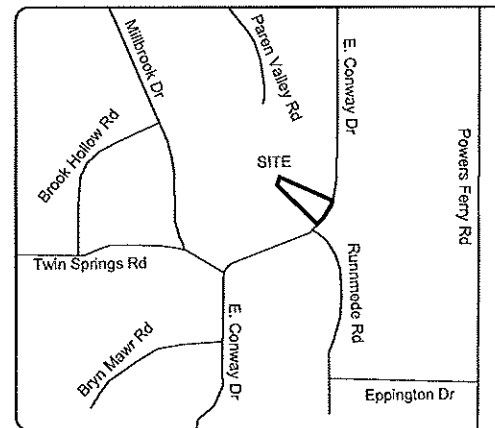
DATE	12-2-2013	REVISIONS
DRAWN	AS SHOWN	PZ
CHECKED	GHB	

Construction Plans For
4644 E. Conway Rd
Land Lot 137 17th District
City of Sandy Springs, Fulton County, Georgia

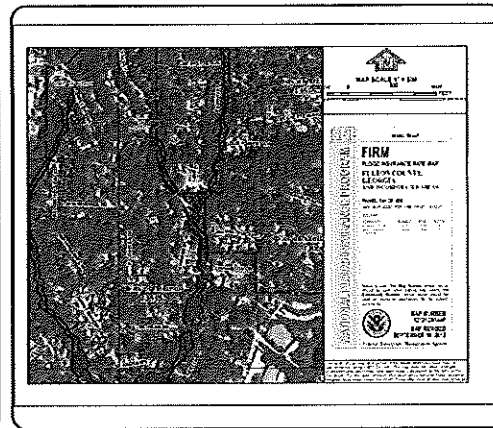
CVE File # 13-204

Sheet No.
C-2

Existing Site Plan



Location Map
NTS



FEMA Map

A PART OF THIS PROPERTY IS INSIDE A DESIGNATED F.I.A SPECIAL FLOOD HAZARD (SHADED ZONE X) AREA AS PER THE FLOOD INSURANCE RATE MAP #13121C0144 F DATED SEPTEMBER 18, 2013.

Project Information:

1. PROJECT NAME & ADDRESS: 4844 E. CONWAY RD, SANDY SPRINGS, GA 30342
2. OWNERS NAME: TAYLOR INMAN, 58 SHERIDAN DR, ATLANTA, GA 30305
3. 24 HOUR CONTACT: T.C. COLLIER 770-401-8033
4. DESIGN FIRM: CRESCENT VIEW ENGINEERING, 1003 KENWILL DRIVE MARIETTA, GA 30060, 678-324-8410
5. SURVEY INFORMATION PROVIDED BY MCCLUNG SURVEYING SERVICES, INC PREPARED ON DECEMBER 12, 2013.
6. PROJECT LOCATED OFF OF E. CONWAY DRIVE
7. THE PLACEMENT OF DUMPSTERS AND THE PARKING OF AUTOMOBILES IS PROHIBITED IN THE RIGHT OF WAY
8. PROJECT IS MORE THAN 2,000 FT FROM THE CHATTAHOOCHEE RIVER, NO ARC APPROVAL IS REQUIRED
9. LOCATION OF ALL SANDY SPRINGS AND STATE WATERS BUFFERS ARE SHOWN ON THE PLAN
10. STORMWATER RUNOFF WILL BE THE SAME IN THE EXISTING AND PROPOSED CONDITIONS, DRAINING INTO THE EXISTING STREAM ON THE WEST SIDE OF THE PROPERTY.
11. THERE IS NO SEPTIC TANK ONSITE

General Demolition Scope:

BE ADVISED THIS IS NOT AN EXHAUSTIVE LIST OF DEMOLITION ITEMS. CONTRACTOR SHALL BECOME FAMILIAR WITH THE SITE AND THE COMPLETE DESIGN INTENT OF THE CONSTRUCTION DOCUMENTS. ANY QUESTIONS, CONCERNS, OR IDEAS CONCERNING THE INTENT OR EXECUTION OF THE DESIGN DOCUMENTS MUST BE BROUGHT TO THE OWNER BEFORE PERFORMING ANY CONSTRUCTION ACTIVITY.

- ① REMOVE EXISTING ONE STORY HOUSE
- ② REMOVE EXISTING CONCRETE WALK
- ③ REMOVE EXISTING ROCK WALLS
- ④ REMOVE EXISTING CONCRETE DRIVEWAY

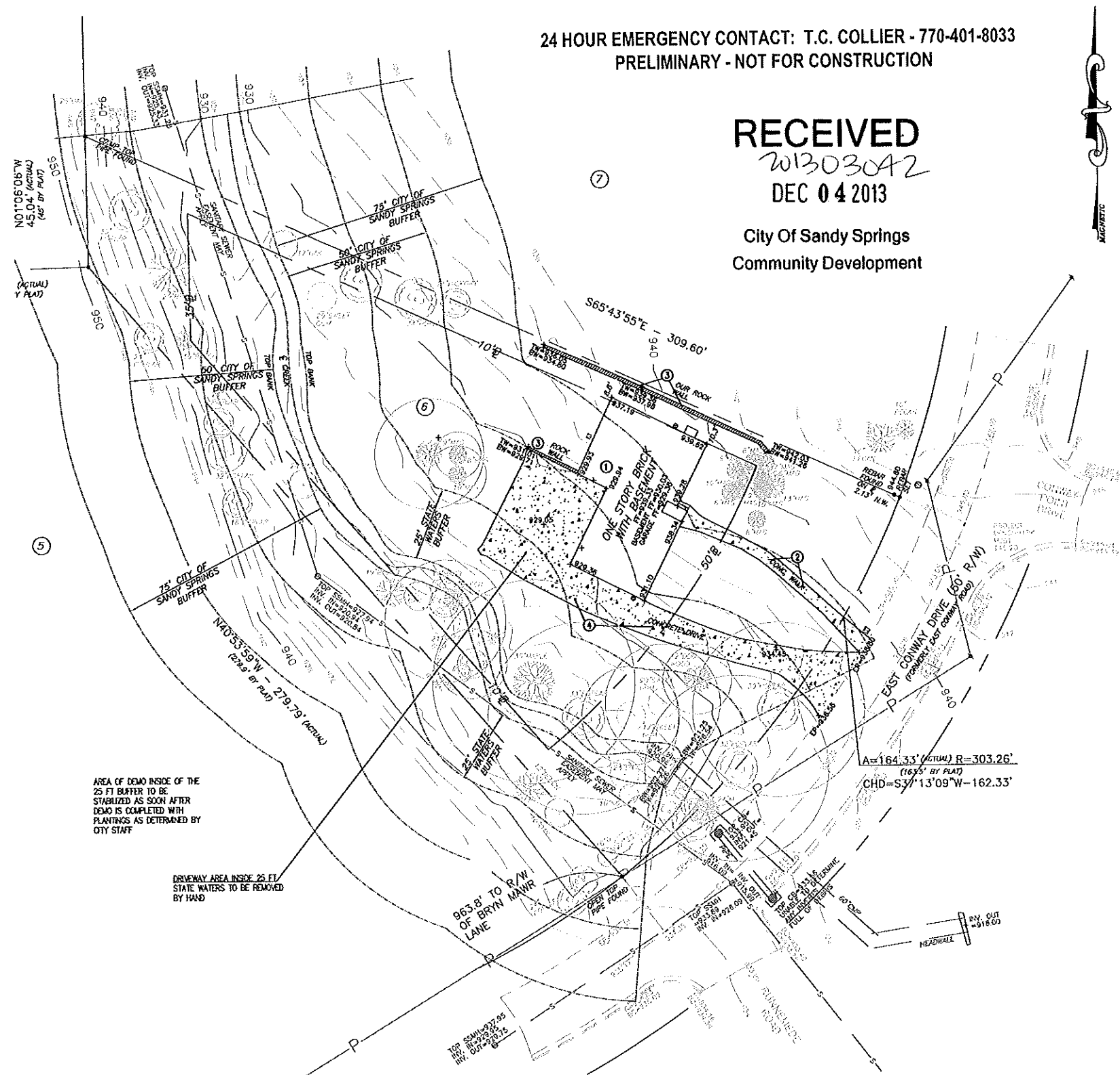
DEMOLITION ITEMS 4 SHOULD BE REMOVED BY HAND INSIDE THE 25 FT STATE WATERS BUFFER

Existing Site Impervious:

TOTAL EXISTING IMPERVIOUS AREA	4446 SF
TOTAL EXISTING IMPERVIOUS OUTSIDE BUFFERS	615 SF
TOTAL EXISTING IMPERVIOUS AREA IN 75 FT BUFFER	1471 SF
TOTAL EXISTING IMPERVIOUS AREA IN 50 FT BUFFER	2005 SF
TOTAL EXISTING IMPERVIOUS AREA IN 25 FT BUFFER	356 SF



Know what's below.
Call before you dig.



24 HOUR EMERGENCY CONTACT: T.C. COLLIER - 770-401-8033
PRELIMINARY - NOT FOR CONSTRUCTION

RECEIVED

201303042
DEC 04 2013

**City Of Sandy Springs
Community Development**

Prepared By:
**CRESCENT VIEW
ENGINEERING, LLC:**
1003 Kenmill Road
Marietta, GA 30060
878-324-8410
www.crescentvieweng.com

Prepared For
TI Equities
58 Sheridan Dr
Atlanta, GA 30305

DATE	12-3-2013	REVISIONS
SCALE	AS SHOWN	
DRAWN	PZ	
CHECKED	OHB	



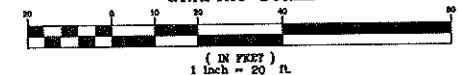
Construction Plans For
4644 E. Conway Rd
Land Lot 137 17th District
City of Sandy Springs, Fulton County, Georgia

CVE PI #	13-204
----------	--------

Sheet No.

C-1

GRAPHIC SCALE



Widmaier Development Company
1635 Duncan Drive NW
Atlanta, GA 30318

September 12, 2013

City of Sandy Springs
7840 Roswell Road, Building 500
Sandy Springs, GA 30350

RECEIVED
201302042
SEP 13 2013

City Of Sandy Springs
Community Development

RE: LETTER OF APPEAL – 4644 EAST CONWAY DRIVE

To the Board of Appeals:

Please accept this letter in response to item 7 of the Sandy Springs Variance Application package. To address the items required, please see the information below:

Background:

I am currently under contract to purchase the parcel of land at 4644 East Conway Drive, which currently holds a 1950's-era ranch style home that has surpassed its useful life. I plan to build a new home on this lot to appeal to today's lifestyle, while increasing the value of the real property and therefore increasing the City's tax income.

Hardship:

A small stream is located on the property and per Article 6 of the Land Development and Environmental Protection ordinance, the mandated buffer zones encompass the majority of the lot and existing structure (reference the attached survey for additional details). Without encroachment into the City's buffer zone, the buildable area is a small, irregular and infeasible corner of the lot.

Justification:

Per the proposed design, the total impervious area within the buffer zones would be lessened. The proposed building would utilize the majority of the existing building and a portion of the existing driveway footprints, and the proposed driveway would be redesigned to reduce the impervious area.

The proposed improvements would eliminate the current impact on the 25' State buffer zone, and would only encroach upon the City's 50' and 75' buffer zones. Additionally, the proposed structure would be built within the current required setbacks, as the existing structure encroaches upon one of the side-yard setbacks.

Without an approval of the proposed primary variance, the site cannot be improved to accommodate a new habitable structure. Based upon my interpretation of Article XXII of the City of Sandy Springs Zoning Ordinance, the variance complies with the following articles:

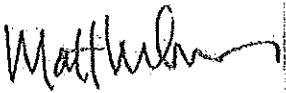
22.3.1.A: Relief, if granted, would be in harmony with, or could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance

22.3.1.B: 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.

Conclusion:

It is based upon the information above that I formally request a variance to Article 6 of the Land Development and Environmental Protection ordinance to allow for construction of a new home as detailed on the submitted site plan.

Respectfully,

A handwritten signature in black ink, appearing to read "Matt Widmaier", with a stylized flourish at the end.

Widmaier Development Company
Matt Widmaier

PROPERTY ZONED: R-3
SETBACKS:
FRONT - 50 FEET
SIDE - 10 FEET
REAR - 35 FEET
LOT AREA - 29,525 SQ. FT.

W
MARKS
FILE

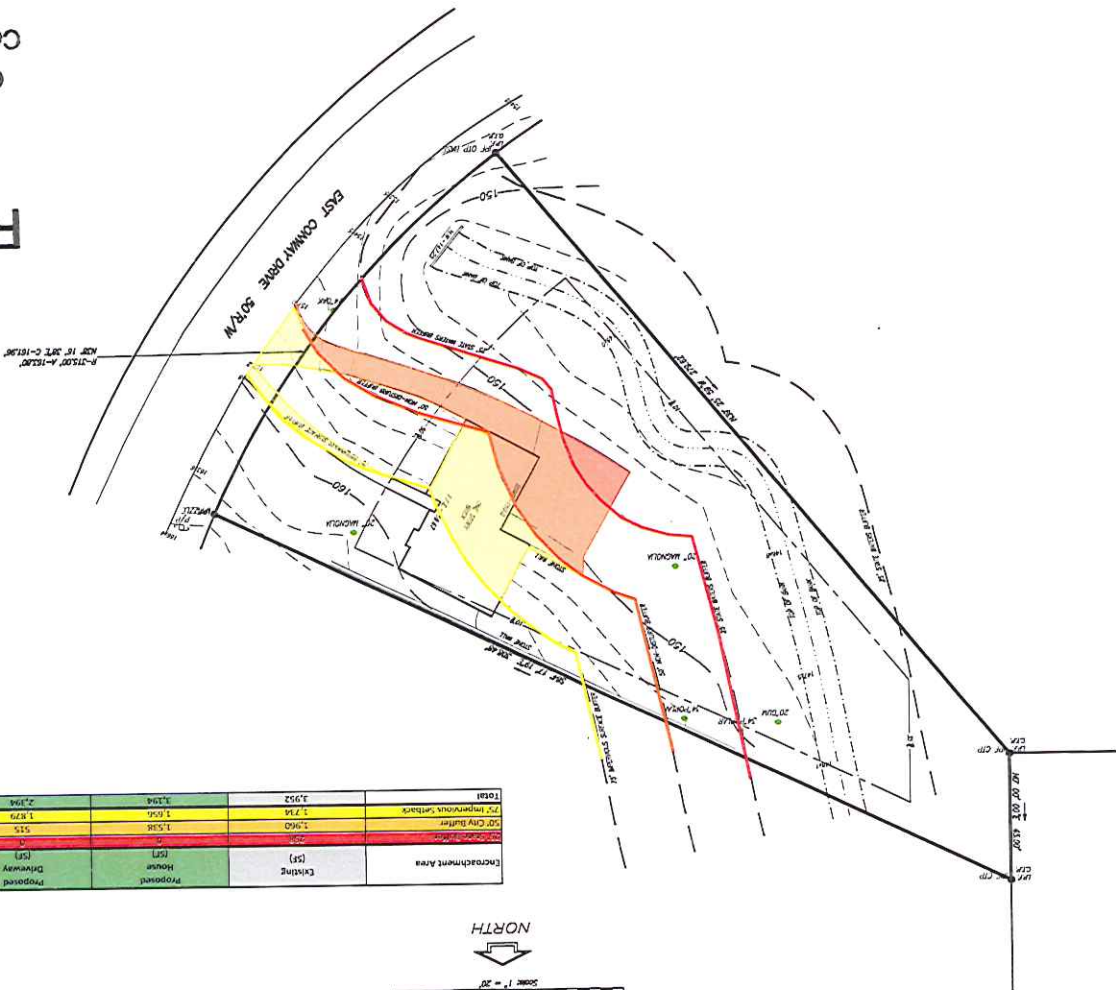
404-701-0600
RONALD H. CUDDEK, JR.

7000 PEACHTREE DOWNTOWN ROAD
SUITE 200
KATY, TEXAS 77450
PHONE: 770-390-6011 FAX: 770-390-2770
e-mail: rcuddek@earthlink.net

SUMMARY OF

[illegible]

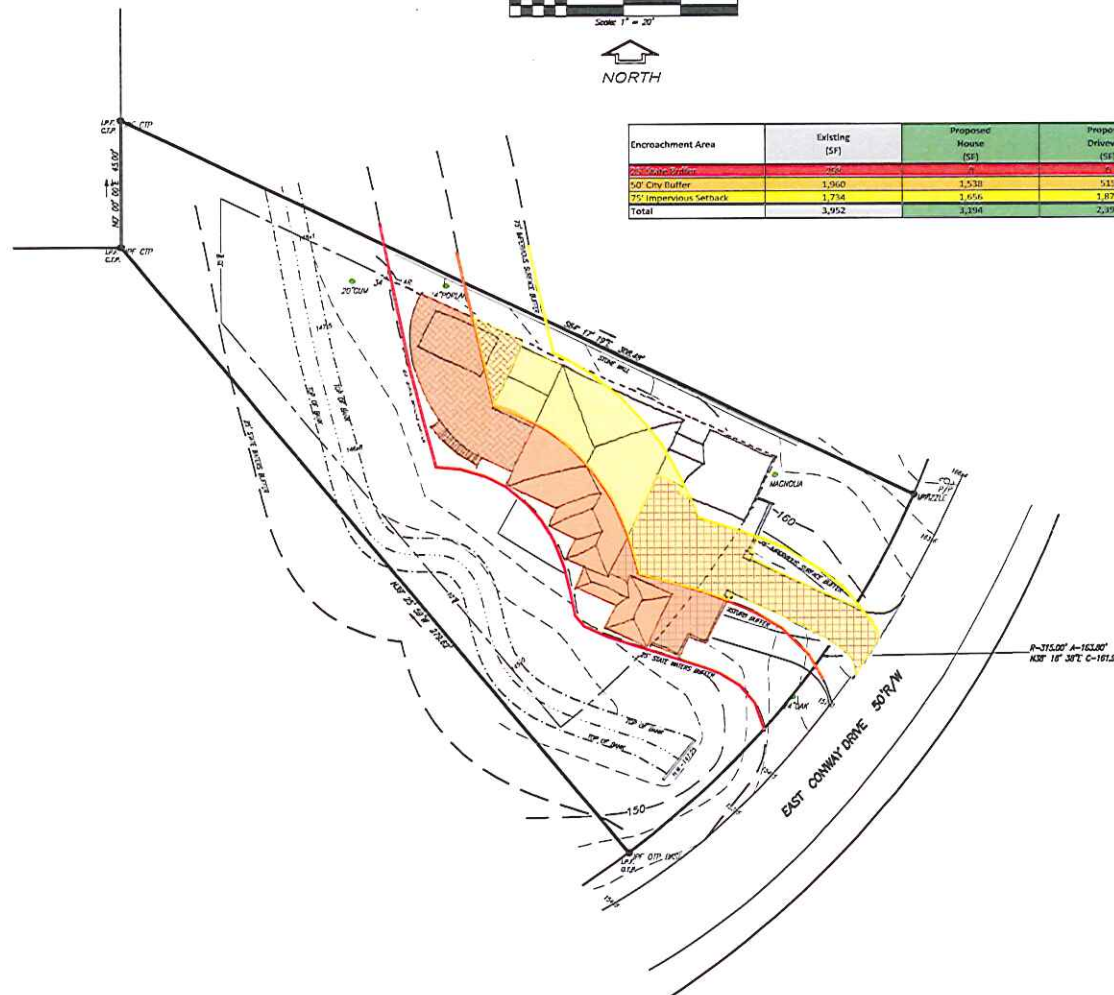
RECEIVED
201303042
SEP 20 2013

[illegible]

MANHOLE	K.H.
JUNCTION BOX	J.B.
CATCH BASIN	C.B.
DROP INLET	D.I.
SEWER SUMP	S.S.
SEWER CASING	S.C.
UTILITY CASING	U.C.
IRON PIV FOUND	I.P.F.
IRON PIV SET	I.P.S.
CHAMP TOP PIPE	C.T.P.
GOOD TOP PIPE	G.T.P.
RE-BAIR	R.B.
PER HYDRANT	P.H.
BUILDING LINE	B.L.
RIGHT OF WAY	N.W.
POWER POLE	P.P.
CONTR UNIT	C.



Encroachment Area	Existing (\$)	Proposed House (\$)	Proposed Driveway (\$)	Proposed Pool (\$)	Proposed TOTAL (\$)
200 Shale Station	0	0	0	0	0
500 City Driller	1,960	1,538	545	1,400	2,453
500 Impervious Surface	1,740	2,656	1,470	245	3,280
Total	3,700	3,394	2,394	1,645	2,233



PROPERTY ZONED: R-J

SETTINGS:
FRONT - 50 FEET
SIDE - 10 FEET
REAR - 35 FEET

LOT AREA - 29,325 SQ. FT.

LEGEND

M.H. - MANHOLE
J.B. - JUNCTION BOX
C.B. - CATCH BASIN
D.B. - DROPPED
S.S.E. - SANITARY SEWER ESMIT
D.E. - DRAINAGE EASEMENT
U.E. - UTILITY EASEMENT
L.P.F. - IRON PIN FOUND
L.P.S. - IRON PIN SET
C.T.P. - CRIMP TOP PIPE
O.T.P. - OPEN TOP PIPE
R.G. - RES-GALV
F.M. - FIRE HYDRANT
B/L - BUILDING LINE
N/W - RIGHT OF WAY
P/P - POWER POLE
C - CENTER LINE

RECEIVED

201303042

SEP 20 2013

City Of Sandy Springs
Community Development



FLOOD STATEMENT
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD
AREA ACCORDING TO F.L.R.M. PANEL #13121C0144 E,
LAST REVISED ON JUNE 22, 1998.

SURVEYED REC. TPO
CALCULATED REC. RAM
DRAWN REC. RAM
DWG. NAME EAST CONWAY
4644
DATE JULY 15, 2013

SURVEY OF
4644 EAST CONWAY
LL 137, DISTRICT 17
CITY OF SANDY SPRINGS
FULTON COUNTY, GEORGIA

[illegible]





APPROVAL LETTER

DATED

12-17-2013

201303042

CITY OF SANDY SPRINGS

PLANNING AND ZONING



December 16, 2013

TI Equities LLC
Attention: Taylor Inman
58 Sheridan Drive
#20
Atlanta, Georgia 30305

Subject: **Approval of Variance Application** – 201303042 4644 East Conway Drive, Sandy Springs, Georgia 30327

Dear Mr. Inman:

Please be advised, the City of Sandy Springs Board of Appeals approved variance petition(s) 201303042 for the property located at 4644 East Conway Drive for relief from Section 109.225.a.1 &2 of the Stream Buffer Protection Ordinance to allow a home within the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer. The Board approved the variance(s) at the December 12, 2013 hearing, subject to the following condition(s):

- 1) To allow for the construction of a single family residence within the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer, as shown on the site plan dated received December 4, 2013 by the Department of Community Development.
- 2) The City's Chief Environmental Compliance Officer shall visit the site and asses the existing wall within the stream, to determine what action, if any, needs to be taken, and by which entity.
- 3) There shall be no direct draining of site run-off into the stream, water from the gutters shall be channeled only to the proposed water quality structures.

If it is necessary to resubmit plans or apply for any additional permits associated with this project, please submit a copy of this letter as an attachment. Should you have any questions or need any additional information regarding this project, please do not hesitate to contact me or Colleen Allen at (770) 730-5600.

Sincerely,

Patrice S. Dickerson, AICP
Manager of Planning and Zoning

CC: Colleen Allen, Planner I
PR/ca

Certification of Approval

I hereby certify that the subject case was approved by the Board of Appeals of the City of Sandy Springs with the associated conditions on the above stated hearing date.

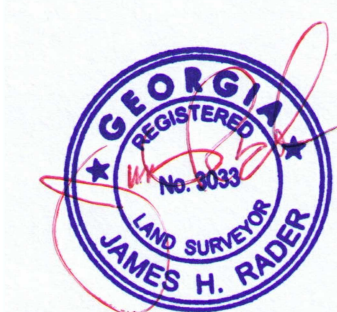
Michael D. Casey
City Clerk

12/17/2013
Date

APPROVED PERMIT PLAN

DATED

04-15-2014



SYMBOL LEGEND

- LIMITS OF DISTURBANCE
- SILT FENCE
- 816 --- EXISTING CONTOUR
- 816 --- PROPOSED CONTOUR
- 15" Tree --- TREE WITH CRITICAL ROOT ZONE
- 15" Tree --- TREE TO BE REMOVED/LOST
- TREE FENCE

JAMES H RADER
GEORGIA RLS# 3033
GEORGIA SOIL AND WATER CONSERVATION COMMISSION
LEVEL II CERTIFIED DESIGN PROFESSIONAL
CERTIFICATION #0000026604

7

5

RECORD

0' 20' 40' 60'

04/15/14

2 OF 3

TI EQUITIES LLC

LAND LOT 137
DISTRICT 17
CITY OF SANDY SPRINGS
FULTON COUNTY, GA

LOT 6
EAST CONWAY HILLS
SUBDIVISION
PLAT BK 54 PG 34

SCALE
1" = 20'

DATE
04/15/14

PROJECT NO.
20140415

SHEET
2 OF 3

LAND LOT 137
DISTRICT 17
CITY OF SANDY SPRINGS
FULTON COUNTY, GA

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04/15/14

2 OF 3

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LAND LOT 137
DISTRICT 17
CITY OF SANDY SPRINGS
FULTON COUNTY, GA

LOT 6
EAST CONWAY HILLS

$A=164.33'$ (ACTUAL) $R=303.26'$
(163.5' BY PLAT)
 $CHD=S37^{\circ}13'09''W-162.33'$

LIMITS OF DISTURBANCE AND
SILT FENCE SHALL NOT
ENCROACH INTO 25' STATE
STREAM BUFFER

INV. OUT
= 918.00

HEADWALL

LAND LOT 137 DISTRICT 17 CITY OF SANDY SPRINGS FULTON COUNTY, GA		LOT 6 EAST CONWAY HILLS SUBDIVISION PLAT 8K 54 PG 34	
SCALE 1" = 20'	DATE 04/15/14	PROJECT NO. 20140415	SHEET 2 OF 3

LANDPRO
SURVEYING AND MAPPING
305 CREEKSTONE RIDGE
WOODSTOCK, GA 30188
TELE: 404-386-2170
FAX: 678-213-1519
AUTHORIZATION NO. LSF000838
WWW.LANDPROSURVEYING.COM
COPYRIGHT 2014

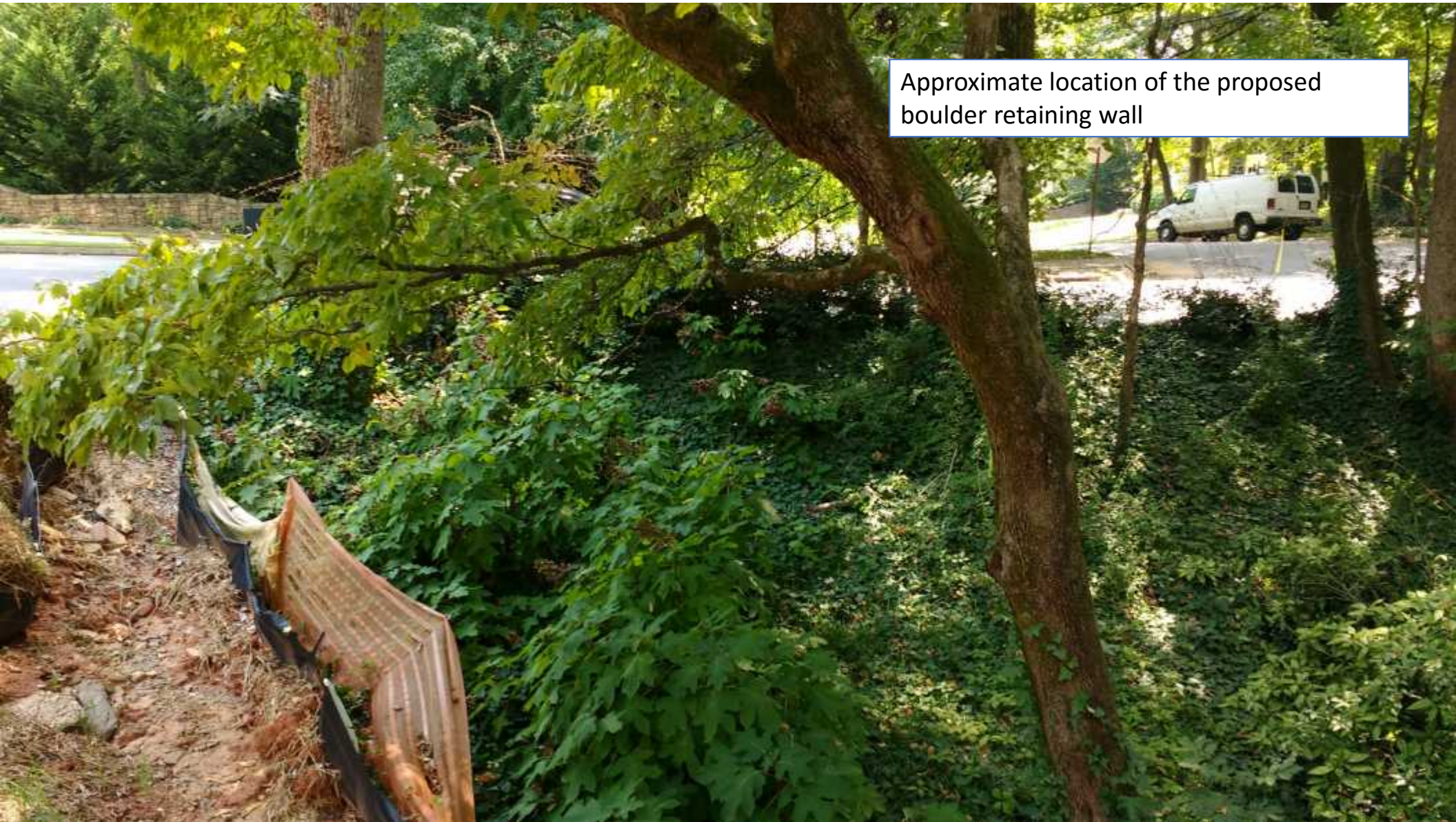
View of the existing retaining wall and driveway location



View of the motor court area



Approximate location of the proposed
boulder retaining wall



Approximate location of the proposed
boulder retaining wall from the street





P&Z STAFF REPORT

Board of Appeals Hearing; November 10, 2016

Case: **V16-0136 – 0 High Point Rd, 614 Windsor Pkwy, 624 Windsor Pkwy, 634 Windsor Pkwy, 644 Windsor Pkwy, and 654 Windsor Pkwy**

Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)

Report Date: November 3, 2016

REQUEST

- (1) Variance from Section 103-72(e)(3) of the Development Regulations to allow access (driveway connection) for an additional residence through an existing non-conforming driveway that presently serves 5 existing residences.
- (2) Variance from Section 19.3.15B.1 of the Zoning Ordinance to allow a pool in a front yard.

APPLICANT

Property Owners: Saralyn Lundy, Richard Woodward, Willie Pearson, William Tabler, Windsor Irrevocable Living Trust by Wilson Okushi, Jeffrey Waters	Petitioner: Saralyn Lundy	Representative: Lauren Hansford, Galloway Law Group
--	------------------------------	--

PROPERTY INFORMATION

Location:	0 High Point Rd, 614 Windsor Pkwy, 624 Windsor Pkwy, 634 Windsor Pkwy, 644 Windsor Pkwy, and 654 Windsor Pkwy
Council District:	5 – De Julio
Road frontage:	Approximately 100 ft. on High Point Rd Approximately 200 ft. on Windsor Pkwy
Acreage:	Approximately 3.1 ac.
Existing Zoning:	R-3 (Residential District)
Existing Land Use:	Single-family dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R1-2 (1-2 units per acre)

PROPOSED DEVELOPMENT

The applicant is proposing to access a residential lot through the rear yard instead of connecting directly to High Point Rd. As proposed, the parcel will tie into an existing driveway that accesses five residences off of Windsor Pkwy. In addition, the applicant is requesting to install a pool between the proposed residence and High Point Rd.

The lot at 0 High Point Rd has a stream in the front yard towards High Point Rd. Instead of building a driveway within the stream buffer and associated impervious surface setback, the applicant will build a driveway that connects west into the shared driveway of the neighboring 5-unit subdivision. Since the subdivision was permitted as a 5-lot minor plat under previous Fulton-County regulations, the existing driveway is considered legally non-conforming. The access of a sixth lot requires a variance from the Development Regulations for the five present and this new 6th connection.

To prevent encroachment into the regulated stream area, the applicant is proposing to build the residence at the rear of the property. The proposed pool, while in the functional rear yard of the residence, is legally in the front yard of the property, requiring a variance from the Zoning Ordinance, as pools are only permitted in side or rear yards.

The property was before the Board of Appeals as Variance Case 201402043 to request a stream buffer variance for a driveway in the front yard. Since then, a new builder is part of the project and initiated the present request. The 2014 approval letter, site plan, and staff report are attached with this staff report.

RECOMMENDATION
Department of Community Development
Conditional Approval of the variance request.

Variance 1: Access through conforming driveway

Variance 2: Pool in front yard

AERIAL IMAGE



ZONING MAP

0 High Point Rd



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, variances, administrative variances, and concurrent variances shall only be granted upon showing that:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Further, the application shall demonstrate that:

- 3. Such conditions are not the result of action or inaction of the current property owner; and*
- 4. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
- 5. The variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety, and welfare.*

Finding:

The entire front half of the subject parcel at 0 High Point Rd is split by a stream, establishing extraordinary and exceptional conditions due to the topography of the subject property. A Staff review found there is no feasible way to construct a driveway accessing the proposed residence from High Point Rd without encroaching into the City's stream buffers and associated impervious surface setback. In 2014, the applicant, in coordination with a different builder, obtained a Variance for a driveway from High Point Road that the Board of Appeals granted with several conditions.

Instead of construction in the protected stream area, the applicant proposes to tie into a driveway presently accessing five residences in the rear yard. Under the current City Development Regulations any access for more than three residences must be to street standards, incorporating a 50-foot access easement and two 12-foot travel lanes. Instead, at present conditions, the existing non-conforming access is through an approximately 14-foot driveway. Staff finds that the incremental addition of a sixth residence would not be detrimental to the circulation patterns and public safety access of the existing five residences as well as the proposed residence.

To ensure the maintenance of the shared driveway, Staff requested the new property to become part of the existing homeowner's association. The applicant agreed to join and to share the maintenance burden. At this time, the driveway is in good condition; Staff recommends against requiring the applicant to update the shared driveway to current standards.

From a public safety and wayfinding perspective, Staff requests readdressing of the current 0 High Point Rd address to a Windsor Pkwy address. In coordination with Planning Staff and the Fire Marshall's Office, the applicant will provide suitable signage that will clearly communicate how to access the property.

The location of the proposed residence toward the rear of the parcel is atypical compared to neighboring properties along High Point Rd. Staff weighed this potential detriment to the community appearance against the environmental benefits due to keeping the stream area undisturbed. Since the proposed residence will be set back approximately 200 feet from the High Point Rd curb, and the stream buffer

regulations prohibit clearance of the front yard of the parcel, the rear of the residence will likely not be visible from the street, minimizing the impact on community character.

The second variance is only necessary because the designation of front/back yard does not change based on orientation of the residence. While functionally the rear yard, the High Point Rd side is legally still the front yard as per the Zoning Ordinance. Staff finds that the same variance reconsiderations referenced above apply for the swimming-pool variance request.

COMMENTS FROM OTHER PARTIES

No comments received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of variance request V16-0136 to allow access for an additional residence through an existing non-conforming driveway and the construction of a pool in a front yard.

Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:

1. To allow the access to a residence through an existing non-conforming driveway, and to allow the construction of a pool in a front yard, as shown on the site plan prepared by Abbott Concepts & Design, Inc., dated October, 3, 2016, and received by the Department of Community Development October 4, 2016.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.
3. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.
4. As part of the building permit application, the applicant shall provide an address signage plan that demonstrates compliance with the City Fire Marshall's requirements for emergency access.
5. Prior to issuance of a Certificate of Occupancy, the property owner of the parcel that is subject of these variance requests shall join the homeowner's association that covers the adjacent properties at 614, 624, 634, 644, and 654 Windsor Pkwy.

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City Of Sandy Springs
Community Development

VARIANCE APPLICATION

(Excludes Stream Buffer Variances)

Application checklist:

Page No.	Item	Completed/ Included in Submittal
1	Project Information Sheet	☒
2 - 4	Detailed Process and Instructions	N/A
5 - 6	Authorization Forms	☒
	Additional requirements:	
7	Letter of Intent	☒
7	Variance Analysis	☒
7	Chattahoochee River Corridor Certificate	☐ or N/A ☐
8-9	Survey, Site Plan and Legal Description	☒
10	Fee schedule	N/A
10	Meeting schedule	N/A

Provide also:

All the documents electronically (CD/DVD, thumb drive or via email) Note: The Legal Description must be in a Word document	☐
Site plan: one (1) copy on 11"x17" and two (2) full-scale copies	☐

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: PL

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 0 HighPoint Road (approximately 300 ft. north of Windsor Pkwy)	
	Parcel Tax ID: 17 004100010392	
	Land Lot(s): 41	Land District(s): 17th
	Total acreage: .687 acre (29,953)	Council district: 5
	Current zoning: R3	Current use: undeveloped lot
	Overlay district: N/A	Future land use: 1 single-family home

* Proposed address 630 Windsor Parkway

APPLICATION	Detailed request (include Ordinance/Code Section No.): ① Variance from Section 103-72(c) of the Sandy Springs Development Regulations to allow access for an additional residence through an existing non-conforming private drive.	
	② Variance from Section 19.3.15.B.1 of the Sandy Springs Zoning Ordinance to allow a pool to be built behind the new residence that will be accessed from the private drive.	
OWNER	Petitioner: Saralyn Lundy	
	Petitioner's address: c/o The Gulloway Law Group Lauren M. Hansford, Esq. 3500 Lenox Rd. Suite 260	
	Phone: (404) 965-3668	Email: lauren@glawgp.com

OWNER	Property owner: Saralyn Lundy c/o Lauren M. Hansford, Esq.	
	Owner's address: 2494 Penngate Drive Sherrills Ford, NC 28673	
	Phone: 704-450-9895	Email: walkerlundy@gmail.com
	Signature (authorizing initiation of the process): Lauren M. Hansford	
	If the property is under contract and the owner is unavailable to sign, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date: 10/4/16
Anticipated PC date: N/A ☐	Anticipated BOA date: 11/10/16
ADDITIONAL INFORMATION NEEDED:	
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Community Development

SANDY SPRINGS

AUTHORIZATION FORM - PART I

A- If the applicant is also the owner of the subject property:

Fill out the following section and have it notarize.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: Saralyn Lundy	Sworn and subscribed before me this
Address: 2494 Penngate Drive Sherrills Ford, NC 28673	1 day of October 20 16
	Notary public: Anthony Darr
Email address: walkerlundy@gmail.com	<i>Anthony Darr</i>
	Seal:
Phone number: 704-450-9895	
Owner's signature: <i>Saralyn Lundy</i>	

Commission expires: 02/22/2021

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

- ☐ Applicant states under oath that:
- ☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (attach a copy of the contract); or
- ☐

He/she has an option to purchase the subject property (attach a copy of the contract); or

He/she has an estate of years which permits the applicant to apply (attach a copy of the lease)

Applicant's name:
Company name:
Address:

City, State, Zip Code:

Email address:

Sworn and subscribed before me this

1 day of October 20 16

Notary public:

Seal:

Commission expires:

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AUTHORIZATION FORM – PART II

City Of Sandy Springs
Community Development

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name: <u>Lauren M. Hansford</u>
Company: <u>The Galloway Law Group</u>
Address: <u>3500 Lenox Rd. Suite 760</u>
City, State, Zip Code: <u>Atlanta, GA 30326</u>
Email address: <u>lauren@glawgp.com</u>
Phone number: <u>(404) 965-3668</u>
Agent's signature: <u>Lauren M. Hansford</u>
Applicant's signature: <u>Sarah Lynn Wiley</u>

Sworn and subscribed before me this <u>4th</u> day of <u>October</u> 20 <u>16</u>
Notary public: <u>Michele Oliver</u>
Seal: 
Commission expires:

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LETTER OF INTENT

City Of Sandy Springs

The Owner-Applicant, Saralyn Lundy, seeks a Variance from Section 105-72(c)(3) of the City of Sandy Springs Land Development Regulations ("Development Regulations") to construct a driveway access for a private residence through an existing non-conforming private driveway located near the intersection of High Point Road and Windsor Parkway in Sandy Springs, Georgia. The Property, located at 0 High Point Road, approximately 300 feet north of Windsor Parkway, has been owned by the Lundy family for over 75 years. The Property has never been developed due to the challenging physical conditions that effectively limit the buildable area to the rear of the lot.

The Property is now under contract with a builder who desires to construct a new home on the lot and access the Property through the private drive that currently serves the adjacent five (5) homes located at 614, 624, 634, 644, and 654 Windsor Parkway (also known as the Windsor Trace subdivision). The adjacent Windsor Trace subdivision was approved by Fulton County in 1999. See Exemption Plat, attached hereto as Exhibit "A." The neighboring property owners have indicated their approval and authorized Mrs. Lundy to proceed with this variance application to allow an additional lot to be accessed through the common private drive. See attached Exhibit "B." The proposed address for Mrs. Lundy's lot would be 630 Windsor Parkway. See attached Exhibit "C."

Due to the location of a stream on the Property, a significant portion of the lot has been covered by stream buffers in the front of the Property facing High Point Road (see attached site plan prepared by Abbott Concepts & Design, dated October 3, 2016). In 2014, Mrs. Lundy sought a stream buffer variance to access the Property from High Point Road. Although the stream buffer variance was approved, the lot has remained unmarketable for over two years. As noted above, the Property is now under contract with a builder who seeks to construct a home

with access through the common private drive in the adjacent Windsor Trace subdivision, rather than from High Point Road. This would result in no impact to the stream buffers on the Property.

In the event that the Board approves the variance from Section 103-72 (e)(3) of the Sandy Springs Development Regulations to allow access from the private drive, the Owner-Applicant also seeks a variance from Section 19.3.15 B.1 of the Sandy Springs Zoning Ordinance to allow the construction of a pool behind the new house that will be built at the rear of the lot. It is the Owner-Applicant's understanding that the lot accessed from the private drive would be considered a double frontage lot such that the proposed pool, while located behind the new residence, would not technically be located in the side or rear yard as required by Section 19.3.15 B.1. Thus, a variance would be required to build the pool as shown on the site plan.

VARIANCE ANALYSIS

With respect to the criteria set forth in Section 22.3.1 of the Sandy Springs Zoning Ordinance, the Owner-Applicant submits that there are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the Property and not generally found in similar properties. Specifically, the Property's current shape, topography, and physical conditions existed before the adoption of the Sandy Springs Zoning Ordinance. The lot has been in existence and owned by Mrs. Lundy's family for many years but never developed. The stream originates from a spring near the middle of the Property. As a result, the stream buffer now covers nearly half of the 29,953 square foot lot on the front portion of the Property facing High Point Road. Additionally, the topography of the site slopes significantly toward the middle of the lot near the stream. For a single-family home to be built in the developable area at the rear of the Property, the stream buffer area in the front of the Property would be impacted if the Property

was accessed from High Point Road because part of the driveway and retaining wall would be located in the buffer area. However, by “flipping” the lot and accessing the new home from the private drive instead of High Point Road, there would be no impact whatsoever to the stream buffers on the Property.

Mrs. Lundy further shows that such conditions with respect to the stream buffers and topography of the Property have existed for years and are not the result of her action or inaction. This variance request would provide the minimum relief necessary to make possible the reasonable use of the Property. While a stream buffer variance was obtained by Mrs. Lundy in 2014, the current solution of accessing the Property from the private drive rather than from High Point Road would have a significantly better result because it would allow the construction of a new home with no impact on the existing stream buffers. The current site plan is a less intrusive alternative to the previous plan. Accordingly, this variance request would result in development that is consistent with the general intent of the Zoning Ordinance to promote the health and general welfare. Additionally, this variance request is consistent with the findings and purposes of the Sandy Springs Stream Buffer Protection Ordinance located in Section 109-220 of the Sandy Springs Land Development Regulations. Specifically, this variance request allows development of the Property while not impacting the stream buffers in place. This protects the public health, safety, environment and general welfare by maintaining stream water quality and minimizing losses due to erosion, siltation and water pollution.

Should the Board approve the Owner-Applicant’s first variance request, Mrs. Lundy seeks a second variance to build a pool behind the residence. While Section 19.3.15 B.1 of the Sandy Springs Zoning Ordinance allows swimming pools in the rear or side yards of single-family dwellings in any zoning district, once the lot has been “flipped” and accessed from the

common private drive, it is the Owner-Applicant's understanding that the lot will be considered a double-frontage lot such the proposed new pool, while located behind the new residence and meeting the intent of Section 19.3.15 B.1, would not technically be in the rear or side yard of the lot. Accordingly, a variance from Section 19.3.15 B.1 is needed for the pool. Based on the exceptional conditions set forth above involving the stream buffers and the sloping topography of the site, the optimal and least intrusive placement for the new residence would be at the rear of the lot with access from the private drive. Similarly, the pool would be placed behind the residence but also out of the stream buffers such that the pool meets the spirit and intent of the Section 19.3.15 B. 1, and there is no encroachment into the stream buffers.

Georgia Law and the procedures of Sandy Springs require us to raise Federal and State Constitutional objections to a denial of a variance request during the application process in order to preserve our client's rights. While Mrs. Lundy anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that she will be barred from raising important legal claims later in the process. Consequently, a denial of the requested variances would be unconstitutional and would destroy the Owner-Applicant's property rights in violation of the State and Federal Constitutions. Accordingly, Mrs. Lundy respectfully requests that the City of Sandy Springs Board of Appeals grant the variances as requested in her Application.

Respectfully submitted,



Lauren M. Hansford

Attorney for Owner-Applicant

THE GALLOWAY LAW GROUP, LLC

3500 Lenox Road, N.E., Suite 760
Atlanta, Georgia 30326
(404) 965-3680

LEGAL DESCRIPTION FOR 0 HIGH POINT ROAD.

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 41, of the 17TH District of Fulton County, Georgia, and being more particularly described as follows:

0 HIGH POINT ROAD. AREA= 29,953 SQ.FT. = 0.687 AC.

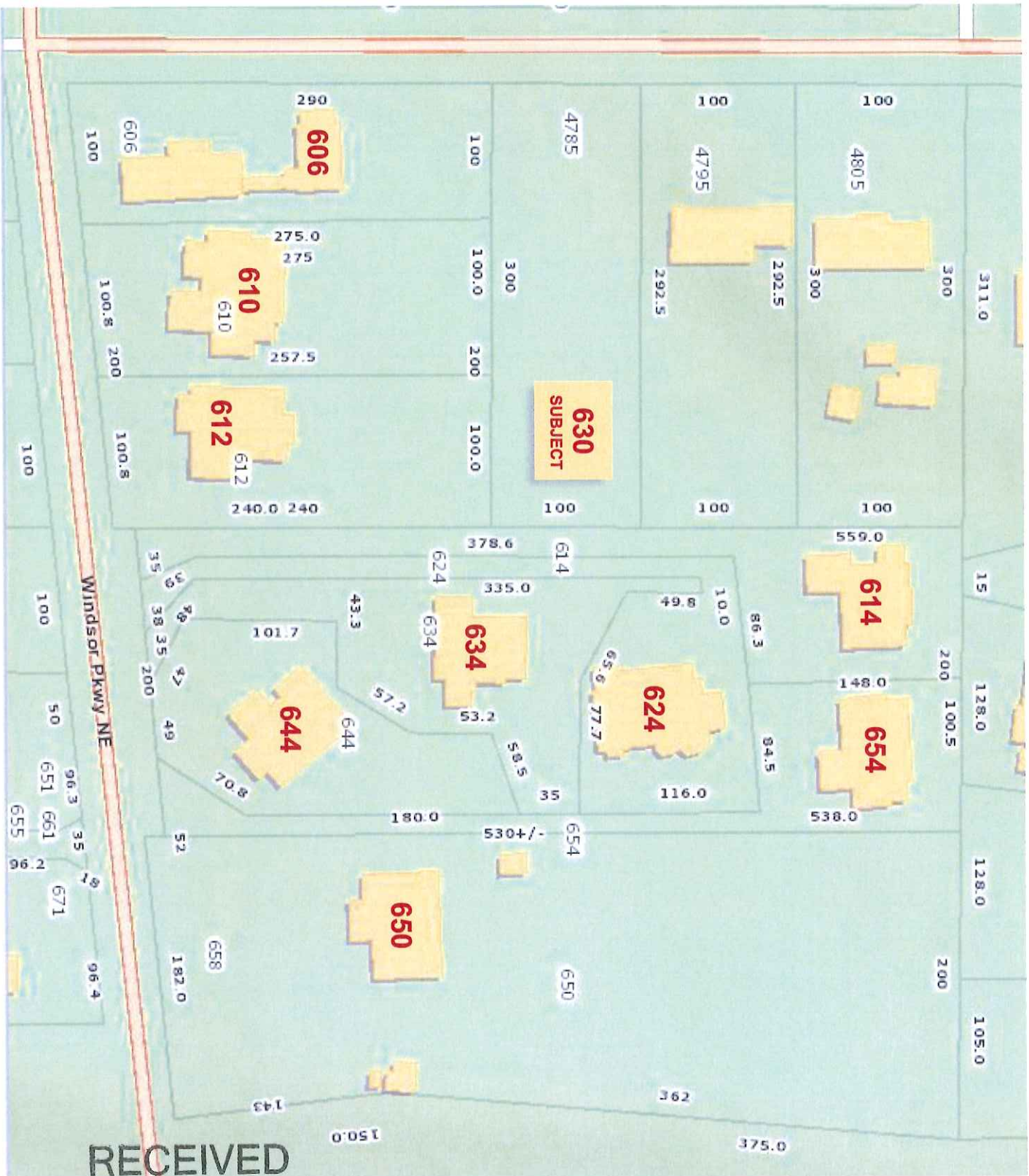
BEGINNING at the North East right of way corner of Windsor Parkway and High Point Road; thence running North along Windsor Parkway Eastern Right of Way a distance of 290.00 feet to a PK nail in concrete sidewalk. POINT OF BEGINNING; Thence running north 00 degrees 28 minutes 51 seconds West a distance of 100.00 feet to a corner in concrete; Thence running South 87 degrees 25 minutes 57 seconds East a distance of 300.00 feet to a iron pin set; Thence running South 00 degrees 26 minutes 06 seconds East 100.00 feet to a 1/2" rebar; Thence running North 87 degrees 25 minutes 57 seconds West a distance of 299.92 feet to an PK nail in concrete sidewalk back to original POINT OF BEGINNING, as according to a survey by Chris Moore and Associates, Inc., dated June 18, 2014.

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Community Development

WINDSOR PARK STREET NUMBERS



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Community Development

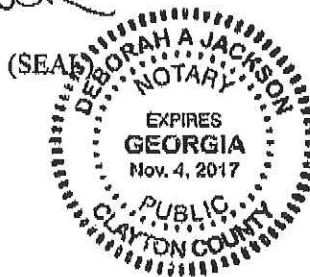


We own the property located at 624 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is our understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, we hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.

Richard H. Woodward, Jr.
Richard H. Woodward, Jr.

Sworn to and subscribed before me this 1st day of October, 2016.

Deborah A. Jackson
Notary Public



Laura B. Woodward
Laura B. Woodward

Sworn to and subscribed before me this 1st day of October, 2016.

Deborah A. Jackson
Notary Public



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City Of Sandy Springs
Community Development

EXHIBIT

"B"

We own the property located at 614 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is our understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, we hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.

Willie Pearson, Jr.
Willie Pearson, Jr.

Sworn to and subscribed before me this 4th day of October, 2016.

Michele Oliver

Notary Public



Laurie M. Hansford

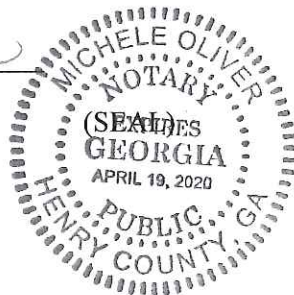
Witness

Cheryl Pearson
Cheryl Pearson

Sworn to and subscribed before me this 4th day of October, 2016.

Michele Oliver

Notary Public



Laurie M. Hansford

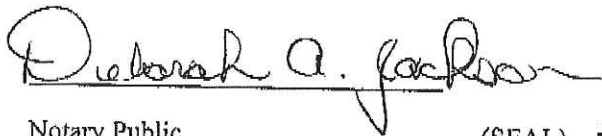
Witness

I own the property located at 634 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is my understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, I hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.



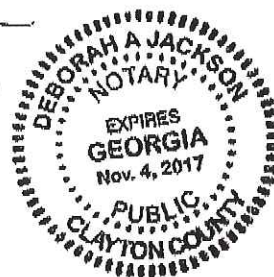
William M. Tabler

Sworn to and subscribed before me this 2 day of October, 2016.



Notary Public

(SEAL)



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OCT 04 2016

City Of Sandy Springs
Community Development

I am trustee for the property located at 644 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is my understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, I hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.



Windsor Irrevocable Living Trust by Wilson Okushi

Sworn to and subscribed before me this 3rd day of October, 2016.



Notary Public

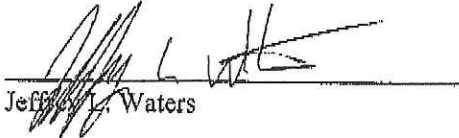


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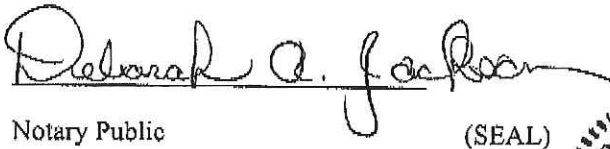
OCT 04 2016

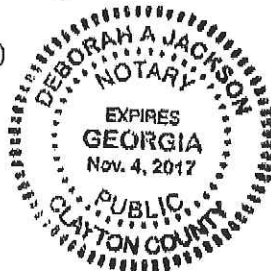
City Of Sandy Springs
Community Development

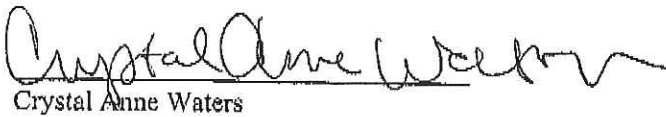
We own the property located at 654 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is our understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, we hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.


Jeffrey L. Waters

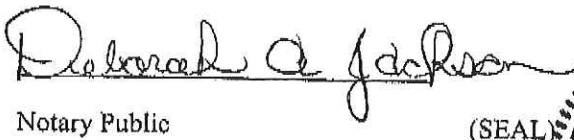
Sworn to and subscribed before me this 3rd day of October, 2016.

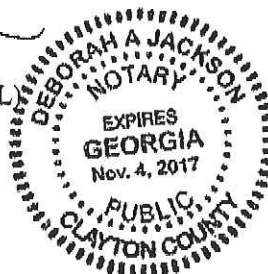

Notary Public (SEAL)




Crystal Anne Waters

Sworn to and subscribed before me this 3rd day of October, 2016.


Notary Public (SEAL)



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OCT 04 2016

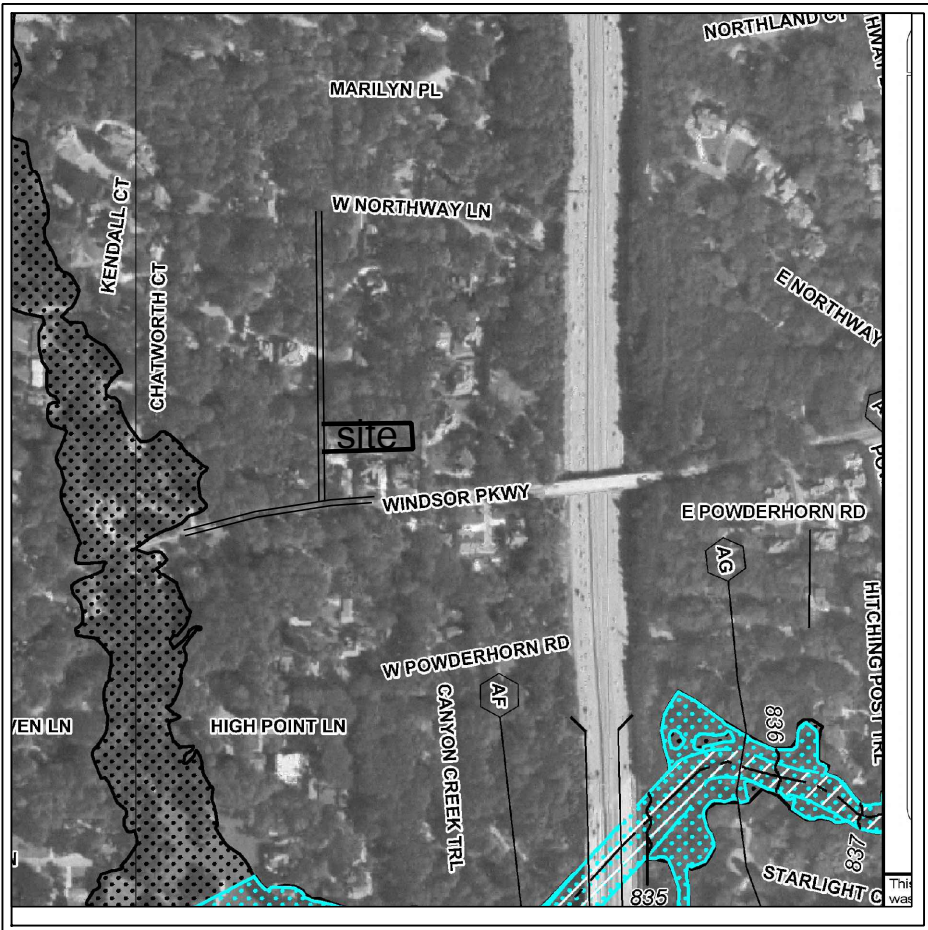
City Of Sandy Springs
Community Development

FLOOD HAZARD NOTE
This property does not lie within a 100 year flood hazard zone as defined by the F.E.M.A. Flood Insurance Rate Map of Fulton County, Georgia, dated 9-18-2013.

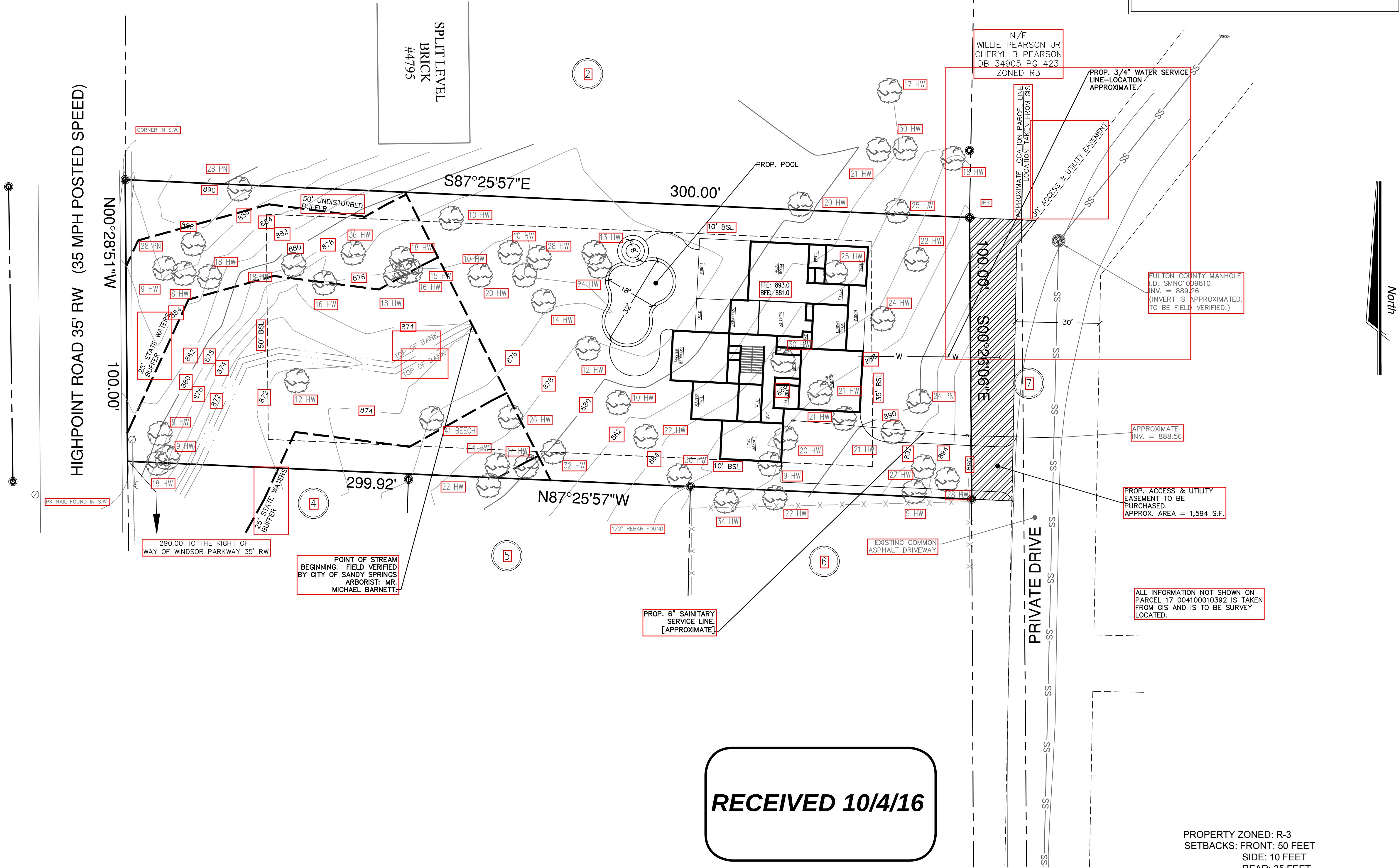
The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

FIELD RUN SURVEY BY:
M CHRISTOPHER E. MOORE
& ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING
848 FAIRWAY DRIVE - MONORE, GA. 30655
Phone: (770) 963-7418 Fax: (770) 963-7995

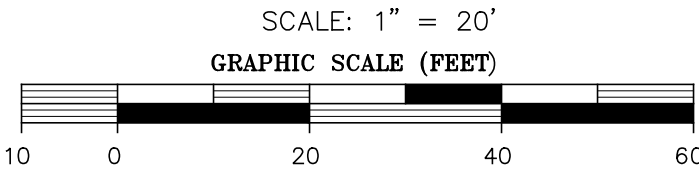
TOTAL SITE AREA: 29,953 S.F. (4.58 ACRES)
BUILDING FOOTPRINT: 4,600 S.F. (15% OF TOTAL SITE)
PARKING SPACES: 2 SPACES MIN.
TOTAL IMPERVIOUS SURFACE: 7,000 S.F. (23.36%)
LANDSCAPING: TO BE DETERMINED
UNDISTURBED AREA: 12,518 S.F. (41.7%)
FLOODPLAIN: 0 ACRES (0 %)



FLOOD MAP / FLOOD HAZARD NOTE
THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP OF FULTON COUNTY, GEORGIA AND INCORPORATED AREAS. COMMUNITY PANEL No. 13121C0163F, DATED SEPTEMBER 18, 2013



PROPERTY ZONED: R-3
SETBACKS: FRONT: 50 FEET
SIDE: 10 FEET
REAR: 35 FEET
SITE AREA = 29,953 S.F. (0.69 ACRES)



This drawing and its reproduction are the property of the engineer and may not be reproduced, published or used in any way without written permission of this engineer.



CIVIL ENGINEERING - PLANNING - PERMITTING

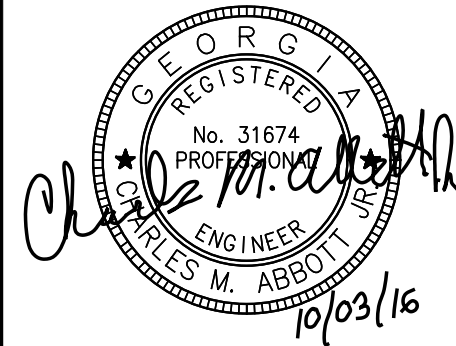
Contact: Chuck Abbott, P.E.
Contact No: 770-815-7160
chuck@abbottconcepts.com

Abbott
Concepts & Design, Inc.
3469 Lawrenceville Hwy
Ste 309
Tucker, Ga 30084

OWNER/DEVELOPER:
Saralyn & Walker
Lundy

INITIAL RELEASE: May 30, 2014		
REVISIONS:		
No:	Date:	Description:
1	7-17-14	ADD FIELD DATA
2	7-22-14	ADD WALL/TABLE
3	6-21-16	BUFFER REV.
4	9-06-16	ENTRANCE REV.
5	9-22-16	NEW FOOTPRINT
6	10-03-16	ADD POOL

BUFFER IMPACT PLAN FOR:
0 HIGH POINT RD.
LAND LOT 41 OF THE 17th DIST.
CITY OF SANDY SPRINGS/FULTON CO.
Address: 0 HIGH POINT ROAD
Parcel I.D. 17 004 00010392
COUNTY PROJ. # _____ CITY PROJ. # _____

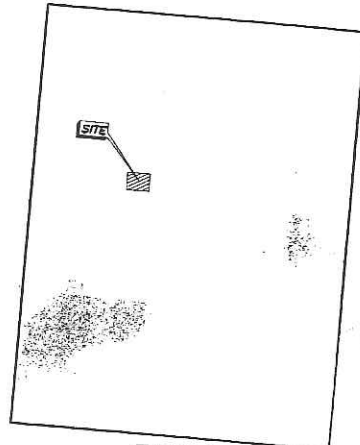


Seal: for the firm AC&D

Job #: 14005
Cad File: 14005SC
Flat File: d-07

Sheet:

C1



FIRM MAP
NOT TO SCALE

THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE FIRM MAPS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY FLOOD INSURANCE STUDY DATED JUNE 22, 1999

AREA	SQ. FT.	ACRES
1	21405.73	0.49
2	21088.59	0.48
3	21053.58	0.48
4	22678.48	0.52
5	20752.00	0.476

The location of underground utilities shown or not shown on this survey are subject to actual location before this survey is used for any purpose. The locations shown are approximate and are not to be used for any purpose other than to show the approximate location of the utilities. The locations shown are not to be used for any purpose other than to show the approximate location of the utilities.

EACH LOT THIS CREATED MAY NOT BE REDEVELOPED PURSUANT TO THE PROVISIONS OF THIS SECTION.

THE DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 0.1" PER ANGLE POINT AND WAS ADJUSTED BY THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE IN EXCESS OF ONE FOOT IN 183,949 FEET.

EQUIPMENT USED: GTS-2110
WATER SERVICE PROVIDED BY CITY OF ATLANTA
WASTEWATER SERVICE PROVIDED BY FULTON COUNTY

OWNER/SUBDIVIDER:
JOHN WILLIS HOMES, INC.
1045 HILL STREET
DULUTH, GA 30096
PHONE: (404) 597-1370

LEGEND:
1/2" REBAR SET
CT = CRAMP TOP IRON PIPE
RB = REBAR
OP = OPEN TOP IRON PIPE
OT = OPEN TOP IRON PIPE
P = MULTI-PURPOSE UTILITY POLE
BL = BUILDING LINE

REFERENCE: A PLAT OF SURVEY FOR JASON YOWELL BY LOWE & ASSOCIATES DATED MAY 7, 1998

HIGHPOINT ROAD

SITE NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND LOCAL CODES.
- TOPOGRAPHIC BOUNDARY SURVEY, INCLUDING PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY THE OWNER, LOWE & ASSOCIATES ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF EXISTING CONDITIONS SHOWN HEREON NOR WILL BE HELD RESPONSIBLE FOR DESIGN ERRORS AS A RESULT OF INACCURATE SURVEY DATA.
- THIS DEVELOPMENT CONTAINS 5 UNITS ON 2.52 ACRES OF LAND.
- ALL CONSTRUCTION MUST CONFORM TO FULTON COUNTY STANDARDS AND SPECIFICATIONS.
- SIGNING AND STRIPING TO BE PROVIDED BY THE DEVELOPER ACCORDING TO FULTON COUNTY SPECIFICATIONS.

LAND LOT 40

LAND LOT 41

1/2" REBAR FOUND 1.54' EAST

1/2" REBAR FOUND 1.35' EAST

1/2" REBAR FOUND 1.35' EAST

1/2" REBAR FOUND 1.35' EAST

1/2" REBAR FOUND 1.35' EAST

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DEVELOPMENT STANDARDS:
HEIGHT REGULATIONS NO BUILDING SHALL EXCEED 40' IN HEIGHT.
(AMENDED 2/7/96)

MINIMUM FRONT YARD 50 FEET
MINIMUM REAR YARD 35 FEET
MINIMUM SIDE YARD 10 FEET
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MINIMUM LOT FRONTAGE 35 FEET ADJOINING A STREET

MINIMUM HEATED FLOOR AREA 1200 SF ON GROUND LEVEL OR LESS THAN TWO (2) FLOORS
1320 SF FOR TWO STORY OR MORE THAN 2 STORY
WITH 800 SF ON GROUND FLOOR

MINIMUM ACCESSORY STRUCTURE REQUIREMENTS: ACCESSORY STRUCTURES MAY BE LOCATED IN THE REAR OR SIDE YARDS ONLY, BUT SHALL NOT BE LOCATED WITHIN A MINIMUM YARD

THERE ARE NO BURY PITS ON THIS SITE.

AREA
2.52 acres

GA. STATE ROUTE 400
R/W VARIES

40' R/W
30.00' FROM C/L
TO PROPOSED RIGHT OF WAY

BACK OF CURBING
16.45' FROM C/L
TO RIGHT OF WAY

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VICINITY MAP
NOT TO SCALE

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN RECORDED IN PLAT BOOK 15, PAGE 38 & 39 OF FULTON COUNTY RECORDS ON 9-14-1999.

CLERK, SUPERIOR COURT
FULTON COUNTY, GEORGIA

THIS PLAT IS APPROVED WITH THE UNDERSTANDING THAT EASEMENT IS GRANTED CUTS AND FILLS AS FOLLOWS:
3" TO 5" - NOT LESS THAN 3 TO 1 SLOPE
5" TO 10" DEPTH - NOT LESS THAN 2 TO 1 SLOPE

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CERTIFICATE

THIS IS TO CERTIFY THAT THE VOLUME AND THE STRUCTURE OF THE DETENTION POND, AS SHOWN ON THE FINAL PLAT FOR THE WINDSOR PARKWAY SUBDIVISION IS IN COMPLIANCE WITH THE APPROVED HYDROLOGY STUDY AND CONSTRUCTION PLAN.

REGISTERED GEORGIA PROFESSIONAL ENGINEER NO. 21272
DATE 9/14/99

THIS PLAT IS SUBJECT TO THE EASEMENTS SET FORTH IN THE SEPARATE DOCUMENT(S) AS RECORDED IN PLAT BOOK 15, PAGE 38 & 39 OF FULTON COUNTY RECORDS ON 9-14-1999.

CHARGE: The owner of record, on behalf of themselves and all successors in interest, specifically releases Fulton County from any and all liability and responsibility for the site purpose of providing for the emergency protection for the free flow of surface waters along all watercourses as established by these Regulations and the Director of the Department of Public Works. The Director of the Department of Public Works may conduct emergency maintenance operations within this easement, which in the judgment of the Director of Public Works, is necessary to remedy a maintenance condition of the public road or utility system. Such emergency maintenance operations shall be conducted on the part of Fulton County, not the owners of the property, and shall not be construed as an abrogation of Fulton County's right to seek reimbursement for expenses from the owners of the property.

OWNERS ACKNOWLEDGMENT: I, the owner of record of the land shown on this plat and whose name is subscribed hereon, in person or through a duly subscribed agent, hereby acknowledge that this plat was made from an actual survey, dedicated to Fulton County, the complete ownership and use of all water and sewer improvements constructed or to be constructed in accordance with this plat, and dedicates to the use of the public forever the following:

Public Streets 0.06 acres.
Public Sewer Easements 0.207 acres.
Public Drainage Easements 0 acres.
Public Parks/Open Space 0 acres.

SUBJECT PROPERTY IS ZONED RS
BUILDING SETBACKS ARE: FRONT = 30'
REAR = 35'
SIDE = 10'

JOHN WILLIS HOMES, INC.
Typed Name of Subdivider

JOHN WILLIS HOMES, INC.
Typed Name of Owner of Record

9-14-1999
Date

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RECEIVED

OCT 04 2016

City of Sandy Springs
Community Development

REVISIONS
8/30/99
9/14/99

EXEMPTION PLAT (SECT. 3.2.25.2)
WINDSOR PARK
PREPARED FOR
JOHN WILLIS HOMES, INC.
LAND LOT 41, 17th DISTRICT

LOWE & ASSOCIATES, INC.
CONSULTING ENGINEERS
1395 S. MARIETTA PKWY. - BLDG. 400 - SUITE 200 - MARIETTA, GA 30067
PHONE: 770-423-0807
FAX: 770-423-1282



JOB NO: 447
DWG NAME: 447PLAT2

EXEMPTION
PLAN

1

EXHIBIT
"A"

For reference:

2014 Variance case: 201402043

- Approval letter
- Site plan
- Staff report



August 15, 2014

Laurel David
3500 Lenox Road
Suite 760
Atlanta, Georgia 30326

Subject: **Approval of Variance Application** – 201402043 0 High Point Road parcel 17
00410001039, Sandy Springs, Georgia 30342

Dear Ms. David:

Please be advised, the City of Sandy Springs Board of Appeals approved variance petition(s) 201402043 for the property located at 0 High Point Road for relief from Section 109-225.a.1 & 2 of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer for construction of a new single family dwelling unit. The Board approved the variance(s) at the August 14, 2014 hearing, subject to the following condition(s):

- 1) To reduce the required seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow construction of a driveway and retaining wall, as shown on the site plan dated received July 25, 2014 by the Department of Community Development.
- 2) The driveway on the property shall include materials that reduce runoff in the 25-50 foot stream buffer area where practicable, such as pervious pavers, open grid pavers, porous pavement or gravel.
- 3) The stormwater management for the property shall include low impact features to consist of the following: 1) a minimum of one a rain garden where practicable, using plants native to the region to naturally filtrate rainwater; 2) a minimum of one infiltration trench where practicable.
- 4) Once final stabilization of the site is achieved, the buffer may be thinned or trimmed of vegetation at any time only by hand, provided all Sandy Springs Land Development Regulations are met. Replantings in the stream buffer area should consist of plants native to the region.
- 5) No landscape fill to be placed within the twenty-five (25) foot stream buffer area, except as needed to construct the retaining wall.

If it is necessary to resubmit plans or apply for any additional permits associated with this project, please submit a copy of this letter as an attachment. Should you have any questions or need any additional information regarding this project, please do not hesitate to contact me or Sonya Fambro at (770) 730-5600.



Sincerely,

Patrice S. Dickerson

Patrice S. Dickerson, AICP
Manager of Planning and Zoning

CC: Sonya Fambro, Planning Technician
PR/sf

Certification of Approval

I hereby certify that the subject case was approved by the Board of Appeals of the City of Sandy Springs with the associated conditions on the above stated hearing date.

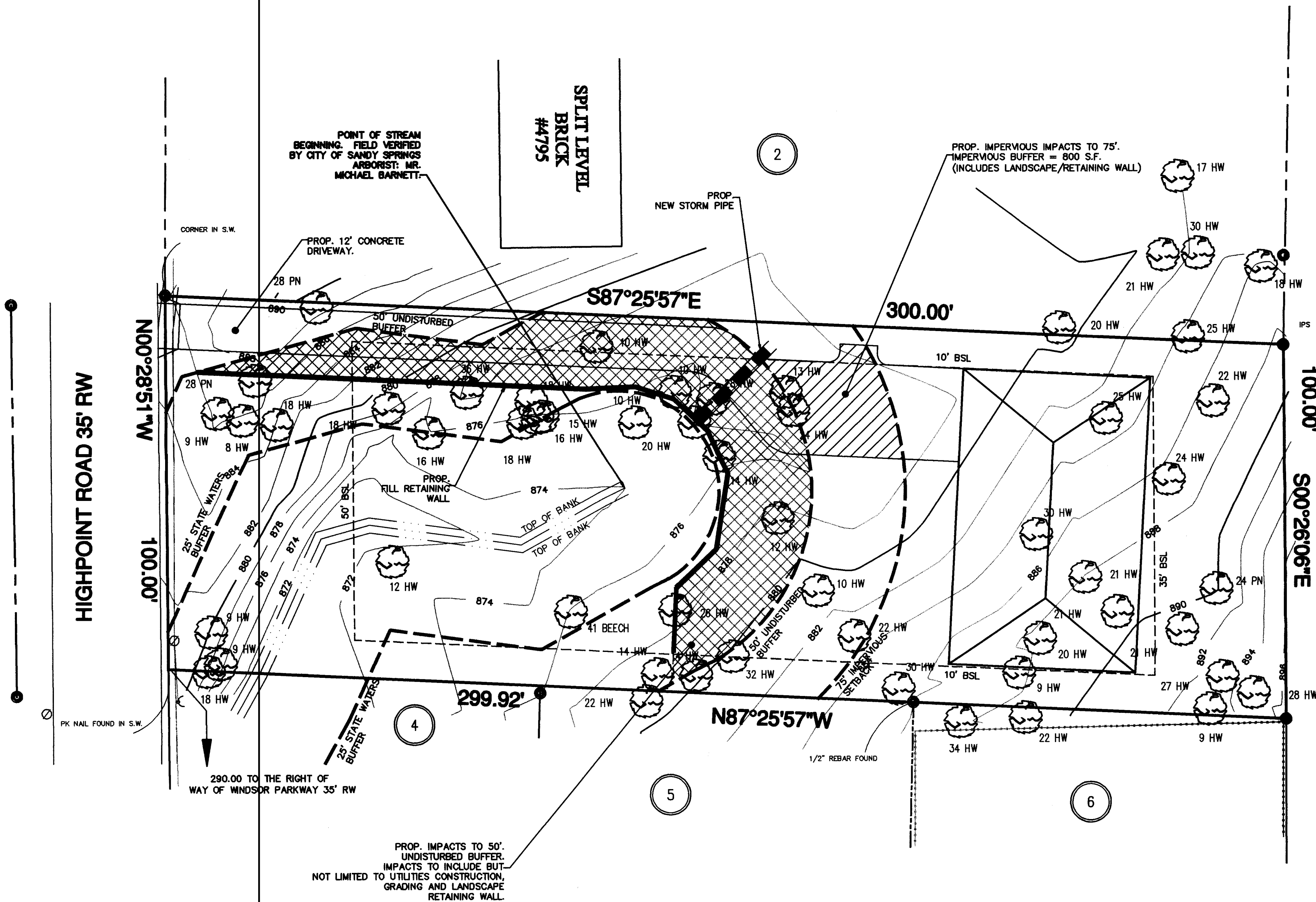
Michael D. Casey
Michael D. Casey
City Clerk

8/19/2014
Date

FLOOD HAZARD NOTE
The property does not lie within a 100 year flood hazard zone as defined by the F.E.M.A. Flood Insurance Rate Map of Fulton County, Georgia and incorporated areas, map number 131201009 dated 9-18-2013.

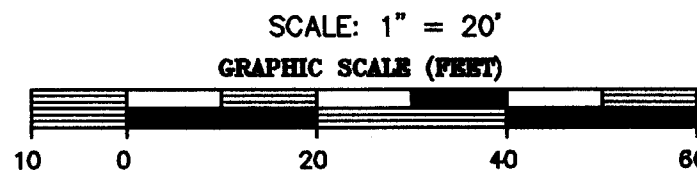
The survey was prepared in conformity with the Technical Standards for Property Surveyors in Georgia as set forth in Chapter 100-7 of the Rules of the Georgia Board of Professional Land Surveying and as set forth in the Georgia Professional Land Surveyor Act, Chapter 100-7.

FIELD RUN SURVEY BY:
M **CHRISTOPHER E. MOORE**
& ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING
948 FAIRWAY DRIVE - MONROE, GA. 30655
Phone: (770) 963-7418 Fax: (770) 963-7995



PROPERTY	EXISTING SITE	PROPOSED ENCROACHMENT	PROPOSED IMPERVIOUS SURFACE
0'-25' STREAM BUFFER	0 S.F.	0 S.F.	0 S.F.
25'-50' STREAM BUFFER	0 S.F.	3,850 S.F.	1,673 S.F.
50'-75' STREAM BUFFER	0 S.F.	2,899 S.F. (ALLOWED)	800 S.F.
(IMPERVIOUS SETBACK)			
TOTAL	0 S.F.	3,850 S.F.	2,473 S.F.
		(IMPERVIOUS SURFACE AREA IS COUNTED IN ENCROACHMENT AREA)	

CONSTRUCTION AND GRADING ASSOCIATED WITH PROPOSED RETAINING WALL WILL NOT ENCROACH INTO THE 25' STATE WATERS BUFFER.



RECEIVED

JUL 25 2014
City Of Sandy Springs
Community Development

RECEIVED
JUL 25 2014
City Of Sandy Springs
Community Development

PROPERTY ZONED: R-3
SETBACKS: FRONT: 50 FEET
SIDE: 10 FEET
REAR: 35 FEET
SITE AREA = 29,963 S.F.



FLOOD MAP / FLOOD HAZARD NOTE
THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP OF FULTON COUNTY, GEORGIA AND INCORPORATED AREAS. COMMUNITY PANEL No. 131201009, DATED SEPTEMBER 18, 2013

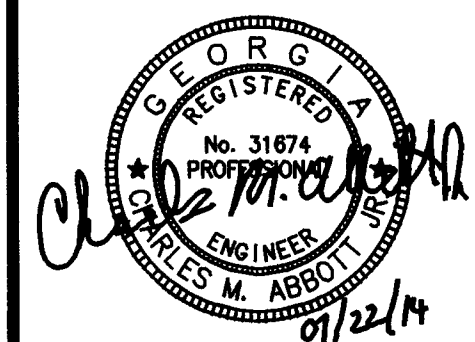
CIVIL ENGINEERING - PLANNING - PERMITTING

PREPARED BY:
Abbott
Contact: Chuck Abbott P.E.
Contact No: 770-915-7180
chuck@abbottconcepts.com

OWNER/DEVELOPER:
Saralyn & Walker Lundy

INITIAL	RELEASE	May 30, 2014
No.	Date	Description
1	7-17-14	ADD FIELD DATA
2	7-22-14	ADD WALL/TABLE
3		
4		
5		

BUFFER IMPACT PLAN FOR:
0 HIGH POINT RD.
LAND LOT 41 OF THE 17th DIST.
CITY OF SANDY SPRINGS/FULTON CO.
Address: 0 HIGH POINT ROAD
Parcel ID: 17 004100010002
COUNTY PROJ. # _____ CITY PROJ. # _____



Seal: for the firm AC&D
Job #: 14005
Cust. File: 14005SC
Plot File: d-07

Sheet:
C1

4471 Sims Ct.
Tucker, Ga 30084

Concepts & Design, Inc.



Variance Petition No. 201402043

HEARING & MEETING DATES

Board of Appeals Hearing
August 14, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Saralynn Lundy

Petitioner
Saralynn Lundy

Representative
Laurel David

PROPERTY INFORMATION

Address, Land Lot(s), and District 0 High Point Rd (17 00410001039)
Land Lot 41, 17th District

Council District 5

Frontage Approximately 100 feet of frontage along High Point Road

Area Approximately .68 acres (29,621 square feet)

Existing Zoning R-3 (Single Family Residential District)

Existing Use Vacant lot

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to construct a driveway and retaining wall. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

- 1) Primary Variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer for the construction of a driveway and retaining wall.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402043 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0'-25' Stream Buffer	0 sf	0 sf	0 sf
25' – 50' Stream Buffer	0 sf	1,673 sf	1,673 sf
50' – 75' Stream Buffer	0 sf	800 sf	800 sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	2,473 sf	2,473 sf

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the stream buffers cover approximately two-thirds of the subject property at the front portion of the lot. Additionally, the topography slopes towards the middle of the property. These factors combined effectively limit the buildable area to the rear of the lot. In order for the applicant to build a single family home in the applicable buildable area they would need to have access across the stream buffers at the front of the property. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

Due to the location of the stream, approximately two-thirds of the subject property has been covered by the stream buffers in the front portion of the property, leaving the only buildable area to the rear of the lot. A driveway would need to be constructed in order to access the buildable portion at the rear of the lot. Thus, strict adherence to the buffer requirements would create an extreme hardship in the construction of a driveway and retaining wall. Based on these reasons, staff is of the opinion that this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

Two-thirds of the subject parcel is located within the stream buffers, which restricts the buildable area of the lot to the eastern side of the property. When the stream buffers are combined with the topographical challenges on the site the location of a driveway and retaining wall are severely limited because the buildable area cannot be accessed without encroaching into the applicable stream buffers. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and property boundaries are shown on the attached site plans.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

On the initial site plan submitted on June 3, 2014 the applicant proposed to build a single family dwelling unit in the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer. After meeting with staff the applicant has provided an alternative design that would move the house out of the impervious surface setback and has significantly reduced the amount of grading in association with the retaining wall and driveway in the fifty (50) foot undisturbed buffer. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition.

Department Comments

Focus Meeting held on Wednesday July 9, 2014 no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation:	) For informational purposes, High Point Road is included in the adopted Sidewalk Master Plan network.
-----------------	--

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for construction of a driveway and retaining wall.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To reduce the required seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow construction of a driveway and retaining wall, as shown on the site plan dated received July 25, 2014 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Revised Letter of Appeal – Dated received July 25, 2014
Letter of Appeal – Dated received June 3, 2014
Revised Site Plan – Dated received July 25, 2014
Site Plan – Dated received June 3, 2014
Photographs

0 High Point Road

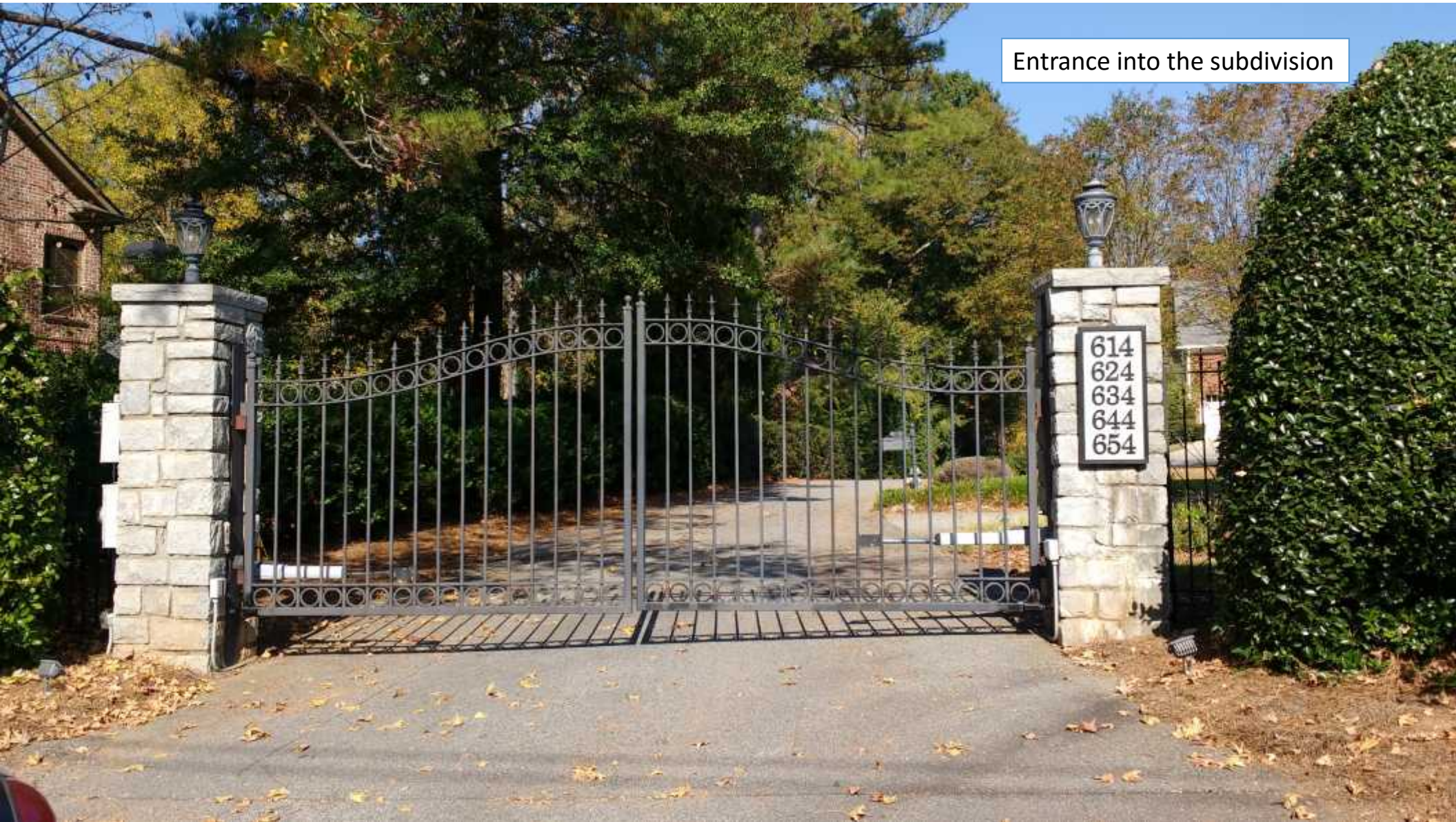


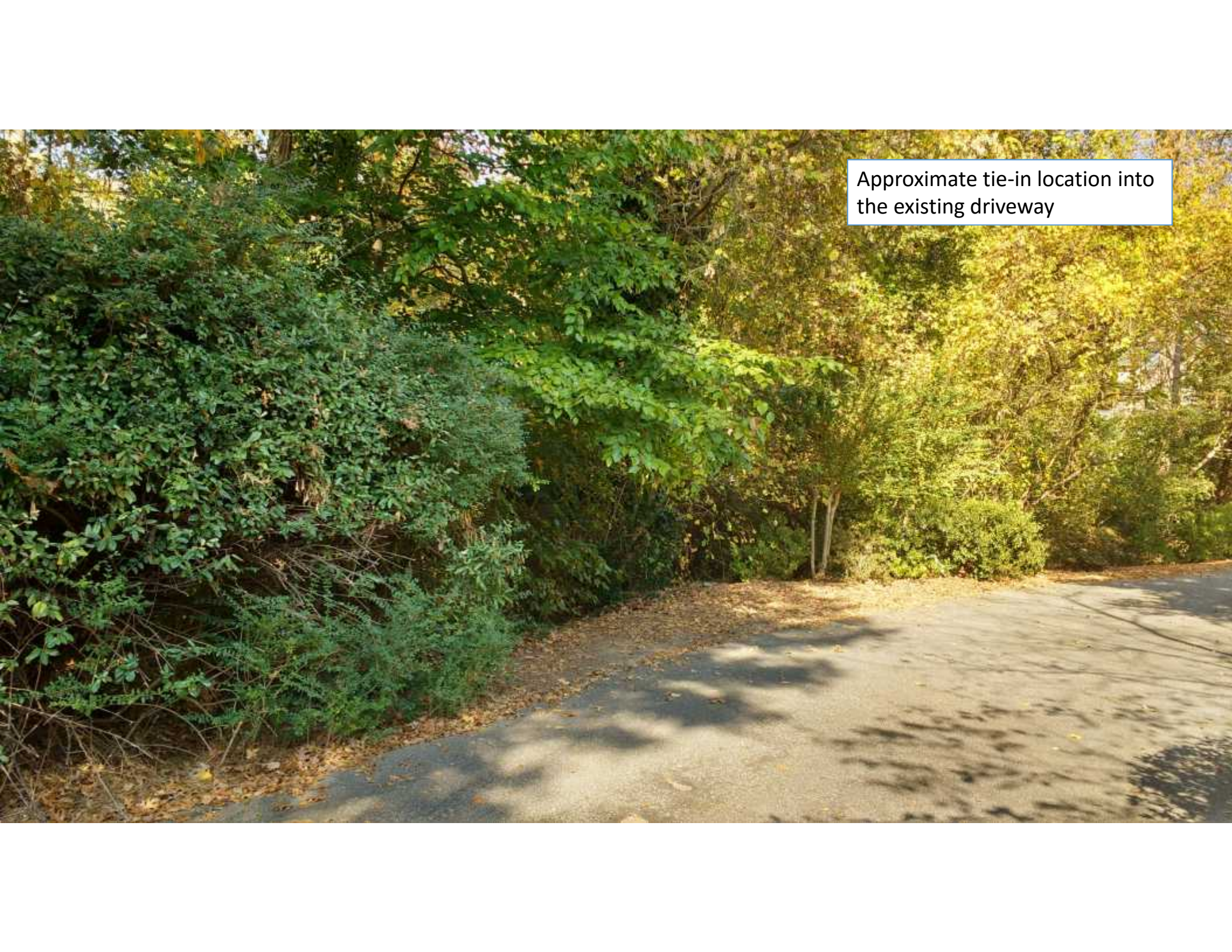
Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 14, 2014.

Driveway inside the subdivision



Entrance into the subdivision





Approximate tie-in location into
the existing driveway



View of the site from High Point Rd



P&Z STAFF REPORT

Board of Appeals Hearing; November 10, 2016

Case: **V16-0137 – 455 Hunters Crossing Dr**

Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)

Report Date: November 3, 2016

REQUEST

Variance from Section 6.4.3D of the Zoning Ordinance to encroach 8 feet into the minimum side yard to construct an addition to a residence.

APPLICANT

Property Owner: Craig Miller	Petitioner: Sol Elisha Atlanta Porch & Patio	Representative: -
---------------------------------	--	----------------------

PROPERTY INFORMATION

Location:	455 Hunters Crossing Dr
Council District:	4 – Sterling
Road frontage:	Approximately 130 ft. on Hunters Knoll Approximately 110 ft. on Hunters Crossing Dr
Acreage:	Approximately 0.5 ac.
Existing Zoning:	R-3 (Residential District)
Existing Land Use:	Single-family dwelling
Overlay District:	N/A
Special Planning Area:	-
Future Land Use Designation:	R2-3 (2-3 units per acre)

PROPOSED DEVELOPMENT

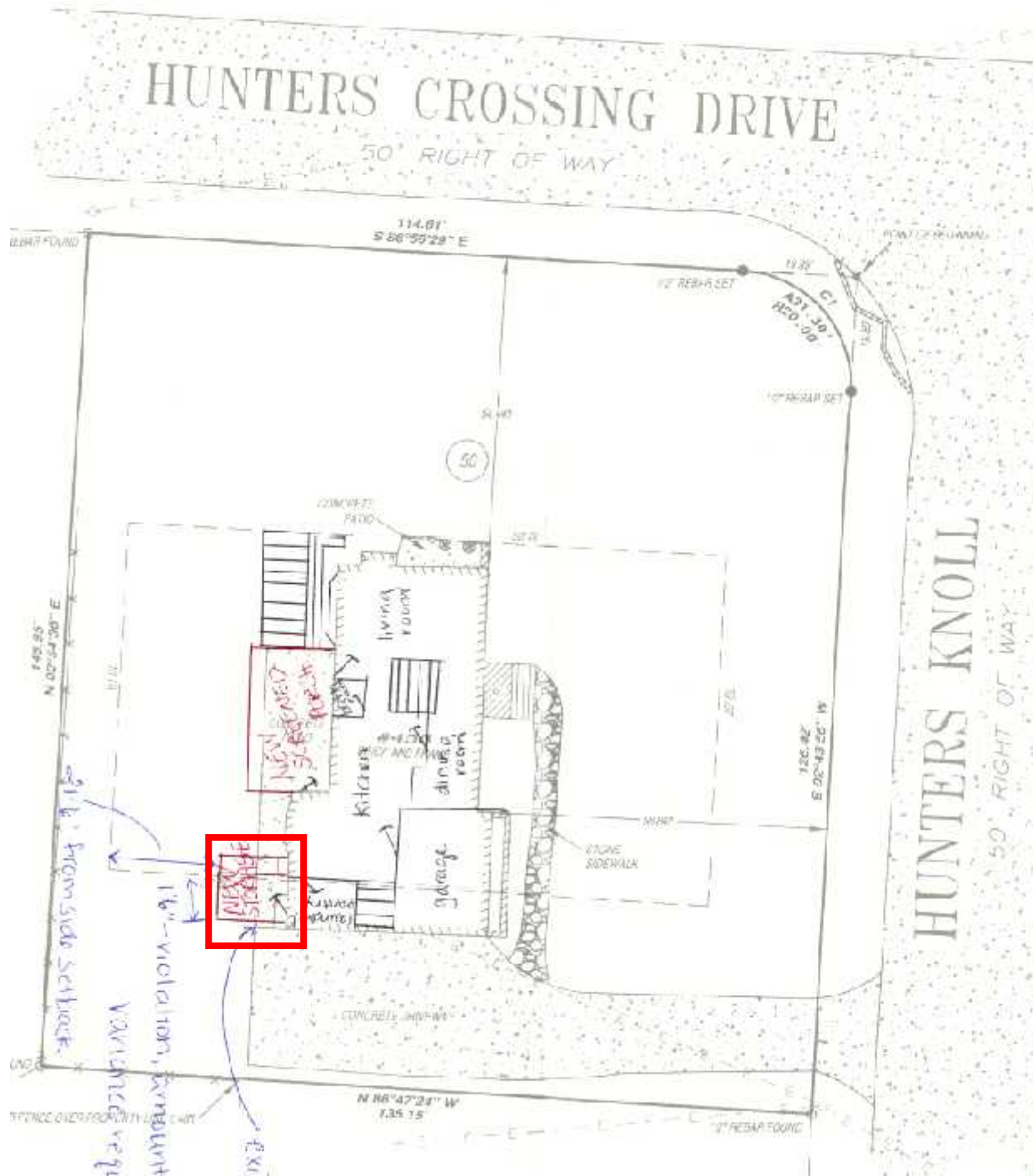
The applicant is proposing an approximately 10-foot by 10-foot addition to the rear of an existing residence. The addition will be used as an extension of a storage area adjacent to the garage.

RECOMMENDATION

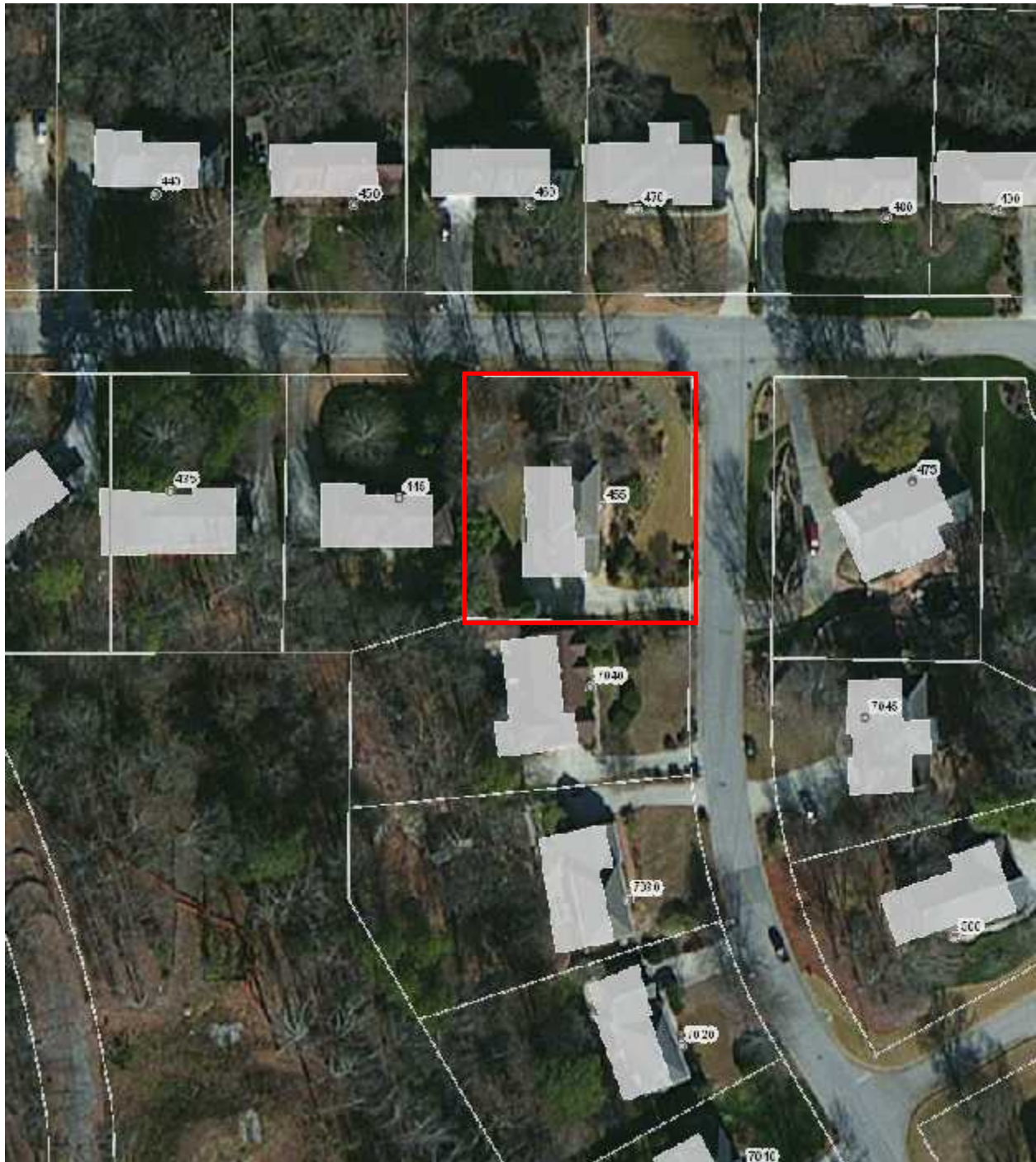
Department of Community Development

Conditional Approval of the variance request.

SITE PLAN (FULL SITE PLAN AS ATTACHMENT)



AERIAL IMAGE



ZONING MAP

455 Hunters Crossing Dr



VARIANCE CONSIDERATION

Per Section 22.3.1. of the Zoning Ordinance, variances, administrative variances, and concurrent variances shall only be granted upon showing that:

For new development (including the expansion of an existing development):

- 1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or*
- 2. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Further, the application shall demonstrate that:

- 3. Such conditions are not the result of action or inaction of the current property owner; and*
- 4. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
- 5. The variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety, and welfare.*

Finding:

For a parcel that fronts on multiple streets, the City Zoning Ordinance assigns the front yard to that side of the lot that has the shortest street frontage. For the subject property, the side facing Hunters Crossing Dr, is the front yard, as at 114 ft. it is slightly shorter than the side facing Hunters Knoll at 126 ft. Accordingly, the east side of the property, towards Hunters Knoll, is a side corner yard, the south side of the property is a rear yard, and the west side of the property is a side yard. The minimum building setbacks associated with front, side, and rear yards establish the building envelope.

When the residence was constructed in 1980, the builder oriented the home towards Hunters Knoll, causing the residence to be at a 90-degree angle to the building envelope and resulting in an encroachment of 9 feet into the 35-foot minimum rear yard setback. While Staff could not determine the cause for this encroachment, it is not the result of action or inaction of the applicant or the current property owner who bought the residence in 1998.

Atypical for lots in Sandy Springs, the subject property is almost square in shape. Compared to a longer, more rectangular lot of the same size, a square lot loses additional buildable area to the front and rear minimum yards. Staff finds that this configuration creates an extraordinary and exceptional condition.

The proposed addition extends the length of the south-facing façade and encroaches approximately one foot less into the rear yard than the existing residence. At the outward-most point, the addition is approximately 32 feet from the western property line and 27 feet from the south property line; further away from the shared property line as both the residence to the south and the residence to the west. Therefore, staff concludes there is no negative impact on the neighbors, that the addition would be consistent with the general intent of the Zoning, and that it would not be detrimental to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

The neighbors on both sides of the residence signed a letter in support of the application.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

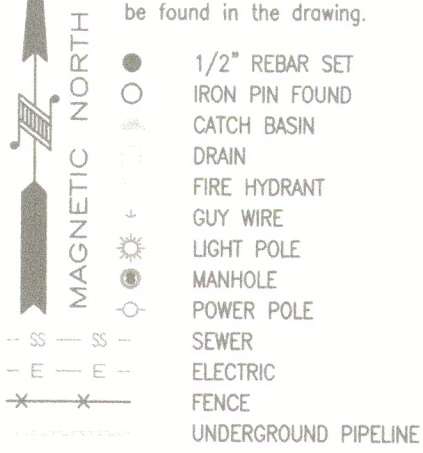
Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of variance request V16-0137 to encroach 8 feet into the minimum side yard to construct an addition to a residence.

Should the Board of Appeals choose to approve the requests, staff recommends the following conditions:

1. To allow the construction of an addition to an existing residence as shown on the site plan received by the Department of Community Development October 4, 2016.
2. Any revisions of the submitted site plan must be reviewed and approved by Staff.
3. Prior to issuance of a certificate of occupancy, the applicant must provide an as-built survey.

LEGEND

These standard symbols may be found in the drawing.



AREA

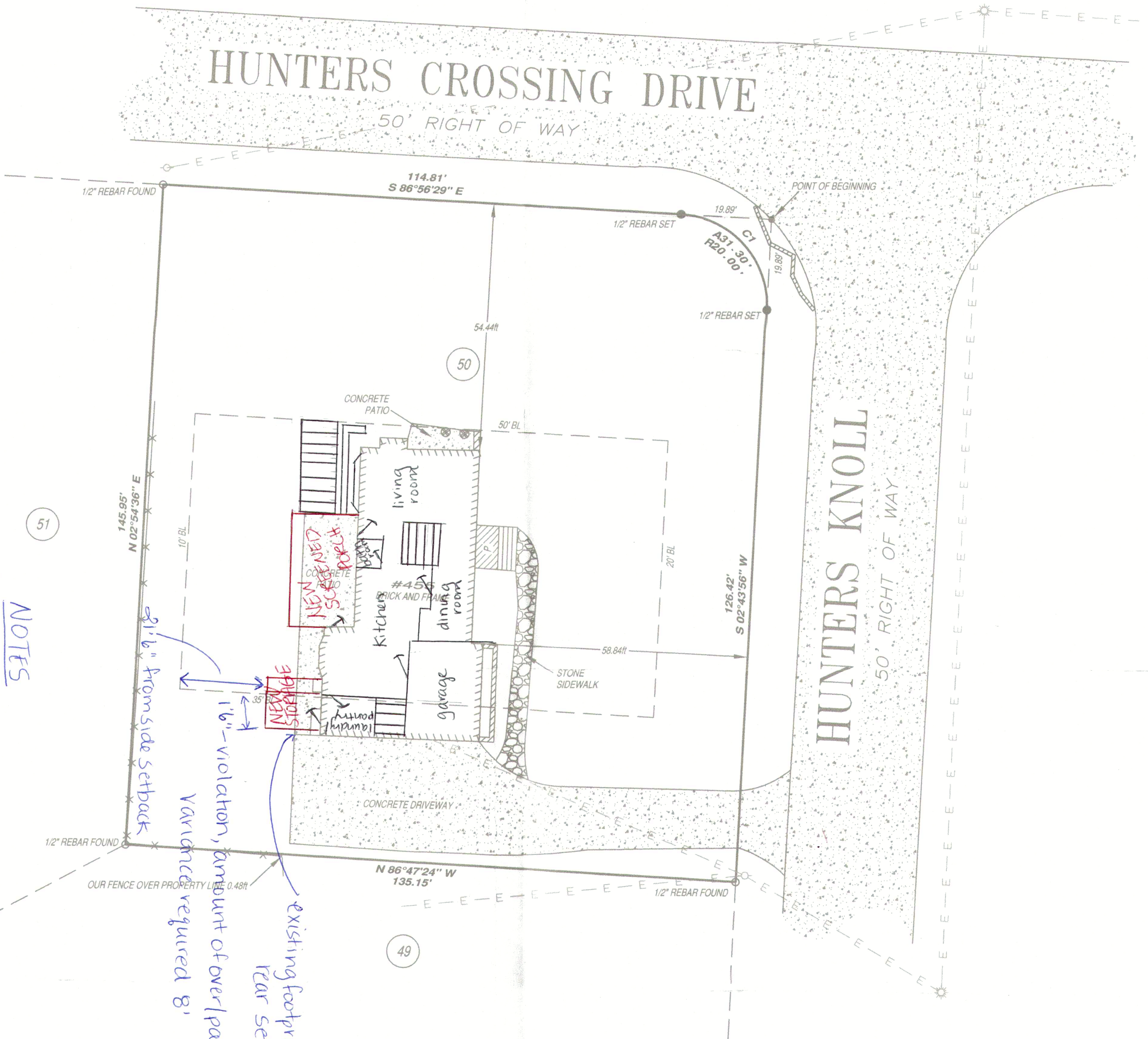
19631.663 SQ. FT.
0.451 ACRES

HUNTERS CROSSING DRIVE

50' RIGHT OF WAY

HUNTERS KNOLL

50' RIGHT OF WAY



NOTES

① NO TREES WILL BE IMPACTED
② ON-SITE OPERATOR OWNER OR APPLICANT MUST COMPLY WITH ARTICLE VI, CHAPTER 109, TILED SOIL AND EROSION, SEDIMENTATION AND POLLUTION CONTROL OF THE CITY OF SANDY SPRINGS DEVELOPMENT REGULATION

ZONING

-R3 (PER ZONING FRONT SETBACK-50' REAR SETBACK-35' INTERIOR SIDE-10' SIDE W/ STREET-20')

NOTES

1. EQUIPMENT USED: TOPCON GTS 3/3B SERIES TOTAL STATION AND ALLEGRO CX DATA COLLECTOR.
2. SOFTWARE USED: CARLSON SURVEY 2007 AND CARLSON SURVCE

FLOOD STATEMENT

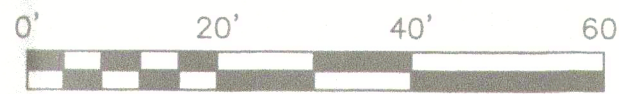
I HAVE THIS DATE, EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE ITS OPINION FOR SAID PARCEL
MAP ID 13121C0153 E EFFECTIVE DATE: JUNE 22, 1998

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	31.30'	28.20'	S 42°06'17" E	89°40'25"

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 105,328 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



RECEIVED 10/4/16

GEORGIA LAND SURVEYING CO.,INC.

155 CLIFTWOOD DRIVE
ATLANTA, GEORGIA, 30328
TELEPHONE : (404) 255-4671
FAX : (404) 255-6607
www.georgialandsurveying.com

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

CRAIG N. MILLER
BETH A. MILLER

LAND LOT: 21 17th DISTRICT SECTION
LOT: 50 BLOCK: UNIT:
SUBDIVISION: HUNTERS CROSSING

SURVEYED: 7/13/10 PARTY CHIEF: D.R.
DRAFTED: 7/14/10 DRAFTER: D.R.

SHEET 1 OF 1

PLAT BOOK 118, PAGE 103
DEED BOOK 25724, PAGE 137

DRAWING NO. 1900068



Case No.:

V 16-0137

Planner's initials: PL

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 455 Hunters Crossing	
	Parcel Tax ID:	
	Land Lot(s): 21	Land District(s): 17 th
	Total acreage: 0.451	Council district:
	Current zoning:	Current use:
	Overlay district:	Future land use:

APPLICATION	Detailed request (include Ordinance/Code Section No.):	
	Request for variance from Section 6.4.3(d) to encroach into the minimum 35' rear setback to extend an existing structure.	
	Petitioner: SOL ELISHA	
	Petitioner's address: 1120-G Hightower Trail Sandy Springs, GA - 30350	
	Phone: 770-380-8989	Email: sol@atlanta-porchandpatio.com

OWNER	Property owner: Craig Miller	
	Owner's address: 455 Hunters Crossing Atlanta, GA 30325	
	Phone: 404-451-3728	Email: Craig@Miller-Ventures.com
	Signature (authorizing initiation of the process):	
	If the property is under contract and the owner is unavailable to sign, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date: 10/6/16
Anticipated PC date: N/A ☐	Anticipated BOA date: 11/10/16
ADDITIONAL INFORMATION NEEDED:	
- to submit by Friday 10/7/16	
• legal description	
• second copy full-site site plan	
• digital copy site plan	
• check	

RECEIVED

OCT 04 2016



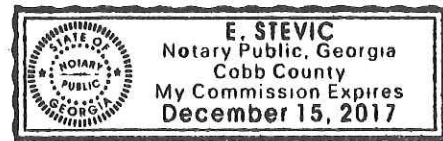
AUTHORIZATION FORM – PART II

- C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name:	SOL ELISHA
Company:	ATLANTA PORCH & PATIO LLC
Address:	1120-C Hightower Trail
City, State, Zip Code:	Sandy Springs, GA-30350
Email address:	sol@atlantaporchandpatio.com
Phone number:	770-380-8989
Agent's signature:	
Applicant's signature:	

Sworn and subscribed before me this
20 th day of September 20 16
Notary public:

Seal:



Commission expires: December 15, 2017

RECEIVED

OCT 04 2016

City Of Sandy Springs
Community Development

LETTER OF INTENT

Property Address: 455 Hunters Crossing, Atlanta, GA 30325

Variance Requested: Requesting to build 7'6" into a 35' rear setback, approximately 21.5%

Type of Property: Single-family detached residential unit

Alternative Design: This is a 10' extension of an existing storage area so it cannot be relocated elsewhere. It will continue existing space inside the house.

Hardship Created: This is the only entrance along the back of the house where such an extension can be located. There are 2 other entrances at this level - one goes into the kitchen and the other into the living room. Neither door can lead to a storage area. The lack of existing storage space is creating difficult living conditions for the homeowner.

RECEIVED

OCT 04 2016

City Of Sandy Springs
Community Development

RECEIVED

Variance Analysis

OCT 04 2016

City Of Sandy Springs
Community Development

Unnecessary Hardship

Building this room anywhere other than where it is proposed creates hardship since the items that will be stored in the proposed room will be items related to the kitchen and pantry and the existing laundry room. Laundry room will have to be moved to another part of the house to facilitate this room. This is a design and a financial near impossibility.

Extraordinary and Exceptional Conditions Exist

This is the only place to expand the Laundry room and pantry as the rest of the rooms facing the rear of the house are dedicated to a kitchen, bathroom and a living room.

Hardship Conditions Not Created by Current Homeowner

Current homeowner did not build the house into the rear setback. Further, the small laundry room and pantry, which are combined as one space, was already built when the current homeowner bought the house. They have not altered the layout of the house to create this hardship.

In fact, the current owner's elderly mother spends an increasing amount of time with them and cannot negotiate stairs thus food serving and storing and laundry operations must remain on the main floor.

This proposal to relieve the hardship is the minimum that must be done to allow the current homeowner to live in a safe and healthier environment. Better separation of food items and clothes cleaning agents is the minimum that needs to occur.

Last, the proposed addition will not alter the use of this home from how it is being used currently.

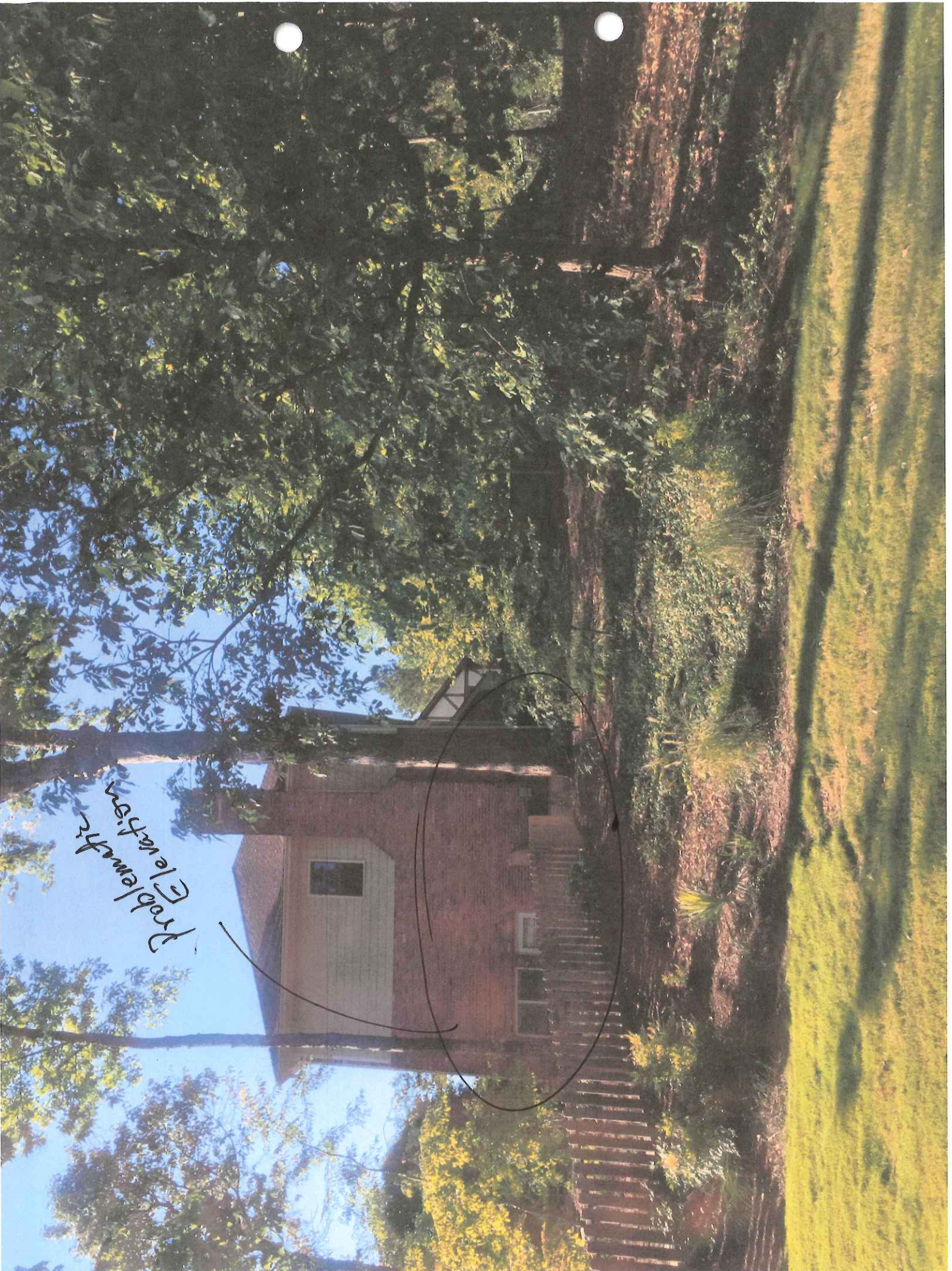
Alternatives Explored

Moving the Existing Laundry Room & Kitchen Upstairs or Downstairs

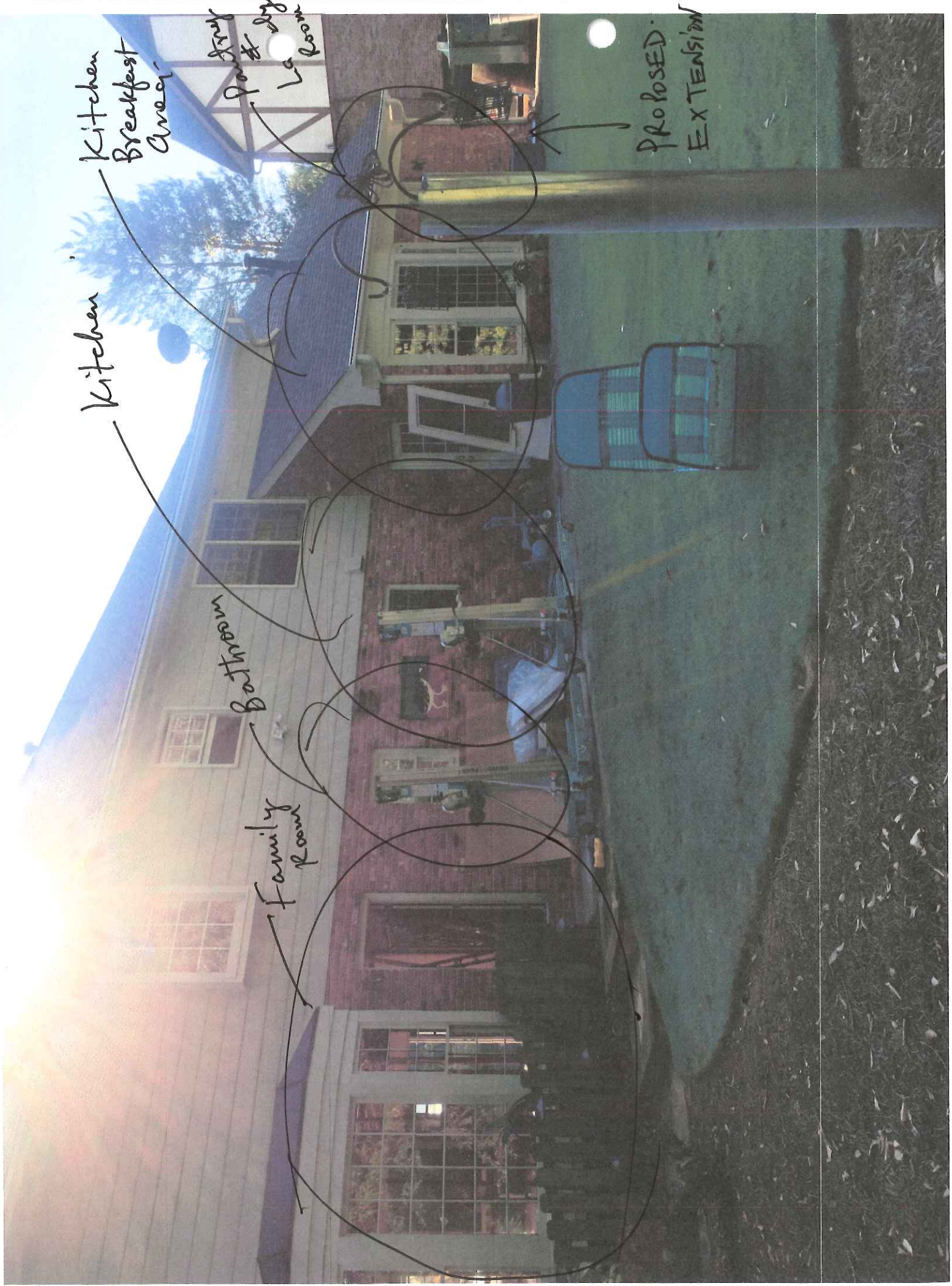
Given the age of the current occupants, including the increasing use by occupant's aged mother, the cost of moving rooms such as these, the kitchen and laundry rooms cannot be moved upstairs or downstairs to the basement.

Moving the Existing Laundry Room & Kitchen Elsewhere on 1st Floor

All other areas of the first floor are occupied by either the garage, average size living room, a small dining room, a single bathroom, a small kitchen and a small breakfast area next to the kitchen.



Problematic
Elevations



Kitchen

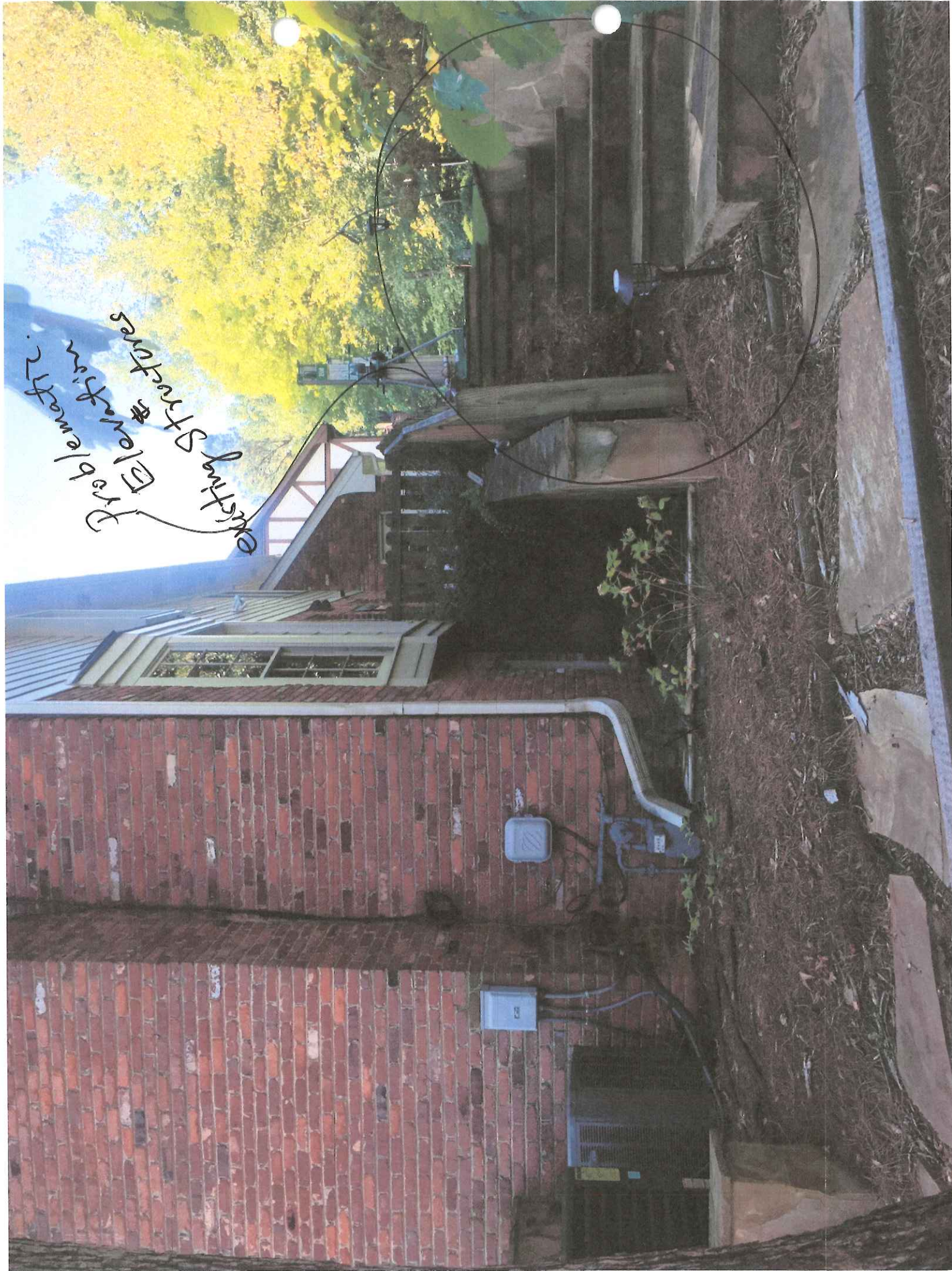
Kitchen
Breakfast
Area

Back
Room

Family
Room

Living
Room
Dining
Room

PROPOSED
EXTENSION



Electricity Structure
Elevation
221

October 4, 2016

RE: Craig & Beth Miller's Residence
455 Hunters Crossing
Atlanta, GA 30328

Dear Diane,

Later this week Craig and I plan on asking the city of Sandy Springs to allow us to build a small extension to our laundry room extending 10 feet into the backyard by 8 foot wide (see attached drawing). It will not protrude past the existing house on the side. This addition will require the city to approve it as an exception due to side setback considerations. We want to let you know of this before the big signs go up in our yard.

Current Situation

Typically, the side setback in the neighborhood is 10 feet. However, because of the way the lot was originally recorded, the garage side of the house is considered the backyard, thus it calls for a 35' setback, despite this area functionally serving as a side yard. As a result we propose to build approximately 4 feet further than what is allowed into our "backyard" (area next to the garage that you know as our side yard). I will need to appear in front of the city council to present my plan and seek their approval.

Reason for the Addition

Our kitchen and laundry room are next to each other. Both our kitchen and laundry rooms are very small and often use is intermingled thus creating significant space and utility challenges. The proposed addition will allow us to use our cramped kitchen and laundry rooms more efficiently. Our objective is to make the addition look like it is part of the house.

Although the city has not required us to notify you of our proposed addition, I am asking proactively if you have any concerns. If you don't have any objections to us building this small addition, please sign below. Thank you in advance.

Your neighbors,

Craig & Beth Miller

Signature:



Name:

Diane Black

Address:

7040 Hunters Knoll
Sandy Springs, 30328

Signature:



Name:

William H. Black

Address:

7040 Hunters Knoll
Sandy Springs, 30328

October 4, 2016

RE: Craig & Beth Miller's Residence
455 Hunters Crossing
Atlanta, GA 30328

Dear Jeremy,

Later this week Beth and I plan on asking the city of Sandy Springs to allow us to build a small extension to our laundry room extending 10 feet into the backyard by 8 foot wide (see attached drawing). It will not protrude past the existing house on the side. This addition will require the city to approve it as an exception due to side setback considerations. We want to let you know of this before the big signs go up in our yard.

Current Situation

Typically, the side setback in the neighborhood is 10 feet. However, because of the way the lot was originally recorded, the garage side of the house is considered the backyard, thus it calls for a 35' setback, despite this area functionally serving as a side yard. As a result we propose to build approximately 4 feet further than what is allowed into our "backyard" {area next to the garage that you know as our side yard). I will need to appear in front of the city council to present my plan and seek their approval.

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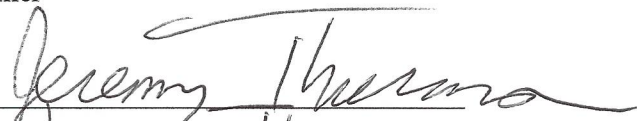
Your neighbors,

Craig & Beth Miller

Signature:

Name:

Address:


Jeremy Thurman
445 hunters crossing dr
Atlanta GA 30328

Signature: _____

Name: _____

Address: _____



→ PROPOSED ROOM

Neighbor's
View of
PROPOSED.

→ Roof Pitch to
Match existing
pitch

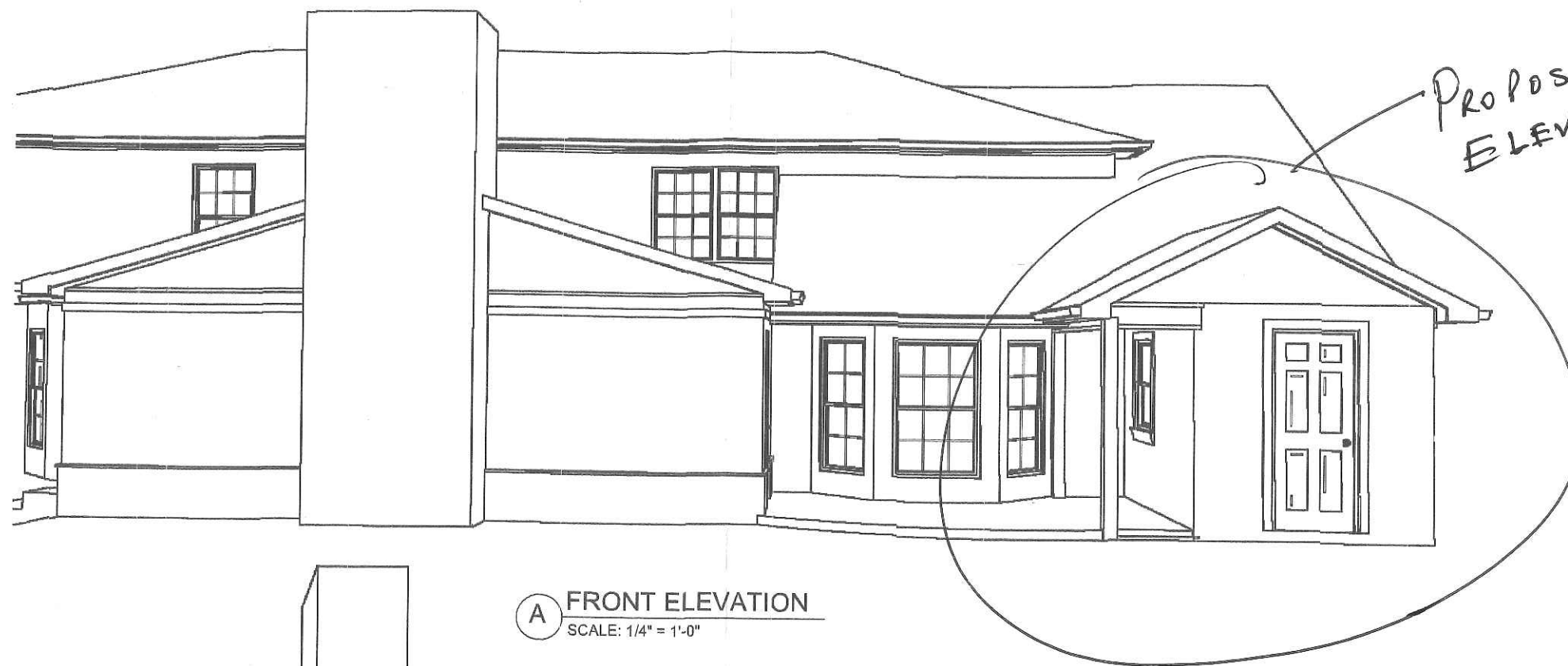
→ Hardi Siding
to Match



3-D vision
of PROPOSED



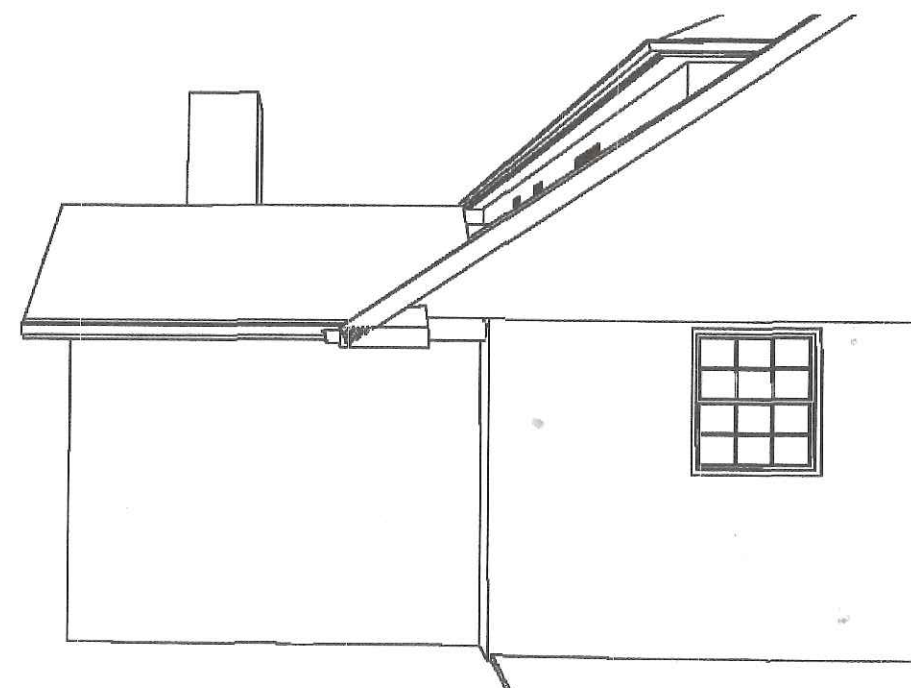
All dimensions are approximate. In the event of a difference between the drawn and written dimensions, the written dimension shall prevail. Due to local differences in building codes and regulations, and specific site conditions, these drawings may need to be modified by the builder to comply with such local codes and regulations, or site conditions.



A FRONT ELEVATION
SCALE: 1/4" = 1'-0"



B LEFT ELEVATION
SCALE: 1/4" = 1'-0"



C RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

SHEET
EV-1



SHEET DESCRIPTION

ELEVATION

SCALE = 1/4"

Prepared by Archadeck of Greater Atlanta
1120-C Hightower Trail
Atlanta, GA 30350

Construction & Drafting Department

All rights reserved. Unauthorized
duplication is a violation of
all applicable laws.

MILLER
455 HUNTERS CROSSING
ATLANTA, GA. 30328

AUGUST 08, 2016

Location of the proposed addition





Location of the proposed addition

View of the proposed location up the driveway





P&Z STAFF REPORT

Board of Appeals Hearing; November 10, 2016

Case: **V16-0140 – 535 Forest Hills Drive**

Staff Contact: Andy Mendzef (amendzef@sandyspringsga.gov)

Report Date: October 24, 2016

REQUEST

Variance from Development Regulations 109-225: Request to bring existing retaining wall that encroaches into the 25 foot impervious surface setback into conformity. The four foot tall retaining wall was constructed without a permit.

APPLICANT

Property Owner: David Levitan	Petitioner: John Lynch	Representative: N/A
----------------------------------	---------------------------	------------------------

PROPERTY INFORMATION

Location:	535 Forest Hills Drive
Council District:	5; Tiberio DeJulio
Road frontage:	Approximately 130 feet along Forest Hills Drive
Acreage:	0.90 acre
Existing Zoning:	R-3 (Single Family Dwelling District)
Existing Land Use:	Single Family Dwelling
Overlay District:	N/A
Special Planning Area:	N/A
Future Land Use Designation:	R1-2 (1-2 units per acre)

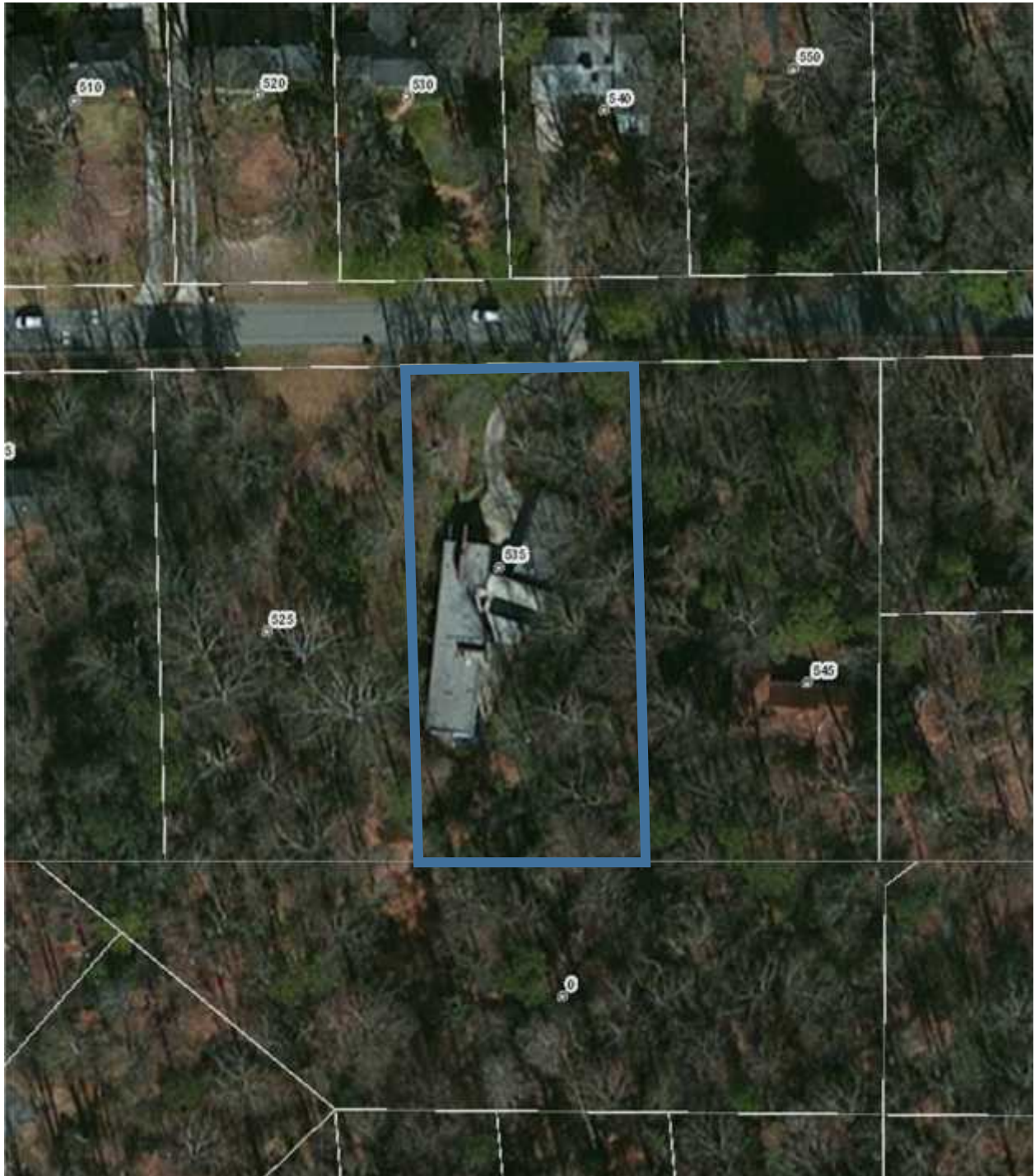
SUMMARY

The applicant is requesting a variance to bring into conformity an existing retaining wall that was recently constructed in conjunction with a permitted property stabilization project. The site is developed with a single-family dwelling and detached garage, a pool and pool house, which account for 3,549 square feet of impervious surface. Due to erosion the deck was sinking and helical piers were installed to stabilize the deck and pool area. As part of this project, the retaining wall was constructed in the 75-foot impervious setback without City approval. The site plan indicates that the retaining wall extends 40 feet from the front corner of the home and adds 46 square feet of additional impervious surface to the site. The structure is

approximately four feet tall and four Leyland cypress trees were planted along the base. According to the letter of intent the purpose of the retaining wall is to further stabilize the property and to prevent erosion around the home and an existing deck and pool house. The topography of the site is fairly significant as it slopes from behind the home or the west property line down towards a creek that traverses the site. In March of 2016 an engineer created a structural analysis and repair plan to address the issue and recommended the helical piers as well as a retaining wall. The wall encroachment is entirely within the impervious surface setback and according to a City inspector the construction of the retaining wall resulted in minimal disturbance to the property. It was also indicated by the property owner that only a few dead trees and undergrowth were removed from the area in consideration to construct the wall. Projected storm water runoff for the new wall is 31 cubic feet. In order to offset the new impervious surface the plan includes a storm water infiltration trench that will mitigate 101 cubic feet of water, which results a net mitigation gain.

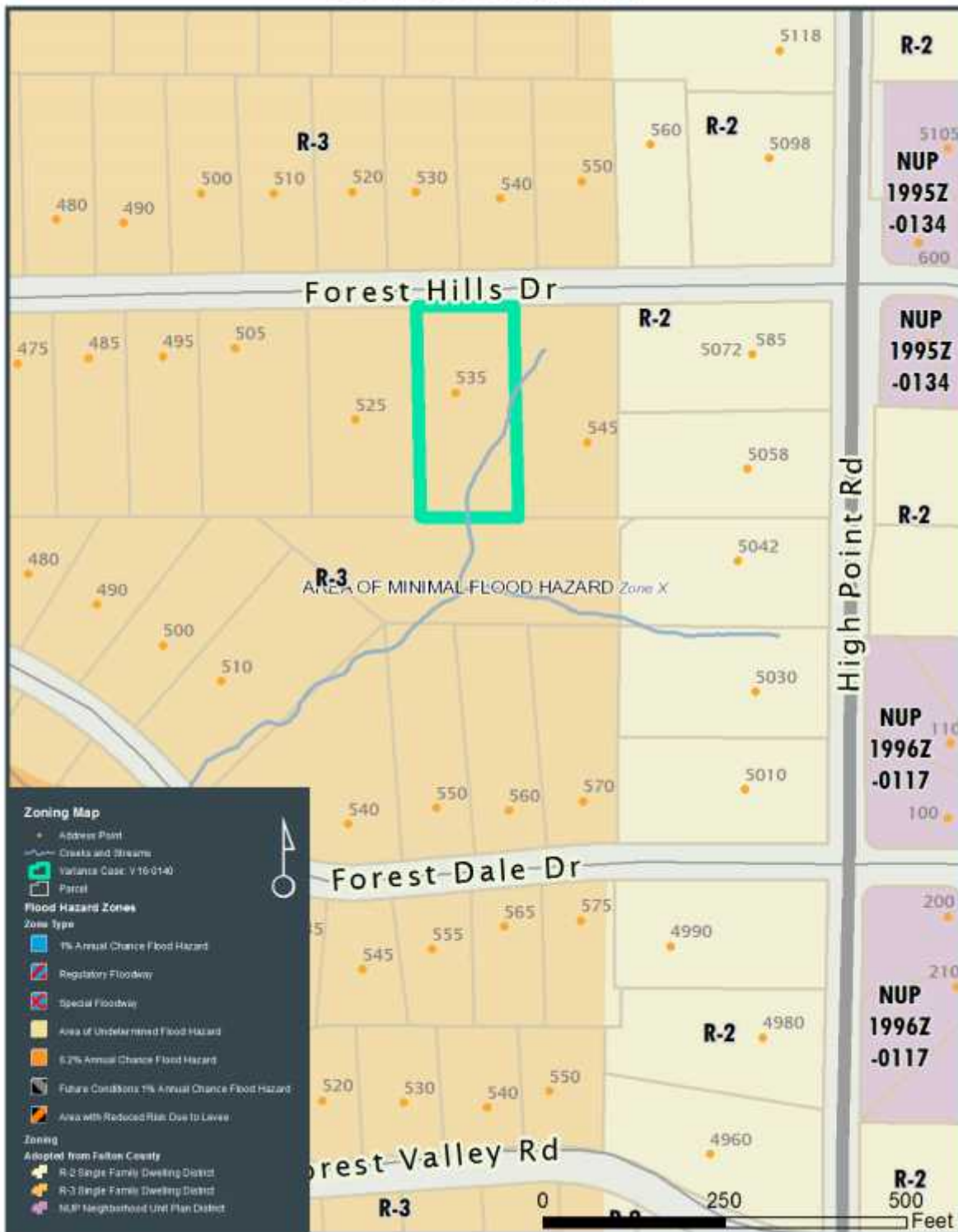
RECOMMENDATION
Department of Community Development
Approval Conditional of the variance request

AERIAL IMAGE



ZONING MAP

535 Forest Hills Dr



VARIANCE CONSIDERATION

Sec. 109-225. - Land development requirements: *Variances will be considered only in the following cases:*

a.

When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

b.

Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Variances will not be considered when, following adoption of the ordinance from which this article is derived, actions of any property owner of a given property have created conditions of a hardship on that property.

Request: *(Development Regulations 109-225) Request to allow an encroachment to zero feet into the minimum required 25-foot and 50-foot minimum stream buffer requirement, and 75-foot impervious side yard setback for an existing carport;*

Finding: The existing lot, house and accessory uses pre-date the City's Land Development requirements; however, the applicant is requesting to maintain a recently constructed retaining wall that was installed to help stabilize the slope and property around the existing home, deck, detached garage and pool house. The home and accessory uses were constructed approximately 15 years ago and over time began experiencing erosion and settling. Helical piers were installed at certain locations along the slope and the four foot tall retaining wall was added to level a 500 square foot area around the south end of the home. Sod and mulch have been installed in this area and a wrought iron-styled fence runs along the top of the wall. The home and accessory structures contain 3,549 square feet of impervious surface and the new wall adds 47 square feet of impervious surface. Since the home predates the City, approximately 750 square feet of the home's footprint lies in the impervious surface setback. Although the addition of the wall was installed prior to obtaining a permit, the amount of impervious surface of the wall added to the lot is not significant and would not be expected to adversely impact the stream. This is also supported by the stone storage trench that will mitigate 101 cubic feet of water, which is more than the 31 cubic feet of water that is created by the wall. Most of the site is located within unbuildable buffers and the topography of the lot and unstable conditions of the site warranted helical piers to stabilize structures. The wall assists in preventing further erosion and removing the wall may result in greater land disturbance. Approval of this request for the existing improvements would also bring the retaining wall into compliance with the land development requirements and would be in harmony with the general purpose and intent of the stream buffer regulations.

*Staff recommends **APPROVAL CONDITIONAL***

COMMENTS FROM OTHER PARTIES

None received

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the request relative to the variance standards contained in **Sec. 109-225. - Land development requirements:** of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of variance request V16-0140 to bring the existing retaining wall into conformity with the 25-foot impervious surface buffer.

Should the Board of Appeals choose to approve the requests, staff recommends the following condition:

1. To allow the existing retaining wall to encroach into the required 25-foot impervious surface setback, as shown on the submitted site plan dated August 16, 2016, last revised on October 3, 2016 and received by the Department of Community Development on November 1, 2016.
2. To provide mitigation with an underground stone storage trench as shown on the submitted site plan dated August 16, 2016, last revised on October 3, 2016 and received by the Department of Community Development on November 1, 2016 and updated letter of intent from Crescent View Engineering, LLC dated and received by the Department of Community Development, October 26, 2016.
3. Obtain necessary permits from the Department of Community Development for the existing retaining wall.
4. Minor revisions of the submitted site plan, as determined by the Department of Community Development, may be reviewed and approved by Staff. Any revision shall not include further encroachment of the use or structure.