



Variance Petition No. V10-036

HEARING & MEETING DATES

Board of Appeals Hearing

December 9, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner
Carl Bolch

Petitioner
Carl Bolch

Representative
Matt Tollison

PROPERTY INFORMATION

Address, Land Lot(s), and District
4755 Northside Drive
Land Lot 177, District 17

Council District
6

Frontage and Area
555.2 feet of frontage along the east side of Northside Drive. The subject property has a total area of approximately 6.24 acres.

Existing Zoning and Use
The lot is zoned R-1 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District
N/A

2027

Comprehensive Future Land Use Map Designation
R0-0.5 Residential (0-0.5 units per acre)

INTENT

The applicant is requesting to construct a fence along the property frontage. The proposed fence would encroach 50 feet into 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The applicant is seeking two (2) primary variances from the Stream Buffer Protection Ordinance and Zoning Ordinance.

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for a fence.
- 2) Variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback to zero (0) feet for a fence.

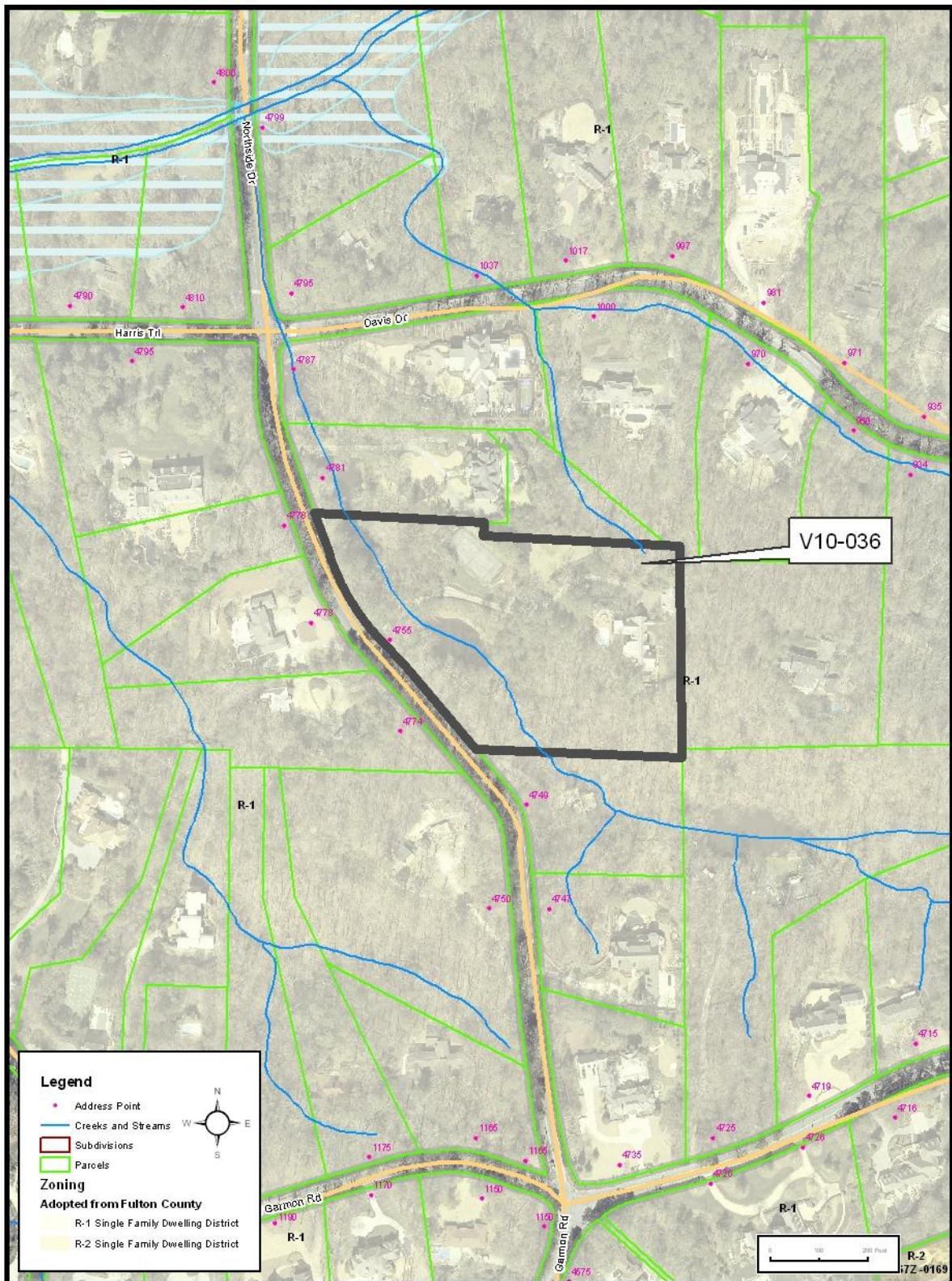
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-036 - 1) APPROVAL CONDITIONAL

V10-036 - 2) DENIAL

Parcel Map

4755 Northside Drive



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

CASE NUMBER: V10-036

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a 1 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) to construct a fence along the property frontage. The applicant is also seeking relief from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback to zero (0) feet for a fence.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 555.2 feet of frontage along the east side of Northside Drive. The property is trapezoidal in shape. The property has 6.24 acres with two (2) lakes and a stream located along the eastern portion of the property. The stream enters the property from the southeastern property line and runs south to north approximately two hundred twelve feet (212) feet then enters the lake. The water is then piped one hundred ten feet (110) before being exposed for thirty-six (36) feet then entering the lake in the northeast corner of the property. The buffer covers the front and rear corner of the lot. The stream buffers cover approximately fifty (50) percent of the buildable area of the lot. There is a second stream in the northwest corner of the property.

The property also shows a significant change in topography. The front of the property along Northside Drive changes forty-eight (48) feet in five hundred fifty-five (555) feet from south to north. The site also has drops from the road forty-six (46) feet in one hundred twenty-four (124) feet to the lake (east to west). The property then rises up seventy-four (74) feet to the location of the house. There is also a change in topography in the northwest corner of the property of eighty-two (82) feet in a distance of one hundred twenty-two (122) feet.

The Public Works Department has determined the clear zone of that section of Northside Drive to be sixteen (16) feet from the edge of pavement. The Zoning Ordinance requires a three (3) foot setback from the right-of-way which is approximately thirteen (13) feet from the back of curb.

Staff notes the surrounding properties are zoned R-1 (Single Family Dwelling District), the same zoning as the subject property. The stream and lake also effect portions of adjacent properties.

Standards for Consideration

VARIANCE #1

Section 109-225 of the Sandy Springs Code of Ordinances which includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each of these variance criteria followed by an analysis by staff:

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. The front of the property along Northside Drive changes from forty-eight (48) feet in five hundred fifty-five (555) feet from south to north. The site also has drops from the road forty-six (46) feet in one hundred twenty-four (124) feet to the lake (east to west). The property then rises up seventy-four (74) feet to the location of the house. There is also a change in topography in the northwest corner of the property of eighty-two (82) feet in a distance of one hundred twenty-two (122) feet. Staff notes the stream buffers cover approximately fifty (50) percent of the buildable area. 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 property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffer covers approximately fifty (50) percent of the buildable area of the lot. The majority of the property frontage and the existing road are currently encroaching into the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). Therefore, the fence would encroach in any location along the front of the property. 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 property is trapezoidal in shape with the property's topography changing in the front of along Northside Drive forty-eight (48) feet in five hundred fifty-five (555) feet from south to north. The site also has drops from the road forty-six (46) feet in one hundred twenty-four (124) feet to the lake (east to west). The property then rises up seventy-four (74) feet to the location of the house. There is also a change in topography in the northwest corner of the property of eighty-two (82) feet in a distance of one hundred twenty-two (122) feet. The stream buffers cover approximately fifty (50) percent of the buildable area of the lot. The site has two lakes and a stream in the front of the property and a spring head in the northwest corner of the property. The property does exhibit some topographic challenges. The size, shape and topography do create a hardship in relation to the requested variances. 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 buffers on the property have been identified on the site plan (exhibit 1). There are two (2) lakes and a stream located along the eastern portion of the property. The stream enters the property from the southeastern property line and runs south to north approximately two hundred twelve feet (212) feet then enters the lake. The water is then piped one hundred ten feet (110) before being exposed for thirty-six (36) feet then entering the lake in the northeast corner of the property. The buffer covers the front and rear corner of the lot. The stream buffers cover approximately fifty (50) percent of the buildable area of the lot. There is a second stream in the northwest corner of the property.

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 site plan (exhibit 1). The effected stream buffers are located along the front of the property. The proposed fence will encroach into the fifty (50) foot undisturbed buffer on the east side of the lake. The applicant is proposing a fourteen (14) inch brick wall with wrought iron on top. The fence will have four (4) foot high columns every twenty-five (25) feet.

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

Findings:

Alternative designs have been discussed with staff regarding this property. The applicant considered moving the fence back behind the three (3) foot setback. However, they are trying to reduce the stream buffer encroachment by proposing the fence closer to the road. 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 not as protective of the natural resources and environment as the existing site condition. However, there is no riparian vegetation along the proposed wall location.

VARIANCE #2

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 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; or,

Finding:

Staff is of the opinion that relief from this requirement is not in harmony with the intent of the Zoning Ordinance and would be a detriment to the public. Adjacent properties have fences along their frontages. However, they do not encroach into the three (3) foot setback. The Public Works Department has determined the clear zone of that section of Northside Drive to be sixteen (16) feet from the edge of pavement. The Zoning Ordinance requires a three (3) foot setback from the right-of-way which is approximately thirteen (13) feet from the back of curb. Additionally, the proposed fence does not meet the Cities standards for a guardrail and could pose a potential hazard to drivers. Therefore, staff is of the opinion this condition has not been satisfied.

Section 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; or,

Findings:

Staff is of the opinion that the subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The front of the property along Northside Drive changes from forty-eight (48) feet in five hundred fifty-five (555) feet from south to north. The site also has drops from the road forty-six (46) feet in one hundred twenty-four (124) feet to the lake (east to west). The property then rises up seventy-four (74) feet to the location of the

house. There is also a change in topography in the northwest corner of the property of eighty-two (82) feet in a distance of one hundred twenty-two (122) feet. Due to the topography of the lot and approximately fifty (50) percent of the buildable area be covered by stream buffers an extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Department Comments

The staff held a Focus Meeting on October 6, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Any disturbance within the 25ft state stream buffer related to installation of concrete footings for proposed wall is prohibited without a GaEPD issued stream buffer variance.
	Sandy Springs Landscape Architect/ Arborist	If the Board chooses to approve the application, condition it to the site plan approved by the GAEPD and the City.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	The clear zone for the portion of Northside Drive is 16 feet from the edge of pavement. The Public Works Department does not support the variance to reduce the required 3 foot setback.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request to encroach into the stream buffer. The request was also reviewed relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance(s) request to reduce the required three (3) foot setback from the right-of way.

Recommended Condition(s)

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

- 1) The subject fence shown on the site plan, provided by the applicant dated received October 5, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty- five (25) foot buffer (proposed fence) where necessary to accommodate the portion of the stream buffer and impervious setback encroachment only.
- 2) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Photographs
Letter of Opposition



Variance Petition No. V10-033

HEARING & MEETING DATES

Design Review Board
November 9, 2010

Board of Appeals Hearing
December 9, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner

Belle Isle Square Assc, LLC

Petitioner

Belle Isle Square Assoc, LLC

Representative

Dewberry Capital Corporation

PROPERTY INFORMATION

Address, Land Lot, and District. 4969 Roswell Road (SR 9)
Land Lots 93, District 17

Council District 5

Frontage and Area Approximately 701 feet of frontage along the east side of Roswell Road (SR 9) and 277 feet of frontage along the south side of Belle Isle Road. The subject property has a total area of 6.369 acres (277,433.64 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County zoning case 1997Z-122, currently developed with a shopping center.

Overlay District Suburban District.

2027

Comprehensive Future Land Use Map Designation Living -Working Community (LWC)
Node 3 : Belle Isle

INTENT

The applicant is seeking primary variances from Section 33.26.F.13 of the Zoning Ordinance to allow for:

1. A Sign during Vacancy for a period of one (1) year.
2. Standard Informational signs and/or banners throughout the Signs during Vacancy permit period.

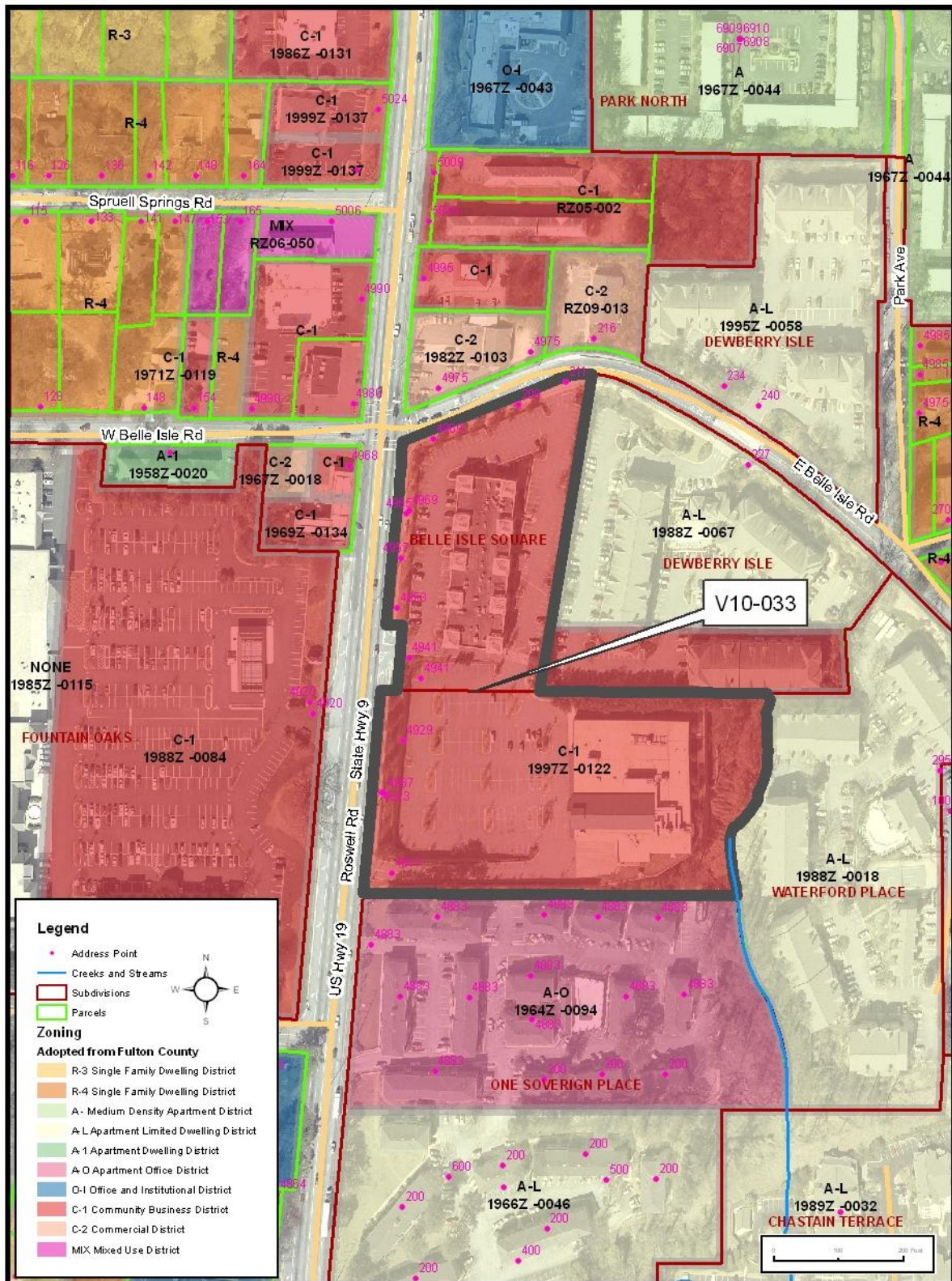
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10 - 033- 1. DENIAL
2. DENIAL

DESIGN REVIEW BOARD RECOMMENDATION

At the November 9, 2010 Design Review Board meeting, the Design Review Board recommended Denial (3-2, Porter, Mobley and Landeck for; Gregory and Richard against; Westmoreland absent; Lichtenstein not voting.) Mr. Porter, Mr. Mobley, and Ms. Landeck were concerned that the proposal did not meet the intent of the Zoning Ordinance with regard to Signs during Vacancy advertising available space in the development where the sign is to be located.

4969 Roswell Road (SR 9)



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V10-033

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

The site is located at 4969 Roswell Road, on the east side of the road at the intersection with Belle Isle Road. The property is zoned C-1 (Community Business District) conditional under Z97-0122 and is currently developed with a retail shopping center. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

The Sandy Springs Zoning Ordinance provides:

Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

The subject of these variances is to allow the Sign during Vacancy to remain on the site for a period of one year from the date of the variance approval or until such a time as the apartment complex achieves 95% occupancy and to allow the tenants of the retail component to display temporary signs if needed while the Sign during Vacancy is in display.

The property where the Sign during Vacancy is proposed to be located is developed with a retail shopping center that is currently 50% vacant. This is an addition to the vacancy rate for the Belle Isle complex of 53%. The applicant request to extend the time of displaying the sign for more than 90 days or until the occupancy rate reaches 95% is to ensure this development does not become to be another empty box. In addition, the applicant does not want the tenants of the retail shops to be penalized and not to be allowed to promote their business.

The applicant proposes to display a Sign during Vacancy on the parcel located at 4969 Roswell Road (SR 9), which is at the intersection of Roswell Road (SR 9) and Belle Isle Road, to provide visibility to the apartments from Roswell Road (SR 9), which is the major access road to the apartments.

The applicant wants to display a Sign during Vacancy to indicate direction to the adjacent apartment development. The applicant states "the Belle Isle apartment complex has gone through a major renovation, exterior and interior but due to the location of the apartment complex (on a dead end road) they don't get much traffic and the occupancy rate is very low. Given current economic conditions appropriate street signage will improve this property's occupancy".

The proposed sign is a V-shaped sign, sixteen (16) square feet, five (5) feet tall.

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.F.13 to allow a Sign during Vacancy for a period of one (1) year.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

- 2) Variance from Section 33.26.F.13 to allow Standard Informational signs and/or banners throughout the Signs during Vacancy permit period.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on November 3, 2010 at which time the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

RECOMMENDATION:

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance request.

Recommended Conditions:

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

1. Allow a Sign during Vacancy for a period of one (1) year from the day of approval of this variance.
2. Allow Standard Informational signs and/or banners throughout the Signs during Vacancy permit period.

ATTACHMENTS: Proposed sign site plan, proposed sign details and letter of appeals.



Variance Petition No. V10-032

HEARING & MEETING DATES

Board of Appeals Hearing

December 9, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Dunwoody Country Club, Inc.	Dunwoody Country Club, Inc.	G. Douglas Dillard Dillard and Galloway, LLC

PROPERTY INFORMATION

Address, Land Lot(s), and District	1600 Dunwoody Club Drive Land Lots 339, 341, 342, 351, and 352, District 6
Council District	1
Frontage	Approximately 4,500 feet of frontage on the north side of Dunwoody Club Drive, 1,325 feet of frontage on the east side of Jett Ferry Road, and 1,425 feet of frontage on the west side of Ball Mill Road.
Area	The subject property has a total area of approximately 200.7 acres.
Existing Zoning and Use	The lot is zoned AG-1 (Agricultural District). The property is currently developed with a country club.
2027 Comprehensive Future Land Use Map Designation	PR (Private Recreational)
INTENT	

The applicant is requesting one (1) primary variance from the Zoning Ordinance:

- 1) Primary variance from Section 5.1.3.A, Agricultural District, Development Standards, Height Regulations, of the Zoning Ordinance to allow the existing one hundred (100) foot tall driving range net to remain and exceed the maximum district height of forty (40) feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V10-031 - 1) WITHDRAWAL

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

CASE NUMBER: V10-032

STAFF CONTACT: Patrice Ruffin, City Planner 770-206-1513
E-mail: patrice.ruffin@sandyspringsga.org

Background

On July 9, 2009, the Board of Appeals heard case V09-014 related to the Dunwoody Country Club. In that case, the Old Cobblestone Homeowners Association sought a secondary variance to appeal the Department of Community Development Director's determination that the golf course netting located along the edge of the driving range was not a fence and as such did not have to meet the fence/wall standards of the Zoning Ordinance and was not required to be permitted. The Board of Appeals sustained the secondary variance and reversed the Department of Community Development Director's decision.

Subsequently, the City of Sandy Springs filed an appeal with the Fulton County Superior Court challenging the Board's decision. On August 5, 2010, the court issued its final order finding in favor of the Board. Based on this order, the Department of Community Development issued a letter of determination to Dunwoody Country Club indicating the options related to the driving range net, which included 1) modifying the net to bring the height into compliance with the forty (40) foot height restriction of the applicable AG-1 (Agricultural District) zoning classification, or 2) filing of a primary variance application to seek relief from the height restriction to allow the one hundred (100) foot driving range net to remain. As such, Dunwoody Country Club has filed a primary variance application to seek relief from the minimum height requirement.

Findings of Fact

The applicant is requesting relief from Section 5.1.3.A, Agricultural District, Development Standards, Height Regulations, of the Zoning Ordinance to allow the existing one hundred (100) foot tall driving range net to remain and exceed the maximum district height of forty (40) feet.

On November 16, 2010, the Sandy Springs Mayor and City Council adopted an amendment to Article 19, Administrative Permits and Use Permits, of the Zoning Ordinance which included the addition of language to the golf course and other recreational type administrative permits that would allow for departmental review of the need for netting heights that exceed the district maximum. The adopted language is as follows:

19.3.5. GOLF COURSE.

B. Standards:

7. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for

administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

Subsequent to the adoption of this amendment, the Dunwoody Country Club filed the applicable administrative permit application, which was approved by the Department of Community Development on December 3, 2010. Therefore, the current variance application is no longer required.

Standards for Consideration

Section 22.3.1, *Variance Considerations*, of the Sandy Springs Zoning Ordinance states that primary variances shall only be granted upon showing that:

- 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; or,

As outlined in the Netting Height Requirements study (Exhibit 2), the driving range is placed at an elevation higher than that of the fairway, which increases the safety concerns related to golfers and grounds crew below. The one hundred (100) foot height of the net is necessary to ensure that balls from the driving range do not have the potential to hit any golfers or grounds crew. Therefore, relief from the forty (40) foot minimum height requirement, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance which is to protect the public health, safety, and welfare.

- 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; or,

There are no extraordinary or exceptional conditions pertaining to the property because of its size, shape, or topography that create a hardship for the owner. Therefore, this consideration has not been satisfied.

- C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

Not applicable.

Department Comments

The staff held a Focus Meeting on November 2, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no site requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no landscape requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Due to the issuance of the administrative permit for the property, which allows for the additional height for the driving range net, staff recommends **WITHDRAWAL** of the variance request.

Recommended Condition(s)

Should the Board of Appeals choose not to approve the withdrawal, staff recommends the following condition:

- 1) Relief from Section 5.1.3.A, Agricultural District, Development Standards, Height Regulations, of the Zoning Ordinance to allow the existing one hundred (100) foot tall driving range net to remain and exceed the maximum district height of forty (40) feet as shown on the site plan received by the Department of Community Development on September 9, 2010.

ATTACHMENTS:

Letter of appeal

Site plan (Exhibit 1)

Netting Height Requirements Report (Exhibit 2)

Photographs



Variance Petition No. V10-035

HEARING & MEETING DATES

Board of Appeals Hearing

December 9, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Barbara & Michael Johnston	Barbara & Michael Johnston	Ward Seymour

PROPERTY INFORMATION

Address, Land Lot(s), and District	1141 Edgewater Drive NW Land Lot 171 & 172, District 17
Council District	3
Frontage	Approximately 119.65 feet of frontage on Edgewater Drive NW.
Area	The subject property has a total area of approximately 1.57 acres.
Existing Zoning and Use	The lot is zoned R-2A (Single Family Dwelling District) under Fulton County Zoning case Z62-0086. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is proposing to construct a two car garage in the front of the existing house. The proposed structure is one story and will have seven hundred (700) square feet; the dimensions are twenty-eight (28) feet wide by twenty-five (25) feet deep. The property was developed in mid-1970 and is in the Chattahoochee River Corridor. The applicants is requesting one (1) primary variance:

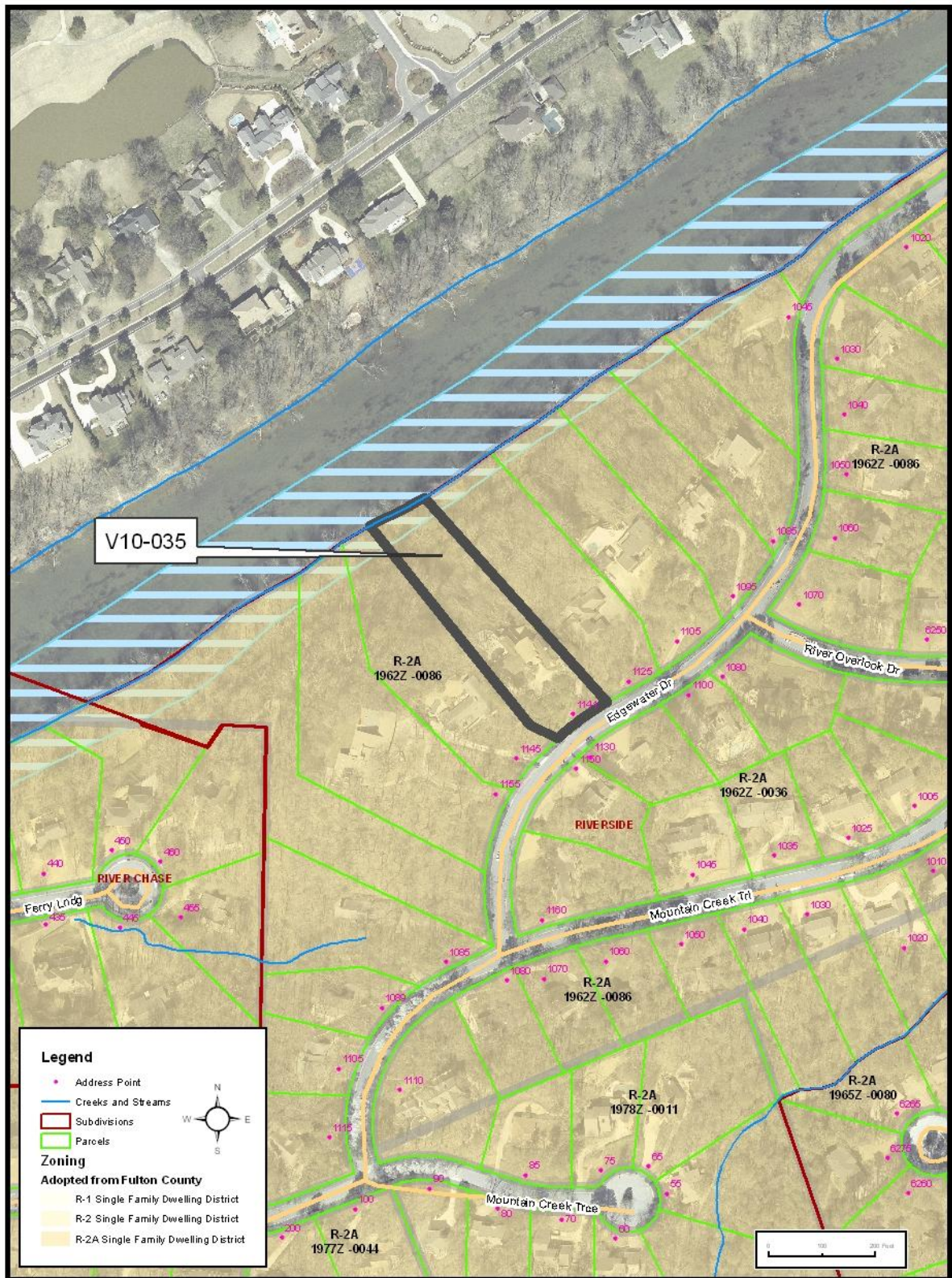
- 1) Variance from Section 6.3.3.I of the Zoning Ordinance to allow an accessory structure in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-035 - 1) APPROVAL CONDITIONAL

Parcel Map

1141 Edgewater Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on December 9, 2010

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

CASE NUMBER: V10-035

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Findings of Fact

The applicant is requesting relief from Section 6.3.3.I of the Zoning Ordinance to construct an accessory structure (two car garage) in the front of the existing house. Section 6.3.3.I provides that an accessory structure be located in the rear or side yards only. The proposed structure is one story and will have seven hundred (700) square feet; the dimensions are twenty-eight (28) feet wide by twenty-five (25) feet deep. The property was developed in mid-1970 and is in the Chattahoochee River Corridor.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 119.65 feet of frontage on Edgewater Drive. The property is rectangular in shape. The lot is bound by the street at its front and the Chattahoochee River at its rear, and has single family residences on either side. The portion of the lot that would be affected by the construction of an accessory structure slopes downwards from the house towards Edgewater Drive, the slope is approximately thirty-four (34) feet. The rear of the site drops approximately one hundred forty (140) feet from the house to the river. The aerial photo and letter of appeal indicate that the portion of the yard between the house and the street is heavily wooded.

The Atlanta Regional commission (ARC) has reviewed the proposed structure and determined that the property has enough impervious area to construct the garage in the proposed location. The applicant has submitted documentation from the ARC (exhibit 2) breaking down the available impervious surface in each category.

Staff notes the surrounding properties are zoned R-2A (Single Family Dwelling District), the same zoning as the subject property. The Chattahoochee River Corridor also effects the surrounding properties.

Standards for Consideration

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

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; or,

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Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the building and design standards comply with those in the Zoning Ordinance. Additionally, the proposed structure is located in an area as not to obstruct any views or uses of adjacent properties. Additionally, many houses in the neighborhood have similar accessory structures. Therefore, staff is of the opinion this condition has been satisfied.

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; or,

Finding:

The subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The property slopes downwards from the house towards Edgewater Drive, the slope is approximately thirty-four (34) feet. The rear of the site drop approximately one hundred forty (140) feet from the house to the river. The house was built fifty (50) feet behind the front setback to allow driveway access to the front of the house. The rear of the property is restricted by the topography and the River. The subject property is located in the Chattahoochee River Corridor which subjects it to the Metropolitan River Protection Act Rules and Regulations for development which limits development of the property; additionally, the house was originally built with limited access to the rear yard. Therefore, staff is of the opinion this condition is satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting on November 3, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ One protected tree to be removed and several trees less than 18".
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received September 24, 2010 by the Department of Community Development, for the variance(s) herein, showing an accessory structure (detached garage) to be located in the front yard, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal

Site plan (exhibit 1)

Letter from Atlanta Regional Commission (exhibit 2)

Photographs