

AN ORDINANCE TO REZONE PROPERTY FROM THE R-2 (SINGLE FAMILY DWELLING DISTRICT) CONDITIONAL TO R-3 (SINGLE FAMILY DWELLING DISTRICT), PROPERTY LOCATED AT 1040 BALMORAL ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September 16, 2008 at 7:00 p.m. as follows:

SECTION 1. That the Zoning Ordinance of the City of Sandy Springs be amended, and the official maps established in connection therewith be changed so that the following property located at **1040 Balmoral Road**, consisting of a total of approximately 1.14 acres, be changed from the R-2 (Single Family Dwelling District) conditional to R-3 (Single Family Dwelling District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 14 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 3. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

SECTION 4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 16th day September, 2008.

Approved:


Eva Galambos, Mayor

Attest:


Christina Rowland, CMC, City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ08-017
1041 Balmoral Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by James R. Bardin located at 1041 Balmoral Road. Rezoning petition RZ08-017 to rezone the subject property from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District) was approved by the Mayor and City Council at the September 16, 2008 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Two (2) single family residential lots at a density of 1.75 units per acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 2, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Balmoral Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. No vehicular access shall be permitted from Peachtree-Dunwoody Road. All access points shall be located on Balmoral Road.

**1040 BALMORAL DRIVE
ATLANTA, GEORGIA 30342**

LEGAL DESCRIPTION

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN
LAND LOT 14, 17TH DISTRICT, FULTON COUNTY, GEORGIA,
BEING LOT 1, BLOCK B, SECTION ONE, DERBY HILLS
SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 76,
PAGE 123, FULTON COUNTY, GEORGIA; SAID PLAT BEING
INCORPORATED HEREIN BY REFERENCE FOR A MORE
COMPLETE DESCRIPTION. SAID PROPERTY BEING MORE
COMMONLY KNOWN AS 1040 BALMORAL ROAD ACCORDING
TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN SAID
COUNTY.**

RZ08 017

RECEIVED

JUN 02 2008

**City of Sandy Springs
Community Development**