

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE PROPERTY FROM R-4 (SINGLE-FAMILY DWELLING DISTRICT) TO R-5 (SINGLE-FAMILY DWELLING DISTRICT) CONDITIONAL WITH CONCURRENT VARIANCES, PROPERTY LOCATED AT 78 WEST BELLE ISLE ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on August 18, 2009 at 6:00 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 78 West Belle Isle Road, consisting of a total of approximately 0.36 acres, be changed from the R-4 (Single-Family Dwelling District) to R-5 (Single-Family Dwelling District) having concurrent variances with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 93 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. That the variance(s), as listed in the attached conditions of approval, be approved under the provisions of Section 22.9 of the Zoning Ordinance of the City of Sandy Springs; and

SECTION 3. 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 4. 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 5. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 6. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

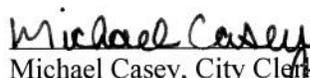
ORDAINED this the 18th day of August, 2009.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ09-003/CV09-005**78 West Belle Isle Road**

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 78 West Belle Isle Road. Rezoning petition RZ09-003/CV09-005 was approved to rezone the subject property from R-4 (Single-Family Dwelling District) to R-5 (Single-Family Dwelling District) conditional with concurrent variances by the Mayor and City Council at the August 18, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. The subject property shall be subdivided into no greater than two (2) lots having a density of 5.56 units per acre.
2. To the owner's agreement to abide by the following:
 - a. To a revised site plan submitted to the Department of Community Development. 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. Variance from Section 6.8.3.F. of the Zoning Ordinance to reduce the required minimum required lot width, for the lot indicated as #1, from sixty (60) feet to fifty (50) feet (CV09-005).
 - b. Variance from Section 6.8.3.F. of the Zoning Ordinance to reduce the required minimum required lot width, for the lot indicated as #2, from sixty (60) feet to fifty (50) feet (CV09-005).
 - c. To a thirty-five (35) foot minimum front yard setback. This condition as it relates to abutting R-4 (Single-Family Dwelling District) properties, to the east and west of the subject property, becomes null and void if aforementioned abutting properties are both rezoned to a less restrictive district. In such an event, the required minimum front yard setback will revert to the normal front setback of an R-5 zoned property.
 - d. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of West Belle Isle Road or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

- e. To increase the likelihood of the continued health of the trees on the subject property, the owner shall contract with an International Society of Arboriculture Arborist that specializes in best management practices to mitigate damage to trees before, during and after construction.
- f. To have the design of the residences be in accordance with the elevation drawing/rendering submitted at the 7/16/09 Planning Commission meeting.
- g. To prohibit front entry garages.
- h. To provide a landscape plan to the City for review and approval accompanied by a monetary surety as a means to ensure approved landscape installation.

RZ09 003

**Legal Description~Overall Tract
78 West Belle Isle Road, Sandy Springs, GA**

All that tract or parcel of land lying and being in Land Lot 93 in the City of Sandy Springs, 17th District, Fulton County, Georgia and being more particularly described as follows:

Commencing at a point being the northwestern intersection of Roswell Road and West Belle Isle Road travel along right-of-way of West Belle Isle Road 948.50' to the southeastern property corner of 78 West Belle Isle Road, Sandy Springs, GA; said point being the **TRUE POINT OF BEGINNING**:

Thence proceeding along the right of way of West Belle Isle Road South 86 degrees 38 minutes 03 seconds West for a distance of 100.53 feet to a point; Thence proceeding along North 02 degrees 49 minutes 47 seconds West for a distance of 157.29 feet to a point; Thence proceeding North 86 degrees 06 minutes 37 seconds East for a distance of 100.00 feet to a point; Thence proceeding South 03 degrees 01 minutes 30 seconds East for a distance of 158.22 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said parcel containing 0.36 acres

RECEIVED
City of Sandy Springs
Community Development