

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF AN ORDINANCE BY THE FULTON  
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z93-013/CV93-016 ON  
APRIL 7, 1993, PROPERTY LOCATED AT 43 WESTFAIR COURT**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on August 17, 2010 at 6:00 p.m. as follows:

**SECTION 1.** That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on April 7, 1993 for petition Z93-013/CV93-016, consisting of a total of approximately 4.41 acres, be modified to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 22, of the 17<sup>th</sup> 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**SECTION 4.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

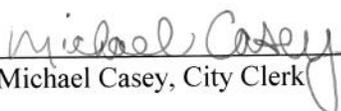
**SECTION 5.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 17th day of August, 2010.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Michael Casey, City Clerk

(Seal)



#Z93-013

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ZONING DEPT  
FEB 4 2 40 PM '93

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED INCLUDING  
35' PRIVATE ROAD TO PEACHTREE DUNWOODY ROAD

All that tract or parcel of land lying and being in Land Lot 22 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin on the westerly side of Peachtree-Dunwoody Road which is located 1345.35 feet southerly as measured along the westerly side of Peachtree-Dunwoody Road, from the intersection of the westerly side of Peachtree-Dunwoody Road with the southeastern side of Spalding Drive; running thence S71-43'40"W a distance of 19.11 feet to a point; running thence S01-06'22"E a distance of 201.00 feet to a point being the intersection of the westerly right-of-way of Peachtree-Dunwoody Road and the centerline of a 35 foot of Private Road (said Private Road contains 16,268 sq.ft.); running thence along said centerline for the next six bearings and distances:

1. S88-53'38"W a distance of 6.5 feet to a point;
2. Along a curve to the left (said curve having a chord bearing of S77-28'38"W and a chord distance of 107.82 feet) an arc distance of 108.54 feet to a point;
3. S66-03'38"W a distance of 102.00 feet to a point;
4. Along a curve to the right (said curve having a chord bearing of S72-33'38"W and a chord distance of 89.42 feet) an arc distance of 89.61 feet to a point;
5. S79-03'38"W a distance of 114.00 feet to a point;
6. Along a curve to the left (said curve having a chord bearing of S73-57'56"W and a chord distance of 44.10 feet) an arc distance of 44.16 feet to a point and the true point of beginning; running thence S18-16'20"E a distance of 16.17 feet to a point; running thence N71-43'40"E a distance of 85.82 feet to a point; running thence N81-03'15"E a distance of 72.90 feet to a point; running thence S81-03'15"W a distance of 174.58 feet to a point; running thence S81-03'15"W a distance of 684.94 feet to a point on a the easterly right-of-way of Georgia Highway 400; running thence N07-07'00"E along the easterly right-of-way of aforesaid Highway 400 a distance of 280.20 feet to a point; running thence N06-49'04"E along aforesaid Highway 400 a distance of 8.77 feet to a point; running thence N71-43'40"E a distance of 422.57 to a point; running thence S18-16'20"E a distance of 171.83 feet to a point and the TRUE POINT OF BEGINNING, said tract contains 4.04 acres.

TOTAL AREA= 4.41 ACRES.

## CONDITIONS OF APPROVAL

### **ZM10-007/CV10-011**

43 Westfair Court

The City of Sandy Springs Mayor and City Council approved the modification of zoning of property owned by Mary Alice Buettgen at 43 Westfair Court. Zoning modification petition ZM10-007/CV10-011 was approved by the Mayor and City Council at the August 17, 2010 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Single family detached dwellings and accessory uses and structures.
  - b. No more than 15 total dwellings units at a maximum density of 3.4 dwelling units per acre, whichever is less, based on the total acreage zoned.
  - c. The minimum heated floor area per dwelling unit shall be 2,000 square feet.
  - d. The required building separation shall be 10 feet (V93-016 NFC).
  - e. Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to an undisturbed buffer of approximately forty-two (42) feet as shown on the site plan and construction details received by the Department of Community Development on June 1, 2010 (CV10-011).
2. To the owner's agreement to abide by the following:
  - a. To the Site Plan received by the Zoning Department on February 4, 1993, and to submit to the Director of Public Works for approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
  - a. Provide a natural buffer, undisturbed except for approved access and utility crossings, improvements, and replanting where sparsely vegetated and subject to the approval of the ~~Fulton County~~ Sandy Springs Arborist, adjacent to the following property lines and in the widths shown:
    - 25 feet wide adjacent to the south and north property lines, with an additional setback for all improvements of 10 feet or as may be approved by the Director of ~~Planning and Economic~~ Community Development, except for the residence

numbered 43 Westfair Court shall have a zoning buffer of approximately seventeen (17) feet as shown on the site plan and construction details received by the Department of Community Development on June 1, 2010.

50 feet wide adjacent to the west property line, with an additional setback for all improvements of 10 feet or as may be approved by the Director of ~~Planning and Economic~~ Community Development.

- b. No more than the one existing curb cut shall be allowed on Peachtree-Dunwoody Road.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
    - a. Dedicate at no cost to ~~Fulton County~~ the City of Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit sufficient land as necessary to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved.
    - b. Improve Peachtree-Dunwoody Road along the entire property frontage with curb and gutter per ~~Fulton County~~ the City of Sandy Springs standards.
    - c. Reserve for future use of the Georgia Department of Transportation, that land along the westerly property boundary adjacent to GA 400 the land as described below as well as construction easements as may be required by the DOT:

200 feet from centerline of GA 400.

No permanent structure shall be constructed in the reserved area.
    - d. Provide a deceleration lane for each project entrance or as may be approved by the ~~Fulton County Traffic Engineer~~ Director of Public Works.
    - e. Provide a left turn lane on Peachtree-Dunwoody Road for the project entrance or as may be approved by the ~~Fulton County Traffic Engineer~~ Director of Public Works.
  5. To the owner's agreement to abide by the following:
    - a. To contact the Director of ~~Public Works~~ Community Development, prior to the application for a Land Disturbance Permit, to arrange with the ~~County City~~ Arborist an on-site evaluation of existing ~~specimen~~ trees/stands, buffers, and tree protection zones within the property boundaries.
    - b. To maintain as a minimum, the tree density requirements as prescribed by the ~~Fulton County~~ City of Sandy Springs Tree ~~Preservation~~ Conservation Ordinance ~~Administrative Guidelines~~, either through the retention of existing trees, or tree replacement, in perpetuity.

- c. Analyze the downstream effect from stormwater management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where development represents less than 10% of the total watershed at this point.
- d. Evaluate the downstream ditch stability and bank erosion protection potential of existing downstream conveyance system. Provide all necessary documentation to the Department of Public Works at construction drawing phase.
- e. Provide downstream analysis of the flood discharge timing effect on the existing conveyance systems due to each storm frequency.
- f. All natural streams within the limit of project must be stable and be expected to remain stable under ultimate development or provide appropriate erosion protection for the streams subject to the approval of the ~~Department of Public Works~~ Director of Community Development.
- g. The design discharge at the outlet of drainage system shall not result in velocities that equal/exceed the erosive velocity or the existing velocity of the receiving channel/draw, unless dissipation and erosion protection measures are placed at the outlet. Provide Public Works with documentation.
- h. Detention must be provided subject to the approval of Public Works.
- i. To contact the ~~Drainage Basin~~ City of Sandy Springs Chief Engineer prior to any application for a Land Disturbance Permit, subsequent to this petition, to arrange an on-site visit evaluation as to the location, stormwater discharge path of detention pond and other downstream constraints.
- j. Lots should generally be graded in such a manner that the surface runoff does not affect downstream lots, flow through lots shall be collected and conveyed in appropriate storm drainage system. Provide documentation at the construction drawing phase and subject to the approval of Public Works.
- k. Conditions c, d, e, f, and g are subject to the ~~Drainage Engineer~~ City of Sandy Springs Chief Engineer.
- l. 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.
- m. 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.

- n. Subject to approval of the Sandy Springs City Engineer, downspouts for the new addition shall be piped to a drainage area in front of the existing house.
- o. Land Disturbance associated with the proposed construction shall be performed by hand.
- p. If the areas of the remaining undisturbed buffer do not meet minimum buffer standards, the owner shall replant to buffer standards subject to the approval of the City Arborist.



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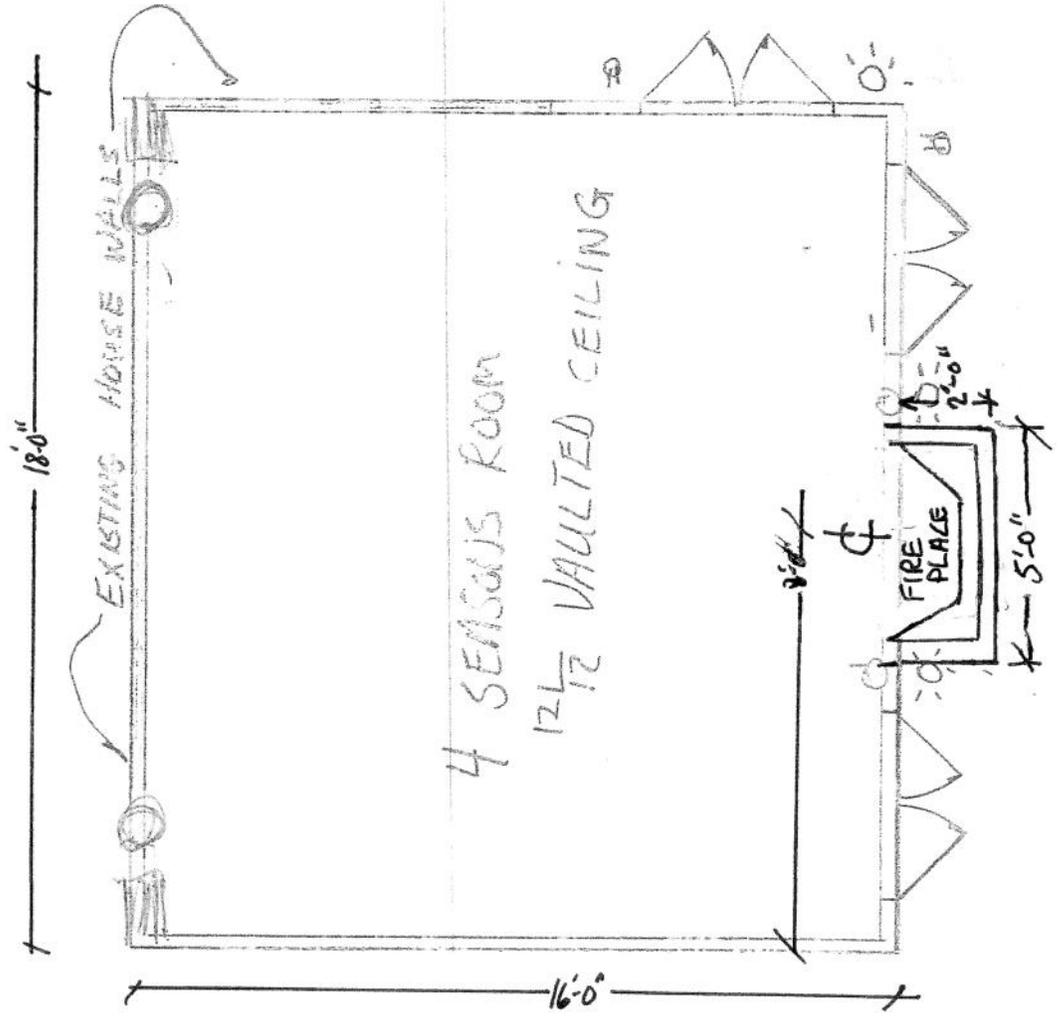
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City of Sandy Springs  
Community Development

1/4" = 1 Ft.

ZM10-007 | CV10-009

1. RECEPTICLES LAYOUT TO COME
2. FAN/LIGHT COMBO
3. FALSE BEAMS IN CEILING
4. 2X4 FRAMED WALLS
5. 2X8 #2 OR 6TR ROOF RAFTERS
6. HARDI PLANK SIDING/OSB SHEATHING
7. MONOLITHIC SLAB CONSTRUCTION



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ZM10-007 | CU10-009

City of Sandy Springs  
Community Development

PURPOSED STONE PATIO CONSTRUCTION TO  
IMPROVE WATER QUALITY:

