



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, December 10, 2019

Case: **V19-0023, 360 Lafayette Avenue**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: November 22, 2019

REQUEST

Request for a Variance from Sec. 2.3.3 to allow for an encroachment into the primary street setback.

APPLICANT

Property Owner: Calvin Hartness	Petitioner: Randy Arndt	Representative: Randy Arndt
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SUMMARY

The applicant requests a variance to encroach into the 50 foot primary street setback by 12 feet, for the purpose of constructing a new single family home. There is an existing house that currently encroaches 20 feet into the setback. The lot has a pie slice shape with a curvilinear front setback and diagonal rear setback creating an odd shaped buildable area that is approximately 3300 SF large. The lot is also very shallow and undersized for the zoning district. Strict adherence to the required primary street setback does not allow for new construction that is on-par with current neighborhood development trends. For these reasons staff recognizes a hardship based on the size and shape of the property.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance** V19-0023.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received November 1st, 2019
2. Notarized letters of support from surrounding neighbors, received November 1st, 2019

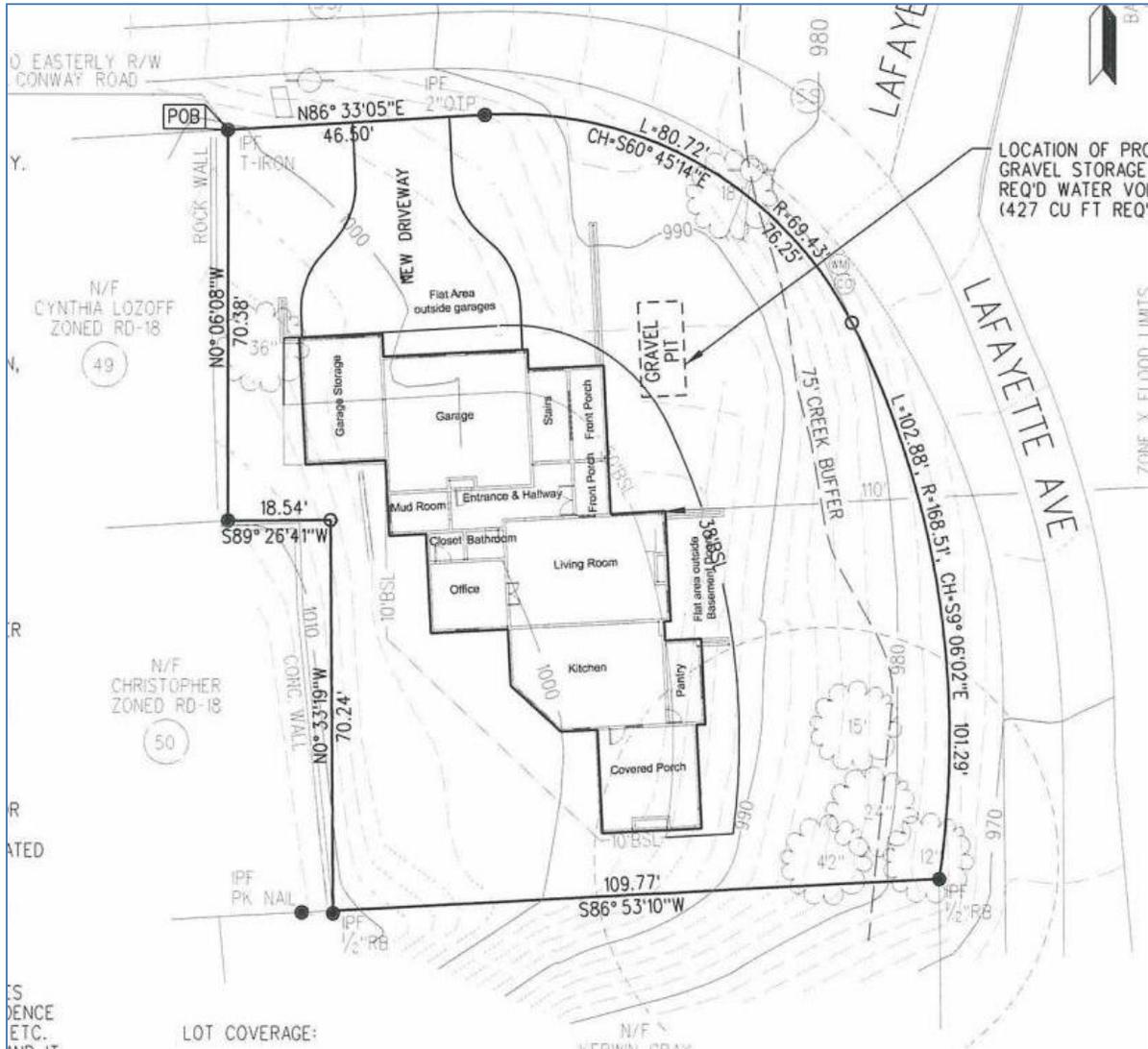
Plans:

1. Survey prepared by SPG Surveying, LLC, signed and sealed by Steven P. Griggs, dated 10/09/2019, received November 1st, 2019
2. Site plan, prepared by Legacy Homes, November 1st, 2019

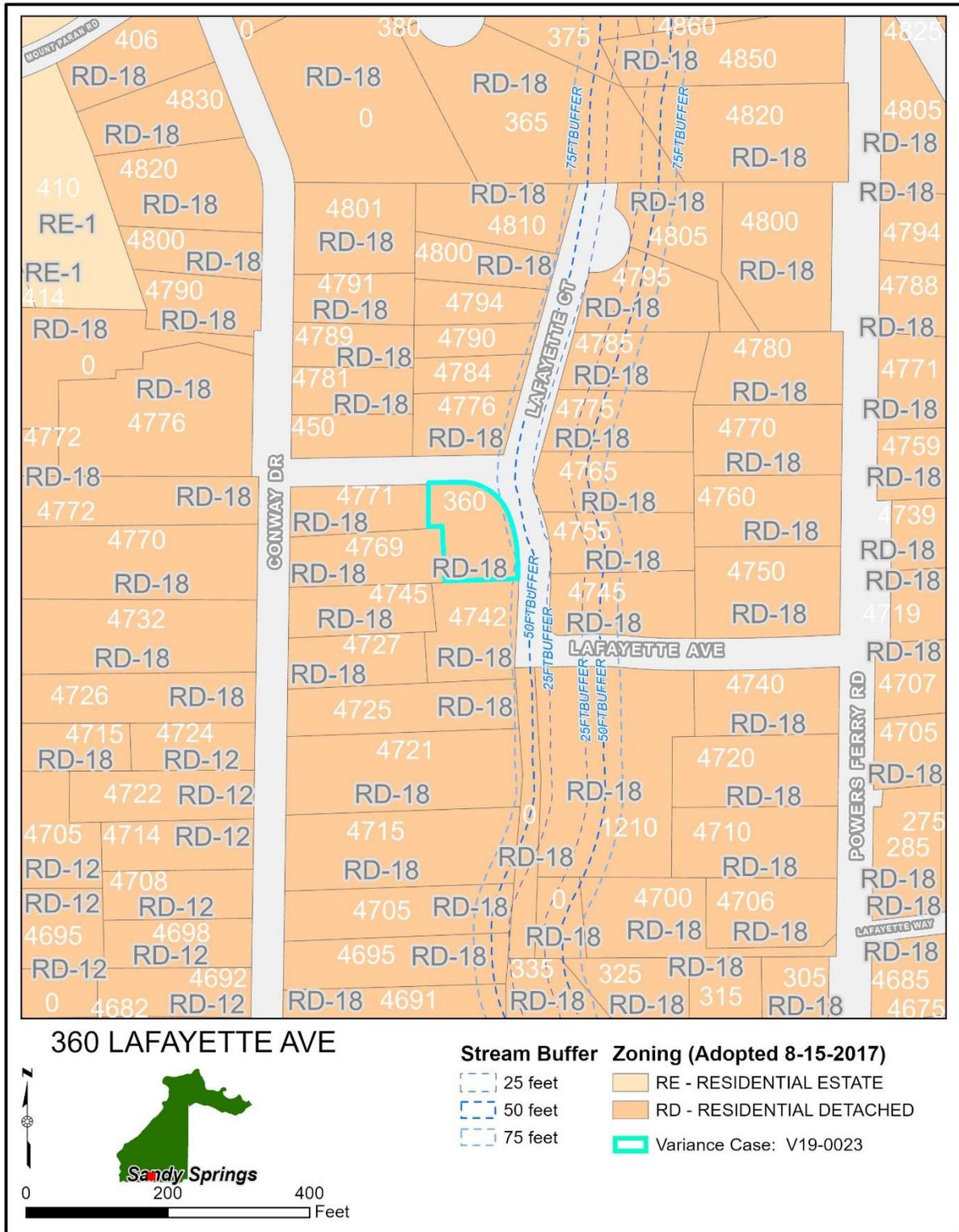
PROPERTY INFORMATION	
Location:	360 Lafayette Avenue (Parcel ID # 17 013700010363)
Council District:	6—Bauman
Road frontage:	Approximately 225 feet of frontage on Lafayette Avenue
Acreage:	Approximately 15,222 SF (.35 acres)
Current Zoning: Existing Land Use:	RD-18 (Residential Detached, minimum lot size 18,000 SF) Single family home
Previous Zoning:	R3
Character Area:	Protected Neighborhood

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	RD-18 / Single family residential	4776 LAFAYETTE CT	.32
East	RD-18 / Single family residential	4755 LAFAYETTE AVE NW	.41
South	RD-18 / Single family residential	4742 LAFAYETTE AVE NW	.41
West	RD-18 / Single family residential	4771 EAST CONWAY RD NW 4769 EAST CONWAY DR	.31 .35
PROPOSED DEVELOPMENT			
--	RD-18 / Single family residential	360 Lafayette	.4

SITE PLAN (received November 1, 2019)



ZONING MAP



CHARACTER AREA MAP



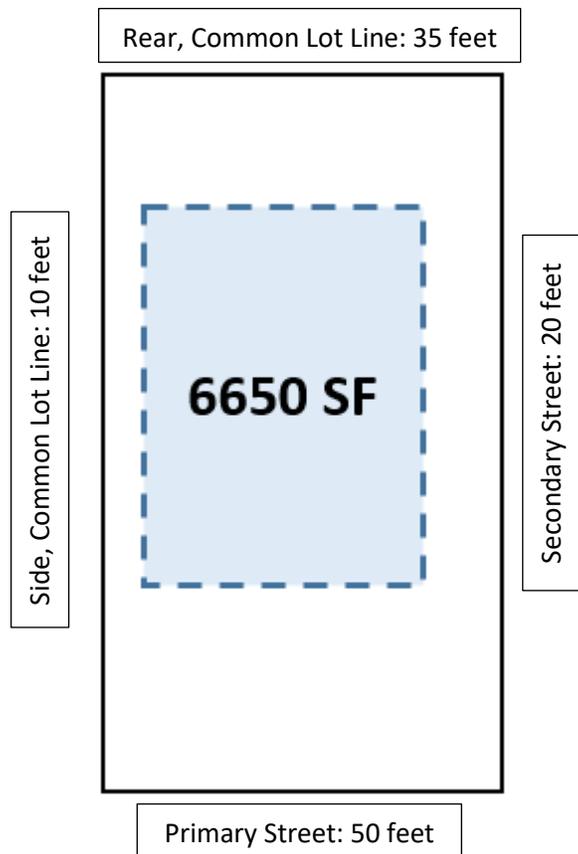
VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.G of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

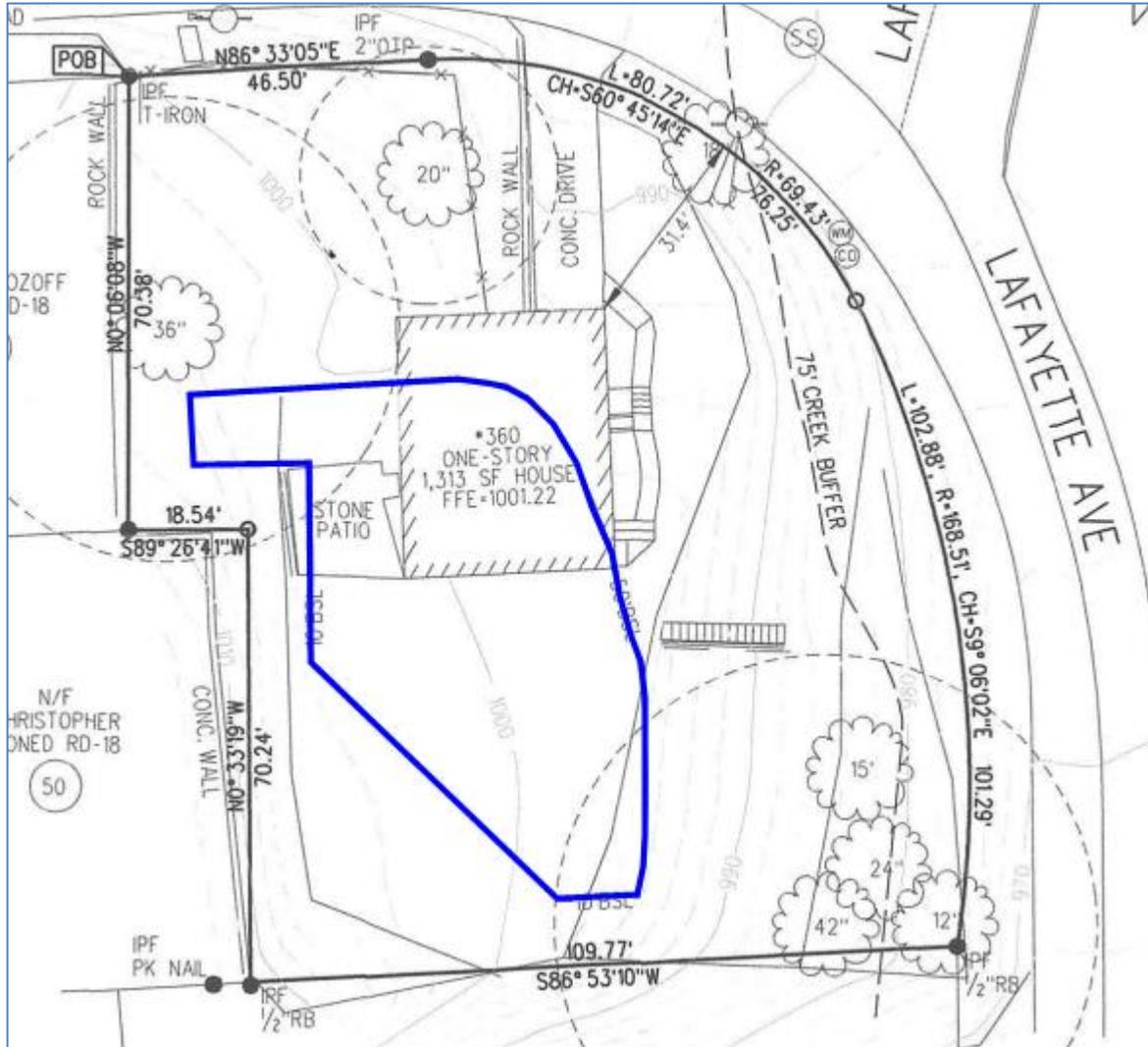
1. *Variations will only be granted upon showing that:*
 - a. *The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*
 - b. *There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Finding:

A typical or ideal corner lot layout that meets the minimum lot size and lot frontage would be approximately 100 feet wide and 180 feet deep. The buildable area would be 6650 SF. See visual below:

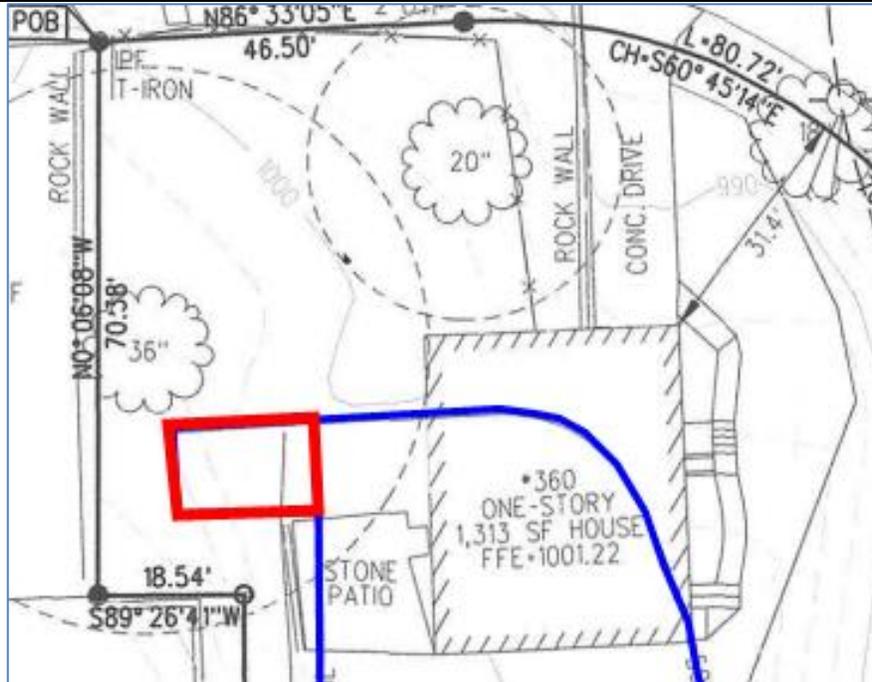


The lot layout for 360 Lafayette is exceptional. It is 15,222 SF and though it resembles a corner lot, it has one continuous 225 foot primary street frontage (lacking a lesser Secondary Street setback). The buildable area on this lot, 3300 SF, is nearly half of what it should be due to the Primary Street setback running the entire frontage of the lot. There is also a very steep slope on the entire eastern portion of the lot.



Survey of 360 Lafayette, 3300 SF is buildable area outlined in blue

3300 SF would not be an egregiously small buildable area on a more standard shaped lot, but the pie slice shape creates a diagonal rear setback and curvilinear front setback, making much of the buildable area awkward to use and some of it not practical to use like in the northwest corner of the lot (see visual below).



Not practically usable portion of buildable area, approximately 200 SF

It is also important to note that many of the lots in the surrounding area do not meet the minimum lot size of 18,000 SF but because they are typical rectangular lots and are not subject to a 50 foot setback along 225 feet of any of lot line, they have a larger buildable area than 360 Lafayette. For example, the two abutting lots to the rear have around 5000 SF of buildable area each despite being smaller in lot size.

In summary, this property has a unique configuration and a significant portion of it is topographically challenging. It is an atypical-shaped lot that has a very deep setback surrounding half of it. For the reasons stated above, staff recognizes that there are extraordinary and exceptional conditions to the shape and topography of the lot and thus find that the application of the Development Code would cause undue hardship on the applicant.

2. Further, the application must demonstrate that:

a. Such conditions are not the result of action or inaction of the current property owner; and

Finding: These conditions are not the result of action or inaction of the current property owner. The lot was subdivided before the application of the current Development Code.

b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and

Finding:

Staff finds the applicant's request for a maximum 12 foot encroachment would provide the minimum relief necessary. The request is for less of an encroachment (depth) than is existing. The current house encroaches 20 feet into the primary street setback. The proposed footprint of the structure is 3256 SF and would contain ~4100 SF of living space. The size of the house is on par with the sizes of new single family homes in this area, which typically range from 3500 to 7700 SF.

c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.

Finding:

The existing home is in a generally very poor condition. The applicant is proposing to significantly improve the property through redevelopment. This variance request supports the intent of the Development Code and Comp Plan to guide reinvestment in established neighborhoods that preserves and reinforces their unique characteristics (Section 1.1.5). The applicant is not requesting any additional variances that would be contrary to any of the stated intentions of the Development Code as listed in Section 1.1.5.

The encroachment of the home in the setback would also not be out of character on this street. Several homes sit approximately 20 to 30 feet from Lafayette Avenue. The neighbor directly to the south sits about 20 feet from the front property line. For these reasons, staff believes the proposal will not be a detriment to the public good, safety, and welfare.

COMMENTS FROM OTHER PARTIES

Sandy Springs Building Plan Reviewer:

None of the lots around this one is 18,000 sf. A few are close but most are at or under about 15,000. So, it seems to me using the RD-15 approach would be more appropriate and that seems to be more or less what they are asking for. It also seems that would better keep it in the existing development pattern, too.

Sandy Springs Arborist:

Some things they will need to keep in mind, concerning the canopy is that in total at least 6 large canopy trees will need to be planted plus the 1000 SF of understory trees that they have added with their variance. Based on the site being 15,222 SF, their required canopy coverage of Protected Trees is 5,328 (which rounds up to 6 Protected Trees.) Their existing Protected and Landmark Trees include a 36” Hardwood, 20” Hardwood, 18” Hardwood, 24” Hardwood and 44” Hardwood. They are already under their required canopy coverage, so any Protected Trees that are removed or impacted will need to be mitigated and recompensed.

1. There will be a 36” Landmark Tree greatly impacted with this construction – this will need to be replaced at 150% of the canopy (2 large canopy trees.) This will also require a \$1,200 payment in to the Tree Fund.
2. There appears to be a 20” Hardwood that will be removed for the driveway. This will require 1 large canopy tree to be replaced as well as a \$1,200 payment in to the Tree Fund.
3. Based on there being 223 feet of road frontage, there will be 6 large canopy trees required to be planted in the road frontage. The mitigation trees and canopy trees CAN be combined with this requirement as long as it is labeled. (For example, plot 6 trees along the road frontage and label two trees as Landmark Mitigation Trees and 1 tree as a canopy replacement tree.) Keep in mind that these trees cannot be planted in the right of way.
4. Any disturbance in the side setbacks that exceed 1000 feet will require 1 large canopy tree to be planted (per 1000 feet) in addition to any other tree requirements.

Correspondence Received:

6 letters of support from surrounding neighbors provided at the time of submittal

Public Comments:

No public comments received at this time.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval** of **Variance** V19-0023, request for a Variance from Sec. 2.3. for a maximum 12 foot encroachment into the required primary street setback, subject to the following condition:

1. The proposed house may not encroach any further than 12 feet in to the primary street setback, the maximum footprint of the encroachment may not exceed 850 square feet, and it must be substantially similar to the footprint shown on the submitted site plan prepared by Legacy Homes, and submitted November 1st, 2019.

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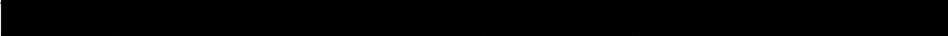
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Case No.: V19-0023
Planner's initials: MLB

PROJECT INFORMATION SHEET

PROPERTY	Address(es): <u>360 Lafayette Ave</u>	
	Parcel Tax ID: <u>17 0137 000 10363</u>	
	Land Lot(s): <u>137</u>	Land District(s): <u>17A</u>
	Total acreage: <u>.35</u>	Council district:
	Current zoning: <u>RD-18</u>	Current use: <u>Res</u>
	Character area:	

APPLICATION	Detailed request (include Ordinance/Code Section No.):	
	<u>12 foot encroachment into required 50 FT primary road setback for purposes of building a single family home.</u>	
Petitioner: <u>Legacy custom Homes</u>		
Petitioner's address: <u>605 River Valley Rd</u>		
<u>Atlanta GA 30328</u>		
Phone: <u>404-805-1000</u>	Email: <u>randy @ A Legacy home. com</u>	

OWNER	Property owner: <u>Calvin Hartness</u>	
	Owner:	
	Phone:	
	Signature (authorizing initiation of the process): <u>Calvin Hartness</u>	
<i>If the property is under contract and the owner is unavailable to sign, provide a copy of the contract</i>		

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date: <u>10/22/19</u>	Anticipated application date: <u>11/5/19</u>
Anticipated BOA date: <u>12/10/19</u>	
ADDITIONAL INFORMATION NEEDED:	

Variance Application Letter of Intent

**360 Lafayette Ave
Sandy Springs, GA 30327**

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Requested Variance:

We are requesting a 12 feet encroachment into the required 50 foot primary street setback for purpose of constructing a single family home at 360 Lafayette Ave, Sandy Springs, GA 30327.

The Buyer for this property wishes to demolish the existing house and build a modestly sized home for their family. They have three cars so it was important to them to have garage space for all three cars.

The buildable area, approximately 3300 sq ft, was determined to be too small for today's homes and the rear setback is on an angle which limits design options greatly. We decided not to encroach into the rear setback because it would eliminate any useable back yard space. Additionally, we felt that since the existing home was already into the front setback and many homes along the street are setback only 20 to 30 ft we felt a design that encroached 12' into the 50' setback was the best option.

Factual Details about Proposed Development:

Existing Conditions:

The front setback is 50' along the primary street, Lafayette Ave. The lot is a pie shape and thus the front setback takes up a majority of the area on the lot. The buildable area on the lot is further constrained by the rear setback that is set on an angle, as a result of the pie shaped lot.

The zoning is RD-18. The size of the lot is 15,222 sq ft.

The buildable area on the lot is approximately 3300 sq ft.

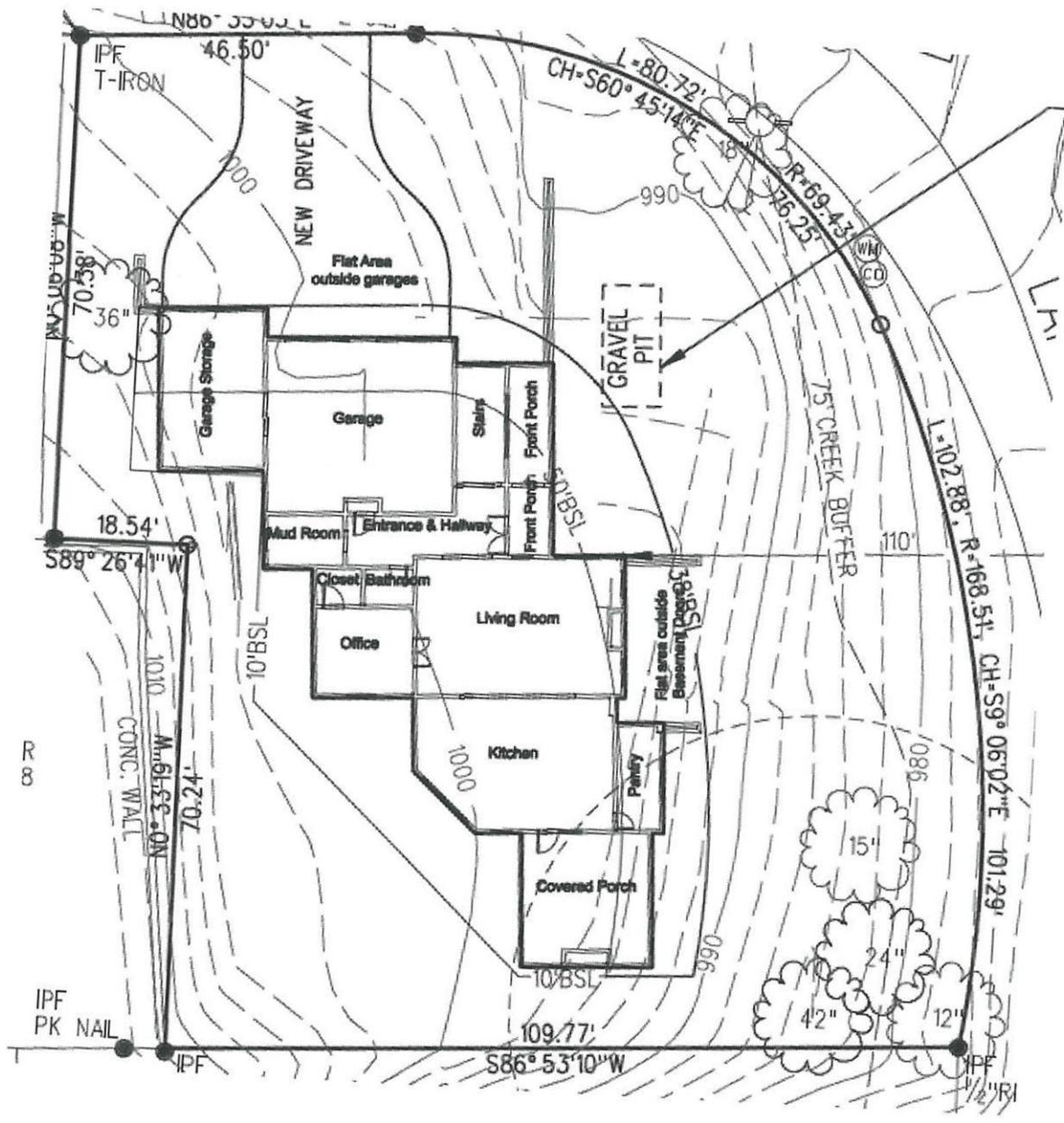
Current home has a 18.6' encroachment into the primary yard setback.

Proposed Development:

The foot print on the proposed home is 3256 sq ft which includes 2000 sq ft of living space, 880 sq ft of garage space and 376 of porches/decks. Driveway will be 1,123 sq ft. Resulting in a lot coverage of 4,379sq ft or 28.8%.

The new home will be a two story home on a full basement.

Exterior of the home will be a traditional style home with large windows. It will be 4-sided painted brick with architectural style shingle roof.



Site Plan

See attached Exhibits A and B for first floor and elevation concept sketches.

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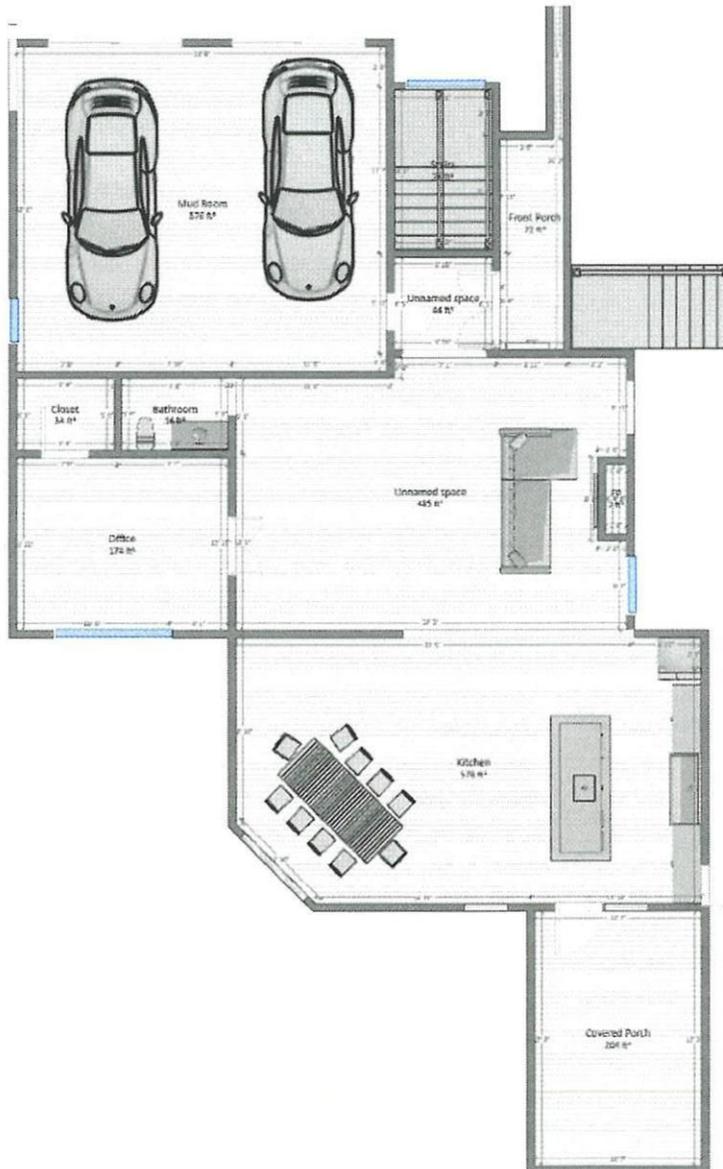
Alternative Designs Explored:

Alternative 1: Two car garage

One alternative design we explored fit into the setbacks. It was 1499 sq ft of living space on the first floor. The design eliminated the following features:

- Eliminated mud room hall and storage
- Eliminated walk-in pantry in the kitchen
- Eliminated 1 garage bay, requiring one car to be parked outside
- Reduced covered back porch from 18' to 12' wide
- Reduced backyard lawn area from 28' x 40' to 10' x 40'

These compromises were seen as too great to justify the cost of the land and the needs of the family. Also having a car parked outside was viewed as detracting rather than enhance the neighborhood



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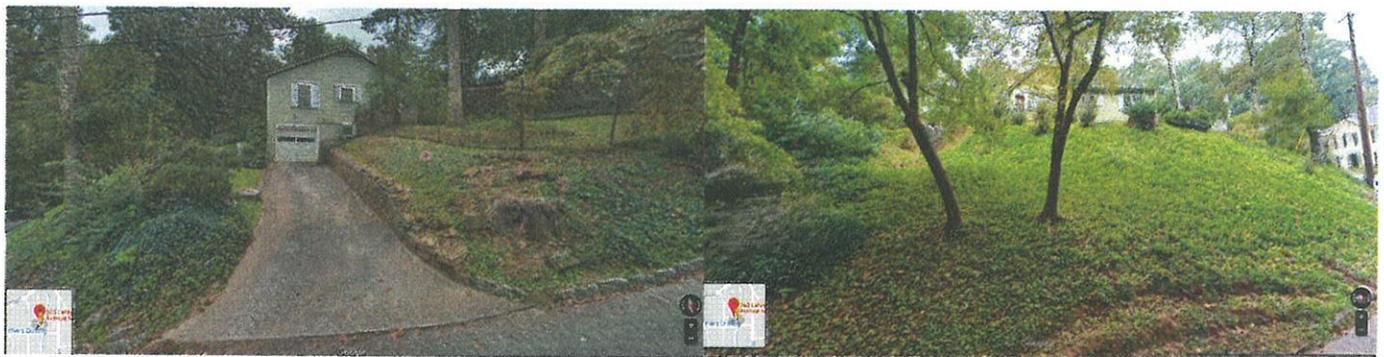
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This would allow the home to be designed with the desirable living area but parking would be on the street or a parking pad. This was determined to detract rather than enhance the neighborhood. Given the curve on the street, on street parking is hazardous at this location. This option was discarded for these reasons.

Alternative 3: Remodel and add onto existing home

We evaluated using the existing house and adding an addition onto the back of the property. The new addition would be built in the allowable area but the existing home would remain with 506 sq ft encroaching on the primary street setback.

The existing house is in very poor repair and was originally built as a cook's quarters for the hunting lodge. It contains asbestos siding. Additionally, the house encroaches 15 ft into the required 50 ft primary street setback. The existing house has a 1 car garage in the basement that is not large enough for most of today's vehicles.



North Facing Side of house Lafayette Ave

East Facing Side on Lafayette Ave

Remodeling the home would require an addition to gain the space needed for the Buyer's family. The addition could be built completely within the allowable setbacks but the existing structure would remain with an encroachment of 15' into the primary road setback.

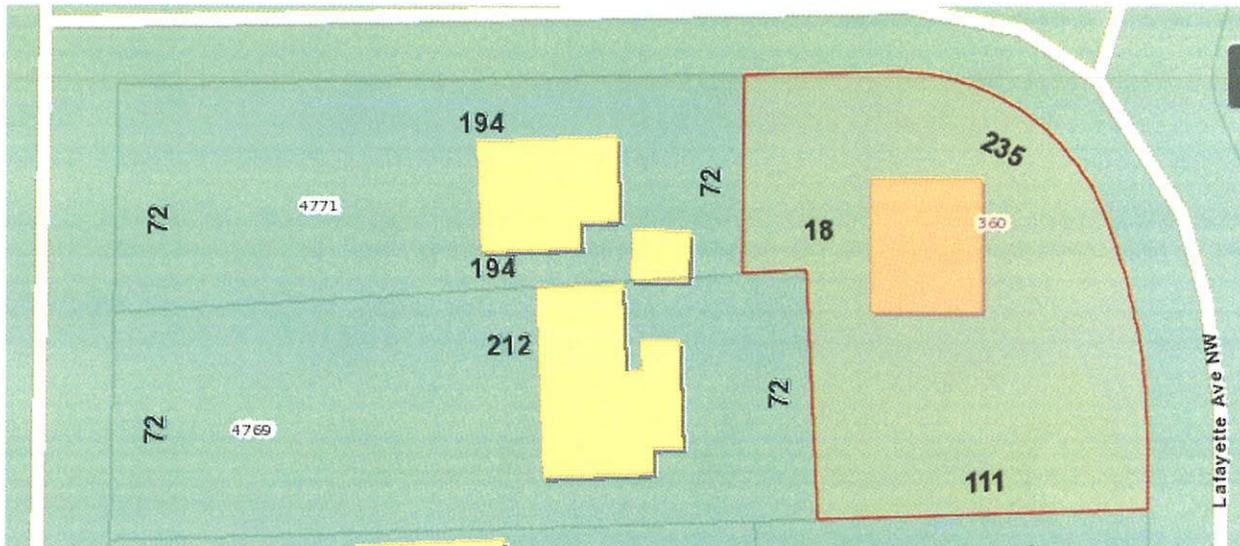
In our opinion it would be cost prohibitive to salvage the existing home and the foundation is unlikely to support a second story.

Given the costs and the lack of a good architectural structure we feel that remodeling would not create a home that is in keeping with the other homes that are being improved and rebuilt in the area. Also, the remodeled home would also maintain an encroach, thus it was rejected as an option.

Variance Analysis

Explain in detail, on a separate sheet, and for each variance requested how:

- a. The application of the Development Code would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or
- b. 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;



The zoning is RD-18 with an area of 15,222. Typically with this zoning the minimum size lot is 18,000 sq ft. Since the setbacks are not adjusted for smaller than normal sized lots this creates a much smaller buildable area.

Additionally, this lot has 223 ft of road frontage subject to the 50' primary road setback. Lots in this area typically have 72' to 105' of road frontage subject to the 50' setback. Finally, most lots in this area are rectangular in shape creating a very usable symmetrical shape to build a home. This property has a pie shape lot which creates angles and curves that further limit what can be built on the site.

The below chart shows how this lot's buildable area compares with surrounding lots.

	Comparable Lot 4771 East Conway	Comparable Lot 4769 East Conway	360 Lafayette
Lot Size	13,968 sq ft	15,264 sq ft	15,222 sq ft
Buildable area	4,788 sq ft (34%)	6,864 sq ft (45%)	3,300 sq ft (22%) [with approved variance 5,025 sq ft (33%)]
Primary road frontage	72 ft	72 ft	223 ft

Comparison with Adjacent Lots

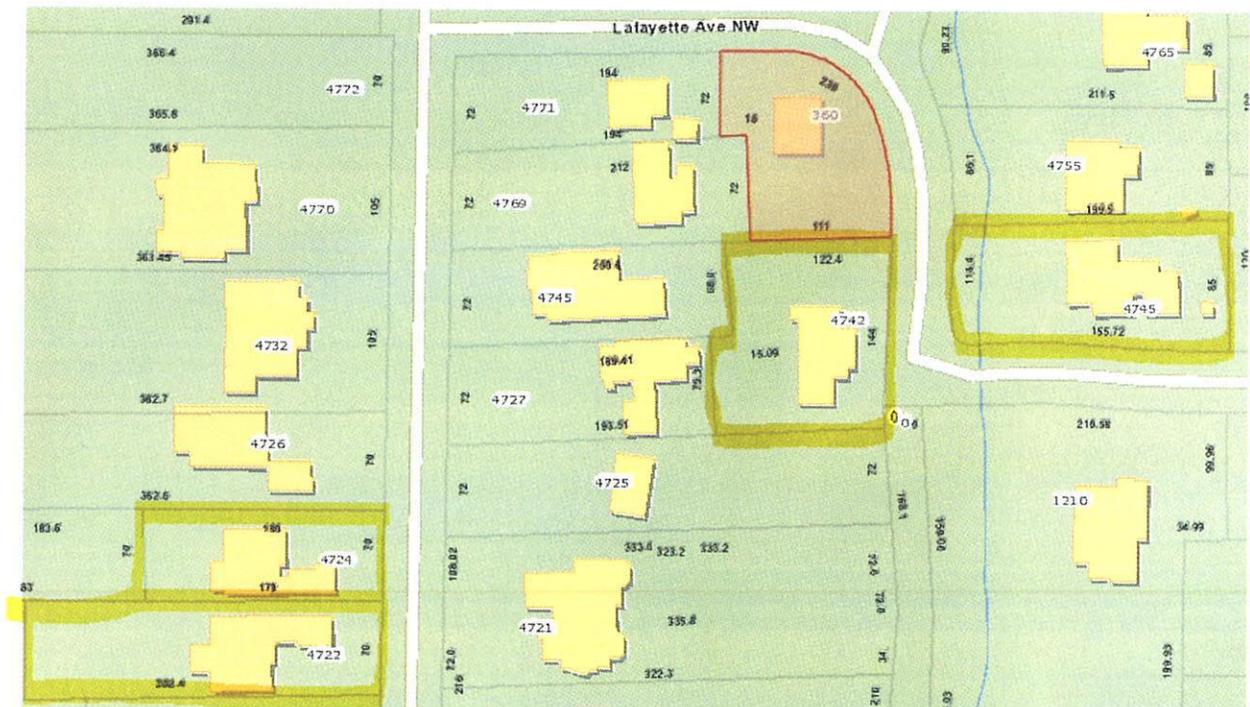
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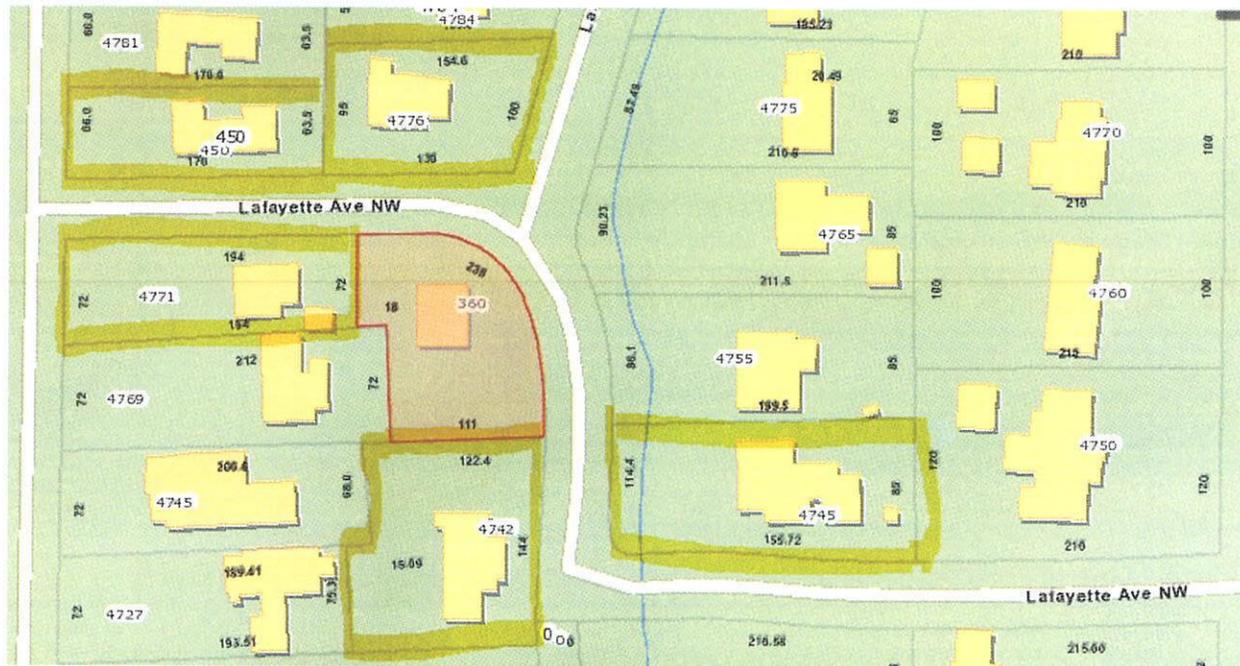
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Further, the application shall demonstrate that:

- c. Such conditions are not the result of action or inaction of the current property owner; and
 - o Conditions are a result of the lot size and shape as well as zoning requirements that property owner has no control over.
- d. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and
 - o Owner has designed a plan for a new home that was custom designed for this specific lot. The house is smaller in size than what is typically being built in the area. No acceptable alternative design was found that would have resulted in less encroachment. The house was designed for no encroachments into side or rear setbacks. The house that meets the Buyer's criteria needs 12' of encroachment which is less than the existing home which currently has s 15' of encroachment.
- e. The variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.
 - o As highlighted below you can see that other homes in the area encroach into the 50' primary road setback. The relief being asked for is in keeping with other properties in the area that have hardships. The highlighted property ranges from 15' encroachment to 27' encroachment as measured on the GIS maps.



You can see below that most of the homes on Lafayette Ave have positioned their homes 20-30 ft from the street since many of those other lots are able to classify this road as a secondary road thus subject to a 20' setback instead of a 50' setback.



Note: The general purpose and intent of the Development Code (Sec. 1.1.5) includes:

- Promoting the preservation and enhancement of tree canopy in residential areas;
 - In addition to the required replacement of trees by code, the Owner has agreed to add an additional 1000 sq ft of canopy with the use of under story and ornamental trees.
- Guiding reinvestment in established neighborhoods that preserves and reinforces their unique characteristics
 - The existing home is an eye sore and is not habitable in its current condition. Many new homes are being built in this highly desirable neighborhood. Neighbors are eager to see this home replaced and we propose to build a new home that is in keeping with the high standards of other homes being built in the area.
- Promoting quality landscape and building design that advance the function and beauty of Sandy Springs;
 - The new home will be professionally landscaped which will enhance the neighborhood and the property which currently has very little landscaping.
 - The Buyer's plan to landscape with special attention to using many native, non invasive plants that require little maintenance & water.
- Promoting sustainable building and site design practices;

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- The home is planned to follow many of the sustainability practices recommended by EarthCraft House and EnergyStar. Some attributes of the home include:
 - All brick construction
 - Spray foam insulated 2x6 exterior walls
 - Advanced framing techniques to further allow for better insulation value
 - Air seals typically 4x better than code to minimize energy usable
 - All LED lighting
 - Solar panel ready
 - Low maintenance cementitious trim
 - Low VOC products used in construction
 - Low flow plumbing fixtures
 - EnergyStar Appliances

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NOTES:

THE PROPERTY IS ZONED RD-18. SITE AREAS 15,222 SF FT OR 0.350 AC
 CURRENT MIN. BLDG SETBACKS: PER CITY OF SANDY SPRINGS:
 FRONT-50', SIDE-10", REAR-35'

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE
 PRECISION OF ONE FOOT IN 77,474 AND AN ANGULAR ERROR OF 2"
 PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

A SPECTRA PRECISION FOCUS 35 TOTAL STATION WAS USED TO
 OBTAIN LINEAR AND ANGULAR MEASUREMENTS. LINEAR DISTANCES
 SHOWN ARE GROUND HORIZONTAL DISTANCES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS
 ACCURATE WITHIN ONE FOOT IN 1,000,000+ FEET.

FIELD WORK WAS COMPLETED ON OCTOBER 4, 2019.

ELEVATIONS ESTABLISHED ARE BASED ON AN ASSUMED DATUM.

NO NGS MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.

BEARINGS AND DISTANCES SHOWN HEREON WERE FIELD MEASURED
 AND ARE IN SUBSTANTIAL AGREEMENT WITH THE DESCRIPTION
 UNLESS OTHERWISE NOTED HEREON.

SPG SURVEYING, LLC DOES NOT WARRANT THE EXISTENCE OR
 NONEXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE
 SURVEY AREA.

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 THE
 EXPRESSED CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON,
 PERSONS OR ENTITY.

NO PART OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD
 HAZARD AREA (ZONE AE) AS DEFINED BY F.I.R.M. COMMUNITY PANEL
 NUMBER 13121C0144F, EFFECTIVE DATE OF 9/18/13, FULTON
 COUNTY, GEORGIA, AND UNINCORPORATED AREAS.

UNLESS STATED OTHERWISE HEREON, THIS SURVEY WAS PREPARED
 WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS
 ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER
 THAT MIGHT BE DISCOVERED BY AN ABSTRACT OF TITLE OR TITLE
 SEARCH OF THE PROPERTY.

UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS
 OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A
 CASUAL ABOVE GROUND VIEW OF THE PREMISES ARE SHOWN. THE
 PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY
 EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK
 LINES WHETHER OR NOT THEY ARE SHOWN ON THE PLAT HEREON OR
 WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY
 IS ASSUMED BY THE UNDERSIGNED FOR LOSS THAT MAY BE ASSOCIATED
 WITH THE EXISTENCE OF ANY EASEMENTS.

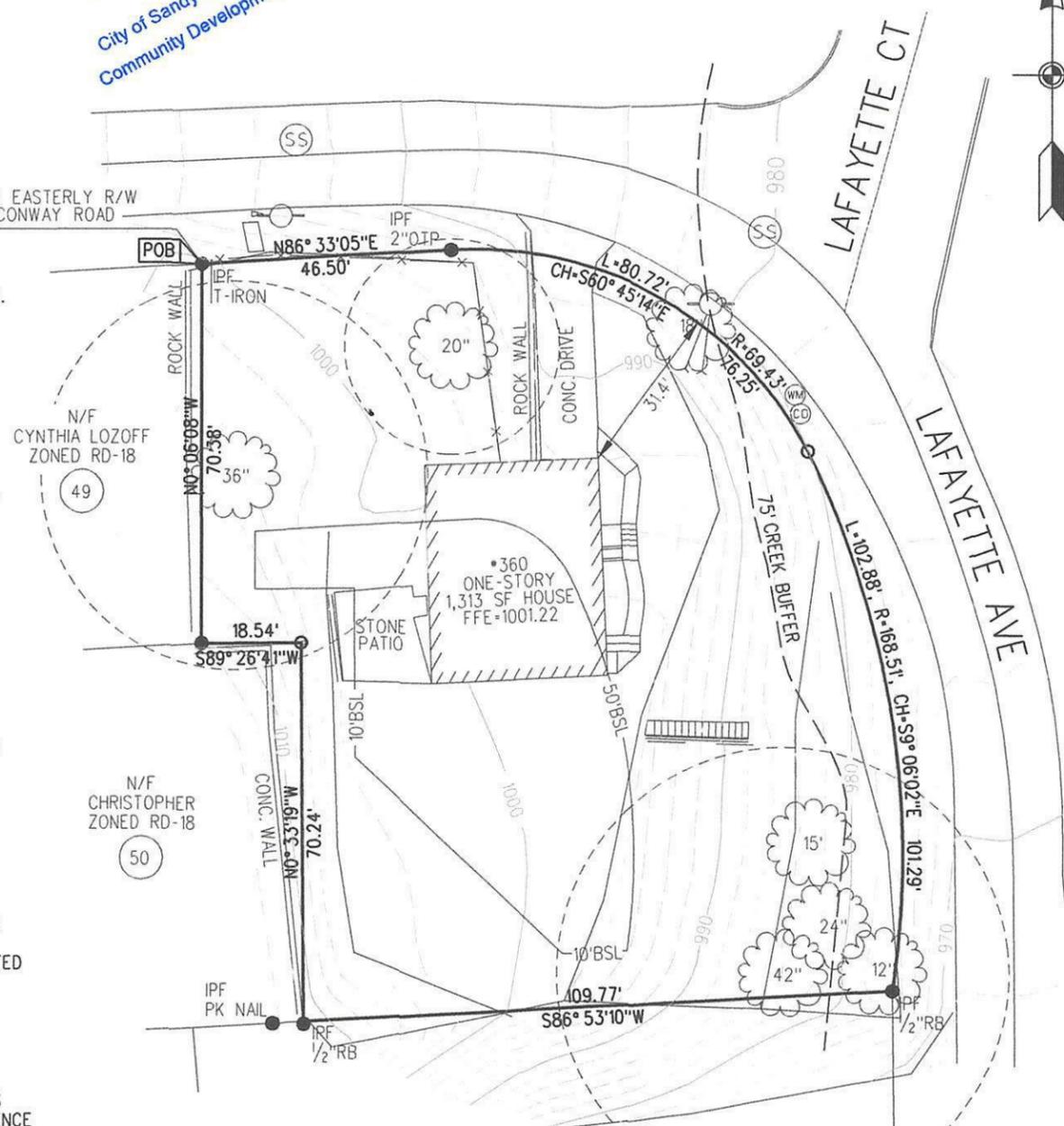
REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS SEALED AND
 SIGNED WITH AN ORIGINAL SIGNATURE.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER
 AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES
 IS SHOWN HEREON AND WAS BASED ON VISIBLE ABOVE GROUND EVIDENCE
 SUCH AS MANHOLES, CATCH BASINS, FIRE HYDRANTS, WATER METERS, ETC.
 THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT
 SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING.
 THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND
 STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND
 STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS
 EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY
 DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR
 THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

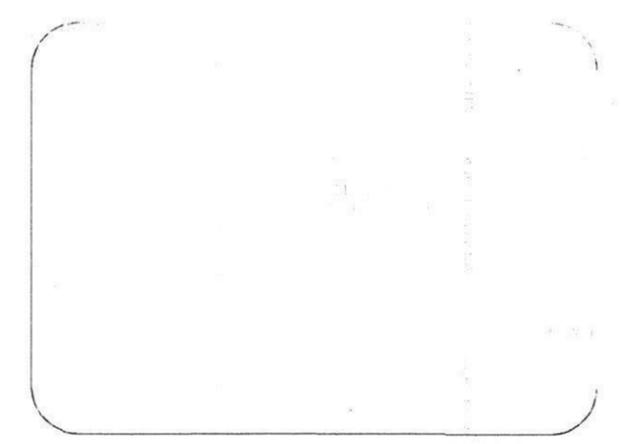
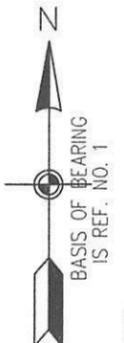
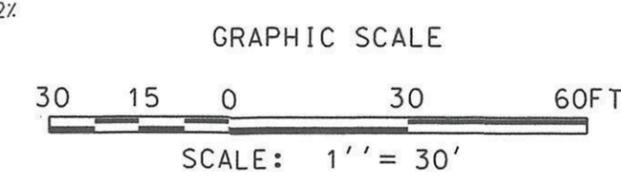
REFERENCE MATERIAL:

1. PINE CREST SUBDIVISION BY PAUL STHERIDGEM DATED
 DECEMBER, 1931, RECORDED IN FULTON COUNTY RECORDS,
 IN PLAT BOOK 15, PAGE 146.

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EXISTING LOT COVERAGE:
 HOUSE = 1,313 SF OR 8.6%
 DRIVE = 396 SF OR 2.6%
 PATIO = 270 SF OR 1.8%
 SW & PORCH = 178 SF OR 1.2%
 TOTAL = 2,157 SF / 15,222 SF = 14.2%



VICINITY MAP
 NOT TO SCALE

- LEGEND
- BSL BUILDING SETBACK LINE
 - ⊕ FIRE HYDRANT
 - IPF IRON PIN FOUND
 - ⊙(M) MANHOLE
 - POB POINT OF BEGINNING
 - R/W RIGHT-OF-WAY
 - WM WATER MAIN
 - ⊕ WATER METER
 - ⊕ WATER VALVE
 - ⊕ GAS VALVE
 - ⊕ UTILITY POLE
 - ⊕ SIGN
 - N/F NOW OR FORMERLY
 - ⊙ PINE TREE
 - ⊙ HARDWOOD TREE

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS
 OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR
 MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE
 RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER
 INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED
 HEREON. RECORDING OF THIS PLAT DOES NOT IMPLY APPROVAL OF
 ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH
 LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY
 USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED
 LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE
 MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA
 AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA
 BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND
 SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Steven P Griggs

STEVEN P. GRIGGS, RLS NO.2845

Existing Conditions Survey Easterly Portions of Lots 34 & 35, Pine Crest Subdivision Land Lot 137, 17th District, Fulton County, Georgia	
BY: _____ DATE: _____	For: Legacy Custom Homes, LLC
File No. 201953.01 Drawn By: SG Approved By: SG Reviewed By: SG Date: 10/09/2019 Project No. 201953.001	1025 Winding Creek Trail, Atlanta, Georgia 30328 Phone (404) 557-2170 Fax (404) 252-5035
SPG Surveying, LLC Professional Surveying and Engineering Services	
Sheet 1 of 1	

NOTES:

THE PROPERTY IS ZONED RD-18. SITE AREAS 15,222 SF FT OR 0.350 AC.

CURRENT MIN. BLDG SETBACKS: PER CITY OF SANDY SPRINGS:
FRONT=50', SIDE=10'', REAR=35'

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 77,474 AND AN ANGULAR ERROR OF 2" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

A SPECTRA PRECISION FOCUS 35 TOTAL STATION WAS USED TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS. LINEAR DISTANCES SHOWN ARE GROUND HORIZONTAL DISTANCES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 1,000,000+ FEET.

FIELD WORK WAS COMPLETED ON OCTOBER 4, 2019.

ELEVATIONS ESTABLISHED ARE BASED ON AN ASSUMED DATUM.

NO NGS MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.

BEARINGS AND DISTANCES SHOWN HEREON WERE FIELD MEASURED AND ARE IN SUBSTANTIAL AGREEMENT WITH THE DESCRIPTION UNLESS OTHERWISE NOTED HEREON.

SPG SURVEYING, LLC DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

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 THE EXPRESSED CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

NO PART OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE AE) AS DEFINED BY F.I.R.M. COMMUNITY PANEL NUMBER 13121C0144F, EFFECTIVE DATE OF 9/18/13, FULTON COUNTY, GEORGIA, AND UNINCORPORATED AREAS.

UNLESS STATED OTHERWISE HEREON, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OF TITLE OR TITLE SEARCH OF THE PROPERTY.

UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF THE PREMISES ARE SHOWN. THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY ARE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENTS.

REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS SEALED AND SIGNED WITH AN ORIGINAL SIGNATURE.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON AND WAS BASED ON VISIBLE ABOVE GROUND EVIDENCE SUCH AS MANHOLES, CATCH BASINS, FIRE HYDRANTS, WATER METERS, ETC. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

REFERENCE MATERIAL:

1. PINE CREST SUBDIVISION BY PAUL STHERIDGEM DATED DECEMBER, 1931, RECORDED IN FULTON COUNTY RECORDS, IN PLAT BOOK 15, PAGE 146.

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City of Sandy Springs
Community Development

194° TO EASTERLY R/W
OF E. CONWAY ROAD

N/F
CYNTHIA LOZOFF
ZONED RD-18
(49)

N/F
CHRISTOPHER
ZONED RD-18
(50)

N/F
KERWIN GRAY
ZONED RD-18
(33)

LOT COVERAGE:

PROPOSED HOUSE=3,256 SF OR 21.4%
PROPOSED DRIVE=1,016 SF OR 6.7%

TOTAL=4,272 SF/15,222 SF=28.1%

LANDSCAPING XXXXX SF OR XX.X%
UNDEVELOPED = 10,950 SF OR 71.9%

NO POSTED SPEED LIMIT

GRAPHIC SCALE

30 15 0 30 60 FT

SCALE: 1" = 30'



LOCATION OF PROPOSED
GRAVEL STORAGE FOR
REQ'D WATER VOLUME
(427 CU FT REQ'D)

ZONE X FLOOD LIMITS
(FROM GIS)



VICINITY MAP
NOT TO SCALE

LEGEND

- BSL BUILDING SETBACK LINE
- FIRE HYDRANT
- IPF IRON PIN FOUND
- MH MANHOLE
- POB POINT OF BEGINNING
- R/W RIGHT-OF-WAY
- WM WATER MAIN
- WATER METER
- WATER VALVE
- GAS VALVE
- UTILITY POLE
- SIGN
- N/F NOW OR FORMERLY
- PINE TREE
- HARDWOOD TREE

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDING OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Steven P Griggs

STEVEN P. GRIGGS, RLS NO.2845



Variance Site Plan
Easterly Portions of Lots 34 & 35, Pine Crest Subdivision
Land Lot 137, 17th District, Fulton County, Georgia

For:
Legacy Custom Homes, LLC

BY:	DATE:	REVISIONS

File No. 201953.02	Drawn By: SG	Approved By: SG	Reviewed By: SG	Date: 10/31/2019	Project No. 201953.001
--------------------	--------------	-----------------	-----------------	------------------	------------------------

SPG Surveying, LLC
Professional Surveying Engineering Services
1025 Winding Creek Trail, Atlanta, Georgia 30328
Phone (404) 557-2170 Fax (404) 252-5835

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Community Development



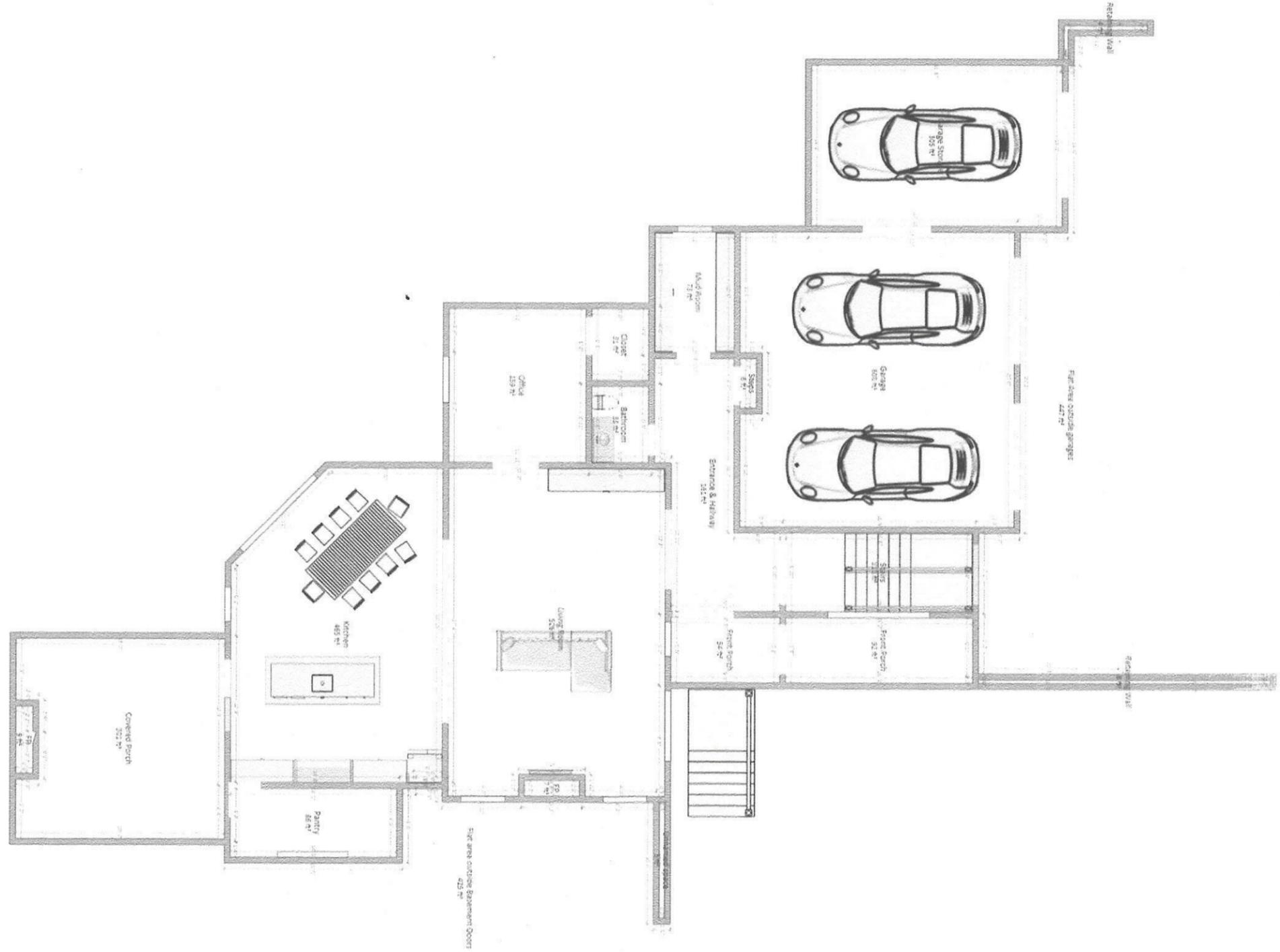
360 LAFAYETTE CONCEPT A

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Rev 4 Bobby with elevation mods



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Community Development

**Legal Description
for
#360 Lafayette Ave**

All that tract or parcel of land lying and being in Land Lot 137 of the 17th Land District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a t-iron on the southerly side of LaFayette Avenue, 194 feet east from the easterly right-of-way line of E. Conway Road, said point being the **TRUE POINT OF BEGINNING**;

thence along said right-of-way line of Lafayette Avenue, N 86°33'05" E a distance of 46.50 feet to a 2" open top pipe at the start of a curve and having a radius of 69.43 feet, thence along the arc of a said curve a distance of 80.72 feet to a point, said arc subtended by a chord bearing S 60°45'14" E, a distance of 76.25 feet to a point on a curve, having a radius of 168.51 feet, thence along the arc of a said curve a distance of 102.88 feet to a ½" rebar, said arc subtended by a chord bearing S 9°06'02" E, a distance of 101.29 feet, thence leaving said right-of-way line, along the common property line to lots 34 & 33, S 86°53'10" W a distance of 109.77 feet to a ½" rebar at a point on the common line of lots 34 & 50, thence along this common property line, N 0°33'19" W a distance of 70.24 feet to a point, thence S 89°26'41" W a distance of 18.54 feet to a point, thence along the property line common to lots 35 & 49, N 0°06'08" W a distance of 70.38 feet to a point, and the **TRUE POINT OF BEGINNING**;

Said property contains 0.350 acres, more or less and more particularly shown on that drawing labeled "Variance Site Plan of the Easterly Portion of Lots 34 & 35", for Legacy Custom Homes, LLC, prepared by SPG Surveying, LLC, dated October 22, 2019.

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City of Sandy Springs
Community Development

To: The City of Sandy Springs
RE: Letter of Support for Variance Application
360 Lafayette Avenue-Sandy Springs, GA 30327

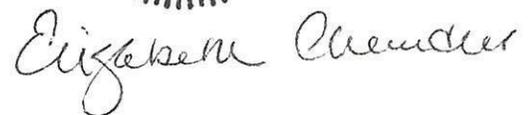
To whom it may concern: I am a direct neighbor of the above-mentioned property. This notarized letter states my support for the 12-foot encroachment request described in the Variance Application Letter of Intent for the above-named property, for the purpose of constructing a new home on the property.

Sincerely,



Cynthia M Smith
4771 E. Conway Dr,
Atlanta GA 30327

Printed Name and Address



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NOV 01 2019

To: The City of Sandy Springs
RE: Letter of Support for Variance Application
360 Lafayette Avenue Sandy Springs, GA 30327

City of Sandy Springs
Community Development

To whom it may concern: I am a direct neighbor of the above-mentioned property. This notarized letter states my support for the 12-foot encroachment request described in the Variance Application Letter of Intent for the above-named property, for the purpose of constructing a new home on the property.

Sincerely,



Victoria K. Boswell

450 Lafayette Avenue Sandy Springs, GA 30327

Printed Name and Address

GADL 056817663

Michelle Ghunmeyer 10-31-19



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City of Sandy Springs
Community Development

October 25, 2019

To: The City of Sandy Springs

RE: Letter of Support for Variance Application

360 Lafayette Avenue Sandy Springs, GA 30327

To whom it may concern:

I am a direct neighbor of the above-mentioned property. This notarized letter states my support for the 12-foot encroachment request described in the Variance Application Letter of Intent for the above-named property, for the purpose of constructing a new home on the property.

Sincerely,



Chris Wichmann
4769 East Conway Drive
Sandy Springs, GA 30327

Notary:



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City of Sandy Springs
Community Development

To: The City of Sandy Springs

RE: Letter of Support for Variance Application

360 Lafayette Avenue Sandy Springs, GA 30327

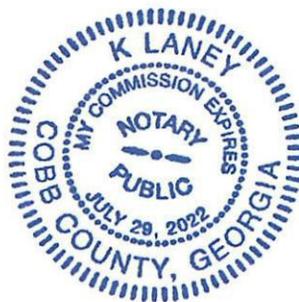
To whom it may concern: I am a direct neighbor of the above-mentioned property. This notarized letter states my support for the 12-foot encroachment request described in the Variance Application Letter of Intent for the above-named property, for the purpose of constructing a new home on the property

Sincerely,



Jim & Nancy Davis
4776 Lafayette Court, NW
Sandy Springs, GA 30327

Printed Name and Address



NOV 01 2019

City of Sandy Springs
Community Development

To: The City of Sandy Springs

RE: Letter of Support for Variance Application

360 Lafayette Avenue Sandy Springs, GA 30327

To whom it may concern: I am a direct neighbor of the above-mentioned property. This notarized letter states my support for the 12-foot encroachment request described in the Variance Application Letter of Intent for the above-named property, for the purpose of constructing a new home on the property.

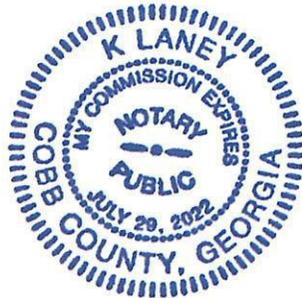
Sincerely,

Lisa Switzer

David & Lisa Switzer
4784 Lafayette Ct. NW
Atlanta, GA 30327
Lisa Switzer

Printed Name and Address

Klaney



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City of Sandy Springs
Community Development



SANDY SPRINGS
GEORGIA

AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

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 _____ day of _____ 20____ Notary public: Seal: Commission expires:
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Owner's signature:	

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:	
<input checked="" type="checkbox"/> 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 <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: <u>Calvin Hartness</u>	Sworn and subscribed before me this <u>23rd</u> day of <u>October</u> 20 <u>19</u> Notary public: <u>Misty Westcott</u> Seal: Commission expires: <u>Jan 25, 2020</u>
Company name:	
Applicant's signature: <u>[Signature]</u>	

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

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IN RE: ESTATE OF

Calvin Edward Hartness,
DECEASED

)
)
)
)

ESTATE NO. PC-2018-1717

City of Sandy Springs
Community Development

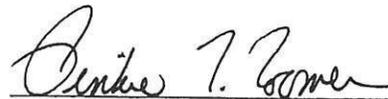
LETTERS TESTAMENTARY
(Relieved of Filing Returns)

At a regular term of Probate Court, the Last Will and Testament dated November 23, 2007 and ~~Codicil(s) dated~~ of the above named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent's Will and was admitted to record by order, and it was further ordered that Calvin Charles Hartness, named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

THEREFORE, the Executor(s), having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all powers of Executor(s) under the Will of said Decedent, according to the Decedent's Will and the law.

Given under my hand and official seal, the 27th day of July, 2018.

NOTE: The following must be signed if the
Judge does not sign the original of
this document:



Judge of the Probate Court

Issued by:

(Seal)



Clerk of the Probate Court

Court Docketing Code W10 C.F. or W11 S.F.

Recorded in Letters of Testamentary Book 251 Page 59

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I'm the Executor of 360 Lafayette Ave, Sandy Springs 30327. I would like to inform you that Randy Arndt of Legacy Custom Homes LLC has my permission to pursue a Variance on this property. We have entered into a contract to sell the home and the contract is contingent on getting this Variance approved. Randy Arndt is the proposed builder for the redevelopment of this site and has agreed to help us with the Variance.

NOV 01 2019

City of Sandy Springs
Community Development

Thanks,



Calvin Hartness



SANDY SPRINGS
GEORGIA

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City of Sandy Springs
Community Development

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:	Randy Arnold
Company name:	Legacy Custom Homes LLC
Address:	605 River Valley Rd
City, State, Zip Code:	Sandy Springs GA 30328
Email address:	randy@alegacyhome.com
Phone number:	404-805-1000
Agent's signature:	
Applicant's signature:	

Sworn and subscribed before me this
<u>1</u> day of <u>NOV</u> 20 <u>19</u>
Notary public:
Seal:
Commission expires: <u>7-18-2021</u>



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City of Sandy Springs
Community Development

AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

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:

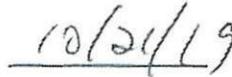
Fill out the following section, check the appropriate statement, and have it notarized.

Applicant states under oath that:	
<input type="checkbox"/> 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 <input checked="" type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: Robert L. Talbert	Sworn and subscribed before me this
Company name:	
Address: 2207 Fairway Circle NE	23 rd day of October 20 19
City, State, Zip Code: Brookhaven, GA 30319	Notary public:
Email address: bobbytalbert@yahoo.com	Seal: Stacy Lynn Stringfellow
Phone number: 404-406-4296	Stacy Lynn Stringfellow NOTARY PUBLIC Walton County, GEORGIA My Commission Expires Commission expires:
Applicant's signature: <i>[Signature]</i>	

I have a Purchase and Sales Agreement to purchase 360 Lafayette Ave, Sandy Springs 30327. I would like to inform you that Randy Arndt of Legacy Custom Homes LLC has my permission to pursue a Variance on this property. We have entered into a contract to buy the home and the contract is contingent on getting this Variance approved. Randy Arndt is the proposed builder for the redevelopment of this site and has agreed to help us with the Variance.



Lori Talbert



Date

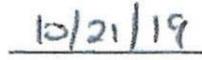
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City of Sandy Springs
Community Development



Robert Talbert



Date