



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** August 6, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: **ZM10-007/CV10-009** - 43 Westfair Court, *Applicant: Mary Alice Buetgen*, To modify condition 3.a. of Z93-0013 to reduce the required undisturbed buffer for an addition to the residence, with concurrent variances

MEETING DATE: For Submission onto the August 17, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Zoning Modification Petition

APPROVAL BY CITY MANAGER: JMM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 8/17/10

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SM

REMARKS:

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director of Community Development 

Date: July 27, 2010 For Submission onto the onto the August 17, 2010 City Council meeting

Agenda Item: **ZM10-007/CV10-011 43 Westfair Court**, Request for a zoning modification to the conditions of Fulton County zoning case Z93-013/CV93-016.

Director of Community Development Recommendation:

APPROVAL CONDITIONAL of the request for a zoning modification to the conditions of Fulton County zoning case Z93-013/CV93-016.

Background:

The site is located 1,500 feet south of Spalding Drive on the north side of the Westfair Court cul-de-sac, between GA 400 and Peachtree Dunwoody Road. The property is zoned TR (Townhouse residential District) conditional under Z98-013/CV93-016, currently developed with single-family detached dwellings.

Discussion:

The applicant is requesting a zoning modification to the conditions of Fulton County zoning case Z93-013/CV93-016 as follows:

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.**

Additionally, the applicant is requesting one (1) concurrent variance as follows:

1. 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.

Concurrent Review:

The staff held a Focus Meeting on July 7, 2010 at which the following city departments provided comments:

- Building and Development Division
- Fire Department
- Transportation Division

In addition, the following external departments were contacted for comment:

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development
- Fulton County Department of Public Works
- Fulton County Environmental Health Services (*comments received*)
- Sandy Springs Council of Neighborhoods
- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
- City of Atlanta Department of Watershed Management
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management

Zoning Modification Petition No. ZM10-007/CV10-011

HEARING & MEETING DATES

Community Zoning Information Meeting
June 22, 2010

Mayor and City Council Hearing
August 17, 2010

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
West Fair Homeowners' Association	Mary Alice Buettgen	Brian Pierce

PROPERTY INFORMATION

Address, Land Lot, and District	43 Westfair Court Land Lot 22, District 17
Council District	4
Frontage and Area	Frontage along Westfair Court. The subject property has a total area of approximately 4.41 acres (192,100 square feet).
Existing Zoning and Use	TR (Townhouse Residential District) conditional under Z93-013/CV93-016 currently developed with single-family detached dwellings.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R3-5 (Residential 3 to 5 units per acre)
Proposed Use	Single-family detached dwelling

INTENT

MODIFICATION OF CONDITION 3.A. OF PETITION Z93-013/CV93-016 (APPROVED BY THE FULTON COUNTY BOARD OF COMMISSIONERS ON APRIL 7, 1993).

The applicant is requesting a zoning modification to the conditions of Fulton County zoning case Z93-013/CV93-016 as follows:

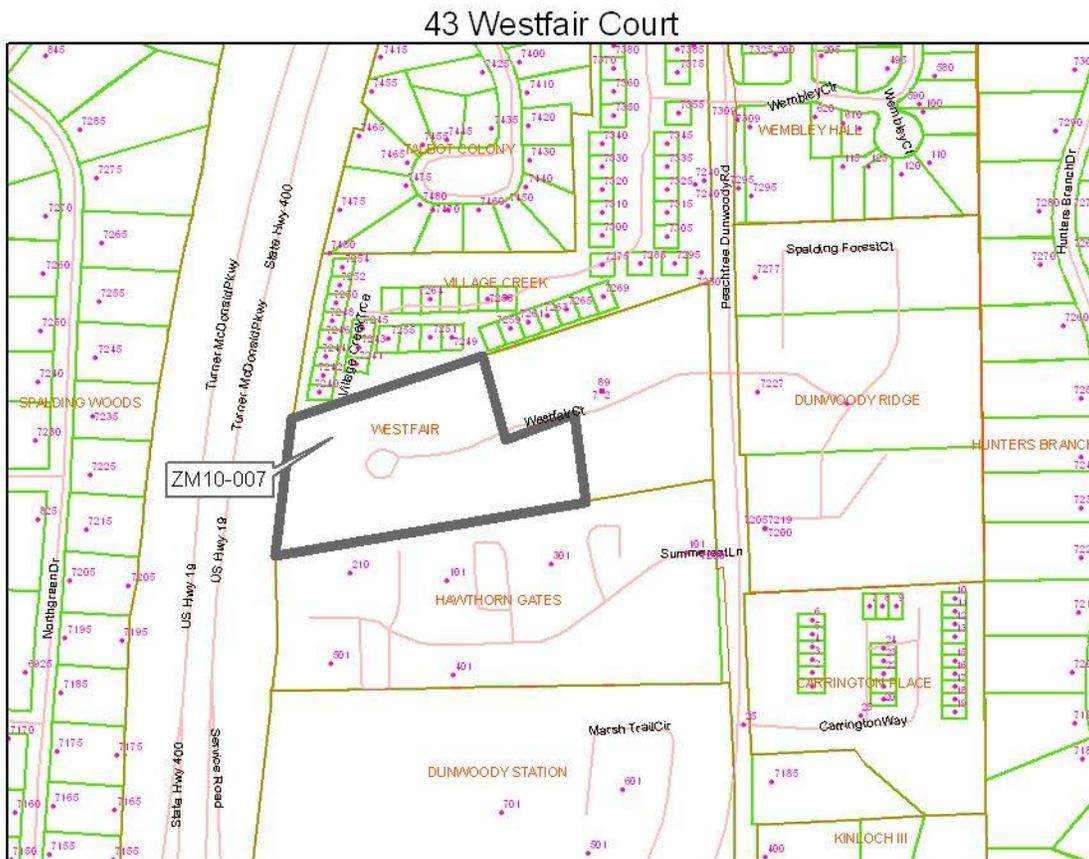
3. To the owner's agreement to the following site development considerations:
 - a. Provide a natural buffer, undisturbed except for approved access and utility crossings, improvements, and replanting where sparsely vegetated and subject to the approval of the Fulton County Sandy Springs Arborist, adjacent 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.

Additionally, the applicant is requesting one (1) concurrent variance as follows:

1. 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.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
ZM10-007 - APPROVAL CONDITIONAL
CV10-011 - APPROVAL CONDITIONAL

Location Map



BACKGROUND

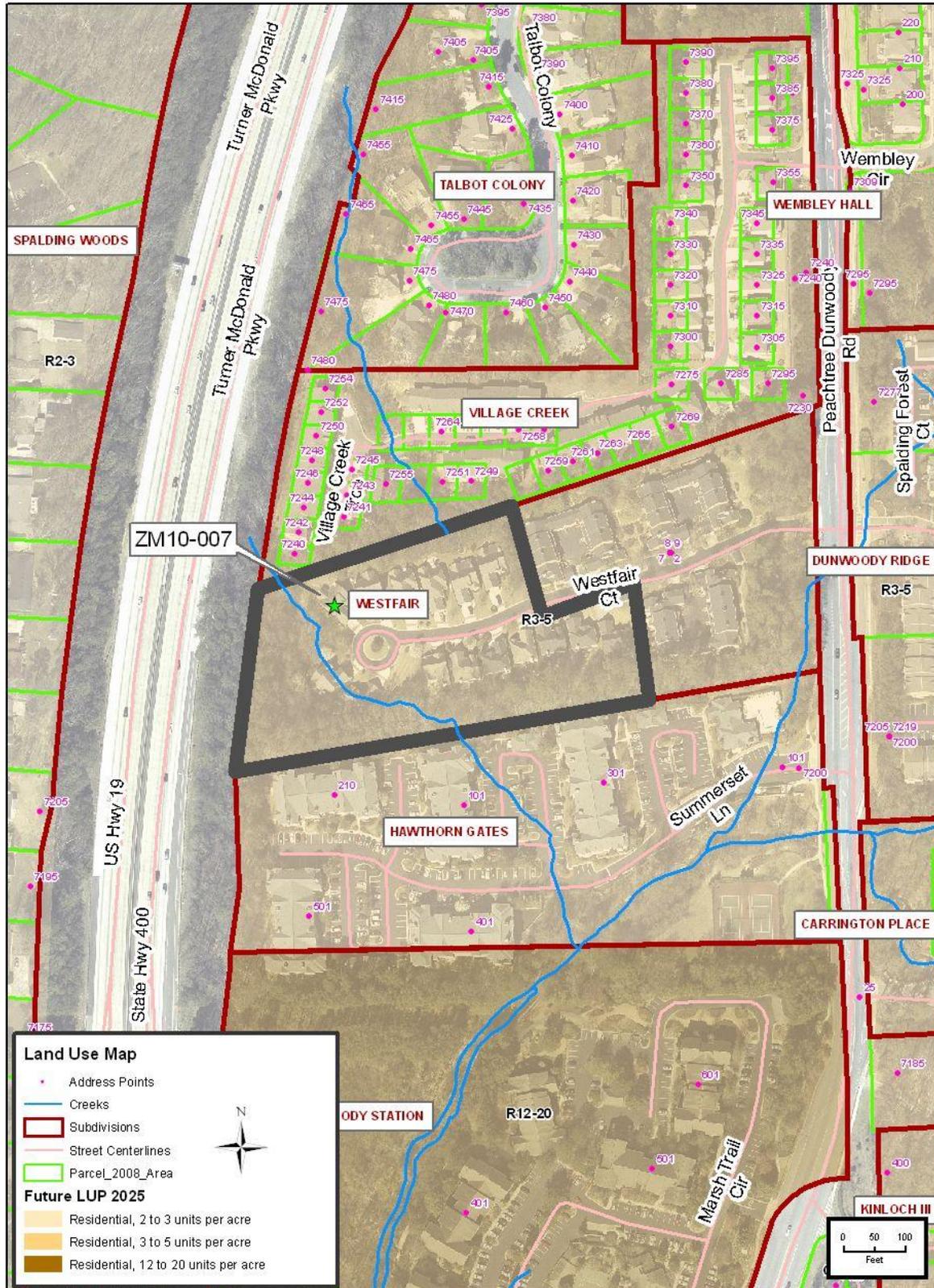
The site is located 1,500 feet south of Spalding Drive on the north side of the Westfair Court cul-de-sac, between GA 400 and Peachtree Dunwoody Road. The property is zoned TR (Townhouse residential District) conditional under Z98-013/CV93-016, currently developed with single-family detached dwellings.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION ZM10-007/ CV10-011	Proposed Use		Land Area (Acres)	Square Feet or Units	Density (Square Feet per Acre or Units per Acre)
		Single-family detached dwellings		4.41	15 units
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Feet or Units	Density (Square Feet per Acre or Units per Acre)
North	TR Conditional Z98-097	Townhomes (Village Creek)	7.26 acres	65 units	9 units/acre
East	TR Conditional Z83-159	Townhomes (Westfair Subdivision)	7.70 acres	47 units	6.1 units/acre
South	A-L conditional Z89-065	Apartments (Hawthorn Gates)	7.96 acres	49 units	6.16 units/acre
West	-----	GA 400	-----	-----	-----

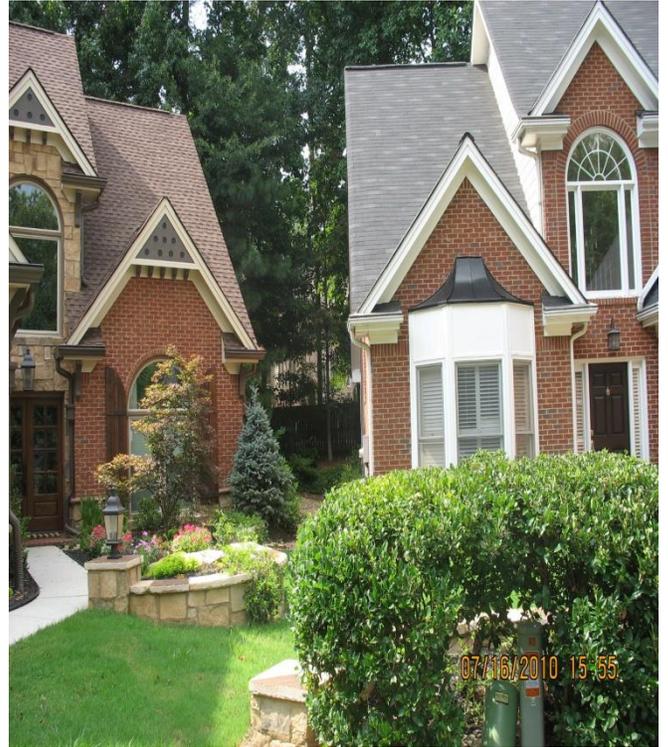
Future Land Use Map

43 Westfair Court





The subject property looking northwest



Side of the house



Side of the house



Back yard



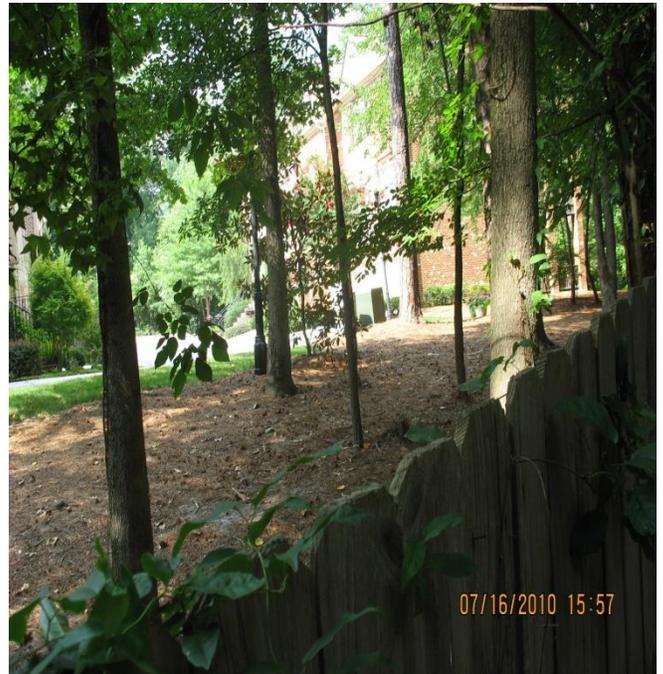
Back yard looking west at GA400



Looking west at GA400



Looking north at Village Creek Townhomes



Looking north at Village Creek Townhomes



APPLICANT'S INTENT

The applicant is requesting a zoning modification to the conditions of Fulton County zoning case Z93-013/CV93-016 as follows:

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.

The staff is of the opinion that the applicant's request to modify conditions of zoning as indicated above would not adversely affect adjacent or nearby properties because the approved density under zoning case Z93-013/CV93-016 is not changing and because the proposal is in harmony with the development existing within the subject property and with the surrounding area. Additionally, though the subject property is zoned TR (Townhouse Residential District), it is actually developed with non-fee-simple single-family homes where, technically, the adjoining multi-family properties to the north and south would be required to provide, at minimum, a twenty-five (25) buffer plus a ten (10) foot improvement setback adjacent to the subject property. Further, staff recommended condition 5.p. would ensure the remaining undisturbed buffer would be maintained at buffer standards subject to the approval of the City Arborist. The staff has not received notice or letters of opposition from the adjacent neighbors, but has received letters of support from the Home Owners' Association and neighbors living in the subdivision. Therefore, the staff recommends APPROVAL of this modification request.

VARIANCE CONSIDERATIONS

Stream Buffer Protection Ordinance

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 fifty (50) foot undisturbed stream buffer and the twenty-five (25) foot impervious surface setback, when applied, almost completely encompasses the existing house. Therefore any reasonable addition to the existing house would not comply with the Sandy Springs Stream Buffer Protection Ordinance. Relief from this requirement would not be a detriment to the public as the proposed addition would be constructed primarily over an existing concrete patio and the method and amount of construction would

have little to no negative impact to water quality. Staff is of the opinion that the property shape, topography, or physical conditions existed at the time of the adoption of the ordinance. 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 fifty (50) foot undisturbed stream buffer and the twenty-five (25) foot impervious surface setback, when applied, almost completely encompasses the existing house. Therefore any reasonable addition to the existing house would not comply with the Sandy Springs Stream Buffer Protection Ordinance. Staff is of the opinion that the property has an unusual circumstance when strict adherence to the minimum buffer requirement would create an extreme hardship. 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 irregularly shaped with a topographic change from Peachtree Dunwoody Road to GA 400. The soil in the subject back yard appears to be mostly clay that shows sign of erosion. 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 fifty (50) foot undisturbed stream buffer and the twenty-five (25) foot impervious surface setback, when applied, almost completely encompasses the existing house. The stream itself runs the entire length of the back of the overall parcel, adjacent to GA 400.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The fifty (50) foot undisturbed stream buffer and the twenty-five (25) foot impervious surface setback, when applied, almost completely encompasses the existing house. Therefore any reasonable addition to the existing house would not comply with the Sandy Springs Stream Buffer Protection Ordinance. Relief from this requirement would not be a detriment to the public as the proposed addition would be constructed primarily over an existing concrete patio and the method and amount of construction would have little to no negative impact to water quality. The location and extent of the proposed buffer and setback intrusions have been identified on the site plan submitted by the applicant.

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 initially intended to have a larger stone patio constructed using concrete joints. The applicant has reduced the size of the proposed patio and designed it to have a more pervious condition. Additionally, the applicant has proffered to do all necessary land disturbance by hand and to direct all new rainspouts toward the front yard, away from the stream.

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 variances is at least as protective of the natural resources and environment as the existing site conditions.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on July 7, 2010 at which the following departmental comments were provided:

BUILDING & DEVELOPMENT DIVISION	Sandy Springs Building Officer	<ul style="list-style-type: none"> There are no building and compliance requirements that need to be addressed at this time.
	Sandy Springs Chief Engineer	<ul style="list-style-type: none"> No apparent site development issues noted.
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> If the MCC chooses to approve the rezoning and concurrent variances a condition could be added that if the areas of the remaining undisturbed buffer do not meet minimum buffer standards that the applicant replant to buffer standards subject to the approval of the City Arborist.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> There are no Fire Department requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> Public Works does not anticipate that the proposed zoning modification will cause an excessively burdensome use of existing streets or transportation facilities.
	Georgia Department of Transportation	<ul style="list-style-type: none"> There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education or the Fulton County Emergency Services Department.

STAFF RECOMMENDATION

The staff recommends **APPROVAL CONDITIONAL** of the zoning modification request. The staff recommends that the conditions of Fulton County zoning case Z88-032/U88-020/U88-023 be modified to be read as follows. Where these revisions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

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~~ **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~~ **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.

Attachments

Letter of Intent dated received June 1, 2010

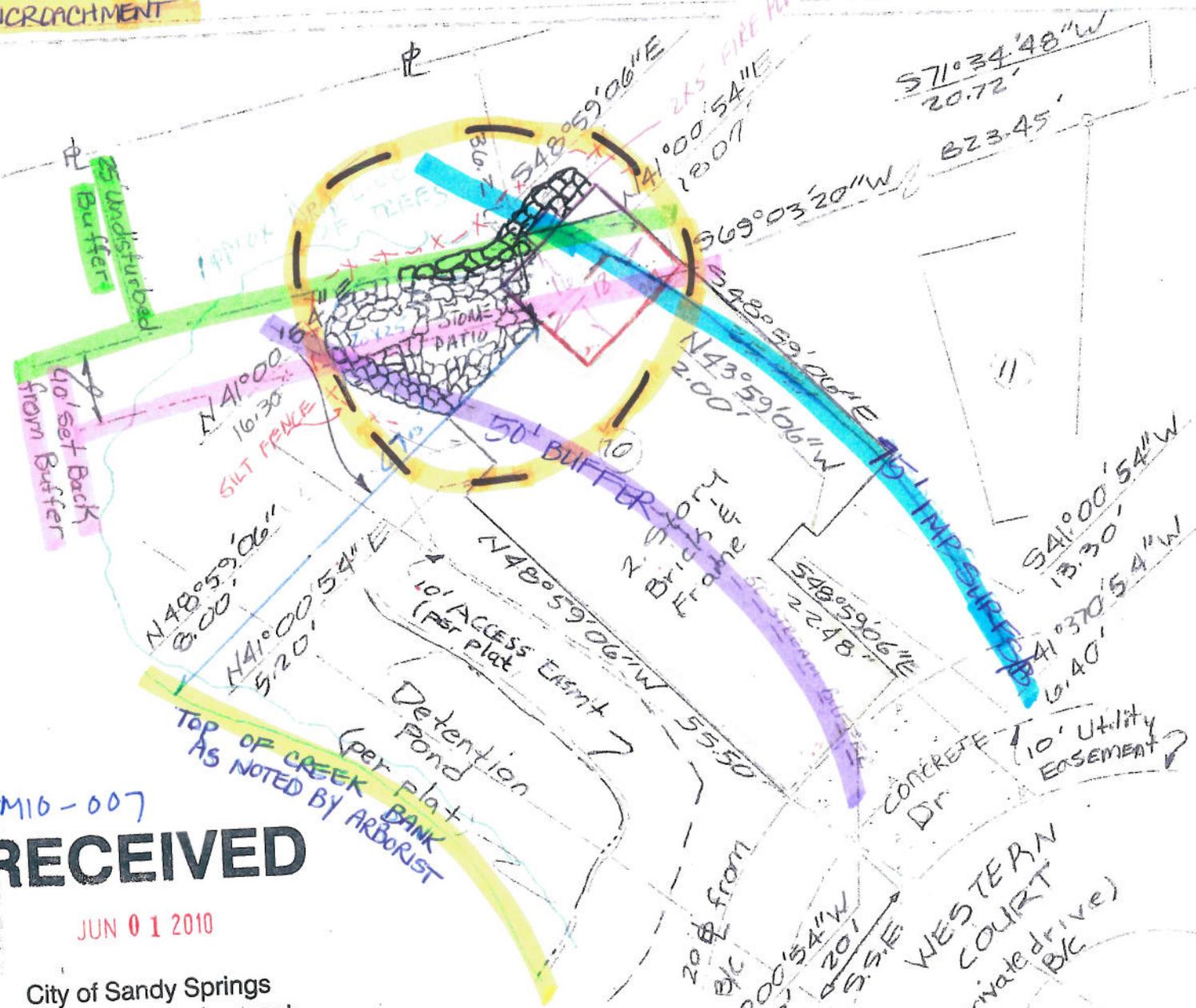
Site Plan received June 1, 2010

Construction Details received June 1, 2010

Letters of Support received June 1, 2010 and June 25, 2010

Letter Fulton County Dept. of Health Services received July 14, 2010

AREAS OF ENCROACHMENT



ZM10-007

RECEIVED

JUN 01 2010

City of Sandy Springs
 Community Development
 43 Westfair Ct.
 NE ATLANTA 30328

STONE PATIO APPROX 500sqft

Land Lot 22 of the 17th district, Lot 10
 Westfair Phase II, Fulton County Ga.

STONE PATIO:

50' STREAM BUFFER, AREA OF DISTURBANCE = 80 sq ft

75' IMPERVIOUS BUFFER + 10' IMPROVEMENT SET BACK, AREA OF DISTURBANCE = 575 sq ft

25' UNDISTURBED BUFFER, AREA OF DISTURBANCE = 48 sq ft

4 SEASONS ROOM

75' IMPERVIOUS BUFFER + 10' IMPROVEMENT SET BACK, AREA OF DISTURBANCE = 72 sq ft

25' UNDISTURBED BUFFER, AREA OF DISTURBANCE = 19 sq ft

RECEIVED

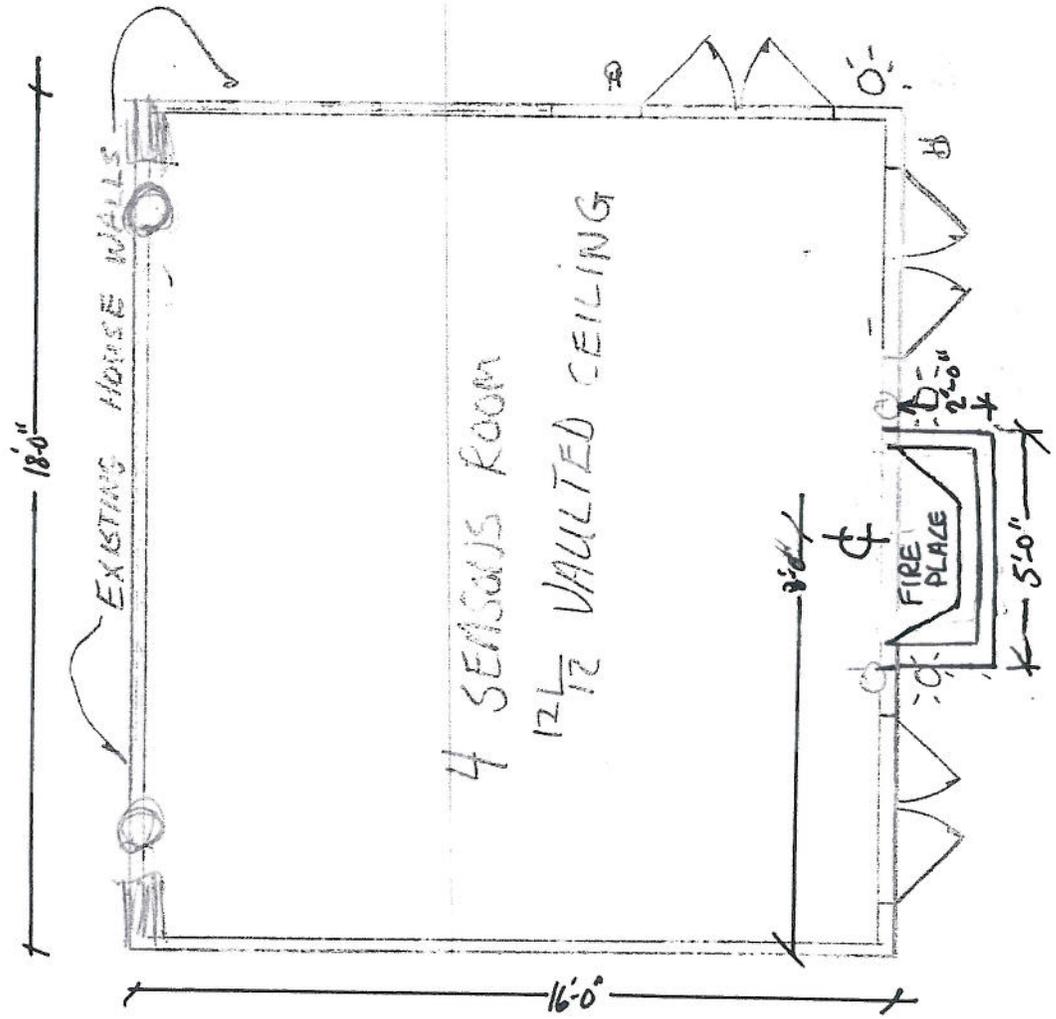
JUN 01 2010

City of Sandy Springs
Community Development

1/4" = 1 Ft.

2M10-007 / 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. MONO LITHIC SLAB CONSTRUCTION



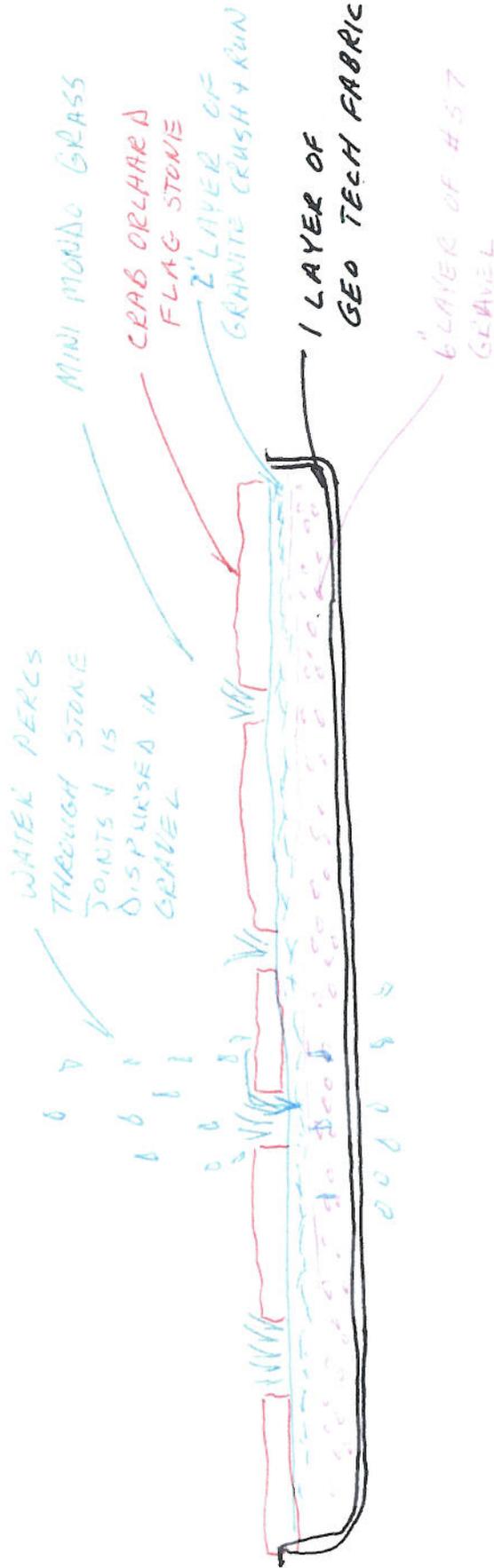
RECEIVED

JUN 01 2010

City of Sandy Springs
Community Development

ZM10-007 | CV10-009

PURPOSED STONE PATIO CONSTRUCTION TO
IMPROVE WATER QUALITY:





Residential, Inc.

770-318-0487

RECEIVED

JUN 01 2010

Property owner: Maryalice Buetgen

Job address: 43 Westfair Court, Atlanta Ga. 30028

City of Sandy Springs
Community Development

To whom it may concern:

The intention of this letter is to describe the construction of a four seasons room addition and a stone patio.

The proposed stone patio is 703 square of Crab orchard field stone. The area as seen in the photos has exposed clay soil that erodes when it rains. I have designed a water filtration system in order to resolve this issue. As depicted in the provided drawing we will install 1 layer of geo tech fabric, 6" layer of #57 gravel, 2" layer of crush and run. The stone will be placed on top of the crush and run. The joints between the stones will be no less than 3" wide with mondo grass planted in the joints. This design will enhance the quality of water entering into the ground; the water will be dispersed at a higher rate than the existing clay run off. All excavation work will be done by hand, no heavy machinery. The disturbance area does include space for silt fence placement.

The area of disturbance for the four seasons room with a fireplace is 91 square feet. Some tree removal will be necessary; we are prepared to replace any trees as required by the arborist. In order to minimize the amount of water flow in this area, we will pipe all downspouts to the front yard/ street. The areas of disturbance include space for silt fence placement.

The design we are proposing will require hand tools only, no excavating equipment will be needed to perform the work. The patio site is located in the impervious set back as described

on the site plan. Minor landscaping will be required to establish new growth around the work site. The proposed location is in an open, grass area outside the tree canopy.

Thank you for consideration in this matter. I can be contacted at the number below to answer any questions you may have.

Sincerely,

**Brian Pierce, President
RVR Inc.
770-318-0487**

RECEIVED

JUN 01 2010

City of Sandy Springs
Community Development

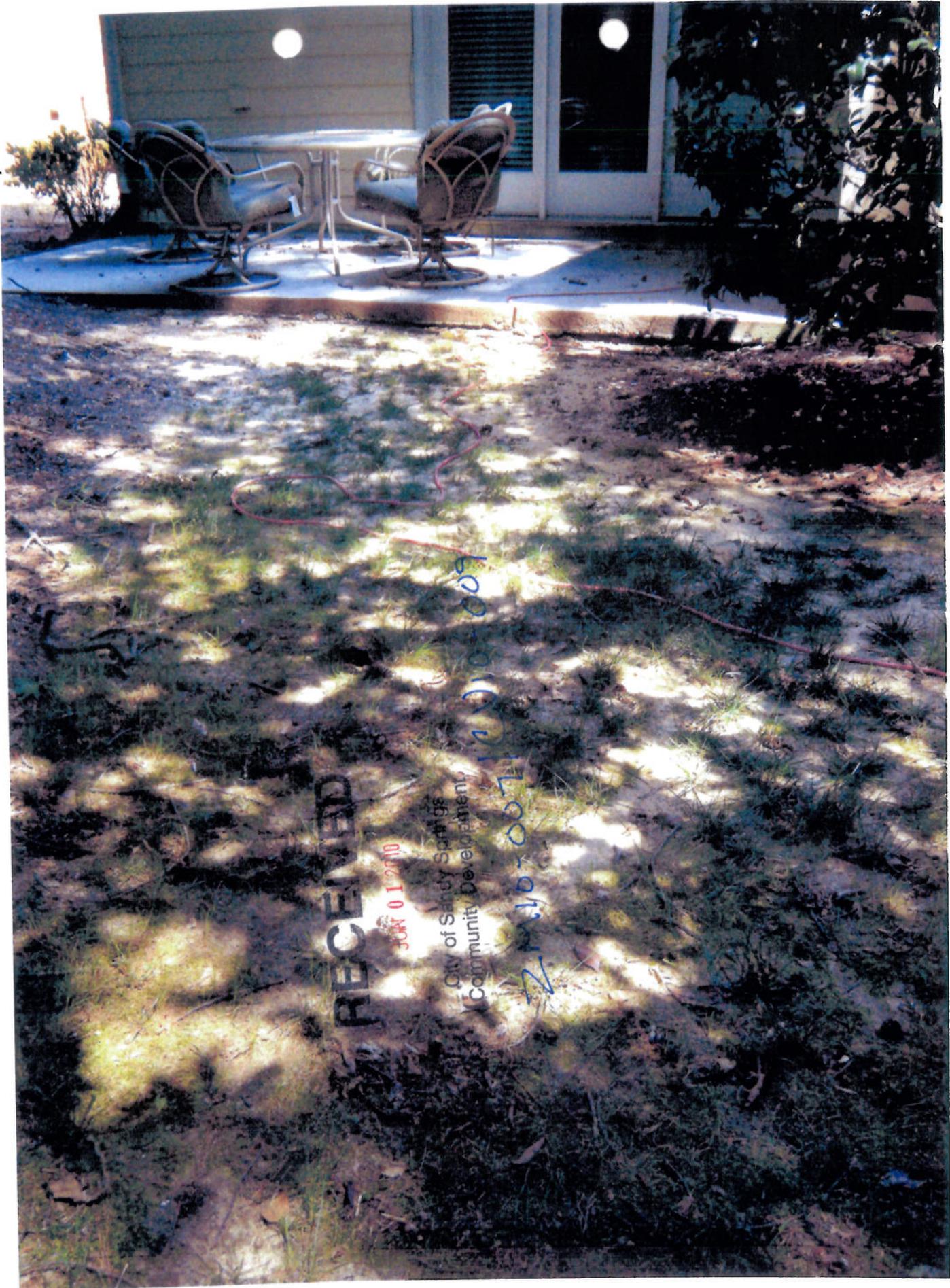


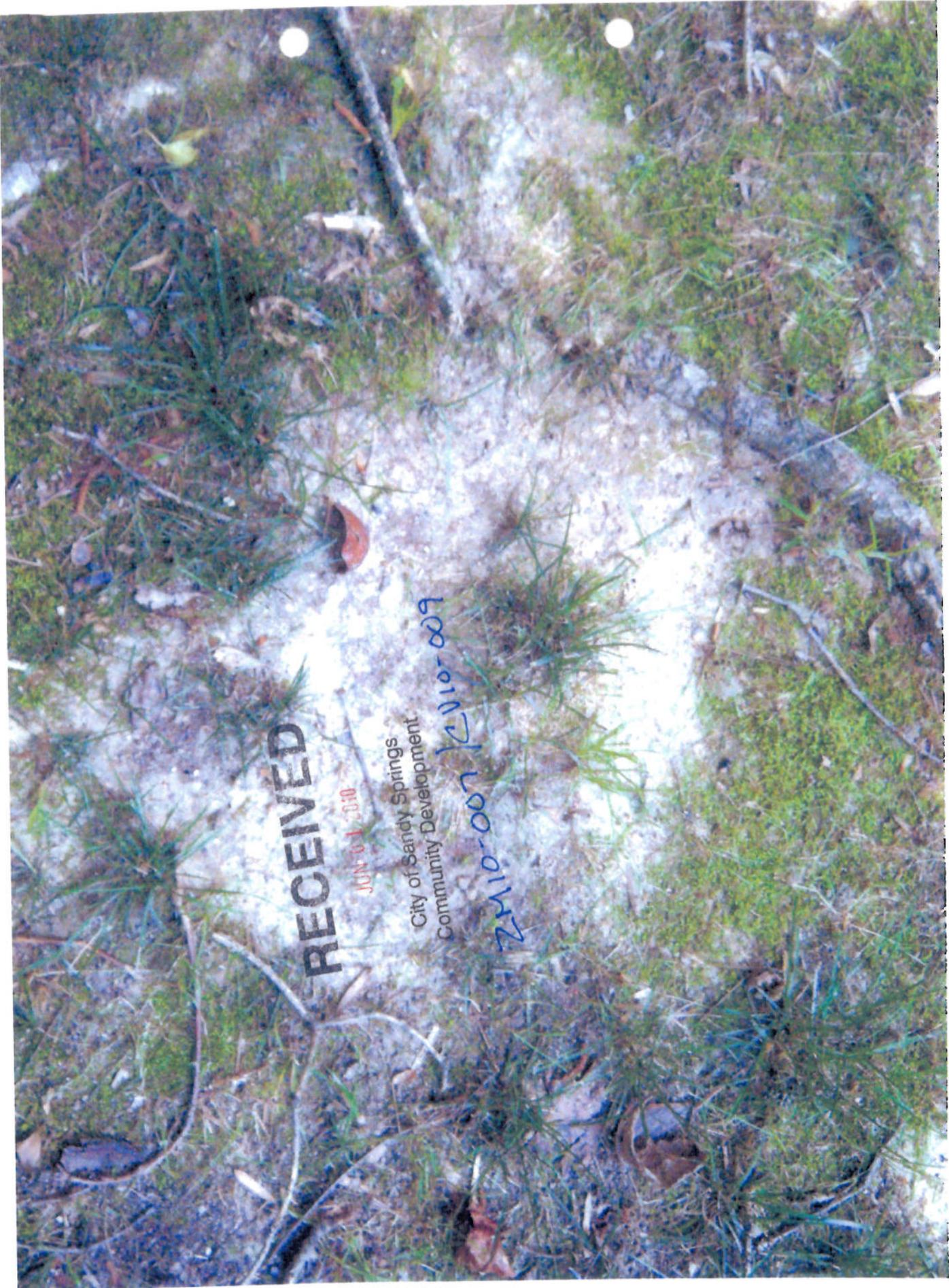
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JUN 01 2010

City of Sandy Springs
Community Development

2M10-0071010-009





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JUN 01 2010

City of Sandy Springs
Community Development

ZM10-007 2010-009

*Westfair II Homeowners Association (HOA)
C/O 43 Westfair Court
Atlanta, Georgia 30328*

June 20, 2010

Sandy Springs Planning and Zoning
7840 Roswell Road
Building 500
Sandy Springs, GA 30350

RE: Zoning Modification at 43 Westfair Court

Sandy Springs Zoning Representatives:

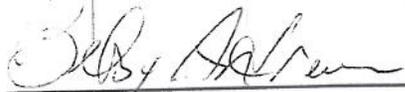
On behalf of the Westfair II and the HOA board, we support the request to modify condition 3 a. of Z93-013, allowing encroachment into a 25' zoning buffer and a 10' improvement setback associated with the property at 43 Westfair Court.

We have reviewed the plans submitted by the petitioner and support this improvement to the property.

Regards,


Maryalice Buettgen
President, Westfair II HOA


Norman Hansen
Vice President, Westfair II HOA


Betsy Andrews
Treasurer, Westfair II HOA

2010-007
RECEIVED

JUN 25 2010

City of Sandy Springs
Community Development

Ridgevalley

Residential, Inc.

770-318-0487

To whom it may concern,

Because you are an adjacent property owner, we must seek your approval for a 4 seasons room addition at 43 Westfair Court, Atlanta, Ga. 30328. The planned encroachment will be approximately 4' into the undisturbed buffer.

Yes agree to the room addition,

Printed name: Auna Harsini

address: 41 Westfair Court Atlanta Ga 30328

Signature: Auna Harsini

RECEIVED

JUN 01 2010

City of Sandy Springs
Community Development

ZM10-007 / CV10-009

Ridgevalley

Residential, Inc.

770-318-0487

To whom it may concern,

Because you are an adjacent property owner, we must seek your approval for a 4 seasons room addition at 43 Westfair Court, Atlanta, Ga. 30328. The planned encroachment will be approximately 4' into the undisturbed buffer.

Yes agree to the room addition,

Printed name: KATHLEEN HUGH

address: 42 WESTFAIR CT. NE

Signature: Kathleen Hugh

RECEIVED

JUN 01 2010

City of Sandy Springs
Community Development

ZM10-007 / CV10-009

MEMORANDUM



TO: Patrice S. Ruffin, AICP, Assistant Director of Planning & Zoning
City of Sandy Springs, Department of Community Development

FROM: Monica Robinson, B.S., M.B.A., Environmental Planner. *[Signature]*
City of Sandy Springs, Department of Health Services, Office of the Director
Community Development

DATE: July 12, 2010

SUBJECT: Zoning Comments for August 19, 2010 Planning Commission

AGENDA ITEM	ZONING COMMENTS
RZ10-006/ U10-005/ CV10-007	<p>The Fulton County Department of Health Services recommends that the use permit for the existing self-storage facility be approved, provided the internal plumbing is inspected and adequate for the proposed use.</p> <p>The Fulton County Department of Health Services recommends that the applicant be required to connect the proposed additional building area to public water and public sanitary sewer available to the site.</p> <p>Since the proposed additional building area is planned for retail and service commercial uses, which constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>The existing and proposed facilities must comply with the Georgia Smokefree Act of 2005.</p> <p>If this proposed development includes a food service facility, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval prior to issuance of a building permit or a certificate of occupancy.</p> <p>This department does not anticipate any health problems with the proposal for a variance deleting the required landscape strip.</p> <p>This department does not anticipate any health problems with allowing a variance from the required sign setback to allow for the placement of two (2) proposed identification monument signs in the landscape strips.</p> <p>This department does not anticipate any health problems with the proposed rezoning to allow for a proposed beauty shop.</p> <p>This department supports the reduction of the required number of parking spaces provided that the existing and proposed uses do not require such parking capacity. An increase in parking capacity encourages additional vehicles being driven, contributing to health impacts such as air pollution, water pollution, and transportation choices.</p>

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RZ10-007/ CV10-008	<p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This facility must comply with the Georgia Smokefree Act of 2005.</p> <p>The Fulton County Department of Health Services recommends that this proposed building addition be approved, provided the internal plumbing is inspected and adequate for the proposed use or adequate internal plumbing is installed.</p> <p>Since the proposed use of this development is for Lifetime Fitness and includes a public swimming pool as defined in the regulations including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health Services permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health Services permit to operate the pool prior to opening.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>This department does not anticipate any health problems with a variance to allow opaque glass on the first floor of the building.</p> <p>This department does not anticipate any health problems with a variance to allow the proposed wall signs.</p> <p>The Department of Health Services does not recommend allowing a variance to delete the parking lot landscaping.</p> <p>This department encourages the placement of tree islands as a criterion along with parking space requirements because trees remove air pollution from the air. However, if sufficient parking area within the existing parking deck and no additional parking spaces are proposed, this department does not anticipate any health problems with allowing a variance for tree placement provided that there are existing trees planted.</p> <p>This department supports the reduction of the required number of parking spaces provided that the existing and proposed uses do not require such parking capacity. An increase in parking capacity encourages additional vehicles being driven, contributing to health impacts such as air pollution, water pollution, and transportation choices.</p>
ZM10-006	<p>The Fulton County Department of Health Services does not anticipate any health problems with the proposed zoning modification to allow for the placement of wall signs on the building wall and existing retaining wall.</p>
ZM10-007/ CV10-009	<p>If this property utilizes an onsite sewage management system, the owner must obtain approval for the proposed four seasons room addition and stone patio from this department prior to issuance of a building permit and before building construction or renovation.</p> <p>Since a creek and a detention pond exist near the property and if the proposed stone patio will act as a water filtration system, addressing the erosion of exposed clay soils and the improvement of water quality as alleged, this department recommends that it be approved.</p>