



CITY COUNCIL AGENDA ITEM

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

FROM: John McDonough, City Manager

AGENDA ITEM: **AM10-008** - 3802 Teesdale Court, *Applicant: John Wieland Homes and Neighborhoods*, To modify condition 3.a. of Z05-020 by reducing the required fifteen (15) foot minimum side yard setback to 13.94 feet (approximately 14 feet) along the southeast property line for the construction of a single-family home.

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

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Modification Application

APPROVAL BY CITY MANAGER: JPM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 8/17/10

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



To: John McDonough, City Manager

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

Date: August 10, 2010 for submission onto the August 17, 2010 City Council meeting

Agenda Item: **Confirmation of Administrative Modifications**

Director of Community Development Recommendation:

Confirmation by the Mayor and City Council of the Department of Community Development Administrative Modification decisions.

Background:

Per Section 22.11, *Administrative Modification*, an Administrative Modification application may be filed if the Director of the Department of Community Development determines that the request is not prohibited by Section 22.2.4, *Limitation on Authority* and, will constitute only a technical change to the approved conditions of zoning and does not involve significant public interest, or public interest has been addressed by letters expressing no objections from property owner(s) with standing and/or neighborhood associations. Rendered Administrative Modification decisions are required to be sent to the City Council for Confirmation.

Discussion:

The following is a list of Administrative Modifications to conditions of zoning, which have been acted upon by the Department of Community Development. Said Administrative Modifications are now submitted for review and confirmation by the City Council.

ITEMS FOR CONSENT AGENDA				
ADMINISTRATIVE MODIFICATIONS				
Agenda Item		Council District	Staff Action	Action Date
1.	AM10-007 9365 Huntcliff Trace <i>Applicant: Steve Askari</i> ▪ To modify condition 4.d. of Z79-049 by reducing the required fifteen (15) foot minimum side yard setback to seven feet and six inches (7.5').	2	AM10-007 – Approved	06/14/10
2.	AM10-008 3802 Teesdale Court <i>Applicant: John Wieland Homes and Neighborhoods</i> ▪ To modify condition 3.a. of Z05-020 by reducing the required fifteen (15) foot minimum side yard setback to 13.94 feet (approximately 14 feet) along the southeast property line for the construction of a single-family home.	1	AM10-008 – Approved	06/23/10
3.	AM10-009 510 Mount Vernon Highway NE <i>Applicant: Mount Vernon Presbyterian School</i> ▪ To revise the right-of-way conditions related to the development pursuant to the requirements of the Public Works Department.	3	AM10-009 – Approved	07/07/10



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PRE-APPLICATION REVIEW FOR MODIFICATIONS City of Sandy Springs
Community Development

TYPE OF MODIFICATION: ADMINISTRATIVE ZONING

AM10-008

As indicated, the following letters are required at the time of filing:

Adjacent Property Owners: Homeowner's Association: Traffic Engineer: _____

Arborist: _____ Other: _____

Property Address: 3802 Teesdale Ct Tax PIN(s): 06-0343-LL-031

Zoning/Use Permit Petition No. 205-0020 Acreage: _____

Land Lot(s): 343 District: 6th

Council District: 1

Condition(s) to be modified: 3.a. To reduce the side yard setback from 15' to 13.94'

Applicant: April Ingraham

Phone: 404 421 1520 Fax: 404 843 0668

Email: ThePermitSpecialist@comcast.net

Owner: John Wieland Homes

Phone: 404 996 1400 Fax: _____

Email: Rob.Garrison@jwhomes.com

Representative: April Ingraham

Phone: 9/A/A Fax: _____

Email: _____

Applicant's Intent: To reduce the side yard setback from 15' to 13.94'

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CONCURRENT VARIANCE(S):

Article/Section: _____ Request: _____

City of Sandy Springs
Community Development

Article/Section: _____ Request: _____

Article/Section: _____ Request: _____

Article/Section: _____ Request: _____

Topo Map Required? _____

ATTENDANCE IS REQUIRED AT THE FOLLOWING MEETINGS: None

Applicant's Signature: I understand the Staff and/or the City Council may add, delete, or otherwise modify any condition to the above zoning or use permit that is the subject of this modification request. To the best of my knowledge, this pre-application review is correct and complete. If additional variances are determined to be necessary, I understand that I am responsible for filing an appeal as specified by Article XXII of the City of Sandy Springs Zoning Ordinance.

Applicant: April Ingraham Date: 6/11/10

Planner: Sandra Abernathy Date: 6/11/10



Doug

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MODIFICATION/CONCURRENT VARIANCE APPLICATION

ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF FILING. AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED.

APPLICANT'S CHECKLIST

City of Sandy Springs
Community Development

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK
1. /	Pre-Application Review Form	1 copy	✓
2. /	Application	1 original	✓
3. /	Disclosure Form	1 original	✓
4. /	Fee	See attached schedule	✓
5. /	Site Plan (drawn to scale)	3 copies; one of the required copies must be 8 1/2" x 11"	✓
6. /	Survey with Topography and Trees Proposed For Removal	1 copy	✓
7. /	Legal Description of Property	1 copy	✓
8. /	Letter of Intent	1 original	✓
9. /	Adjacent Property Owner Letters (Administrative Modifications)	1 original of each	✓
10. N/A	Departmental Sign-off Letters (if applicable)	1 original	X

- ITEM 1. **PREAPPLICATION REVIEW MEETING AND FORM:** Prior to submitting an application, all applicants are required to meet with a current planner who will review the applicant's proposal and site plan and complete a Pre-application Review Form. This meeting must be completed by the Friday before Tuesday's filing deadline. Applicants are required to bring the site plan and tax parcel identification number(s) to the meeting. Call 770-730-5600 to schedule an appointment.
- ITEM 2. **APPLICATION FORM:** Original and notarized signatures of the property owner(s) and applicant(s) or notarized statement by the applicant as to ownership are required.
- ITEM 3. **DISCLOSURE FORM:** If the owner, applicant and/or applicant's representative has made a campaign contribution to the Mayor or any member of the City Council for \$250.00 or more within the past 2 years, Sections 1 through 4 of the Disclosure Form (Form C) must be completed. If no contributions have been made, No should be circled and Section 4 of the form completed.
- ITEM 4. **FEE:** See attached fee schedule.
- ITEM 5. **SITE PLAN:** Site plans should be no larger than 30" x 42" (one should be 8 1/2" x 11") and drawn to scale.
- ITEM 6. **SURVEY WITH TOPOGRAPHY AND TREES PROPOSED FOR REMOVAL:** Survey plans should be no larger than 30" x 42" (one should be 8 1/2" x 11") and drawn to scale.
- ITEM 7. **LEGAL DESCRIPTION:** The legal description must be a *metes and bounds* description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.
- ITEM 8. **LETTER OF INTENT:** The Letter of Intent should explain the circumstances of the requested change in the condition of zoning. Include the reason why the development or use of the property cannot be accomplished without modification of the condition and identify the zoning/use permit case number

Zoning Modification Application page 1

and specific condition(s) being addressed.

ITEM 9. **ADJACENT PROPERTY OWNER LETTERS.** Letters from adjacent property owners/neighborhood associations are required if the request is for an administrative modification.

ITEM 10. **DEPARTMENTAL SIGN-OFF LETTERS.** If a request for an administrative modification requires sign-off by another Department or staff member, a letter from that Department or staff member is required at the time of filing.

SECTION I. TYPE OF MODIFICATION.

PLEASE CHECK TYPE OF MODIFICATION REQUESTED:

1) **ADMINISTRATIVE MODIFICATION:** A modification of conditions of zoning and/or use permit that does not require a public hearing. A decision will be made by the Director of the Department Community Development and confirmed by the Mayor and City Council.

2) **ZONING MODIFICATION:** A modification of conditions of zoning and/or use permit where public interest has been determined and therefore requires a public hearing by the Mayor and City Council. The Department of Community Development will make a recommendation to the Mayor and City Council. A concurrent variance may be requested in connection with a Zoning Modification request and may be considered if filed concurrently with the Zoning Modification petition.

3) **CONCURRENT VARIANCE:** A concurrent variance to standards of the Zoning Ordinance may be requested concurrently with a Zoning Modification.

SECTION II. DESCRIPTION OF MODIFICATION REQUEST. Please provide written details of the requested modification.

ADDRESS: _____ TAX PIN: _____

REZONING AND/OR USE PERMIT PETITION NO. _____

CONDITION(S) TO BE MODIFIED: 3a. Side Setback from 15' to 13.94'

REQUEST: To reduce side yard setback from 15' to 13.94'

CONDITION(S) TO BE MODIFIED: _____

REQUEST: _____

CONDITION(S) TO BE MODIFIED: _____

REQUEST: _____

CONDITION(S) TO BE MODIFIED: _____

REQUEST: _____

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Community Development

SECTION IV.

OWNER/PETITIONER

NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted.
Please complete Section IV as follows:

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. 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

John Cochran
 TYPE OR PRINT OWNER'S NAME
425 ATLANTA RD
 ADDRESS
SMYRNA GA 30080
 CITY & STATE ZIP CODE
678-858-5212
 OWNER'S SIGNATURE PHONE NUMBER

Sworn to and subscribed before me this the
14 Day of October 2011
 NOTARY PUBLIC
 CAPITAL LEON
 COUNTY
 NOTARY PUBLIC

PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

N/A
 TYPE OR PRINT PETITIONER'S NAME
 ADDRESS
 CITY & STATE ZIP CODE
 PETITIONER'S SIGNATURE PHONE NUMBER

Sworn to and subscribed before me this the
 _____ Day of _____ 20____
 NOTARY PUBLIC

SECTION V.

ATTORNEY / AGENT

Check One: Attorney Agent

APRIL INGRAHAM
 TYPE OR PRINT ATTORNEY / AGENT NAME
April Ingraham
 SIGNATURE OF ATTORNEY / AGENT
705 W WILCOX
 ADDRESS
 CITY & STATE ZIP CODE
 PETITIONER'S SIGNATURE PHONE NUMBER

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 Community Development

DISCLOSURE REPORT

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JUN 14 2010

PETITION #:

MAYOR AND CITY COUNCIL HEARING DATE:

City of Sandy Springs

Community Development

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council.

CIRCLE ONE:

YES

NO

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

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1. CIRCLE ONE:

Party to Petition

In Opposition to Petition

If party to petition, complete sections 2, 3 and 4 below.
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) John Codrera
Signature: [Handwritten Signature]

Date: 6-11-10

June 23, 2010

John Cochran
John Wieland Homes and Neighborhoods
4125 Atlanta Road
Smyrna, GA 30080

Re: AM10-008 – An Administrative Modification Request for 3802 Teesdale Court, Sandy Springs, Georgia 30350

Dear Mr. Cochran:

The subject application indicates that you are requesting an Administrative Modification for property located at 3802 Teesdale Court. The subject property is zoned CUP (Community Unit Plan District) conditional, under Fulton County zoning case Z05-020.

The request to modify the condition 3.a. of Z05-020 by reducing the required fifteen (15) foot minimum side yard setback for the construction of a single-family home is within that allowed by administrative approval by the Zoning Ordinance. Additionally, you have provided the needed documentation, including letters of no objection from adjacent property owners, to gain approval for the Administrative Modification.

Based on the material that you have provided, the Administrative Modification to reduce the required fifteen (15) foot minimum side yard setback to 13.94 feet (approximately 14 feet) along the southeast side property line is hereby approved. The revised conditions shall read as follows:

3. To the owner's agreement to the following site development considerations:

- | | |
|--------------------|--|
| a. Front Yard: | 25 Feet |
| Side Yard: | 15 Feet (27,000 Square-Foot Lots or larger) & 10 Feet (20,000 Square-Foot Lots), except for Lot 11 (known as 3802 Teesdale Court) which shall have a minimum side yard of 13.94 feet (approximately 14 feet) as shown on the site plan received by the Department of Community Development dated June 14, 2009 |
| Rear Yard: | 35 Feet |
| Lot Width: | 100 Feet |
| Lot Depth: | 150 Feet |
| Lot Frontage: | 35 Feet |
| Perimeter Setback: | 40 Feet (except along AG-1 and R-2A zoned property where perimeter setback shall be 50 feet) |

Please include a copy of this letter as a part of any applications for permits that you may seek in accordance with this administrative modification.

Should you have any questions, please do not hesitate to contact me at (770) 730-5600.

Sincerely,

A handwritten signature in cursive script that reads "Patrice S. Ruffin".

Patrice S. Ruffin, AICP
Assistant Director of Planning and Zoning

PSR/dt

Administrative Modification\Approval AM10-008.doc