

RECEIVED

JAN 15 2010



MODIFICATION/CONCURRENT VARIANCE APPLICATION

City of Sandy Springs
Community Development
ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF FILING. AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED.

APPLICANT'S CHECKLIST

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	NOT REQUIRE
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. ✓	Departmental Sign-off Letters (if applicable)	1 original	NOT REQUIRED

- 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.

AM10-001

- 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 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: 6520 Roswell Road TAX PIN: 58-2474180

REZONING AND/OR USE PERMIT PETITION NO. 7-67-161-FC

CONDITION(S) TO BE MODIFIED: Fence Condition

REQUEST: The Applicant respectfully requests that the fence be made of natural, sturdy wood, the color of which must be solid earth tones or

CONDITION(S) TO BE MODIFIED: natural. The Applicant further requests that the

REQUEST: fence be continuous, but that installing up to two (2) gates is permitted. The fence will serve as a privacy

CONDITION(S) TO BE MODIFIED: fence at a height of six (6) feet

REQUEST: _____

CONDITION(S) TO BE MODIFIED: _____

REQUEST: _____

DM 10-1501

REQUESTED CONCURRENT VARIANCE(S): NOT APPLICABLE HERE

ARTICLE: _____ SECTION: _____

REQUESTED CONCURRENT VARIANCE(S): _____

ARTICLE: _____ SECTION: _____

REQUESTED CONCURRENT VARIANCE(S): _____

ARTICLE: _____ SECTION: _____

SECTION III. OWNER/APPLICANT/AGENT INFORMATION:

OWNER INFORMATION:

NOT APPLICABLE HERE
TYPE OR PRINT OWNER'S NAME

ADDRESS

CITY & STATE ZIP CODE

OWNER'S SIGNATURE

PHONE NUMBER

Sworn to and subscribed before me this the

_____ Day of _____ 20_____

NOTARY PUBLIC

APPLICANT INFORMATION:

TOM GAMULL, PRESIDENT OF THE TOWNHOMES
TYPE OR PRINT PETITIONER'S NAME AT SANDY SPRINGS CONDOMINIUM

6520 Roswell Rd #28 ASSOCIATION, INC.
ADDRESS

Sandy Springs, GA 30328
CITY & STATE ZIP CODE

APPLICANT'S SIGNATURE

(404) 754-4113
PHONE NUMBER

Sworn to and subscribed before me this the

_____ Day of _____ 2010



NOTARY PUBLIC

ATTORNEY/AGENT INFORMATION:

Check One: Attorney Agent

CYNTHIA CARSON, LUEDER, LARKIN & HUNTER, LLC
TYPE OR PRINT ATTORNEY / AGENT NAME

5900 Windward Parkway, Suite 390
ADDRESS

Alpharetta, GA 30005
CITY & STATE ZIP

(770) 685-7000
PHONE NUMBER

[Signature]
SIGNATURE OF ATTORNEY/AGENT

PETITIONER'S SIGNATURE

AM110-(X)1

DISCLOSURE REPORT

Office use only

PETITION #:

MAYOR AND CITY COUNCIL HEARING DATE:

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.

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: NOT APPLICABLE HERE

3. CAMPAIGN CONTRIBUTIONS:

Table with 4 columns: 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) TOM GAMULL PRESIDENT OF THE TOWNHOMES AT SANDY SPRINGS CONDOMINIUM ASSOCIATION, INC.
Signature: [Handwritten Signature] Date: 1/14/2010

AM10-1701



SANDY SPRINGS
GEORGIA

January 21, 2010

Cynthia A. Carson
The Lueder Law Firm, LLC
5900 Windward Parkway, Suite 390
Alpharetta, GA 30005

Re: AM10-001 – An Administrative Modification Request for 6520 Roswell Road

Dear Ms. Carson:

The subject application indicates that you are requesting an Administrative Modification for property located at 6520 Roswell Road. The subject property is zoned A-O (Apartment Office District) conditional, under Fulton County zoning case Z67-161.

The request is to modify the Z67-161 conditions of approval as recommended by the Fulton County Planning Board, specifically conditions #2 and #3 regarding letters of intent that proffer the following: To construct a continuous (no gates) redwood fence, of basket weave construction, on the west side/boundary of the property (west of the paved area) and along the south side/boundary of the property. This request is within that allowed by administrative approval by the Zoning Ordinance. Additionally, you have provided the needed documentation to gain approval for the Administrative Modification.

Based on the material that you have provided, the Administrative Modification to modify the Z67-161 conditions of approval as recommended by the Fulton County Planning Board, specifically conditions #2 and #3 regarding letters of intent, is hereby approved. The administrative modification is approved to replace the conditions regarding fencing with the following:

- The required fencing shall be in accordance with fencing shown on the site plan received by the Department of Community Development on January 15, 2010 and shall be made of natural, sturdy wood and shall be maintained subject to these conditions and the requirements of the Zoning Ordinance. The color of the fence must be solid earth tones or natural. The fence shall serve as a privacy fence at a height of six (6) feet. The fence shall be continuous and may include no more than two (2) gates. The aforementioned gates shall have locks in place, and shall remain locked at all times except as needed for maintenance and/or emergency situations.

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". The signature is written in black ink and is positioned above the typed name.

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

PR/dt

X:\CommunityDevelopment\Planning & Zoning\Modification - Administrative Modification\2010\AM10-001 6520 Roswell Rd\Approval AM10-001.doc

