



VARIANCE PRE-APPLICATION REVIEW

TYPE OF VARIANCE:

Table with 3 columns: Administrative, Administrative Minor, Minor, Primary, Secondary/Interpretation, River Corridor, Subdivision Regulations, Other.

Applicant: Arris Realty Partners, LLC
Phone: 404-869-7155
Email: scadranel@arrisp.com

800 Mt. Vernon Hwy, Suite 410
Address: Atlanta, GA 30328
Fax:

Subject Property Address: various
Existing Zoning: C-1
Land Lot(s): 90
Subdivision Name:

Tax PIN(s): RZ06-039, 1969Z-0042
Zoning Case History: 1964Z-0056, 1964Z-0057
District: 17

Unit/Phase:
Total Acreage: 3.1043
Lot Frontage:

Lot No. (s):
Council District: 3
Future Land Use:

Owner: See attached Exhibit A for owner list
Phone:
Email:

Address:
Fax:

Representative: Morris, Manning & Martin, LLP
Phone: 404-233-7000
Email: jhill@mmlaw.com

3343 Peachtree Rd., Suite 1600
Address: Atlanta, GA 30326
Fax: 404-365-9532
Overlay District (if applicable): Main Street

Topo Map Required?

Stream(s) within 100' of subject property Yes No

City Arborist visit required to verify Streams (Michael Barnett 770-206-1572) Yes No

Notified applicant of required plans Yes No Verified compliance with other regulations Received No

Planner Initials BA

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REQUESTED VARIANCES:

12. B. B. D.

Article/Section: 4.a Request: Eliminate front entry requirement on Cliftwood Way

12. B. B. F.

Article/Section: 2.c Request: Eliminate transparency requirement on Cliftwood Way

12. B. B. F.

Article/Section: 2.b.v Request: Increase 200' building length requirement to 250' +/- for rear building

Article/Section: _____ Request: _____

ADDITIONAL INFORMATION: _____

ATTENDANCE IS REQUIRED AT THE FOLLOWING MEETINGS: PC - March 17, 2016
BDA - April

APPLICANT'S SIGNATURE: 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: Jenica Hill Date: 1/29/16
Planner: B. Ard Date: 1/29/16

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EXHIBIT A

PROPERTY ADDRESS	OWNER	PARCEL NO.
Unassigned	Radha Krishna Inc. 15840 Birmingham Hwy. Alpharetta, GA 30004-2699	17 0090000030382
5844 Roswell Road	5844 Roswell Road LLC 410 Pine Grove Rd Roswell, GA 30075	17 0090000020516
5840 Roswell Road	ARP Plaza City Center, LLC 800 Mount Vernon Hwy Suite 410 Atlanta, GA 30328	17 0090000020904
5834 Roswell Road	ARP Plaza City Center, LLC 800 Mount Vernon Hwy Suite 410 Atlanta, GA 30328	17 0090000020912
5830 Roswell Road	ARP Plaza City Centesub, LLC 800 Mount Vernon Hwy Suite 410 Atlanta, GA 30328	17 0090000020920

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CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPES IN SECTION I OR II:

SECTION I. VARIANCES REQUIRING A PUBLIC HEARING BY THE BOARD OF APPEALS.

- 1) **PRIMARY VARIANCE:** Seeks relief from the Zoning Ordinance and other City Ordinances.
- 2) **SECONDARY VARIANCE:** Interpretations, relief of an adverse decision by any official of the City of Sandy Springs, or relief from Minor, Administrative or Administrative Minor requests.

SECTION II. MINOR, ADMINISTRATIVE & ADMINISTRATIVE MINOR VARIANCES (NO PUBLIC HEARING IS REQUIRED).

- 1) **MINOR VARIANCE:** Relief from the minimum yard requirements not to exceed 10% of the required setback (e.g. 35-foot front yard = 3.5 foot variance).
- 2) **ADMINISTRATIVE VARIANCE.** Relief from the requirements of Article XXXIV, Development Regulations.
- 3) **ADMINISTRATIVE MINOR VARIANCE.** Relief of 1 foot or less from the required building setback.

SECTION III. DESCRIPTION OF VARIANCE REQUEST. Please provide details of the requested variance.

ORDINANCE: Zoning ARTICLE: 12 SECTION: B PARAGRAPH: B.D.4.a
Eliminate pedestrian oriented entrance on Cliftwood Way

ORDINANCE: Zoning ARTICLE: 12 SECTION: B PARAGRAPH: B.F.2.c.iii
Eliminate 60% transparent glazing requirement on Cliftwood Way

ORDINANCE: Zoning ARTICLE: 12 SECTION: B PARAGRAPH: B.F.2.b.v.
Increase maximum building length from 200' to 252'

ORDINANCE: _____ ARTICLE: _____ SECTION: _____ PARAGRAPH: _____

ORDINANCE: _____ ARTICLE: _____ SECTION: _____ PARAGRAPH: _____

SECTION IV. LEGAL DESCRIPTION OF PROPERTY.

PROPERTY ADDRESS: 5830, 5834, 5840, AND 5844 Roswell Rd., and unassigned property fronting on Cliftwood Drive
17 0090000020912, 17 0090000020920
TAX ID#: 17 0090000030382, 17 0090000020516, 17 0090000020904 UNIT/PHASE: _____
LAND LOT(S): 90 DISTRICT: 17
SUBDIVISION NAME: _____
LOT(S): _____
LEGAL ROAD FRONTAGE: Approximately 471' on Roswell Road

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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.

SEE ATTACHED SHEETS

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

TYPE OR PRINT OWNER'S NAME _____

ADDRESS _____

CITY & STATE _____ ZIP CODE _____

OWNER'S SIGNATURE _____ PHONE NUMBER _____

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").

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

Arri Realty Partners, LLC

TYPE OR PRINT PETITIONER'S NAME _____

800 Mt Vernon Hwy, Suite 410

ADDRESS _____

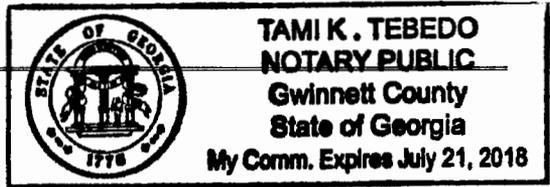
Atlanta, GA _____ 30328

CITY & STATE _____ ZIP CODE _____

PETITIONER'S SIGNATURE _____ PHONE NUMBER _____

404-869-7155

NOTARY PUBLIC _____



SECTION V.

ATTORNEY / AGENT

Check One: Attorney Agent

Morris, Manning & Martin, LLP

TYPE OR PRINT ATTORNEY / AGENT NAME _____

SIGNATURE OF ATTORNEY / AGENT _____

3343 Peachtree Road, Suite 16000

ADDRESS _____

Atlanta, GA _____ 30326

CITY & STATE _____ ZIP CODE _____

PETITIONER'S SIGNATURE _____ PHONE NUMBER _____

404-233-7000

EXHIBIT A

PROPERTY ADDRESS	OWNER	PARCEL NO.
Unassigned	Radha Krishna Inc. 15840 Birmingham Hwy. Alpharetta, GA 30004-2699	17 0090000030382
5844 Roswell Road	5844 Roswell Road LLC 410 Pine Grove Rd Roswell, GA 30075	17 0090000020516
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5834 Roswell Road	ARP Plaza City Center, LLC 800 Mount Vernon Hwy Suite 410 Atlanta, GA 30328	17 0090000020912
5830 Roswell Road	ARP Plaza City Centesub, LLC 800 Mount Vernon Hwy Suite 410 Atlanta, GA 30328	17 0090000020920



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*City of Sandy Springs
Community Development
Department*

No address assigned

Parcel No. 17 0090000030382

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.

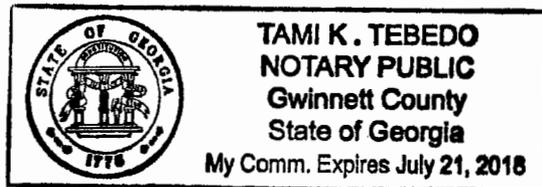
Radha Krishna Inc.
15840 Birmingham Hwy.
Alpharetta, GA 30004-2699

Sworn to and subscribed before me this
1ST day of February, 2016


OWNER AGENT'S SIGNATURE

404-869-7155
PHONE #


NOTARY PUBLIC



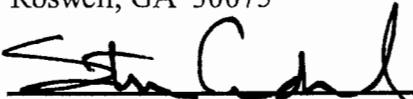
5844 Roswell Road

Parcel No. 17 0090000020516

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.

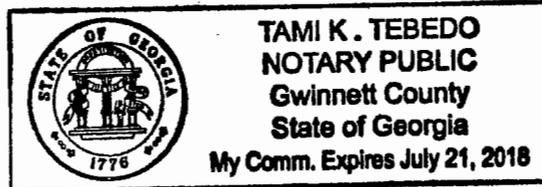
5844 Roswell Road LLC
410 Pine Grove Rd
Roswell, GA 30075

Sworn to and subscribed before me this
1ST day of February, 2016


OWNER AGENT'S SIGNATURE

404-869-7155
PHONE #


NOTARY PUBLIC



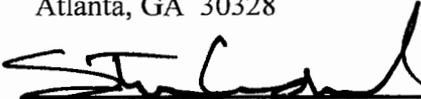
5840 Roswell Road
5830 Roswell Road
5834 Roswell Road

Parcel No. 17 0090000020904
Parcel No. 17 0090000020920
Parcel No. 17 0090000020912

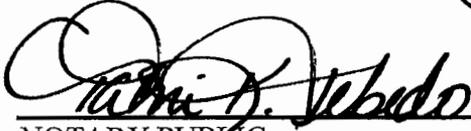
Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

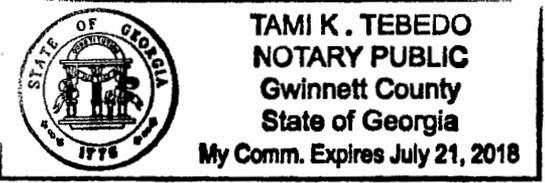
ARP Plaza City Center, LLC
800 Mount Vernon Hwy
Suite 410
Atlanta, GA 30328

Sworn to and subscribed before me this
1ST day of February, 2016


OWNER'S SIGNATURE

404-869-7155
PHONE #


NOTARY PUBLIC



SITE PLAN CHECKLIST

Site plans for variance must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

ITEM #	DESCRIPTION	CHECK √
1.	Key and/or legend and site location map with North arrow	
2.	Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning	
3.	Acreage of subject property	
4.	Location of land lot lines and identification of land lots	
5.	Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property	
6.	Proposed streets on the subject site	
7.	Posted speed limits on all adjoining roads	
8.	Current zoning of the subject site and adjoining properties	
9.	Existing buildings with square footages and heights (stories and feet), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property	
10.	List of all variances requested and location on property	
11.	Location of proposed buildings with total square footage; if proposed is an addition to an existing building include floor plan	
12.	Layout and minimum lot size of proposed single family residential lots	
13.	Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects	
14.	Location of major overhead and underground electrical and petroleum transmission/conveyance lines	
15.	Required and/or proposed setbacks	
16.	100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps	
17.	Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed	
18.	Required and proposed parking spaces; Loading and unloading facilities	
19.	Lakes, streams and other waters on the site and associated buffers	
20.	Proposed stormwater management facilities	
21.	Tree lines, woodlands and open fields on subject site	
22.	For variances related to stream buffers, include an Impervious Surface Chart with square footages of: _____ Total area of existing encroachments, calculated by buffer (0'-25', 25'-75', and 50'-75' buffers); _____ Total area of proposed encroachments, calculated by buffer (0'-25', 25'-75', and 50'-75' buffers); _____ Total area of increased encroachments, calculated by buffer (0'-25', 25'-75', and 50'-75' buffers)	
23.	A Development Statistics Summary Chart with percentage (%) of total site coverage: _____ Total area of site (total acres or sq. feet = 100%); _____ Buildings (sq. feet and %); _____ Parking spaces (number and %); _____ Total impervious surface (sq. feet and %); _____ Landscaping (sq. feet and %); _____ Flood plain (sq. feet and %); _____ Undeveloped and/or open space (sq. feet and %)	
24.	For variances related to zoning and/or stream buffers, include limits of disturbance.	

Office use only:

I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified.

Staff signature: _____ Date: _____

Planning & Zoning Division
Department of Community Development

Staff printed name: _____

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the City of Sandy Springs Zoning Ordinance and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: Steven Cadanel Date: 2/1/2016

Applicant printed name: Steven Cadanel

Variances and Fees		
MINOR VARIANCE, ADMINISTRATIVE VARIANCE, ADMINISTRATIVE MINOR VARIANCE, PRIMARY VARIANCE, SECONDARY VARIANCE, BUILDING CODE VARIANCE	Single-Family Residential Zoning Districts and AG-1 District for Residential uses only	\$250 plus \$50 for each additional variance request on the same piece of property
	Multi-Family Districts, Non-Residential Districts, and Commercial Uses in Residential or AG-1 Districts	\$350 plus \$100 for each additional variance request
	All Signs	\$350 plus \$100 for each additional variance request

PROPERTY DESCRIPTION
Roswell Road Assemblage
Arris Real Estate Partners, LLC

Being all that tract or parcel of land lying and being in Land Lot 90, 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a PK Nail found 184.47 northerly along the apparent westerly right-of-way of Roswell Road a.k.a. State Route 9 (having an apparent variable width right-of-way) from its intersection with the northerly right-of-way of Allen Road (having an apparent 50' right-of-way) ; thence, leaving the aforesaid POINT OF BEGINNING as thus established and leaving the said right-of-way of Allen Road and running with the property now or formerly owned by The Mary Virginia Seagraves Irrevocable Trust per Deed Book 21739, Page 164, recorded among the land records of Fulton County, Georgia

1. North 89° 59' 42" West, 327.76 feet to an iron pin set; thence, leaving the aforesaid Seagraves Property and running with property now or formerly owned by Fulton Allen Road Associates LLC per Deed Book 53047, Page 424 and Page 431, recorded among the aforesaid records
2. North 00° 12' 18" West, 304.85 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of Fulton Allen Road Associates LLC and running with property now or formerly owned by 5844 Roswell Road LLC per Deed Book 52020, Page 661, aforesaid records
3. North 89° 53' 46" East, 6.01 feet to a 1/2 inch rebar found; thence,
4. North 00° 11' 19" East, 76.55 feet to an iron pin set; thence, leaving the aforesaid property of Fulton Allen Road Associates LLC and running with property now or formerly owned by Ann Andy Hung Tai & Julie Li Mei per Deed Book 36784, Page 494, aforesaid records
5. South 88° 40' 27" East, 53.46 feet to a 1 inch open top pipe found; thence,
6. North 03° 15' 03" East, 140.51 feet to a 1/2 inch rebar found on the southerly right-of-way of Cliftwood Drive (having an apparent variable width right-of-way); thence, leaving the aforesaid Ann Andy Hung Tai & Julie Lie Mei property and run with the said right-of-way of Cliftwood Drive
7. South 89° 35' 04" East, 92.34 feet to an iron pin set; thence, leaving the aforesaid right-of-way line of Cliftwood Drive and run with property now or formerly owned by Sultan Sultan Developments, LLC per Deed Book 51675, Page 542, aforesaid records
8. South 00° 14' 35" West, 140.16 feet to a 2 inch metal cap found labeled "RLS 3028"; thence,
9. South 89° 41' 23" East, 164.33 feet to a 2 inch metal cap found labeled "RLS 3028" on the aforesaid right-of-way line of Roswell Road; thence, leaving the aforesaid property of Sultan Sultan Developments, LLC and run with the said right-of-way line of Roswell Road
10. South 02° 44' 10" West, 45.67 feet; thence,
11. 27.69 feet along the arc of a curve deflecting to the left, having a radius of 4,035 feet and being subtended by a chord of bearing South 00° 55' 03" West, 27.69 feet; thence,
12. 305.63 feet along the arc of a curve deflecting to the left, having a radius of 4,035 feet and being subtended by a chord of bearing South 01° 26' 56" East, 305.55 feet to a PK Nail found and the POINT OF BEGINNING, containing 136,027 square feet or 3.1228 acres of land, more or less.

Described property is subject to all easements and rights of way recorded and unrecorded.

LETTER OF APPEAL FOR VARIANCE

February 2, 2016

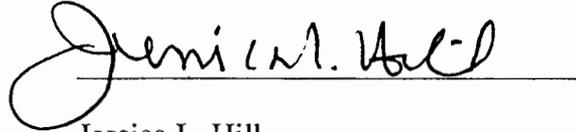
This Application requests the following variances from the City of Sandy Springs Zoning Ordinance:

- (1) Variance from Section 12.B.8.D.4.a to eliminate the requirement for a pedestrian oriented entrance on the Cliftwood Way side of the easternmost building;
- (2) Variance from Section 12.B.8.F.2.c.iii to eliminate the requirement for 60% of the ground level facades visible from Cliftwood Way to be transparent glazing for the easternmost building; and
- (3) Variance from Section 12.B.8.F.2.b.v to increase the maximum length of a building parallel to a public street (Cliftwood Way) from 200' to 252'.

The Sandy Springs Zoning Ordinance generally permits a variance upon a showing that: (1) the relief, if granted, would be in harmony with, or could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; (2) the application of a particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or (3) conditions resulting from an existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road. The proposed variances meet the first and the second criteria.

The subject property has frontage on Roswell Road, Cliftwood Drive and Cliftwood Way. Cliftwood Way is a recently dedicated alley that runs parallel to Roswell Road between Cliftwood Drive and Allen Road and separates the subject property from an apartment development under construction. A structured parking deck for the apartments fronts a portion of Cliftwood Way across the street from the development. By its nature, Roswell Road is the natural front door for the proposed development with the highest visibility and priority. The development meets the pedestrian entrance and glazing requirements with regard to the Roswell Road facades. Although the Cliftwood Way frontage will not include a pedestrian entrance on the east side of the building, there will be a six foot sidewalk along the Cliftwood Way frontage that will provide pedestrian access from Cliftwood Way around to the front door of the building facing Roswell Road. Similarly, the Cliftwood Way façade will not have glass, but it will not have traditional back of house facilities between the building and the street. The façade will be painted and maintained in an attractive manner. Breaking up the easternmost building into two separate buildings would diminish the aesthetic of the development from the Roswell Road façade with little to no benefit given the alley nature of and development adjacent to Cliftwood Way.

The double frontage nature of the lot necessitates the requested variances. Requiring the applicant to comply with the entry, glazing or building length requirements creates an unnecessary hardship given the adjacency to both Roswell Road and Cliftwood Way on parallel sides. Further, the status of Cliftwood Way as an alley makes the variances relative to this frontage appropriate given the lack of detriment to the public.

A handwritten signature in black ink, reading "Jessica L. Hill", written over a horizontal line.

Jessica L. Hill
Attorney for Applicant

City of Sandy Springs Sign Posting Information

The Planner will provide sign pickup date and posting deadlines.

Once you are notified:

1. The sign(s) shall be picked up at time of application from staff.
2. The signs are roughly 9 square feet (3 x 3). Please be prepared to obtain some type of posts that will secure the signs in the ground.
3. The signs must be posted by 8:30 a.m. on the deadline day.
4. Should the petition be deferred, the petitioner is required to post an updated sign with new hearing dates twenty (20) days prior to the next scheduled hearing date. When a land use petition is deferred for less than twenty (20) days, posting an updated sign is not required. Sign posting on trees and utility poles is not allowed.
5. The failure of a petitioner or agent on two (2) consecutive occasions to post notice as required by the Zoning Ordinance in connection with a petition shall be considered willful disregard of the petitioner's obligation to comply with this Zoning Ordinance. In such event, the petition shall be denied and shall be subject to all provisions herein relating to denied petitions.
6. The applicant shall submit a date stamped photograph of the sign as posted to the Department of Community Development.
7. Please be advised that the applicant is responsible for removing the posted sign (s) within forty-eight (48) hours after the case process is fully completed. A citation will be issued for signs not removed within the forty-eight (48) hours.
8. The cost of each sign is \$25.00

PLANNER SIGNATURE



APPLICANT SIGNATURE