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City Of Sandy Springs
Community Development

VARIANCE APPLICATION
(Excludes Stream Buffer Variances)

Application checklist:

Page No.	Item	Completed/ Included in Submittal
1	Project Information Sheet	<input checked="" type="checkbox"/>
2 - 4	Detailed Process and Instructions	N/A
5 - 6	Authorization Forms	<input checked="" type="checkbox"/>
	Additional requirements:	
7	Letter of Intent	<input checked="" type="checkbox"/>
7	Variance Analysis	<input checked="" type="checkbox"/>
7	Chattahoochee River Corridor Certificate	<input type="checkbox"/> or N/A <input type="checkbox"/>
8-9	Survey, Site Plan and Legal Description	<input checked="" type="checkbox"/>
10	Fee schedule	N/A
10	Meeting schedule	N/A

Provide also:

All the documents electronically (CD/DVD, thumb drive or via email) Note: The Legal Description must be in a Word document	<input type="checkbox"/>
Site plan: one (1) copy on 11"x17" and two (2) full-scale copies	<input type="checkbox"/>

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: PL

PROJECT INFORMATION SHEET

PROPERTY	Address(es): <u>0 HighPoint Road (approximately 300 ft. north of Windsor Hwy)</u>	
	Parcel Tax ID: <u>17 004100010392</u>	
	Land Lot(s): <u>41</u>	Land District(s): <u>17th</u>
	Total acreage: <u>.687 acre (29,953)</u>	Council district: <u>5</u>
	Current zoning: <u>R3</u>	Current use: <u>undeveloped lot</u>
	Overlay district: <u>N/A</u>	Future land use: <u>1 single-family home</u>

* Proposed address
630 Windsor Parkway

APPLICATION	Detailed request (include Ordinance/Code Section No.): <u>① Variance from Section 103-72(c) of the Sandy Springs Development Regulations to allow access for an additional residence through an existing non-conforming private drive.</u>	
	<u>② Variance from Section 19.3.15.B.1 of the Sandy Springs Zoning Ordinance to allow a pool to be built behind the new residence that will be accessed from the private drive.</u>	
	Petitioner: <u>Saralyn Lundy</u>	
	Petitioner's address: <u>c/o The Gulloway Law Group Lauren M. Hansford, Esq.</u> <u>3500 Lenox Rd. Suite 260</u>	
	Phone: <u>(404) 965-3668</u>	Email: <u>lauren@glawgp.com</u>

OWNER	Property owner: <u>Saralyn Lundy c/o Lauren M. Hansford, Esq.</u>	
	Owner's address: <u>2494 Penngate Drive</u> <u>Sherrills Ford, NC 28673</u>	
	Phone: <u>704-450-9895</u>	Email: <u>walkerlundy@gmail.com</u>
	Signature (authorizing initiation of the process): <u>Lauren M. Hansford</u>	

If the property is under contract and the owner is unavailable to sign, provide a copy of the contract

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date: <u>10/4/16</u>
Anticipated PC date: <input type="checkbox"/> N/A	Anticipated BOA date: <u>11/10/16</u>

ADDITIONAL INFORMATION NEEDED:
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AUTHORIZATION FORM - PART I

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A- If the applicant is also the owner of the subject property:
Fill out the following section and have it notarize.

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: Saralyn Lundy	Sworn and subscribed before me this <u>1</u> day of <u>October</u> 20 <u>16</u>
Address: 2494 Penngate Drive Sherrills Ford, NC 28673	
Email address: walkertundy@gmail.com	Notary public: <u>Anthony Darr</u> <i>Anthony Darr</i>
Phone number: 704-450-9895	Seal:
Owner's signature: <i>Saralyn Lundy</i>	

Commission expires: 02/22/2021

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:

He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (*attach a copy of the contract*); or

<p>He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or</p> <p>He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)</p>	Sworn and subscribed before me this <u>1</u> day of <u>October</u> 20 <u>16</u>
<p>Applicant's name:</p> <p>Company name:</p> <p>Address:</p> <p>City, State, Zip Code:</p> <p>Email address:</p>	
	Notary public:
	Seal:
	Commission expires:

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AUTHORIZATION FORM – PART II

City Of Sandy Springs
Community Development

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: <i>Lauren M. Hansford</i>
Company: <i>The Galloway Law Group</i>
Address: <i>3500 Lenox Rd. Suite 760</i>
City, State, Zip Code: <i>Atlanta, GA 30326</i>
Email address: <i>lauren@glawgp.com</i>
Phone number: <i>(404) 965-3668</i>
Agent's signature: <i>Lauren M. Hansford</i>
Applicant's signature: <i>Sarah Lynn Wiley</i>

Sworn and subscribed before me this <i>4th</i> day of <i>October</i> 20 <i>16</i>
Notary public: <i>Michele Oliver</i>
Seal: 
Commission expires:

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City Of Sandy Springs

LETTER OF INTENT

The Owner-Applicant, Saralyn Lundy, seeks a Variance from Section 105-72 (c) (3) of the City of Sandy Springs Land Development Regulations (“Development Regulations”) to construct a driveway access for a private residence through an existing non-conforming private driveway located near the intersection of High Point Road and Windsor Parkway in Sandy Springs, Georgia. The Property, located at 0 High Point Road, approximately 300 feet north of Windsor Parkway, has been owned by the Lundy family for over 75 years. The Property has never been developed due to the challenging physical conditions that effectively limit the buildable area to the rear of the lot.

The Property is now under contract with a builder who desires to construct a new home on the lot and access the Property through the private drive that currently serves the adjacent five (5) homes located at 614, 624, 634, 644, and 654 Windsor Parkway (also known as the Windsor Trace subdivision). The adjacent Windsor Trace subdivision was approved by Fulton County in 1999. See Exemption Plat, attached hereto as Exhibit “A.” The neighboring property owners have indicated their approval and authorized Mrs. Lundy to proceed with this variance application to allow an additional lot to be accessed through the common private drive. See attached Exhibit “B.” The proposed address for Mrs. Lundy’s lot would be 630 Windsor Parkway. See attached Exhibit “C.”

Due to the location of a stream on the Property, a significant portion of the lot has been covered by stream buffers in the front of the Property facing High Point Road (see attached site plan prepared by Abbott Concepts & Design, dated October 3, 2016). In 2014, Mrs. Lundy sought a stream buffer variance to access the Property from High Point Road. Although the stream buffer variance was approved, the lot has remained unmarketable for over two years. As noted above, the Property is now under contract with a builder who seeks to construct a home

with access through the common private drive in the adjacent Windsor Trace subdivision, rather than from High Point Road. This would result in no impact to the stream buffers on the Property.

In the event that the Board approves the variance from Section 103-72 (e)(3) of the Sandy Springs Development Regulations to allow access from the private drive, the Owner-Applicant also seeks a variance from Section 19.3.15 B.1 of the Sandy Springs Zoning Ordinance to allow the construction of a pool behind the new house that will be built at the rear of the lot. It is the Owner-Applicant's understanding that the lot accessed from the private drive would be considered a double frontage lot such that the proposed pool, while located behind the new residence, would not technically be located in the side or rear yard as required by Section 19.3.15 B.1. Thus, a variance would be required to build the pool as shown on the site plan.

VARIANCE ANALYSIS

With respect to the criteria set forth in Section 22.3.1 of the Sandy Springs Zoning Ordinance, the Owner-Applicant submits that there are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the Property and not generally found in similar properties. Specifically, the Property's current shape, topography, and physical conditions existed before the adoption of the Sandy Springs Zoning Ordinance. The lot has been in existence and owned by Mrs. Lundy's family for many years but never developed. The stream originates from a spring near the middle of the Property. As a result, the stream buffer now covers nearly half of the 29,953 square foot lot on the front portion of the Property facing High Point Road. Additionally, the topography of the site slopes significantly toward the middle of the lot near the stream. For a single-family home to be built in the developable area at the rear of the Property, the stream buffer area in the front of the Property would be impacted if the Property

was accessed from High Point Road because part of the driveway and retaining wall would be located in the buffer area. However, by “flipping” the lot and accessing the new home from the private drive instead of High Point Road, there would be no impact whatsoever to the stream buffers on the Property.

Mrs. Lundy further shows that such conditions with respect to the stream buffers and topography of the Property have existed for years and are not the result of her action or inaction. This variance request would provide the minimum relief necessary to make possible the reasonable use of the Property. While a stream buffer variance was obtained by Mrs. Lundy in 2014, the current solution of accessing the Property from the private drive rather than from High Point Road would have a significantly better result because it would allow the construction of a new home with no impact on the existing stream buffers. The current site plan is a less intrusive alternative to the previous plan. Accordingly, this variance request would result in development that is consistent with the general intent of the Zoning Ordinance to promote the health and general welfare. Additionally, this variance request is consistent with the findings and purposes of the Sandy Springs Stream Buffer Protection Ordinance located in Section 109-220 of the Sandy Springs Land Development Regulations. Specifically, this variance request allows development of the Property while not impacting the stream buffers in place. This protects the public health, safety, environment and general welfare by maintaining stream water quality and minimizing losses due to erosion, siltation and water pollution.

Should the Board approve the Owner-Applicant’s first variance request, Mrs. Lundy seeks a second variance to build a pool behind the residence. While Section 19.3.15 B.1 of the Sandy Springs Zoning Ordinance allows swimming pools in the rear or side yards of single-family dwellings in any zoning district, once the lot has been “flipped” and accessed from the

common private drive, it is the Owner-Applicant's understanding that the lot will be considered a double-frontage lot such the proposed new pool, while located behind the new residence and meeting the intent of Section 19.3.15 B.1, would not technically be in the rear or side yard of the lot. Accordingly, a variance from Section 19.3.15 B.1 is needed for the pool. Based on the exceptional conditions set forth above involving the stream buffers and the sloping topography of the site, the optimal and least intrusive placement for the new residence would be at the rear of the lot with access from the private drive. Similarly, the pool would be placed behind the residence but also out of the stream buffers such that the pool meets the spirit and intent of the Section 19.3.15 B. 1, and there is no encroachment into the stream buffers.

Georgia Law and the procedures of Sandy Springs require us to raise Federal and State Constitutional objections to a denial of a variance request during the application process in order to preserve our client's rights. While Mrs. Lundy anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that she will be barred from raising important legal claims later in the process. Consequently, a denial of the requested variances would be unconstitutional and would destroy the Owner-Applicant's property rights in violation of the State and Federal Constitutions. Accordingly, Mrs. Lundy respectfully requests that the City of Sandy Springs Board of Appeals grant the variances as requested in her Application.

Respectfully submitted,



Lauren M. Hansford

Attorney for Owner-Applicant

THE GALLOWAY LAW GROUP, LLC

3500 Lenox Road, N.E., Suite 760
Atlanta, Georgia 30326
(404) 965-3680

LEGAL DESCRIPTION FOR 0 HIGH POINT ROAD.

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 41, of the 17TH District of Fulton County, Georgia, and being more particularly described as follows:

0 HIGH POINT ROAD. AREA= 29,953 SQ.FT. = 0.687 AC.

BEGINNING at the North East right of way corner of Windsor Parkway and High Point Road; thence running North along Windsor Parkway Eastern Right of Way a distance of 290.00 feet to a PK nail in concrete sidewalk. POINT OF BEGINNING; Thence running north 00 degrees 28 minutes 51 seconds West a distance of 100.00 feet to a corner in concrete; Thence running South 87 degrees 25 minutes 57 seconds East a distance of 300.00 feet to a iron pin set; Thence running South 00 degrees 26 minutes 06 seconds East 100.00 feet to a 1/2" rebar; Thence running North 87 degrees 25 minutes 57 seconds West a distance of 299.92 feet to an PK nail in concrete sidewalk back to original POINT OF BEGINNING, as according to a survey by Chris Moore and Associates, Inc., dated June 18, 2014.

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WINDSOR PARK STREET NUMBERS



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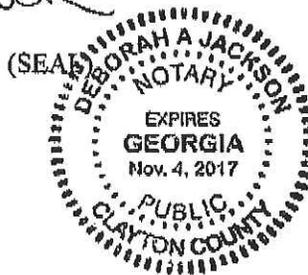


We own the property located at 624 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is our understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, we hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.

Richard H. Woodward, Jr.
Richard H. Woodward, Jr.

Sworn to and subscribed before me this 1st day of October, 2016.

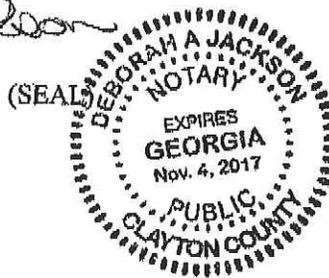
Deborah A. Jackson
Notary Public



Laura B. Woodward
Laura B. Woodward

Sworn to and subscribed before me this 1st day of October, 2016.

Deborah A. Jackson
Notary Public



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We own the property located at 614 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is our understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, we hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.

Willie Pearson, Jr.
Willie Pearson, Jr.

Sworn to and subscribed before me this 4th day of October, 2016.

Michele Oliver

Notary Public



Lance M. Hanford

Witness

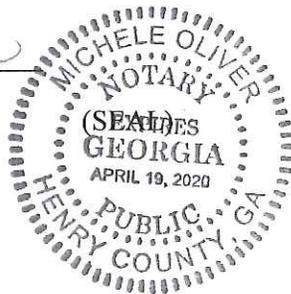
Cheryl Pearson

Cheryl Pearson

Sworn to and subscribed before me this 4th day of October, 2016.

Michele Oliver

Notary Public



Lance M. Hanford

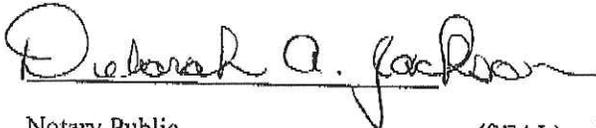
Witness

I own the property located at 634 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is my understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, I hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.



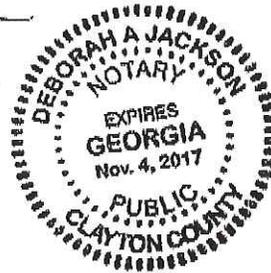
William M. Tabler

Sworn to and subscribed before me this 2 day of October, 2016.



Notary Public

(SEAL)

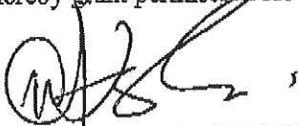


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I am trustee for the property located at 644 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is my understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, I hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.



Windsor Irrevocable Living Trust by Wilson Okushi

Sworn to and subscribed before me this 3rd day of October, 2016.

Lorraine Bebout Chase

Notary Public

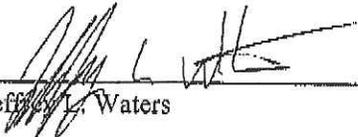


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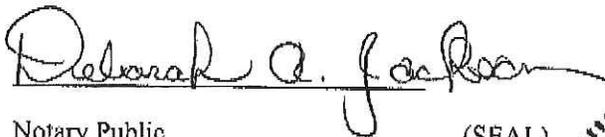
City Of Sandy Springs
Community Development

We own the property located at 654 Windsor Parkway, which is part of the Windsor Trace subdivision, a gated subdivision of five (5) homes accessed through a private drive off of Windsor Parkway in Sandy Springs. It is our understanding that Mrs. Saralyn Lundy, who owns a lot on High Point Road that backs up to our subdivision, intends to seek variances from the City of Sandy Springs to allow her lot to be accessed from our private drive such that there would be six (6) lots accessed from the private drive. Because the variance is technically for all six (6) lots that would be accessed via the private drive, we hereby grant permission for Mrs. Lundy and her counsel to pursue the variance request.

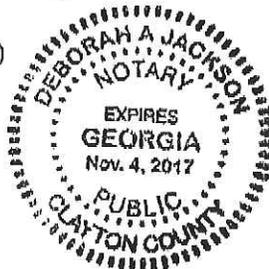


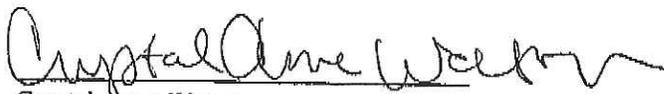
Jeffrey L. Waters

Sworn to and subscribed before me this 3rd day of October, 2016.



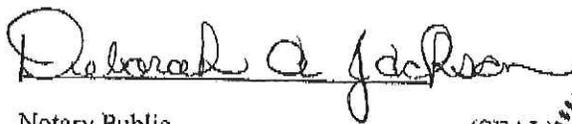
Notary Public (SEAL)



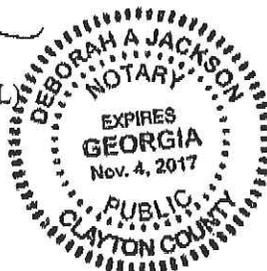


Crystal Anne Waters

Sworn to and subscribed before me this 3rd day of October, 2016.



Notary Public (SEAL)



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