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City Of Sandy Springs  
Community Development



Case No.:

V16-0152

Planner's initials: PC

PROJECT INFORMATION SHEET

PROPERTY	Address(es):	190 Colewood Way N.W. Atlanta, GA 30328		
	Parcel Tax ID:	17-0125-0005-046-2		
	Land Lot(s):	~ 0125	Land District(s):	17
	Total acreage:	~ 4 ACRES	Council district:	59
	Current zoning:	R-3	Current use:	Residential R-3
	Overlay district:		Future land use:	

APPLICATION	Detailed request (include Code/Ordinance Section No.):	
	Section 109-225 of the Development Regulations to maintain an existing carport in the 75-foot impervious surface setback associated with a stream buffer.	
	Section 6.4.3C of the Zoning Ordinance to maintain an existing carport within 10 feet of the side property line 4' (4' 0")	
	Petitioner:	
	Petitioner's address:	
	Phone:	Email:

OWNER	Property owner:	Esperanza & Daniel Tolosa		
	Owner's address:	190 Colewood Way NW. Atlanta, GA 30328		
	Phone:	404 849 9934	Email:	etolosa@bellsouth.net
	Signature (authorizing initiation of the process):		<i>[Signature]</i>	
	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:	11/9/17	Anticipated application date:	12/5/16
Anticipated PC date:	N/A <input type="checkbox"/>	Anticipated BOA date:	11/2/17

ADDITIONAL INFORMATION NEEDED:			



AUTHORIZATION FORM – PART I

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

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: <u>Esperanza Tolosa</u>	Sworn and subscribed before me this <u>29</u> day of <u>Nov</u> 20 <u>16</u> Notary public: <u>Kimberly S. Lennon</u> Seal: <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px 0;"> <b>KIMBERLY S LENNON</b>            NOTARY PUBLIC            Fulton County            State of Georgia            My Comm. Expires April 7, 2018         </div> Commission expires:
Address: <u>190 Colewood Way NW.</u>	
City, State, Zip Code: <u>Atlanta, GA 30328</u>	
Email address: <u>etolosa@bellsouth.net</u>	
Phone number: <u>404 849 9930</u>	
Owner's signature: <u>[Signature]</u>	
<u>[Signature]</u>	

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:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner ( <i>attach a copy of the contract</i> ); or <input type="checkbox"/> He/she has an option to purchase the subject property ( <i>attach a copy of the contract</i> ); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply ( <i>attach a copy of the lease</i> )	
Applicant's name:	Sworn and subscribed before me this  _____ day of _____ 20____ Notary public: Seal:  Commission expires:
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FULTON, STATE OF GEORGIA, AND IS DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 125 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 5, RIVERWOOD MANOR SUBDIVISION (F/K/A COLEWOOD MANOR), AS PER PLAT RECORDED IN PLAT BOOK 131, PAGE 33, RECORDED OF FULTON COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

PARCEL ID#17-012500050462

THIS BEING THE SAME PROPERTY CONVEYED TO DANIEL TOLOSA AND ESPERANZA TOLOSA, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP FROM DANIEL TOLOSA IN A DEED DATED MARCH 15, 2002 AND RECORDED APRIL 3, 2002 IN BOOK 32144 PAGE 449.

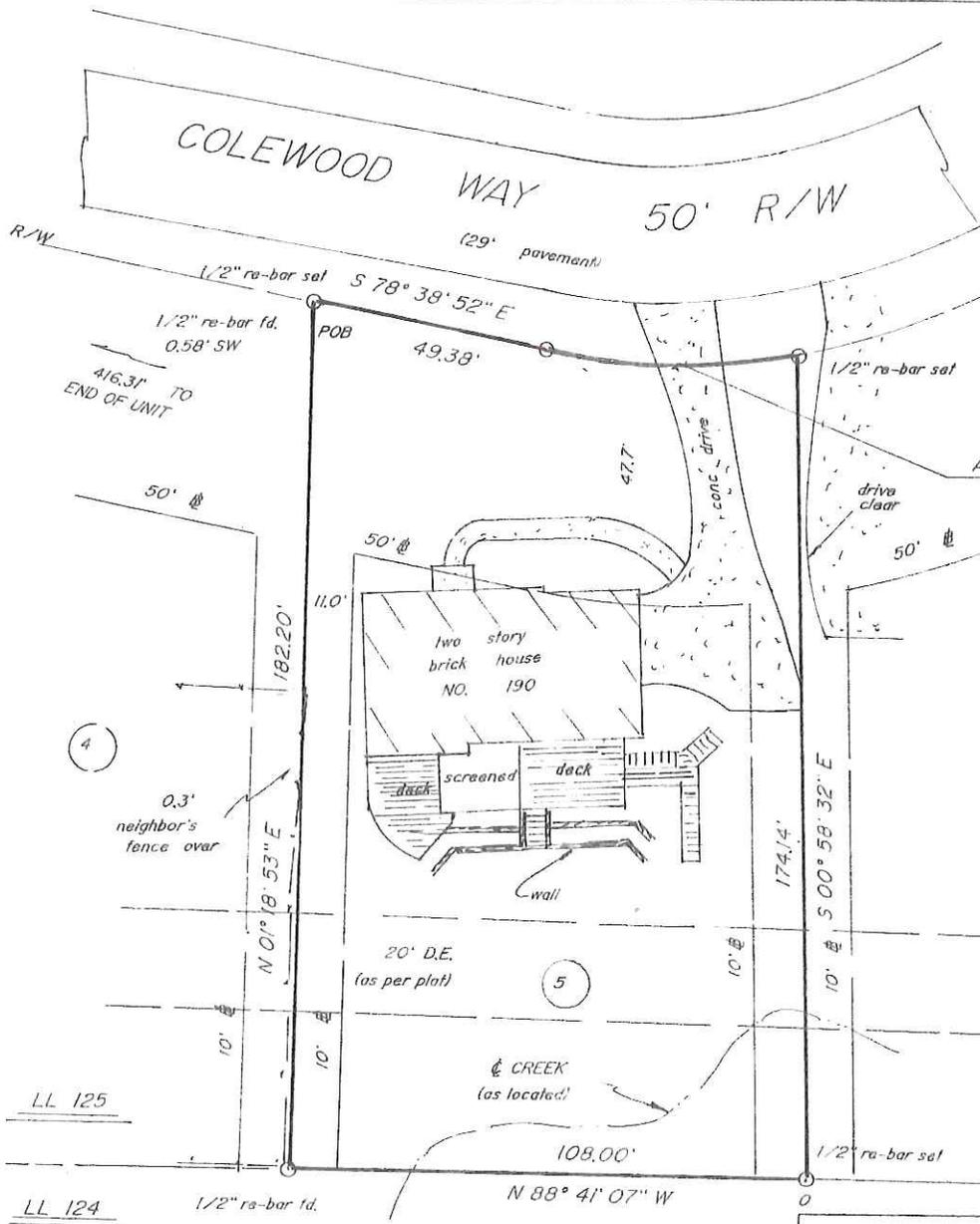
Property Commonly Known As: **190 Colewood Way Sandy Springs, GA 30328**

**ASV-187120**  
Linear Title & Closing  
127 John Clarke Road  
Middletown, RI 02842

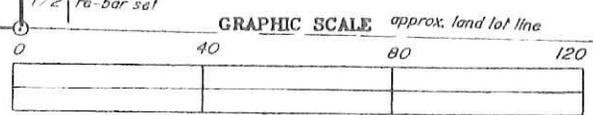
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$A=52.71^\circ$   $C=52.42^\circ$   $R=144.05'$   
 $S 89^\circ 07' 50'' E$



BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE DEPT. OF H.U.D. THROUGH THE FEDERAL INSURANCE ADMINISTRATION. IT IS MY OPINION, BY GRAPHIC PLOTTING ONLY, THAT THE PROPERTY SHOWN HEREON IS OUTSIDE OF THE FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS INFORMATION.

ABOVE GROUND SURVEY FOR :  
TOLOSA, DANIEL & ESPERANZA



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 + FEET AND AN ANGULAR ERROR OF 03" PER ANGULAR POINT AND WAS ADJUSTED USING LEAST SQUARES.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

EQUIPMENT UTILIZED FOR ANGULAR AND LINEAR MEASUREMENT - TOPCON GTS 303.

LOCATION AND DESCRIPTION OF EASEMENTS AND UTILITIES TAKEN GRAPHICALLY FROM RECORDED SUBDIVISION PLAT WHERE APPLICABLE.

DO NOT USE HOUSE TO PROPERTY LINE DISTANCE OR FENCES FOR PROPERTY LINE LOCATION.

ALL MATTERS OF TITLE EXCEPTED.

LAND LOT(S) 125

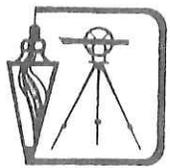
17TH DISTRICT -- SECTION

FULTON COUNTY RIVERWOOD MANOR SUBDIVISION-PHASE --

LOT 5 BLOCK -- UNIT -- SECTION -- PLAT BOOK 131 PAGE 33

SCALE: 1" = 40'

DATE MARCH 8, 2002



*Pearson & Associates, Inc.*

LAND SURVEYING-ENGINEERING-SITE PLANNING  
DEVELOPMENT-CONSTRUCTION LAYOUT  
530A FOREST PARKWAY  
FOREST PARK, GA 30297  
(404)366-7715 (404)366-0813 (FAX)  
E-Mail pearsonsurvey@mindspring.com

WILLIAM W. DeLOACH  
REGISTERED LAND SURVEYOR  
JW  
DRAWN BY

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Community Development

**Daniel & Esperanza Tolosa**  
190 Colewood Way. NW  
Atlanta, Ga. 30328

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November 30, 2016

Letter of Intent

To Whom It Concerns:

The letter serves as our official request for a stream buffer reduction and a side yard encroachment by an existing car port located at 190 Colewood Way. The carport was built without the knowledge of the need to obtain a permit. With the approval of allowing the car port to remain will aid in protecting the parked cars under the trees. The parked cars in this area are at times damaged by tree limbs that fall on the cars. The car port also helps prolong the life of the interior of the vehicles parked under it by providing shade, an easy flow for the cars going in and out of the original garage and protect the cars from weather hazards in Winter and Summer.

The existing site has a two-story home with an existing driveway that extends to the area that the carport was built. The site slopes from the front to the rear of the property. There is an existing stream that runs along the rear of the property.

The site is currently zoned R-3. It has a 50' front setback, 10' side yards and a 35' rear setback.

We are asking for a variance on Section 6.4.3C, and Section 109-225 of the zoning manual. The existing carport is encroaching into the 75' stream buffer by 20 feet and the side yard by 5", 3" feet. We would like to reduce the stream buffer by 20' and the side yard by 5.3" feet. This will allow the existing built car port to remain.

Also, the exit is the same existing driveway, trees are not impact trees and the existing plants and scrubs are the same on the side between the two houses and in the back of the carport since I bought the house 14 years ago. I attached pictures for better presentation.

Besides this letter of intent I explained better in a hardship paper.

Thank you so much for your attention,

Sincerely,

Esperanza & Daniel Tolosa  
Cell 404849-9934

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Atlanta, Ga. November 29, 2016

To: The Board of City Sandy Spring, Ga.

From Esperanza and Daniel Tolosa

Owners of the home: 190 Colewood Way NW Atlanta Ga. 30328

First off, before doing my request, I want to thank you for giving me a chance to present my case and in being able to ask for a variance application. Also, I want to apologize to you for not knowing the new regulations of Sandy Spring since it was created as a city.

Let me give you a bit of background on my husband and I. We have lived in the USA for 30 years and this is our fourth home. We bought the house 14 years ago, when it was Atlanta. My husband and I are USA citizens and we came in order to contribute to the advance of the technology in this country. I have a degree as an Interior Designer and my husband has been the Chief Development Officer for International Coca-Cola for 15 years which is why we bought this house as it is an easy commute to the office.

At that time, nobody explained anything about the stream buffer. Also at that time, we thought it was a bonus to have a creek in our backyard and that it was very pretty. We still believe it is and that is why we take care of it by making sure nothing gets in the way for its natural course.

As you know, my subdivision is Riverwood, located on the same street as the Epstein school toward the cul-de-sac, one of the best subdivisions built almost 40 years ago, but the houses were built with other rules and sizes etc. such as the stream buffer today.

When I saw a necessity in building a carport for my kids, or for extra cars, I did it. The carport not only allowed an easier flow for cars going in and out of the garage, but it, also is able to protect cars from weather hazards like: the heat melting/deteriorating the leather in summer and extreme conditions in the winter.

In addition, there was also a cost benefit. The cost of paying to wash my children's cars almost twice a week was getting excessive. We had to do this because my neighbor's trees are myrtle with purple flowers that stained their cars and stained the car paint.

My mistake was not to ask for the permit before, but as a human person I am very humble to ask for pardon, I was also thinking I did not need one as I have seen neighbors that they have built garages, walls, etc. without a permit.

My carport was built in the same driveway that exits to the street. My carport is not with walls, as I said before the purpose is mostly is to protect the cars. I thought to upgrade my home to a four car garage even if it is only a carport. My driveway has been the same since I bought the house. My neighbor's garage and driveway also has been the same. The original plants are the same as you can see in different pictures that I attached to this letter. My carport has the same structure and same roof like our house. We have some of the most up graded shingles on the market just for durability.

Per section 6.4.3C, I kindly ask you for the variance of the 10' fee in the side property line. My neighbor's property is more than 10' away from the carport but their garage and driveway is not 10' away from the house line, since their garage was built long time ago.

Per section 109-225 of the Development Regulations to maintain the existing carport in the 75-foot impervious surface setback, I request a review of my carport even though it is just inside the line of the original house built before with different regulations. The carport doesn't impact any tree, soil or even far away the stream buffer.

I will be available on my cell 404-849-9934 for any extra information.

Again, thanks so much for your time, this is my first time in my life doing this petition and since I am not an expert please accept my apologies for any omitted information and on behalf of my husband Daniel, we appreciate your help.

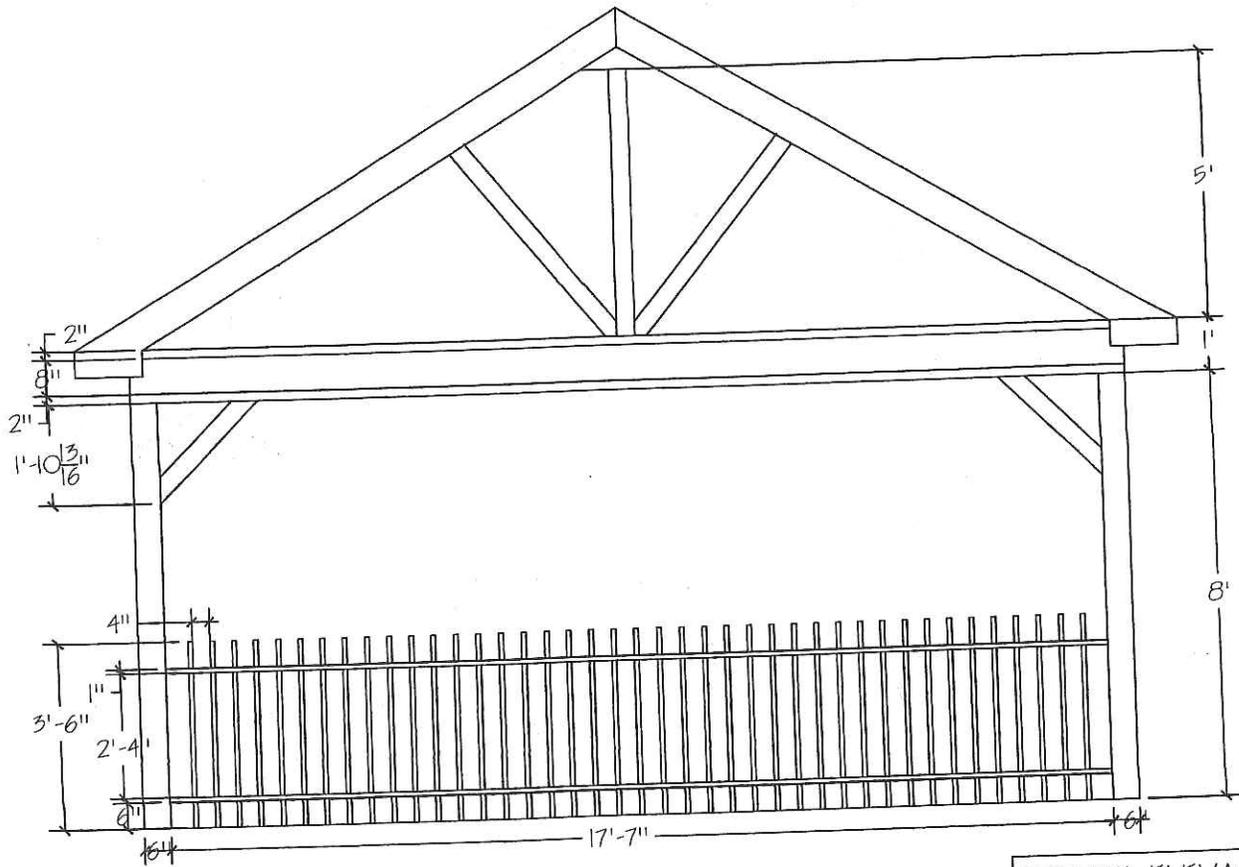
Sincerely,

Esperanza and Daniel Tolosa

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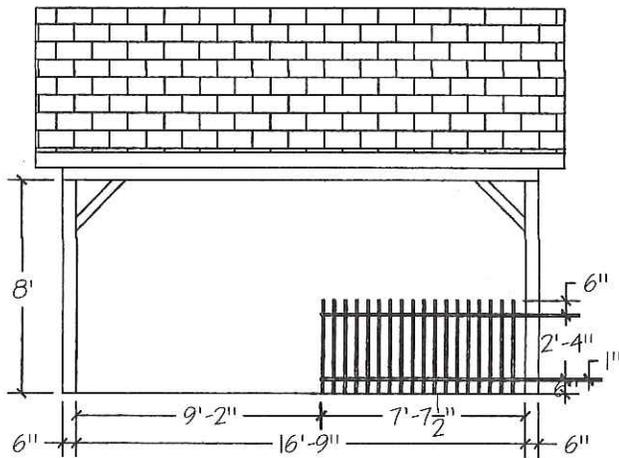


FRONTAL ELEVATION	
190 Colewood Way Atlanta, GA 30328	
10/25/2016	M. Saenz
Scale: 3/8" = 1'-0"	Tdosa
Carport Addition	1 OF 3

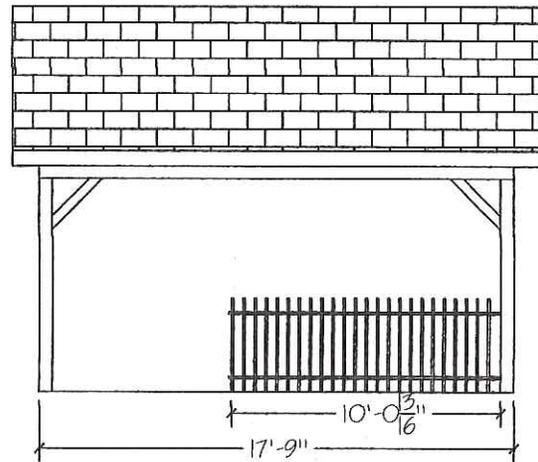
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RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

SIDE ELEVATIONS

190 Colewood Way Atlanta, GA 30328

10/25/2016 M. Saenz

Scale: 3/16" = 1'-0" Tolosa

Carport Addition 2 OF 3

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