



Variance Petition No. 201202439

HEARING & MEETING DATES

Board of Appeals Hearing
January 10, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner

Winter 8 LLC.

Petitioner

GT Software

Representative

Signs Now/Richard
Sacarpa

PROPERTY INFORMATION

**Address, Land Lot(s),
and District** 6255 Barfield Rd.
Land Lot 36, 17 District

Council District 5

Frontage Approximately 416.35 feet of frontage along the east side of Barfield Rd.

Area The subject property has a total area of 4.0 acres (174,240 square feet).

**Existing Zoning and
Use** O-I (Office & institutional District) conditional under zoning case 92Z-0064, currently developed with an office building.

Overlay District PCID District

**2027 Comprehensive
Plan Future Land Use
Map Designation** Live-Work Community (LWC)

INTENT

The applicant is seeking a primary variance from Section 33.22.C of Zoning Ordinance to reduce the required sign setback from 10 feet to zero (0).

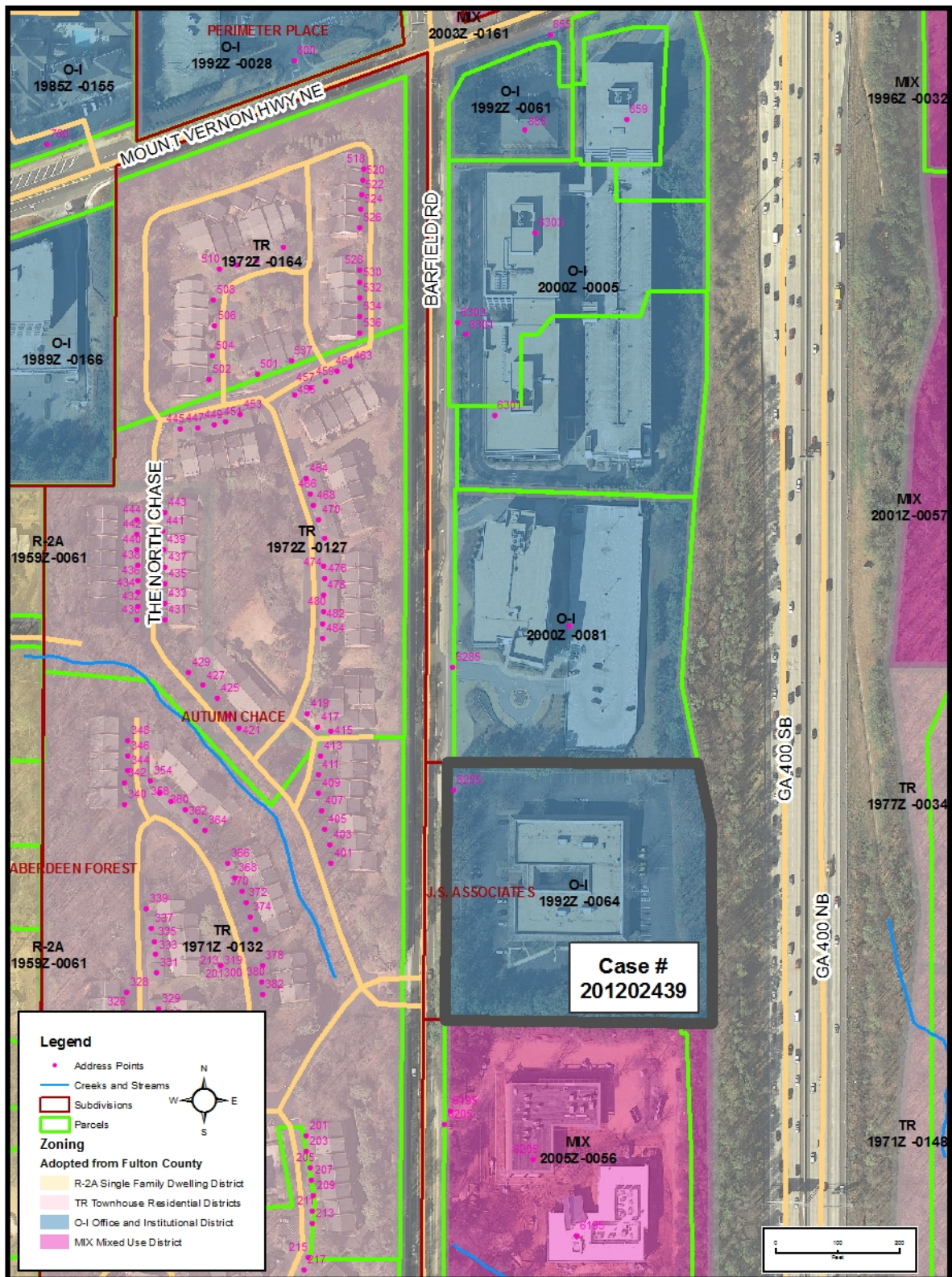
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201202439-1) APPROVAL CONDITIONAL

At the December 13, 2012 hearing the applicant requested Deferral to the January 10, 2013 to obtain an Encroachment and Indemnification Agreement with Sandy Springs.

Parcel Map

6355 Barfield Drive



**CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: 201202439

STAFF CONTACT: Cristina Nelson, Senior Planner 770-206-1516
E-mail: cnelson@sandyspringsga.gov

Staff Analysis:

The subject site is located at 6255 Barfield Rd. Said track or parcel of land contains 4.000 acres and approximately 416 feet of frontage on Barfield Road. The property is currently zoned O-I (Office and Institutional District) conditional under Fulton County zoning case Z92-0064; is developed with an office building and is located within the PCID District.

The subject site has an existing monument base that the applicant would like to use. As per the applicant an existing ID Monument has been there for an estimated of 20 to 25 years. The applicant would like to install a sign cabinet on the concrete base as it existed before and at the present location zero (0') from the right-of-way. Staff informed the applicant that modifications could not be made to the nonconforming existing structure without a variance.

The Sandy Springs zoning ordinance provides:

Section 33.22. SIGN LOCATION

C. Setback.

- *Unless a more restrictive setback is specified in conditions of zoning or otherwise in this Article, all signs shall set back at least ten (10) from the right-of-way or twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. In the Overlay Main Street District all signs shall set back at least three (3) feet from the right-of way. Temporary banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.*

The applicant is requesting primary variance from the Zoning Ordinance as follows:

1. Variance from Section 33.22.C. to reduce the required sign setback from the right-of-way from ten (10) feet to zero (0').

The applicant (GT) has indicated that the purpose for the variance is mainly to provide signage visibility by maintaining the sign where it has been for several years; it is necessary to provide proper visibility for businesses. The applicant indicated the requested variance will dramatically increase this business opportunity of being seen by motorists from a safe distance to allow them to make safe driving decisions while navigating to their property.

The building is located on the property that when traveling on Barfield Rd northbound or southbound the first thing can be seen is the sign due to the vegetation that there is on the front of the lot. GT Software and the owner of the property want to maintain the natural beauty of the area and do not want to sacrifice the required number of trees to improve visibility of the sign.

If the sign was to be moved back 10' from the right of way it would be obscured by the trees. Additionally, the existing sign base is encroaching 1.2 foot in the City's public right-of-way (*Exhibit 1*).

Therefore, the applicant was required to obtain approval from Public Works Department for the approximate 1.2 foot encroachment of the sign.

Note: The City Attorney has determined that the Board of Appeals is not to consider variances for signs in the right-of-way. Instead, applicants are required to obtain approval from Public Works Department when the encroachment is in the City's right-of-way or from Georgia Department of Transportation when in the State's right-of-way.

The applicant states "the current location is the optimal location for a sign in that it is most visible for both north and south bound traffic. Maintaining this location, but moving the sign away from the right-of way would make the sign significantly less visible, particularly to northbound traffic. If the sign was to be moved back 10' from the current location a number of pine trees would have to be sacrificed in order to have any visibility, in addition to the topography issues present at this location".

The proposed monument sign will be six (6) feet tall and have an area of thirty two (32) square feet (Exhibit 2). The sign will not be illuminated.

History

No Code Enforcement issues had been reported.

The current sign location existed prior to incorporation of the City and the applicant argues that the sign was properly permitted under the previous jurisdiction (Staff found a sign permit issued in 2002) (Exhibit 3).

Standards for Consideration

Zoning Ordinance

1. Variance from Section 33.22.C. to reduce the required sign setback from the right-of-way from ten (10) feet to zero (0').

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The property topography along the road frontage has an elevation of approximately 20' above Barfield Road finished grade. The topography of the lot controls how the structures are placed on the lot to have the most appropriate use of the land. Staff is of the opinion that the topography of the lot present challenges to the visibility of the signage to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The applicant states that the monument sign is exactly twelve (12) feet from the curb and the green lamp post is eight (8) feet back from the edge of the curb. During the site visit, staff found that as vehicles travel northbound on Barfield Road, the existing vegetation along the west property line limits the visibility of the building and the proposed sign if located at 10' from the right of way. Additionally, there is a detention pond on the front of the property that limits the location of a sign on this side of the lot and if the sign was required to meet the standard of the ordinance the existing vegetation area would be impacted. Staff is of the opinion that the natural features of the lot on which the sign is located and of the land immediately adjacent to the lot impairs the visibility of the sign such that its visibility is impacted. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on November 7, 2012, at which time the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ Public Works has reviewed the variance application and finds: ▪ Proposed monument sign base wall appears to encroach in public right-of-way. If base is in the right-of-way, applicant shall obtain an Encroachment and Indemnification Agreement with Sandy Springs. ▪ Insufficient information is given on the site plan to review for adequate sight distance. The engineer or surveyor should certify, in writing, that adequate horizontal and vertical sight distance exists in accordance with Section 103-77 of the Development Ordinance. Sight distance may be certified by a signed and sealed statement on the site plan or a certification, signed, and sealed, on letterhead. Statement must be specific to the project. The minimum corner sight distance shall be based on a speed of 35 miles per hour. ▪
	Georgia Department of Transportation	▪ No Comments

Recommendation

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs.

Due to the existing vegetation, existing detention pond and the topography of the lot there are some limitations for the location of a sign. Staff is of opinion that the proposed sign location is the most advantageous sign location. Staff recommends approval due to the unique conditions of the property. The proposed location allows the applicant to serve all intents and purposes of the sign ordinance, which is to encourage the effective use of signs as a means of communication. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request.

Should the Board choose to approve the application, Staff recommends the following condition(s):

1. To reduce the required sign setback from ten (10) feet to zero (0) feet.
2. To the sign location and detail submitted by the applicant, dated received October 2, 2012 by the Department of Community Development.

Attachments

Letter of Appeal
Property Survey
Sign Detail
Photographs



Variance Petition No. 201202830

HEARING & MEETING DATES

Board of Appeals Hearing

January 10, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Faye R. Newland	Andrew Hodor	Andrew Hodor

PROPERTY INFORMATION

Address, Land Lot(s), and District	Montevallo Drive, PIN 17-0067-001-075 Land Lot 93, 17 th District
Council District	5
Frontage	Approximately 100.01 feet of frontage along Montevallo Drive.
Area	The subject property has a total area of approximately .248 acres.
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District). The property is currently undeveloped.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1-2, 1 to 2 units per acre

INTENT

The applicant is proposing to construct a single family residence on a currently undeveloped lot. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

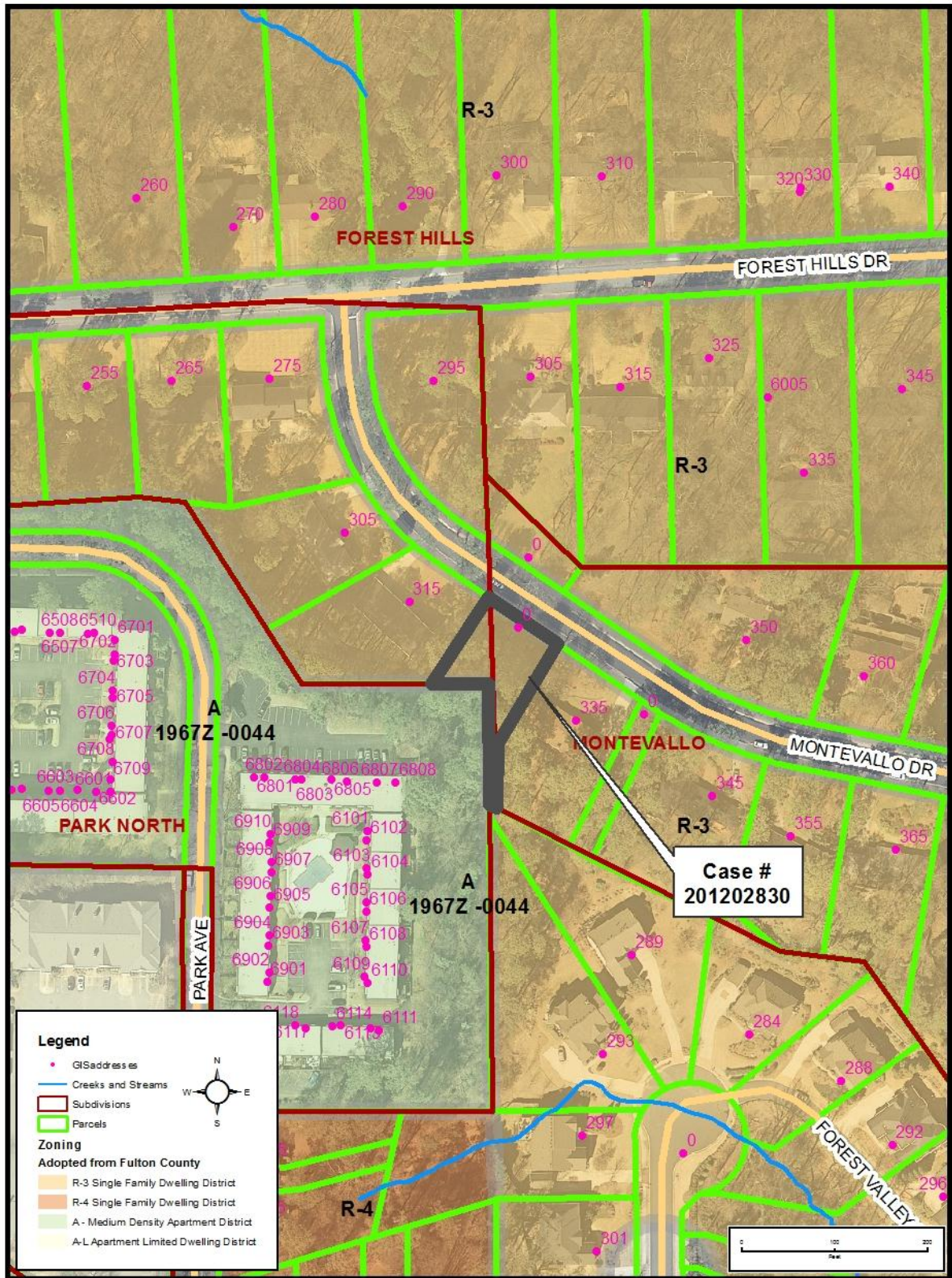
1. Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the front yard setback from fifty (50) feet to thirty-five (35) feet to allow for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201202830 – 1) APPROVAL CONDITIONAL

Parcel Map

0 Montevallo Drive Parcel # 17 00670001075



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 10, 2012.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the front yard setback from fifty (50) feet to thirty-five (35) feet to allow for the construction of a single family residence.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. 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; or,

Finding:

The parcel is a legal lot of record in an R-3 (Single Family Dwelling District) zoning district. The lot is irregularly shaped and smaller than other lots on this street, and appears to be a remnant from the original development of the subdivision or the apartments to the south. The proposed site plan and elevations show the residence set as far back as possible from the street, intending to minimize the encroachment into the front setback, and to maintain that the lot is developed in accordance with the intent of the ordinance. Based on this, staff is of the opinion that this proposed development is in accordance with the intent and harmony of the ordinance and the surrounding land uses. Staff is of the opinion that this condition has been satisfied.

B. The application of the 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,

Finding:

The lot is very irregular in shape and is only 10,795 square feet (.248 acres), while the requirements state that lots in R-3 districts have a minimum lot area of 18,000 square feet. The small size of the lot and the irregular shape combine to create an extraordinary hardship for the owner. Staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from 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.

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday December 5, 2012 at which no additional comments were provided.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request, to allow for the construction of a single family residence.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To reduce the required fifty (50) foot front yard setback to thirty-five (35) feet to allow for the construction of a single family residence, as shown on the site plan dated received November 9, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received December 3, 2012

Site Plans and Elevation – Dated received December 9, 2012

Photographs



Variance Petition No. 201202853

HEARING & MEETING DATES

Board of Appeals Hearing

January 10, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
BMW of North America	Michele Ritsch	Michele Ritsch

PROPERTY INFORMATION

Address, Land Lot(s), and District	1280 Hightower Trail Land Lot 363, 6 th District
Council District	2
Frontage	Approximately 280 feet of frontage along Hightower Trail.
Area	The subject property has a total area of approximately 2.05 acres.
Existing Zoning and Use	The property is zoned O-I (Office Intentional District) pursuant to Fulton County zoning case Z87-0041. The property is currently developed with offices and parking.
Overlay District	Suburban District
2027 Comprehensive Future Land Use Map Designation	LWN, Living-Working Neighborhood

INTENT

The applicant is proposing to install a fence within the required ten (10) foot landscape strip. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

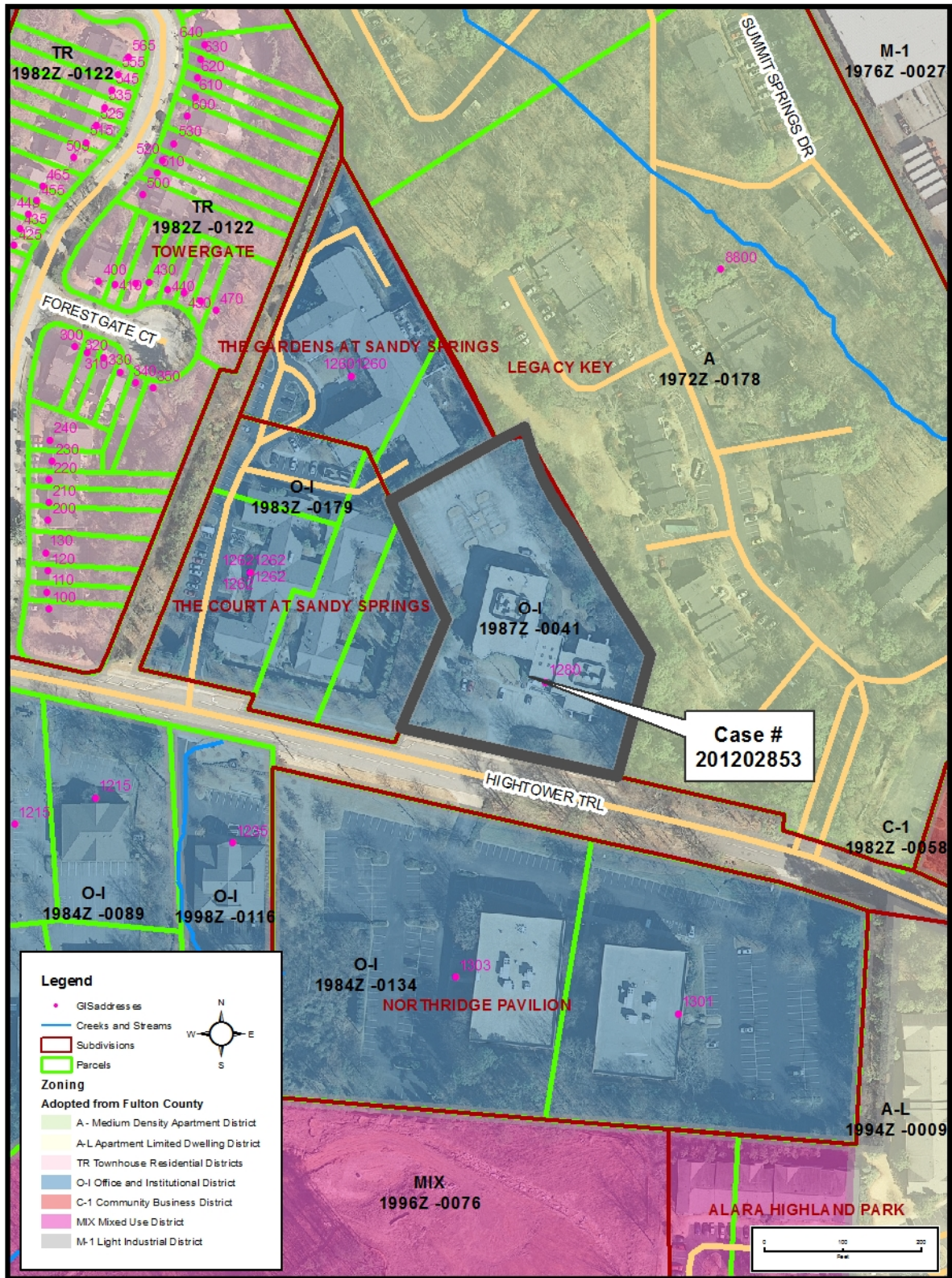
1. Variance from Section 4.23.1 of the Zoning Ordinance to allow a fence within the ten (10) foot landscape strip.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201202853 – 1) APPROVAL CONDITIONAL

Parcel Map

1280 Hightower Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 10, 2012.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

Variance from Section 4.23.1 of the Zoning Ordinance to allow a fence within the ten (10) foot landscape strip.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

A. 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; or,

Finding:

The intent of the buffer is to minimize disturbance and negative impacts between neighboring land uses. The proposed fence is within the established buffer; however, there is an existing fence at the property line and several of the abutting land owners have fences on their respective properties. Staff is of the opinion that the proposed fence would not negative impact any of the surrounding land owners. Additionally, the existing plantings within the buffer would remain, furthering the intent of the required landscape buffer. Based on these considerations, staff is of the opinion that this proposal is in accordance with the intent and harmony of the ordinance. Staff is of the opinion that this condition has been satisfied.

B. The application of the 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,

Finding:

The topography at the rear of the lot limits where a fence could be installed, for security reasons, and effectively serve its purpose. If the proposed fence is installed outside of the landscape strip, the topography would make it very easy to access the property from the top of the existing retaining wall. Based on these considerations, staff is of the opinion that this condition has been satisfied.

C. Conditions resulting from 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.

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday December 5, 2012 and which no additional comments were provided.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request, to allow for the enclosure and expansion of an existing carport.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To allow a fence within the required ten (10) foot landscape strip, as shown on the site plan dated received December 14, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received November 5, 2012

Site Plans and Elevation – Dated received December 14, 2012

Photographs