



Variance Petition No. V10-040

HEARING & MEETING DATES

Board of Appeals Hearing

February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
Kirsten Scott

Petitioner
Kirsten Scott

Representative
Kirsten Scott

PROPERTY INFORMATION

Address, Land 105 Trail Point

Lot(s), and District Land Lot 28, District 17

Council District 2

Frontage 324.46 feet of frontage along the west side of Trail Point

Area The subject property has a total area of approximately 42,735 square feet.

Existing Zoning and Use The lot is zoned CUP (Community Unit Plan District) under Fulton County zoning case Z70-0090. The property is currently developed with a residence.

Overlay District N/A

2027

Comprehensive Future Land Use Map Designation R0-1 Residential (0-1 units per acre)

INTENT

The applicant is proposing to construct a patio in the twenty-five (25) foot impervious setback and allow an existing retaining wall to remain in the fifty (50) foot undisturbed buffer. Both proposals will encroach into the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (the proposed patio encroachment of twenty-three (23) feet and limits of disturbance of two (2) feet for a total encroachment of twenty-five (25) feet in the impervious setback) to allow for a patio and an existing retaining wall fifty (50) feet in to the undisturbed buffer.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-040 - 1) APPROVAL CONDITIONAL

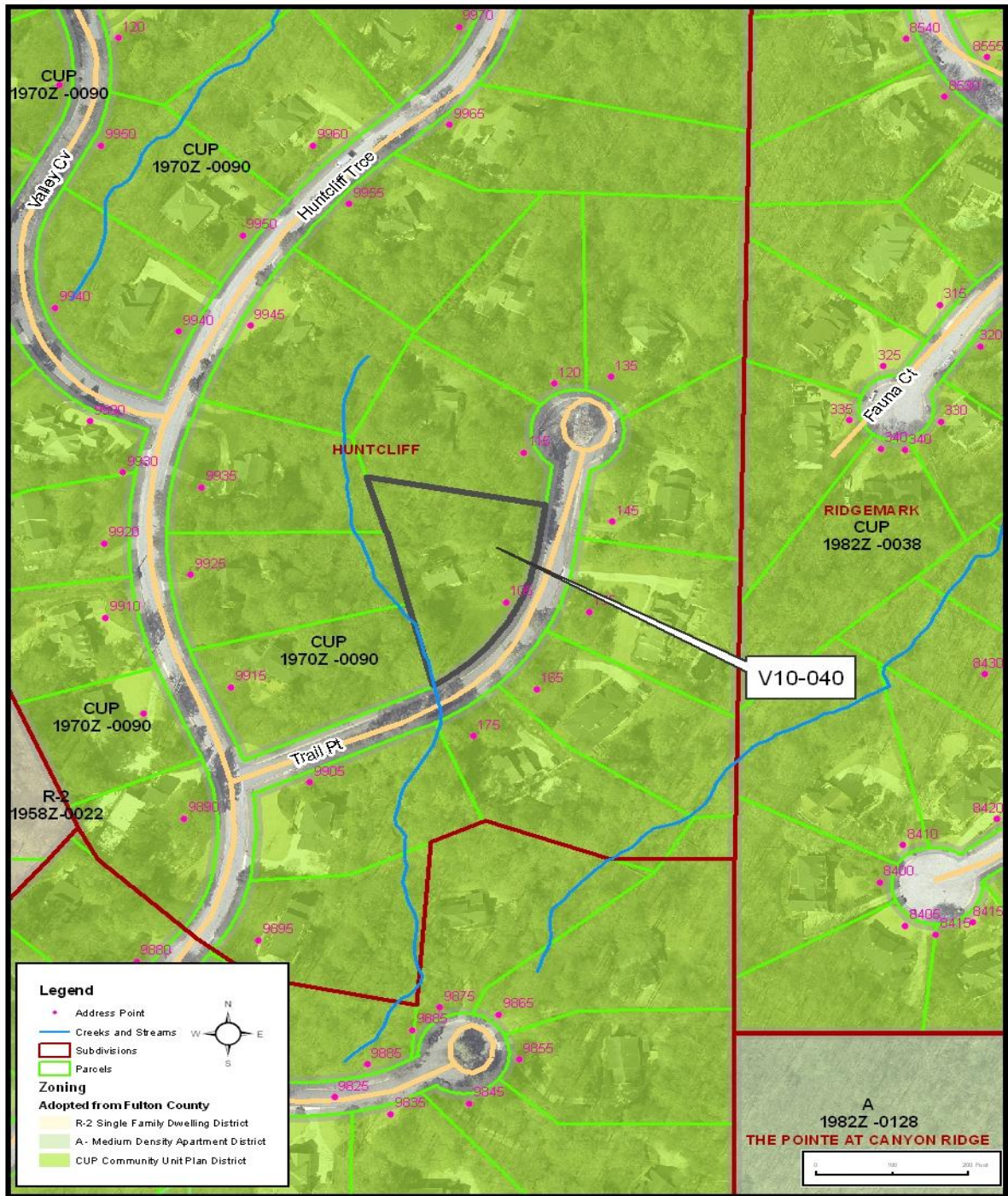
ENFORCEMENT

On October 22, 2010 a stop work order was posted for encroaching into the seventy-five (75) stream buffer with the construction of a retaining wall. A citation was issued on October 28, 2010 and the case has been reset until February 17, 2011.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on February 10, 2011

Parcel Map

105 Trail Point



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

CASE NUMBER: V10-040

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Finding of Fact:

The applicant is requesting relief from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed patio encroachment of twenty-three (23) feet and limits of disturbance of two (2) feet for a total encroachment of twenty-five (25) feet in the impervious setback to allow for a patio and an existing retaining wall encroachment of fifty (50) feet in to the undisturbed buffer.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 324.46 feet of frontage along the west side of Trail Point. The property is triangular in shape, and slopes from 936 feet on the northern property to 892 on the southern property. The springhead is located on the property to the southwest (9915 Huntcliff Trace). The stream runs south for approximately 95 feet before entering a 36 inch pipe the runs under Trail Point. The stream buffer covers approximately one-third on the lot (southwestern corner).

The site plan also shows the retaining wall located along the western property line. The treated wood retaining wall is an average of eighteen (18) inches tall with a maximum height of twenty-seven (27) inches and is sixty-one (61) feet long. The proposed six hundred forty (640) square foot patio is located on the western side of the house. The proposed patio will be constructed of stained concrete or flagstone. The applicant has re-vegetated the area with hollies, camellias, encore azaleas, gardenias and sod.

Staff notes the surrounding properties are zoned CUP (Community Unit Plan District), the same zoning as the subject property. The Stream Buffers also effects the surrounding properties.

On October 22, 2010 a stop work order was posted for encroaching into the seventy-five (75) stream buffer with the construction of a retaining wall. A citation was issued on October 28, 2010 and the case has been reset until February 17, 2011.

Stream Buffer Protection Ordinance

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on February 10, 2011

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.*

Finding:

The property shape, topography, or physical conditions existed at the time of the adoption of the ordinance. Staff notes the property is triangular in shape, and slopes from 936 feet on the northern property to 892 on the southern property. The stream buffers covers approximately one-third of the buildable area of the lot. The retaining wall was constructed to prevent further erosion and to stabilize the foundation and settling issues occurring in the southwestern corner of the home. The corner of the existing home would be unable to be stabilized without encroachment into the stream buffer. However, the physical conditions of the property do not prevent the applicant from locating the patio outside of the stream buffer. Based on these reasons, staff is of the opinion this condition has been satisfied for the installation of the retaining wall.

- b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.*

Finding:

The property has an unusual circumstance when the minimum buffer requirement would be strictly applied. Staff notes the stream buffers covers approximately one-third of the buildable area of the lot. The southwestern corner of the house is located in the stream buffer. The applicant would be unable to stabilize this area without encroachment into the buffer. If the area around the foundation was not repaired it could create an extreme hardship because it would continue to erode and effect the structure of the existing house. Strict adherence to the buffer requirements would not create an extreme hardship in regard to the patio. Based on these reasons, staff is of the opinion this condition has been satisfied for the installation of the retaining wall.

(5) The following factors will be considered in determining whether to issue a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*

Finding:

The property is triangular in shape, and slopes from 936 feet on the northern property to 892 on the southern property. The stream buffers covers approximately one-third of the buildable area of the lot. Therefore, staff is of the opinion this condition has been satisfied.

- b. The locations of all streams on the property, including along property boundaries;*

Finding:

All stream buffers on the property have been identified (exhibit 1). The springhead is located on the property to the southwest (9915 Huntcliff Trace). The stream runs south for approximately 95 feet before entering a 36 inch pipe the runs under Trail Point. The stream buffer covers approximately one-third on the lot (southwestern corner). The stream buffers covers approximately one-third of the buildable area of the lot.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The springhead is located on the property to the southwest (9915 Huntcliff Trace). The stream runs south for approximately 95 feet before entering a 36 inch pipe the runs under Trail Point. The stream buffer covers approximately one-third on the lot (southwestern corner). The treated wood retaining wall is an average of eighteen (18) inches tall with a maximum height of twenty-seven (27) inches and is sixty-one (61) feet long. The proposed six hundred forty (640) square foot patio is located on the western side of the house. The proposed patio will be constructed of stained concrete or flagstone. The applicant has re-vegetated the area with hollies, camellias, encore azaleas, gardenias and sod. The twenty-five (25) foot impervious setback will be reduced to zero (0) feet (twenty-three (23) feet and limits of disturbance of two (2) feet for a total encroachment of twenty (25) feet) for the proposed patio. The 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet for the existing retaining wall. The location and extent of the proposed buffer and setback intrusions have been identified on the site plan (exhibit 1).

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with staff regarding the retaining wall. The applicant has indicated that there is not another location outside of the buffer to re-stabilize the slope. The applicant has looked at the area in the rear of the property for the patio; however they have a concern the stability of the ground due to an undisclosed pool being covered in the rear of the property. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is at least as protective of the natural resources and environment as the existing site condition. The existing buffer had no riparian vegetation. The retaining wall will allow water to drain and reduce the erosion within the tributary buffer.

Department Comments

The staff held a Focus Meeting on June 5, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	If the BOA recommends approval, the site could be conditioned to replanting the exposed area with riparian vegetation as approved by the Arborist.
	Sandy Springs Landscape Architect/ Arborist	Permit(s) shall be required for work already completed and proposed consistent with variance application outcome. Plan should clarify that retaining wall exists and was constructed without permit in violation of stream buffer ordinance. Plan should include delineating limits of disturbance of work that has been done thus far plus description of work done thus far such as clearing and backfill behind wall and ground surface elevation change behind wall.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request for the retaining wall only. The recommended conditions apply to the retaining wall.

Recommended Condition(s)

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

- 1) The subject retaining wall shall be constructed in accordance with the proposed site plan, provided by the applicant dated received December 16, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed berm encroachment of forty-eight (48) feet and limits of disturbance of two (2) feet for a total encroachment of fifty (50) feet) to allow for a retaining wall, where necessary to accommodate the portion of the encroachment only.
- 2) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Elevation Contour map
Photographs
Letters of Support



Variance Petition No. V10-041

HEARING & MEETING DATES

Board of Appeals Hearing

February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
EXW Barfield, LLC	EXW Barfield, LLC	Pete Hendricks

PROPERTY INFORMATION

Address, Land Lot(s), and District	6165 Barfield Road Land Lot 36, District 17
Council District	5
Frontage	725.92 feet of frontage along the east side of Barfield Road.
Area	The subject property has a total area of approximately 6.4326 acres.
Existing Zoning and Use	The lot is zoned MIX (Mixed Use District). The property is currently developed with office buildings.
Overlay District	N/A

2027

Comprehensive Future Land Use Map Designation	LWC (Live Work- Community)
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INTENT

The applicant is requesting to construct a fence along the property frontage. The proposed fence would encroach into the three (3) foot setback. The applicant is seeking one (1) primary variance from the Zoning Ordinance.

- 1) Variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback to zero (0) feet for a fence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-041 - 1) APPROVAL CONDITION

6165 Barfield Road



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

CASE NUMBER: V10-041

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting to construct a fence along the property frontage. The proposed fence would encroach into the three (3) foot setback. The applicant is seeking one (1) primary variance from the Zoning Ordinance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback to zero (0) feet for a fence.

The applicant has submitted a site plan (exhibit 1) indicating 725.92 feet of frontage along the east side of Barfield Road. The property is trapezoidal in shape. The property has 6.4326 acres. The property has a right-of-way reservation which is ten (10) feet behind the original right-of-way. The proposed fence is show on the right-of-way reservation line. The site slopes from north to south with a forty (40) foot change in topography. There is a significant change in topography on the western property line where the proposed fence is located. The property has a significant drop approximately twelve (12) feet from the edge of the right-of-way to a drainage area.

The Public Works Department has determined the fence would be located outside of the clear zone along this section of Barfield Road.

Staff notes the surrounding properties are zoned O-I (Office and Institutional District) to the north; GA 400 to the west; O-I (Office and Institutional District) to the south and TR (Townhome Residential District) to the west. The topography change is not as significant on neighboring properties.

Standards for Consideration

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. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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:

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance. The request would not be a detriment to the public. Adjacent properties have a vegetative barriers along their frontages that encroach into the three (3) foot setback. The Public Works Department has determined the proposed fence would not be in the clear zone of that section of Barfield Road. Therefore, staff is of the opinion this condition has not been satisfied.

Section 22.3.1.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,

Findings:

Staff is of the opinion that the subject parcel is similar to other commercial properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography on the southwest corner. There is a significant change in topography on the western property line where the proposed fence is located. The property has a significant drop approximately twelve (12) feet from the edge of the right-of-way to a drainage area. The rest of the site slopes from north to south with a forty (40) foot change in topography. An extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.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 on January 5, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation Planner requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance(s) request to reduce the required three (3) foot setback from the right-of way.

Recommended Condition(s)

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

- 1) The subject fence shown on the site plan, provided by the applicant dated received December 1, 2010 by the Department of Community Development, to reduce the required three (3) foot setback to zero (0) feet to allow the construction of a fence, where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS:

Letter of appeal

Site plan (exhibit 1)

Photographs



Variance Petition No. V10-042

HEARING & MEETING DATES

Design Review Board
January 25, 2011

Board of Appeals Hearing
February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

The Simpson Organization

Petitioner

Formula Wellness

Representative

Rami Odeh

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 7840 Roswell Road (SR 9)
Land Lot 30, District 17

Council District 2

Frontage and Area Approximately 1,169 feet of frontage along the west side of Roswell Road (SR 9) and approximately 636.90 feet of frontage along the east side of Adair Lane. The subject property has a total area of 17.838 acres (777,031 square feet).

**Existing Zoning
and Use** C-1 (Community Business District) conditional under Fulton County 84Z-162, currently developed with an Office Park.

Overlay District Suburban District

**2027 Comprehensive
Future Land Use
Map Designation** C - Commercial

INTENT

The applicant is seeking a primary variance from Section 33.26.H.1.c of the Zoning Ordinance to allow for an additional monument sign along the Roswell Road (SR 9) street frontage of the property.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

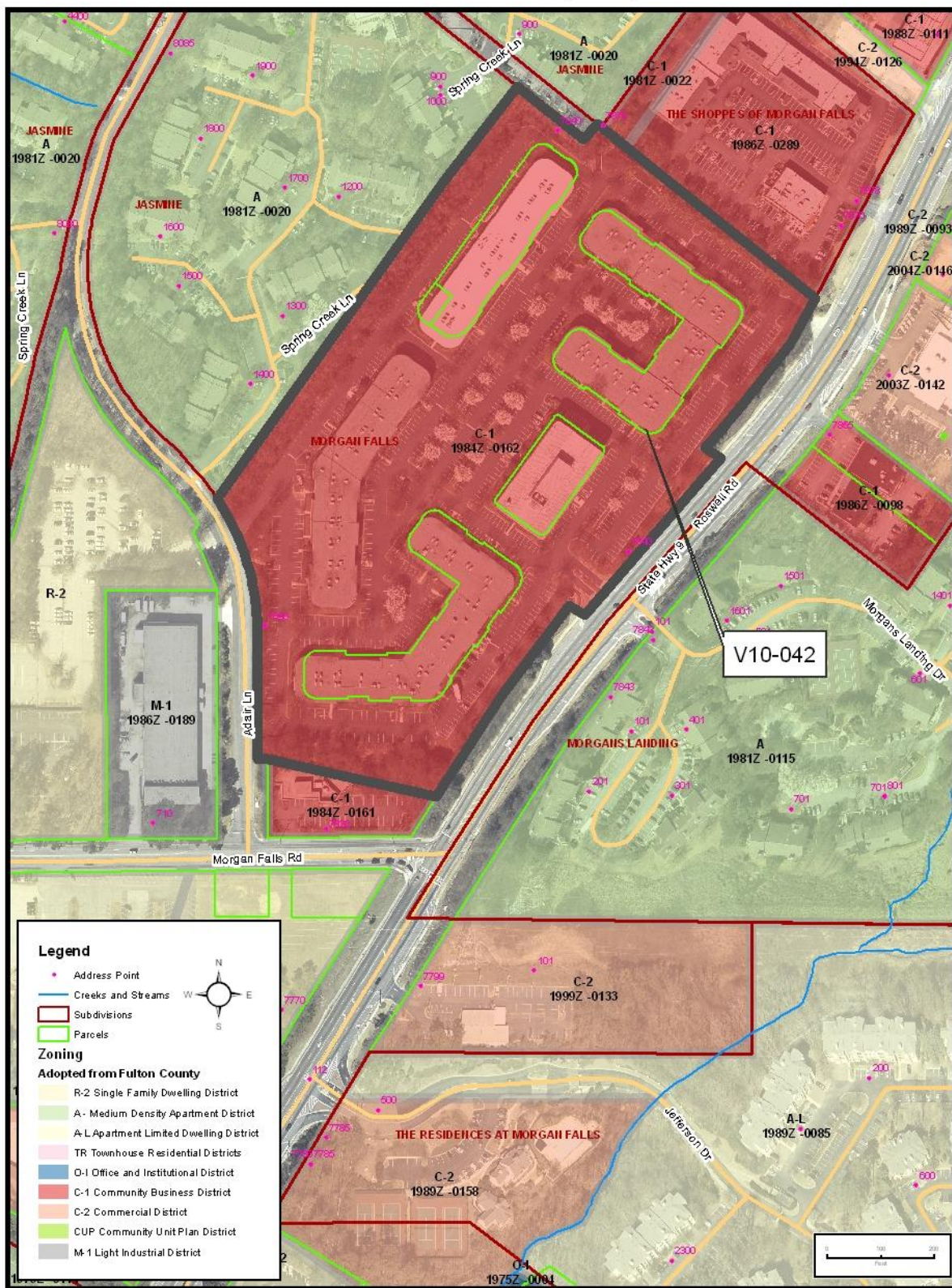
V10-042- 1) APPROVAL CONDITIONAL

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the January 25, 2011 DRB meeting. The request was recommended for APPROVAL (4-2, Richard, Landeck, Gregory, and Ealick-Anderson for; Porter and Mobley against; Lichtenstein not voting.) with the following condition: The Morgan Falls sign on the water fall feature shall be removed.

Parcel Map

7840 Roswell Road (SR 9)



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V07-042

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The site has 17.838 acres (777,031 square feet) and approximately 1,169 linear feet of road frontage along the west side of Roswell Road (SR 9), developed with five (5) office buildings. Per Section 26.H.1.c. *Freestanding Signs*, of the Sandy Springs Zoning Ordinance, properties with a frontage of more than one thousand (1,000) linear feet are allowed one maximum seventy-two (72) square foot freestanding sign. The property's existing identification signs do not provide identification for the office park tenants except for Sandy Springs City Hall. Therefore, the subject request is to provide an additional identification sign for the tenants in the office park.

It was determined that a variance was needed to allow an additional sign to be located on Roswell Road (SR 9), as only one sign is allowed on the same road frontage and there is an existing sign at the southern entrance and one sign at the northern entrance that it will be removed when the City move to the new location.

The applicant states: "at the time of our move to the Morgan Falls office park FormWell was obtaining our business from drive and walk by traffic. We were not concerned about not having signage immediately on Roswell Road as we were under the assumption we would make up for the loss of drive by business from business from inside the park. We are obtaining virtually no new business from company employees inside Morgan Falls office park, despite aggressive marketing and offering of discounts. We get no drive by or walk by business. The only exception to this is when we display a banner". Banners are only allowed three times a year for fourteen (14) days each time.

In addition the applicant states that the current sign at the southernmost entrance consist of the words Morgan Falls, applied to the stone surrounding the base of the entry waterfall and the sign at the northernmost entrance is dedicated to the City of Sandy Springs. Neither of these signs have the potential to incorporate tenants into their messages. The applicant letter states: "A quality sign located at the primary entrance to the office park made of the same materials as the waterfall sign will enhance our ability to increase occupancy and will give current and future occupants of the park the opportunity to improve their business with exposure to traffic on Roswell Road.

The proposed sign location is adjacent to the southern entrance to the Morgan Falls office park. Placing an identification sign at the proposed location, the applicant is intending to capture visibility from the north and south bound traffic on Roswell Road (SR 9)

The petitioner proposes a sixteen (16) square foot freestanding sign with a height of 3.3 feet.

This request is to add an additional sign along the Roswell Road (SR 9) frontage to effectively advertise the tenants of the office park. The applicant states that although there are two (2) additional freestanding signs along the Roswell Road (SR 9) frontage, they are providing information for approximately 1,200 feet of road frontage. The two existing signs are separated by approximately 720 feet of landscape area.

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.H.1.c of the Zoning Ordinance to allow for an additional monument sign along the Roswell Road (SR 9) street frontage of the property.

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:

Staff is of the opinion that the topography of the lot does not impact visibility of the sign from the adjoining public roads. Therefore, based on these reasons the staff is of the opinion this standard has not 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:

This property has a variable right-of-way along the street frontage. Pursuant to survey dated 08/3/2004 provided by the applicant and dated received December 07, 2010 by the Department of Community Development the right-of-way is approximately one hundred-sixty (160) feet at the northern entrance to the office park and it is approximately eighty (80) feet at the southern entrance to the office park. The property has a landscaped berm along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic. The site's mature trees and shrubbery along the Roswell Road frontage block the visibility of the buildings. These buildings are located within the property, at the shortest distance from the right-of-way be approximately 89 feet. Staff is of opinion that due to the characteristics of this large development such as: approximately 1,200 linear feet of road frontage, approximately 215,321.07 square feet of office space, distributed in five (5) buildings, proximity of buildings to the street; relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional reasonable level of signage for the Morgan Falls Office Park. The

purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. The ability to capture visibility and identification of the businesses in the office park is limited. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on January 5, 2011 at which 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	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

Staff is of opinion this variance request will not cause a detriment to the public, but will convey information to the general public; would serve the purpose of the sign ordinance, which is to provide an ease identification for the office park. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

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

1. To allow for an additional identification monument sign for the Morgan Falls office park adjacent to the southernmost entrance, to be installed pursuant to the sign detail

and building elevation depicting the sign location submitted by the applicant, and dated received December 7, 2010 by the Department of Community Development.

2. That the identification monument sign be located at the proposed location contingent to be relocated to the northernmost entrance, when the Sandy Springs City Hall sign is removed.
3. The proposed sign shall not exceed sixteen (16) square feet of sign area and 3'-3" height pursuant to the sign design detail, submitted by the applicant, dated received December 7, 2010 by the Department of Community Development.

ATTACHMENTS: Site Plans, Photos, Detail Drawings, Letter of Appeal.



Variance Petition No. V10-043

HEARING & MEETING DATES

Design Review Board

January 25, 2011

Board of Appeals Hearing

February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

Apostles Lutheran Church

Petitioner

Apostles Learning Center

Representative

Denyse/Michael Norton

PROPERTY INFORMATION

Address, Land Lot,
and District.

6025 Glenridge Drive
Land Lot 360, District 17

Council District

3

Frontage and Area

256 feet of frontage along the northeast side of Glenridge Drive and 267 feet along the north side of Hammond Drive. The subject property has a total area of 4.680 acres (203,860.8 square feet).

Existing Zoning
and Use

R-2 (Single Family Dwelling District) currently developed with a Church and Day Care Facility.

Overlay District

Suburban District

2027

Comprehensive
Future Land Use
Map Designation

R3-5 - Residential, 3 to 5 units per acre.

INTENT

The applicant is seeking a primary variance from Section 33.26.B.1.a of the Zoning Ordinance to allow for an additional monument sign along the Glenridge Drive street frontage of the property.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

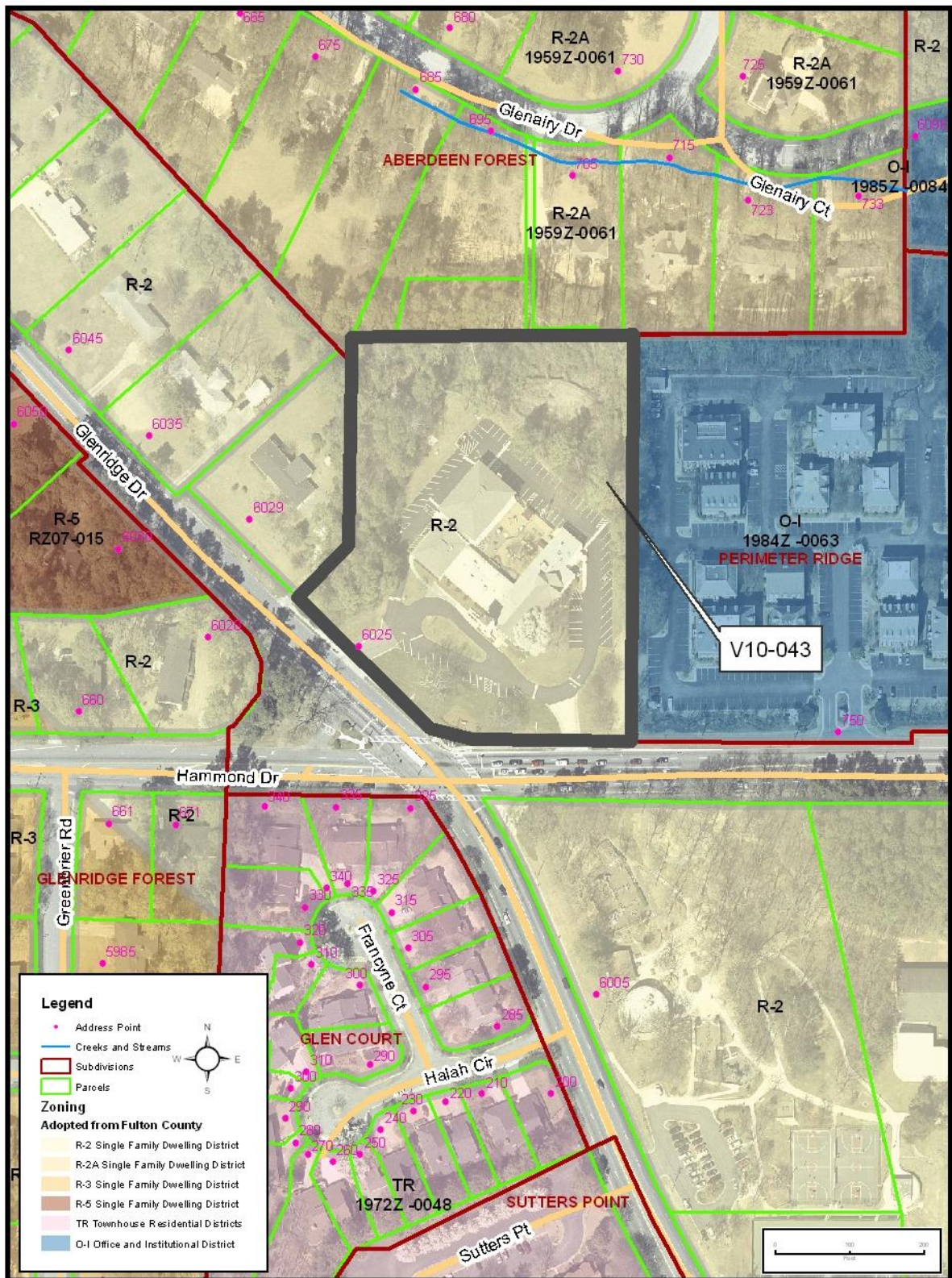
V10-043-1) DENIAL

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the January 25, 2011 DRB meeting. The request was recommended for DENIAL (5-1, Porter, Richard, Landeck, Mobley, and Ealick-Anderson for; Gregory against, Lichtenstein not voting).

Parcel Map

6025 Glenridge Drive



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V07-043

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The site is located at 6025 Glenridge Drive, on the east side of Glenridge Drive at the intersection with Hammond Drive in Land Lot 36 of the 17th District. The property is zoned R-2 (Single family District) and is located within the Suburban District of the Sandy Springs Overlay District.

The subject property is developed with a church and received a special use permit to operate a learning center. According to the applicant the center has operated at that location for the past 38 years. Recently, as a result of a renovation project to the church the sign that was identifying the learning center was removed, leaving the learning center without identification. The subject of this request is to place a sign on the property that tells where the center is and the variety of programs available.

The Sandy Springs Zoning Ordinance provides: Section 33.26.B.1.a

- a. One (1) maximum thirty-two (32) square foot, monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage.*

The property has two street frontages therefore allowed to have one sign per street frontage. The church has one existing sign on each street consequently that leaves the center without the opportunity to have a sign without a variance approval.

The applicant states that without the appropriate signage it is difficult to locate the learning center since the building is located behind the church building. The applicant also indicates that the signage is also for safety; without an identification sign it will be complicated for emergency vehicles or emergency assistance to find the school.

To resolve the school's concern, the applicant proposes to add a sign at the Glenridge entrance. Staff determined that a variance was needed to allow an identification sign for the learning center, as there are two existing signs identifying the church.

The applicant proposes to locate the new sign at the Glenridge road frontage with an area of twenty five (25) square feet, 6 feet tall.

Staff notices that the learning center has a wall sign on the north elevation of the building with no street visibility.

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.B.1.a of the Zoning Ordinance to allow for an additional monument sign along the Roswell Road (SR 9) street frontage of the property.

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:

Staff is of the opinion that the topography of the lot do not present any challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not 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 natural features of the lot do not impact visibility of the sign from the adjoining public roads. Therefore, based on these reasons the staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on January 5, 2011 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	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

RECOMMENDATION:

Staff recognizes that the location of the learning center behind the church building creates some limitations to identify the existence of the center. At the same time, Staff recognizes the existence of the church is overpowering the need to add more signage at this location as the church building is very close to the street and has two (2) identification signs.

The Staff notes that the signs on Glenridge Road will be located at a distance of approximately eighty- eight (88) feet and approximately sixty (60) feet from the Glenridge Road and Hammond Drive intersection. There will be two (2) signs for the motorists to read at the high speed of a major road, while traveling less than 200 feet of road frontage. A motorist traveling on either direction would not have sufficient time to identify the business and adequately determine access locations. Staff is concerned, with respect to traffic safety, about the proliferation of distracting signs along major roadways. Therefore, based on these reasons the staff recommends **DENIAL** of this variance.

Recommended Conditions:

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

1. To allow for an additional Identification monument sign for the Learning Center adjacent to the Glenridge entrance, to be installed pursuant to the sign detail depicting the sign location submitted by the applicant, and dated received December 7, 2010 by the Department of Community Development.
2. The proposed sign shall not exceed thirty-two (32) square feet of sign area and six (6) feet in height pursuant to the sign design detail, submitted by the applicant, dated received December 7, 2010 by the Department of Community Development.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, Letter of appeals.



Variance Petition No. V10-044

HEARING & MEETING DATES

Board of Appeals Hearing
February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
SVF ALARA Highland, LLC	ALARA Highland Park Apartments	Denyse/Michael Norton

PROPERTY INFORMATION

Address, Land Lot, and District.	100 Highland Park Trail Land Lots 385 and 386 - District 18 and 362 and 363 - District 06.
Council District	1
Frontage and Area	864.26 feet of frontage along the northerly side of Northridge Pkwy, 652.07 feet of frontage along the westerly side of Dunwoody Place and 601.47 feet along the southerly of Hightower Trail. The subject property has a total area of 10.847 acres (472,495.32 square feet).
Existing Zoning and Use	A-L (Apartment Limited Dwelling District) conditional under Fulton County zoning case 94Z-009, currently developed with apartments.
Overlay District	NA
2027 Comprehensive Future Land Use Map Designation	O- Office

INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance as follows:

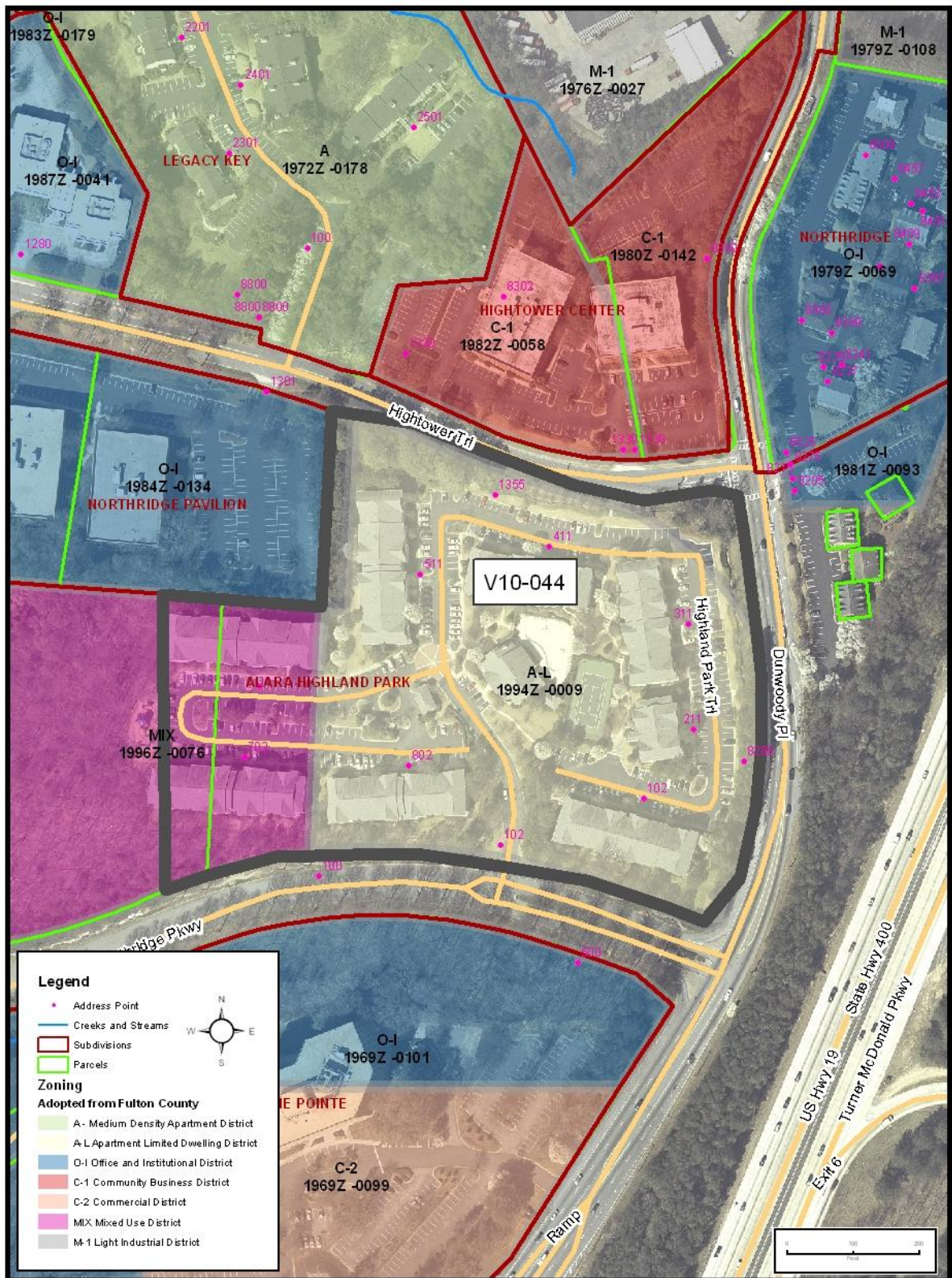
- 1) Section 33.26.C.1 to allow an additional monument sign located not at the entrance to the development, and
- 2) Section 33.22.C to reduce the setback from the right-of-way from ten (10) feet to one (1) foot.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-044- 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL

Parcel Map

100 Highland Park Trail



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V10-044

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The subject site is located at 100 Highland Park trail, on the northerly side of Northridge Pkwy at the intersection with Dunwoody Place. This property has frontage on Northridge Parkway, Dunwoody Place and Hightower Trail. The property is zoned A-L (Apartment Limited Dwelling District) conditional under Fulton County zoning case 94Z-009 and is currently developed with apartments. The subject property has a total area of 10.847 acres.

The zoning ordinance provides for residential developments to have either a one (1) maximum thirty-two (32) square foot entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of the development's entrance. This apartment complex has its main entrance on Northridge Parkway at which there is an identification monument sign. The subject of these variances is to allow an identification monument sign at the intersection of Northridge Parkway and Dunwoody Place instead of adding an additional sign at the entrance. The ordinance allows signs on a multi-family development at the entrance to the development.

The Sandy Springs Zoning Ordinance provides: Section 33.26.C.

1. *(amended 04/21/09, TA09-002, Ord. 2009-04-19) One (1) maximum thirty-two (32) square foot entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of the development's entrance shall be permitted for each street on which the multi-family property or property occupied with an institutional use has up to and including five hundred (500) linear feet of frontage. The sign shall have a maximum height of six (6) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted. Notwithstanding the foregoing, monument signs on arterial streets may be ten (10) feet in height.*

The City is installing sidewalk along the Dunwoody Place property frontage to be connected to the side walk along the Northridge Parkway. The applicant, considering the road improved with the pedestrian walkway, would like to take the opportunity to better identify the apartment community with a new monument style sign, using similar materials to the existing sign located at the property entrance on Northridge Parkway. The applicant states that the addition of this sign at the proposed location would better identify the community towards the more traveled prospect on Dunwoody Place Road.

In addition, the applicant proposes to reduce the sign setback from the right-of-way from ten (10) feet to one (1) foot from the right-of-way stating that this request will improve the

visibility of the sign because if placed further back the sign would not be seen due to the trees in the landscape strip.

The Sandy Springs Zoning Ordinance provides: Section 33.22.C

Setback (amended 04/20/10, TA10-, Ord. 2010-04-10).

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) feet 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 proposed sign is twenty (20) square feet in area and six (6) feet height, made out of stone to match the sign at the entrance on Northridge Parkway.

Section 33.12.D. Standards

Standards for Consideration

Zoning Ordinance

- 1) Section 33.26.C.1 to allow an additional monument sign located not at the entrance to the development.

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:

Staff is of the opinion that the lot presents topographical challenges along the front of the property on Northridge Parkway, impacting the visibility of the sign from the adjoining public roads. Therefore, based on these reasons 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:

In a visit to the site Staff observed that the property has a landscape strip along the perimeter of the property with fully developed vegetation in addition to the

topographical changes, limiting drivers' vision. Any one driving north on Dunwoody Place will not have an opportunity to see the sign at the entrance of the property prior to passing the intersection. Having a sign at the corner of Northridge Parkway and Dunwoody Place would enable the drivers to make an identification of the business. The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication, to improve traffic and pedestrian safety. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

- 2) Section 33.22.C to reduce the setback from the right-of-way from ten (10) feet to one (1) foot.

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 proposed location of the sign present some challenges to the applicant to comport with the strict standard of the ordinance. The grading changes precludes the applicant from locating the sign ten (10) feet from the right-of-way. If the sign was to be located at ten feet from the right-of-way, it would not be seen. Therefore, based on these reasons 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:

Staff finds that at the proposed sign location there is a chainlink fence, which would impact the sign visibility if located behind it. In addition, this corner has a lot of trees, limiting the options for the sign location. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on January 5, 2011 at which 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	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. When approaching the site traveling northbound or southbound along Dunwoody Place, the existing sign does not; provide information about the development, because can't be seen as is away from the major access road and is obscured for the most part by the vegetation on front of the property. Therefore motorists traveling in either direction don't have sufficient time to identify the business and adequately determine access locations. Staff is of opinion that the approval of this variance request would be in harmony with the general intend of the Zoning Ordinance and the public will be well served having the ability to reasonably identify the location of the development. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

Recommended Conditions:

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

1. To allow an additional Identification monument sign at the intersection of Northridge Pkwy and Dunwoody Place.
2. The sign shall not exceed twenty (20) square feet of sign area; six (6) feet in height pursuant to the sign detail, submitted by the applicant, and dated received December 7, 2010 by the Department of Community Development.
3. That the sign shall be located not less than one (1) foot from the right-of-way, pursuant to the site plan provided by the applicant dated received, December 7 2010 by the Department of Community Development.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, letter of appeals and photos of the site



Variance Petition No. V10-045

HEARING & MEETING DATES

Board of Appeals Hearings
February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
DDR MDT Perimeter Point, LLC	Tilted Kilt Perimeter, LLC	Taylor Hadaway Assoc. AIA

PROPERTY INFORMATION

Address, Land Lot, and District.	1155 Mt Vernon Highway Land Lot 19, District 17
Council District	5
Frontage and Area	Approximately 1,025.0 feet of frontage along the eastern side of Mt Vernon Hwy and approximately 444.0 feet along the northern side of Perimeter Center West. The subject property has a total area of 29.10 acres (123,240.0 square feet).
Existing Zoning and Use	C-1 (Community Business District) under Sandy Springs Zoning case RZ09-006 currently developed with a shopping Center.
Overlay District	PCID District

2027 Comprehensive Future Land Use Map Designation	LWR – Living Working Regional
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INTENT

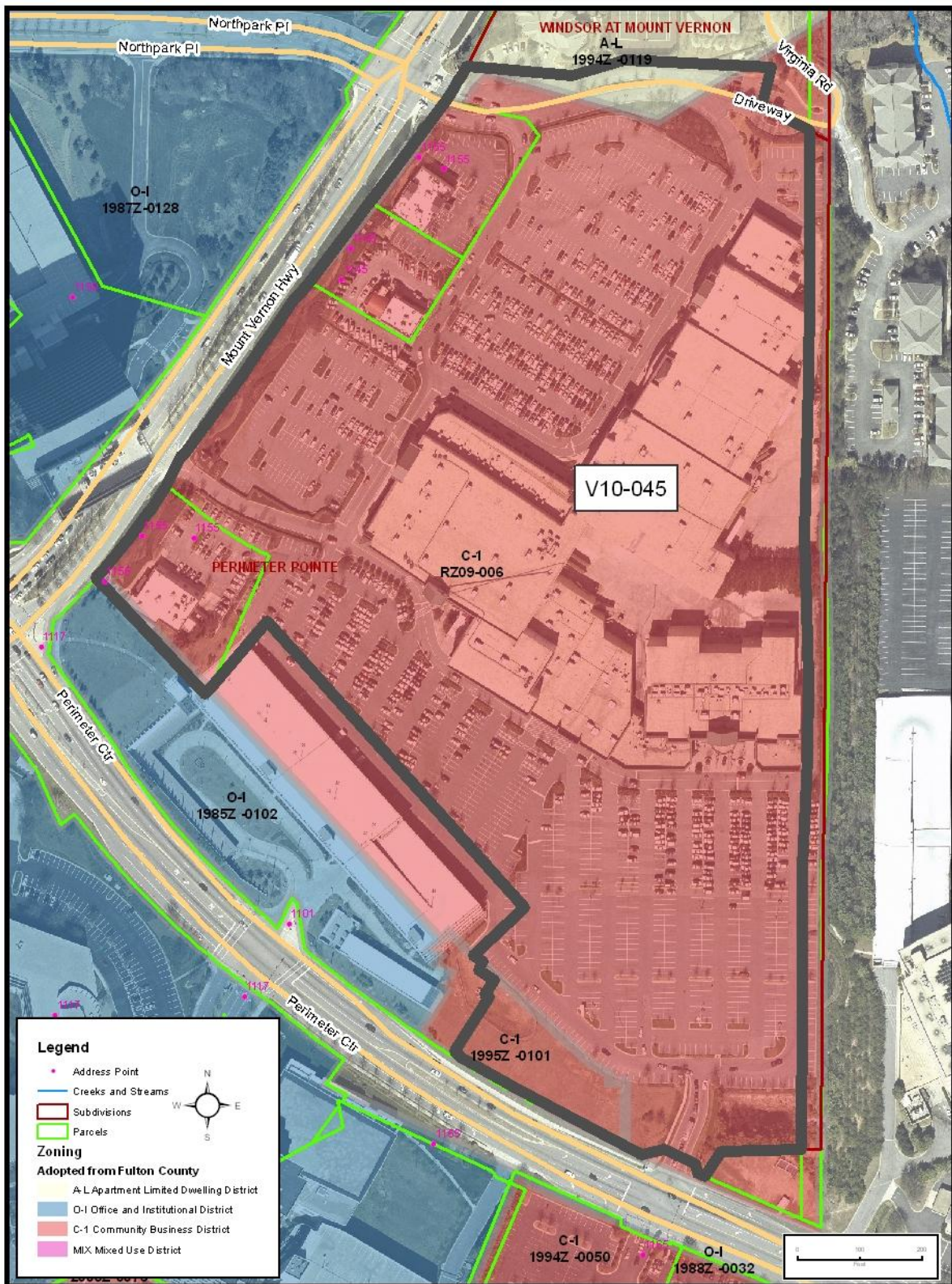
The applicant is seeking a primary variance from Section 33.26.F.2 of the Zoning Ordinance to allow a wall sign on a non-street facing wall (northeast elevation).

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-045- 1) APPROVAL CONDITIONAL

Parcel Map

1155 Mount Vernon Highway NE



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 10, 2011

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V10-045

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The subject of this variance is a parcel located at 1155 Mount Vernon Hwy at the intersection of Mount Vernon Hwy and Perimeter Center West. This property is zoned C-1 (Community Business District) under Sandy Springs zoning case RZ09-006 currently developed with a shopping Center.

The applicant is a tenant in a stand alone building within the Perimeter Point Shopping Center, located on the southwest corner of the property housing a restaurant. The building has signs on the northwest elevation facing Mount Vernon Hwy and on the south elevation facing Perimeter Center West. The subject request is to allow the applicant to install a wall sign on a wall located on the northeast wall elevation of the building. This wall is not street facing.

The Sandy Springs zoning ordinance provides:

Wall Signs. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business. Wall sign(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

It is the applicant opinion that having a sign on the northeast elevation of the building is more effective than the sign on the northwest elevation, because the northeast elevation is more visible from the parking lot and the single entry drive.

The proposed sign will be located on a wall that has approximately 1,483.27 square feet. The proposed sign is approximately 38.75 sqft. The sign will be a typical flush mounted channel letter sign internally illuminated. The applicant has indicated that the purpose for this variance is mainly to provide visibility for the business.

Standards for Consideration

Zoning Ordinance

1. Section 33.26.F.2 to allow a wall sign on a non-street facing wall (northeast elevation).

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 has a berm along the street frontage with fully developed vegetation that partially block the building from the passing traffic. Staff is of the opinion that the lot presents topographical challenges along the front of the property on Mount Vernon Hwy, impacting the visibility of the sign from the adjoining public roads. Therefore, based on these reasons 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 landscape strip along the perimeter of the property with fully developed vegetation in addition to the topographical changes, limits the visibility of the building. The applicant stated that there are many variables taken into consideration with sign imaging. One of the most important variables is ensuring ease identification and safe identification for passing motorist. The applicant also stated that the site is surrounded by buildings and trees, not allowing the ease visibility from the two road frontages of the property. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on January 5, 2011 at which 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	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. The existing signs on the building can't be seen, because are obscured for the most part by the vegetation and berm on front of the building. Therefore motorists traveling south will be able to identify the restaurant and adequately determine access locations. Staff is of opinion that the approval of this variance request would be in harmony with the general intend of the Zoning Ordinance and the public will be well served having the ability to reasonably identify the location of the restaurant. Therefore, based on these reasons the staff recommends **APPROVAL CONDITIONAL** of this variance.

Recommended Conditions:

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

1. To allow a wall sign on the northeast elevation of the building not exceeding 5% of the applicable wall pursuant to the sign design detail, submitted by the applicant, dated received December 7, 2010 by the Department of Community Development.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, building elevations Letter of appeals and Photos.



Variance Petition No. V10-047

HEARING & MEETING DATES

Design Review Board

January 11, 2011

Board of Appeals Hearing

February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

The Exchange At Hammond
LLC

Petitioner

Whole Foods Market, Inc.

Representative

Jennifer McCormick

PROPERTY INFORMATION

**Address, Land Lot,
and District.** 5930 Roswell Road (SR 9)
Land Lot 90, District 17

Council District 3

Frontage and Area Approximately 630 feet of frontage along the west side of Roswell Road (SR 9) and approximately 967.3 feet of frontage along the south side of Hammond Drive. The subject property has a total area of 13.2 acres (574,992 square feet).

**Existing Zoning
and Use** C-1 (Community Business District) conditional under Fulton County 58Z-025, currently developed with a shopping center

Overlay District Main District

2027

**Comprehensive
Future Land Use
Map Designation**

LWC - Living Working Community

INTENT

The applicant is seeking a primary variance from Section 33.26.F.5 of the Zoning Ordinance to allow banners to be displayed 12 times per calendar year.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-047- 1) DENIAL

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the January 25, 2011 DRB meeting. The request was recommended for APPROVAL (6-0, Porter, Richard, Landeck, Mobley, Gregory, and Ealick-Anderson for; Lichtenstein not voting.) with the following conditions:

- 1) The sign shall be located next to the entrance door as presented.
- 2) Sign shall be limited to twenty-four (24) square feet.
- 3) Sign shall only be displayed for fourteen (14) days per month.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on February 10, 2011

5930 Roswell Road (SR 9)



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V10-047

STAFF CONTACT: Cristina Nelson, City Planner 770-206-1516
E-mail: cristina.nelson@sandyspringsga.org

ANALYSIS:

The site is located at 5930 Roswell Road (SR 9), on the west side of Roswell Road (SR 9) at the intersection with Hammond Drive in Land Lot 90 of the 17th District. The property is zoned C-1 (Community Business District) conditional under Fulton County zoning case Z58-025 and is located within the Main District of the Sandy Springs Overlay District.

The applicant is seeking a primary variance from Section 33.26.F.5 of the Zoning Ordinance to allow banners to be displayed 12 times per calendar year.

The Sandy Springs Zoning Ordinance provides:

Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. In the case of lots which contain multiple businesses, each business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet, or shall not extend more than five (5) feet above grade when on the ground.

The applicant is requesting to be allowed to display one banner per month instead of three banners per calendar year. The applicant justifies their request as follows: "as a grocer, our business is reliant on product sales and our ability to communicate with our customers is critical to the basic operation of our business. Our primary method of communication is signage and we rely on our entrance banners to alert customers to sales, promotions and new seasonal items. Because we are committed to the environment and to reducing waste, we must be able to convey vital information to the majority of our customers with minimal use of paper flyers and other handouts. Therefore, entrance banners are a critical element in allowing our business to communicate with customers and remain financially successful". In addition the applicant states, "the area where we place our banner is adjacent to our entrance under the canopy, which faces our parking lot not visible from Roswell Road, so there is no risk of a driver being distracted by the banner and causing an accident. Therefore, this variance if granted would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional reasonable level of signage for Whole Food Market". The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. The sign simply serves to alert the customers to sales and seasonal specials as they enter the store.

The proposed banners are to meet the size standards of the zoning ordinance.

Standards for Consideration

Zoning Ordinance

1. Variance from Section 33.26.F.5 of the Zoning Ordinance to allow banners to be displayed 12 times per calendar year.

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:

Staff is of the opinion that the topography of the lot does not present any challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not 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 natural features of the lot do not impact visibility of the sign from the adjoining public roads to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on January 5, 2011 at which 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	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance(s) request.

Recommended Conditions:

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

1. To allow twelve banners be permitted per year, one per month.
2. That the sign area shall not exceed thirty-two (32) square feet.
3. That the banners shall be located at the proposed location, adjacent to the main entrance under the canopy facing Hammond Drive pursuant to the sign location,

submitted by the applicant, dated received December 8, 2010 by the Department of Community Development.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, Letter of appeals.



Variance Petition No. V10-034

HEARING & MEETING DATES

Board of Appeals Hearing

February 10, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Griffin 6075 Roswell Road Partners, LLC	Griffin 6075 Roswell Road Partners, LLC	Abbas Heidari

PROPERTY INFORMATION

Address, Land Lot(s), and District	6077 Roswell Road Land Lot 89, District 17
Council District	3
Frontage	Approximately 74.77 feet of frontage on Roswell Road
Area	The subject property has a total area of approximately 16,152 square feet.
Existing Zoning and Use	The lot is zoned C-1 (Community Business District) The property is currently undeveloped.
Overlay District	Main Street
2027 Comprehensive Future Land Use Map Designation	LWC (Live Work Community) Node 8: Town Center

INTENT

The applicant is proposing to construct a 900 square foot restaurant. The request is to reduce the minimum required building height from twenty-five (25) to sixteen (16) feet, nine (9) inches and to exceed the maximum allowance for primary color from ten (10) percent to twenty-three (23) percent. The applicant is requesting two (2) primary variance from the Zoning Ordinance:

- 1) Section 12B.8.E.2 to reduce the minimum building height from 25 feet to 16 feet 9 inches
- 2) Section 12B.8.G to increase the maximum allowance for primary or fluorescent accent colors from 10% to 23%.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-034 - 1) DENIAL

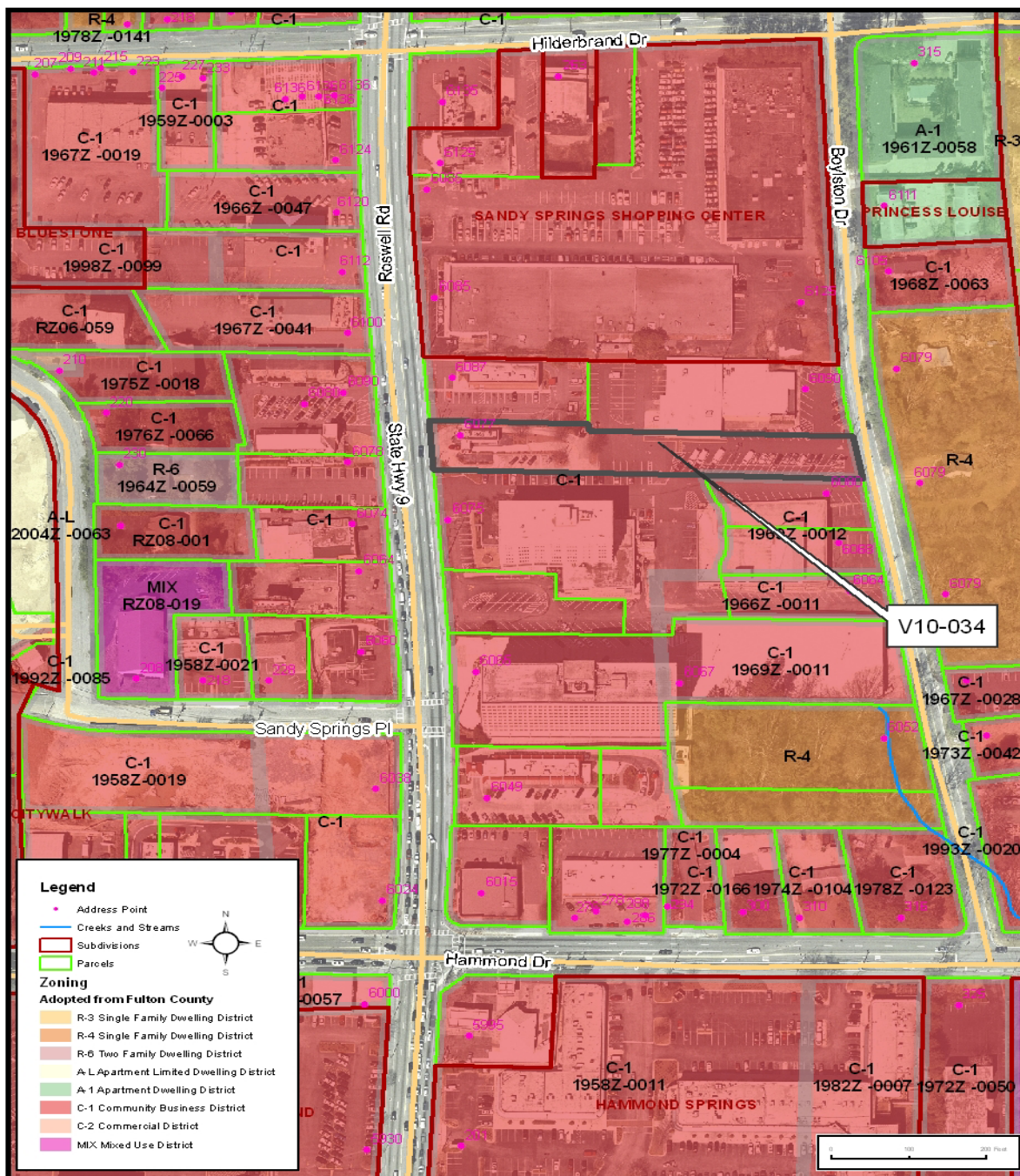
V10-034 - 2) DENIAL

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the December 14, 2010 Design Review Board meeting. The Board recommended **approval** of the Variance #1 from Section 12B.8.E.2 to reduce the minimum building height from 25 feet to 16 feet 9 inches and **denial** of the Variance #2 from Section 12B.8.G to increase the maximum allowance for primary or fluorescent accent colors from 10% to 23%. (5-0, Porter, Richard, Landeck, Mobley, and Westmoreland for; Gregory absent; Lichtenstein not voting.)

Parcel Map

6077 Roswell Road (SR 9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on January 13, 2010

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

CASE NUMBER: V10-034

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is proposing to construct a 900 square foot restaurant. The applicant is requesting two (2) primary variances from the Zoning Ordinance: from Section 12B.8.E.2 to reduce the minimum building height from 25 feet to 16 feet 9 inches and Section 12B.8.G to increase the maximum allowance for primary or fluorescent accent colors from 10% to 23%.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 74.77 feet of frontage on Roswell Road (SR9) and extends east approximately 215 feet. The property is rectangular in shape. The size of the parcel is 16,152 square feet. The site currently has a slab from the demolition of the pervious tenant (Checkers). The site plan (exhibit 1) also shows the proposed 900 square foot building over the existing slab and 6 parking spaces. The site is flat except for a slight change of two (2) feet in topography on the west and south elevations.

The surrounding lots in the immediate vicinity are zoned C-1(Community Business District), which is the same zoning as the subject property. Other buildings in the vicinity are less then twenty-five (25) feet in height. However, those building were built prior to the adoption of the Main Street District Design Standards and the incorporation of the City of Sandy Springs.

Standards for Consideration

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:

Relief from this requirement is not in harmony with the intent of the Zoning Ordinance and could be a detriment to the Main Street Overlay District. The Sandy Springs City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City are worthy of enhancement and preservation and are essential to the promotion of the health, prosperity, safety and general welfare of the existing and future residents of Sandy Springs. The City Council has adopted Design

Standards to provide a template to achieve the aesthetic to enhance the Main Street Overlay District. Adjacent properties have heights less than the required twenty-five (25) feet. However, those building were built prior to the adoption of the Main Street District Design Standards and the incorporation of the City. Additionally, adjacent building do not exceed the maximum ten (10) percent primary color requirement. Therefore, staff is of the opinion this condition has not 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 subject parcel is similar to other commercial properties in the Main Street District. The property has a slight change in topography of two (2) feet in topography on the west and south elevations. The subject property has approximately 74.77 feet of frontage on Roswell Road (SR9) and extends east approximately 215 feet. The property is rectangular in shape. The size of the parcel is 16,152 square feet. The size, shape and topography of the existing lot does not create an extraordinary and exceptional condition as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not 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 on December 1, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ If the BOA decides to approve the rezoning a condition could be added to required the installation of the overlay requirements.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance requests.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received October 5, 2010 by the Department of Community Development.
2. To reduce the required height of twenty-five (25) feet to sixteen (16) feet nine (9) inches as identified in the Letter of Appeal dated received November 1, 2010 by the Department of Community Development.
3. To increase the maximum allowance for primary or fluorescent accent colors from ten (10) percent to twenty-three (23) percent identified in the Letter of Appeal dated received November 1, 2010 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal

Site plan (exhibit 1)

Elevations (exhibit 2)

Photographs



Variance Petition No. V10-037

HEARING & MEETING DATES

Board of Appeals Hearing

February 10, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner
Gaylord O. Coan

Petitioner
Gaylord O. Coan

Representative
Greg Dean

PROPERTY INFORMATION

Address, Land Lot(s), and District
5765 Northside Drive
Land Lot 206, District 17

Council District
3

Frontage
Approximately 887.42 feet of frontage on the north side of Northside Drive

Area
The subject property has a total area of approximately 1.997 acres

Existing Zoning and Use
The lot is zoned R-1 (Single-family Dwelling District). The property is currently undeveloped.

Overlay District
N/A

2027

Comprehensive Future Land Use Map Designation
R0-1 Residential (0-1 units per acre)

INTENT

The applicant is proposing to construct a single family residence, pool, pool deck, pool equipment, retaining wall, a studio and a green house on a currently undeveloped property. The applicant is requesting five (5) primary variances from the Stream Buffer Protection Ordinance, the Zoning Ordinance, and from the Development Regulations Ordinance:

- 1) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 50 feet to allow for the construction of a single family residence, pool, pool deck, pool equipment, retaining wall, a studio and a green house.
- 2) Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence.
- 3) Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow an accessory structure (green house).
- 4) Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio).

- 5) Section 103-73 of the Development Regulations Ordinance to reduce the required ten (10) foot driveway setback to three (3) feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-037 - 1) APPROVAL CONDITIONAL

V10-037 - 2) APPROVAL CONDITIONAL

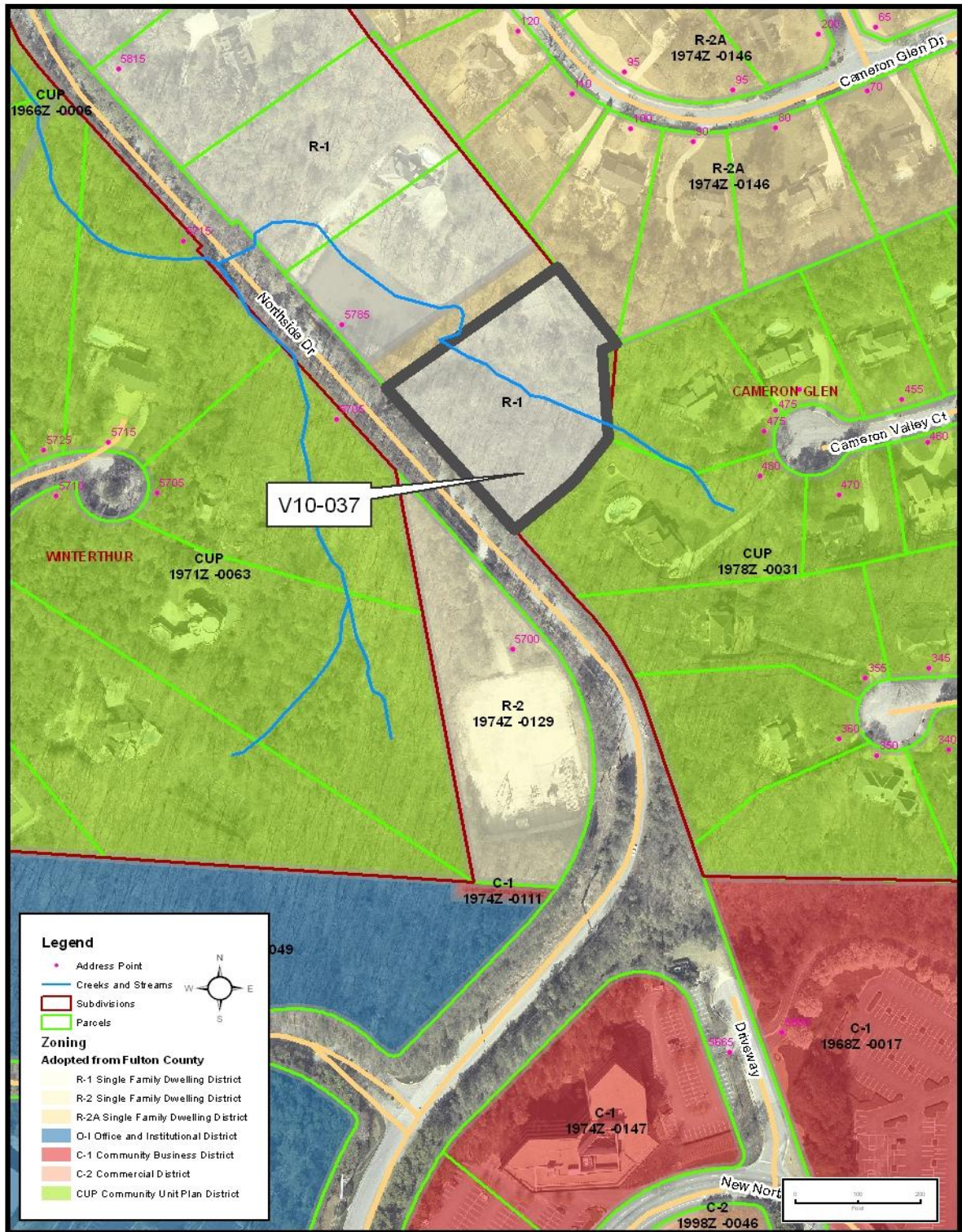
V10-037 - 3) APPROVAL CONDITIONAL

V10-037 - 4) APPROVAL CONDITIONAL

V10-037 - 5) APPROVAL CONDITIONAL

Parcel Map

5765 Northside Drive



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

CASE NUMBER: V10-037

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a.1 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 50 feet to allow for the construction of a single family residence, pool and pool deck, pool equipment, retaining wall, a studio and a green house. The proposed encroachments will only impact the twenty-five (25) foot impervious setback. The applicant is also requesting relief from the following sections of the Zoning Ordinance: Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence; Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow a accessory structure (green house) and Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio); additionally , the applicant is requesting a variance from Section 103-73 of Development Regulations to reduce the required ten (10) foot driveway setback to three (3) feet.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 887.42 feet of frontage on Northside Drive. The property is trapezoidal in shape. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream runs through the center of the site from west to east for approximately two hundred seventy-five (275) feet. The stream buffers cover approximately three-fourths of the buildable area of the lot. Eight-nine (89) percent (exhibit 4) of the lot is unbuildable when the stream buffer and setback requirements are strictly applied. The site plan also shows a twenty (20) foot sanity sewer easement running from the southwest corner of the property for one hundred twenty (120) feet then turning east running parallel to the creek across the site.

Total Site Area	86,989 SF
Existing Impervious Surface	2,070 SF (Tennis Court)
Proposed Encroachment into 25 Foot Impervious Setback	
House and Pool	1,257 SF
Green House	545 SF
Studio	714 SF
Total Impervious Surface	2,516SF

Staff notes the surrounding properties are zoned R-1 (Single Family Dwelling District) and R-2A to the north, CUP (Community Unit Plan District) to the east, CUP (Community Unit Plan District) and R-2 (Single Family Dwelling District) to the South, and CUP (Community Unit Plan District) to the west. The stream also effect portions of adjacent properties.

Standards for Consideration

VARIANCE #1

1. Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 50 feet to allow for the construction of a single family residence, pool, pool deck, pool equipment, retaining wall, a studio and a green house.

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffers cover approximately three-fourths of the buildable area of the lot. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream runs through the middle of the site from west to east for approximately two hundred seventy-five (275) feet. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffers cover approximately three-fourths of the buildable area of the lot. Eight-nine (89) percent of the lot is unbuildable when the stream buffer and setback requirements are strictly applied. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property is trapezoidal in shape. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream buffers cover approximately three-fourths of the buildable area of the lot. The property does exhibit some topographic challenges relation to the requested variances. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and buffers on the property have been identified on the site plan (exhibit 1). The stream runs through the center of the site from west to east for approximately two hundred seventy-five (275) feet. The stream buffers cover approximately three-fourths of the buildable area of the lot.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the site plan (exhibit 1). The proposed house and swimming pool will encroach 1,257 square feet into the 75 foot impervious setback. The proposed studio will encroach 714 square feet and the proposed greenhouse will encroach 545 square feet into the 75 foot impervious setback on the rear of the property. Therefore, staff is of the opinion this condition has been satisfied.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with staff regarding this property. However, the applicant is requesting setback variances to decrease the amount of encroachment into the stream buffers. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced for building additions and/or other improvements, downspouts shall be directed into a rain garden or a Best Management Practices (BMP) filtration detention device. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

VARIANCE #2-5

- 2) Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence.
- 3) Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow an accessory structure (green house).
- 4) Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio).
- 5) Section 103-73 of the Development Regulations Ordinance to reduce the required ten (10) foot driveway setback to three (3) feet.

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. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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:

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public. Adjacent properties have encroachments into the 75 foot buffer (25 foot impervious setback and 50 foot undisturbed buffer). The applicant is requesting setback variances to decrease the amount of encroachment into the stream buffers. Also, the applicant's proposed driveway encroachment will be located on top of a retaining wall. The retaining wall would be permitted within ten (10) feet of the property line without obtaining a variance. Therefore, staff is of the opinion this condition has not been satisfied.

Section 22.3.1.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,

Findings:

Staff is of the opinion that the subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The property is trapezoidal in shape. The lot slopes from the 948 feet from southeast corner along Northside Drive to 894 feet to the creek. The property then slopes upward from 894 feet at the creek to 918 feet to the Northwestern corner. The front portion of the lot has a significant slope dropping approximately fifty-four (54) feet within two hundred ten (210) feet (exhibit 1) to the creek. The stream runs through the center of the site from west to east for approximately two hundred seventy-five (275) feet. The stream buffers cover approximately three-fourths of the buildable area of the lot. Eight-nine (89) percent (exhibit 4) of the lot is unbuildable when the stream buffer and setback requirements are strictly applied an extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.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 on December 1, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Significant attempts to minimize encroachments into regulatory setbacks and buffers noted
	Sandy Springs Landscape Architect/ Arborist	How does the applicant plan to get from the house to the studio and greenhouse? <i>There will be a foot path connecting the house to the greenhouse and studio.</i>
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests. Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to encroach into the stream buffer.

Recommended Condition(s)

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

- 1) The subject addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received November 2, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to fifty (50) feet (proposed structure encroachment of forty-seven (47) feet and limits of disturbance of three (3) feet for a total encroachment of fifty (50) feet) to allow single family residence, pool and pool deck, pool equipment, retaining wall, a studio and a green house, where necessary to accommodate the portion of the encroachment only.
- 2) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
- 4) Variance from Section 6.1.3.B to reduce the required front yard setback from 60 feet to 54 feet to allow for a single family residence as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.
- 5) Variance from Section 6.1.3.C to reduce the required side yard setback from 25 feet to 22.5 feet to allow an accessory structure (green house) as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.
- 6) Variance from Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow an accessory structure (studio) as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.
- 7) Variance from Section 103-73 of the Development Regulation to reduce the required ten (10) foot driveway setback to three (3) feet as shown on the site plan provided by the applicant dated received November 2, 2010 by the Department of Community Development.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Existing Conditions (exhibit 2)
Encroachment Areas (exhibit 3)
Buffers and Setback areas (exhibit 4)
Studio floor plans
Access and Indemnity Agreement
Photographs



Variance Petition No. V10-038

HEARING & MEETING DATES

Board of Appeals
February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
U. S. REIF Lakeside Commons Georgia, LLC	Argosy Education Group, Inc.	Mark W. Forsling (Attorney)

PROPERTY INFORMATION

Address, Land Lot, and District	980-990 Hammond Drive Land Lot 18, District 17
Council District	5
Frontage and Area	Approximately 503 feet of frontage along the north side of Hammond Drive. The subject property has a total area of 10.451 acres.
Existing Zoning and Use	O-I (Office & Institutional District) conditional under Fulton County zoning case Z95-054. The property is currently developed with office buildings.
Overlay District	PCID (Perimeter Community Improvement District)
2027 Comprehensive Future Land Use Map Designation	LWR (Living-Working Regional) Node 6: PCID

INTENT

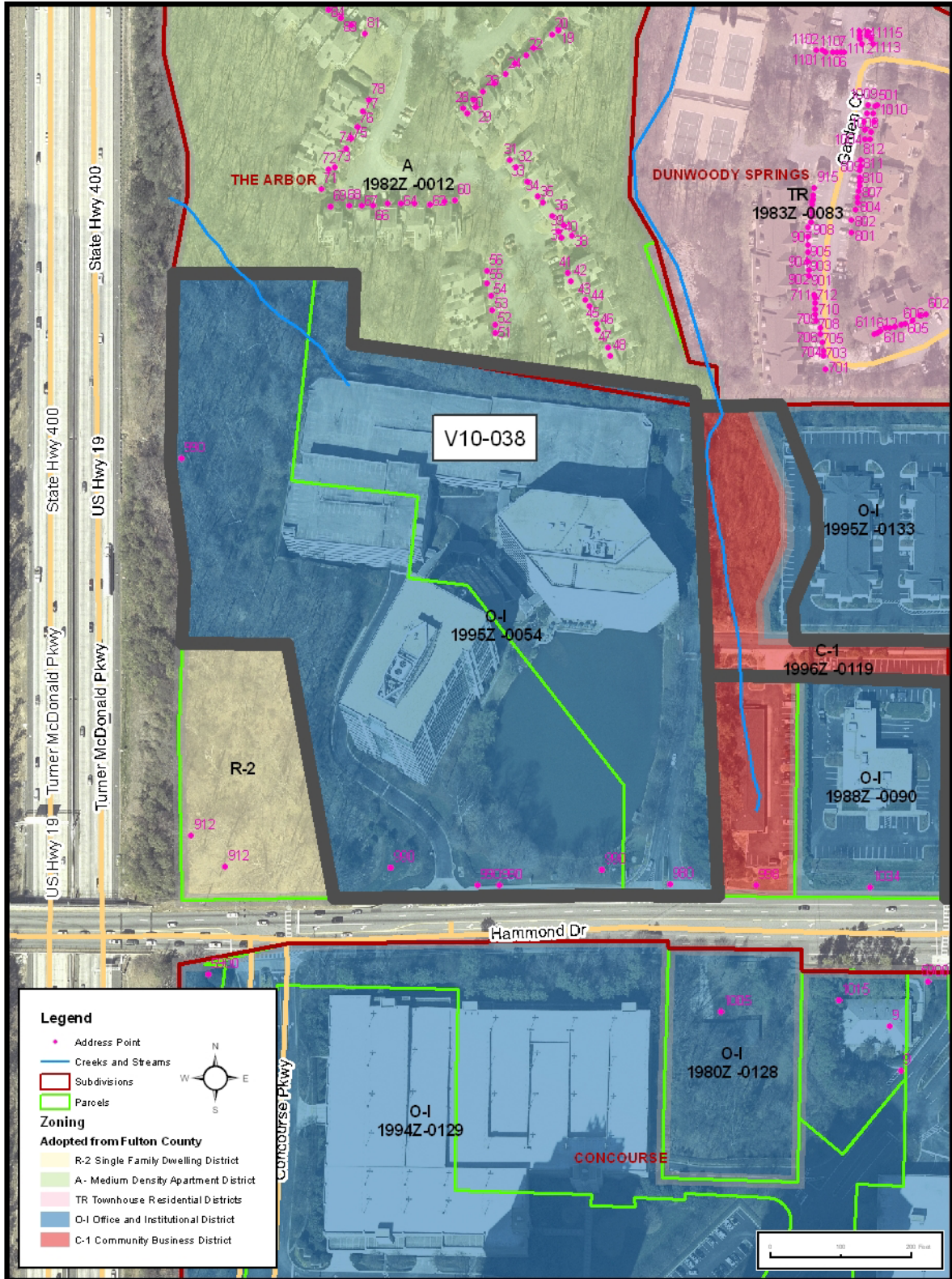
The applicant is requesting a primary variance from Section 33.26.D.2 of the Zoning Ordinance to allow for a wall sign on a wall that is not exterior to the business.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-038-1. APPROVAL CONDITIONAL

Parcel Map

980 & 990 Hammond Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on February 10, 2011

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V10-038

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

Findings of Fact:

The site is located at 980-990 Hammond Drive situated on the northeastern side of Hammond Drive east of Georgia Highway 400. The site is zoned O-I (Office & Institutional District) pursuant to Z95-054FC and approved for the Lakeside Commons Office Park. The property is located within the PCID (Perimeter Community Improvement District) of Sandy Springs.

The subject property is a 10.451 acres (455,245.56 sq ft), developed with two office buildings and two parking decks. The property is comprised of tract one and tract two and identified as 980 Hammond Drive and 990 Hammond Drive. Tract one, also known as Lakeside Common One is occupied with a fourteen story building and tract two also known as Lakeside Common Two, is occupied with an eleven story building. Lakeside Common One is located behind the lake, approximately 370 feet from the right-of-way of Hammond Drive and Lakeside Common Two is located along the western property line, approximately 120 feet from the right-of-way of Hammond Drive.

The subject of this variance is a tenant that houses the Argosy Education Group (the applicant) in building Lakeside Common Two. The applicant operates the Atlanta area branch of Argosy University with an attendance of over 2,600 students on a weekly basis at its campus here in Sandy Springs. The applicant is the largest tenant in the building; utilizes 82,606 square feet in the building, but does not have a sign identifying its location. The applicant states that of the four buildings constituting Lakeside Commons, only one building has a wall sign on the top of the building and is not readily identifiable from Hammond drive. In addition there are two tenant panels' signs interior to the property listing the tenants in each building.

The zoning ordinance provides (Section 33.26.D.2.):

Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

- a. *Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.*

The applicant is proposing to install a wall sign near the top of the 8-story parking deck building on the west elevation to capture visibility from the north and south bound traffic on Georgia Highway 400. Based on the above ordinance wall signs are allowed on the exterior wall of the business. This proposed location is not the exterior wall of the business. Therefore a variance is required.

The parking deck building elevation contains approximately 2,541 square feet of wall area (not including open spaces between floors). Per Section 33.26.D.2. *Wall Signs*, of the Sandy Springs Zoning Ordinance, wall signs are permitted up to 5% of the total wall area, or 180 square feet. The proposed sign area for the sign is approximately 96.75sqft. The sign proposed by the applicant meet the requirements of the ordinance in all aspect except with regard to the proposed location. The signs will be race mounted channel letter, internally illuminated.

Currently there is not a monument sign on the property that identifies the building at street level. The applicant states "Argosy University is requesting this variance so that the school can be recognized by vehicular traffic on Georgia Highway 400 and nearby roadways".

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.D.2. to allow for two (2) non street facing wall signs.

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:

Staff is of the opinion that the topography of the lot does not impact visibility of the sign from the adjoining public roads. Therefore, based on these reasons the staff is of the opinion this standard has not 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:

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional reasonable level of signage for the Argosy University. The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. The site has mature trees and shrubbery

along the south and west perimeter of the property blocking the visibility of the building from the Georgia Highway 400 for the most part. A motorist traveling south or north bound does not have sufficient time to identify the business and adequately determine access locations. For visitors trying to locate the building, the local vegetation obscures the building until you are immediately upon it creating potential safety hazard. The addition of the proposed sign would give the many school visitors an indication of their destination is approaching and signaling the need to make a safe transition to the exit. The ability to capture visibility and identification of this business is limited. The wall sign located near the top on the west elevation of the parking deck can be seen from long distances and give the motorist an indication of where the school is without having to travel to the next exit and having to turn around.

Staff is of the opinion that relief from this ordinance requirement will not compromise the public health, safety or welfare because the proposed sign will be out of the right- of- way and the ordinance allows for signs on street facing walls. Based on these reasons the staff is of the opinion this standard has been satisfied

Department Comments

The staff held a Focus Meeting on December 1, 2010 at which 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	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. Signs are a necessary component of a commercial environment. Staff is of opinion this variance request will not cause a detriment to the public, but will convey information to the general public. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of the variance request.

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

1. To allow for a wall sign on the western façade of the southernmost parking deck building to be installed pursuant to the sign detail and building elevation depicting the sign location submitted by the applicant, and dated received January 19, 2011 by the Department of Community Development.
2. The proposed sign shall not exceed 96.75sqft square feet and shall meet the standards of the Sandy Springs Zoning Ordinance.

ATTACHMENTS: Site Plans, Photos, Detail Drawings, Letter of Appeal.



Variance Petition No. V10-046

HEARING & MEETING DATES

Board of Appeals Hearing

February 10, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
Gia Partain

Petitioner
Gia Partain

Representative
Kevin Cotter

PROPERTY INFORMATION

Address, Land Lot(s), and District
55 Old Vermont Place
Land Lot 172, District 17

Council District
3

Frontage
Approximately 55.31 feet of frontage on Old Vermont Place.

Area
The subject property has a total area of approximately 28,767 square feet.

Existing Zoning and Use
The lot is zoned R-2A (Single Family Dwelling District) under Fulton County zoning case Z87-014. The property is currently developed with a residence.

Overlay District
N/A

2027

Comprehensive Future Land Use Map Designation
R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is proposing to construct a guest house, retaining wall, pool, pool deck, pool equipment, fire place and covered patio which will encroach into the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The applicant is requesting two (2) primary variances from the Stream Buffer Protection Ordinance and the Zoning Ordinance:

- 1) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for the construction of a guest house, retaining wall, pool, pool deck, pool equipment, fire place and covered patio.
- 2) Section 6.3.3.D to reduce the required rear setback from 40 feet to 10 feet to allow an accessory structure (pool house and fire place).

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

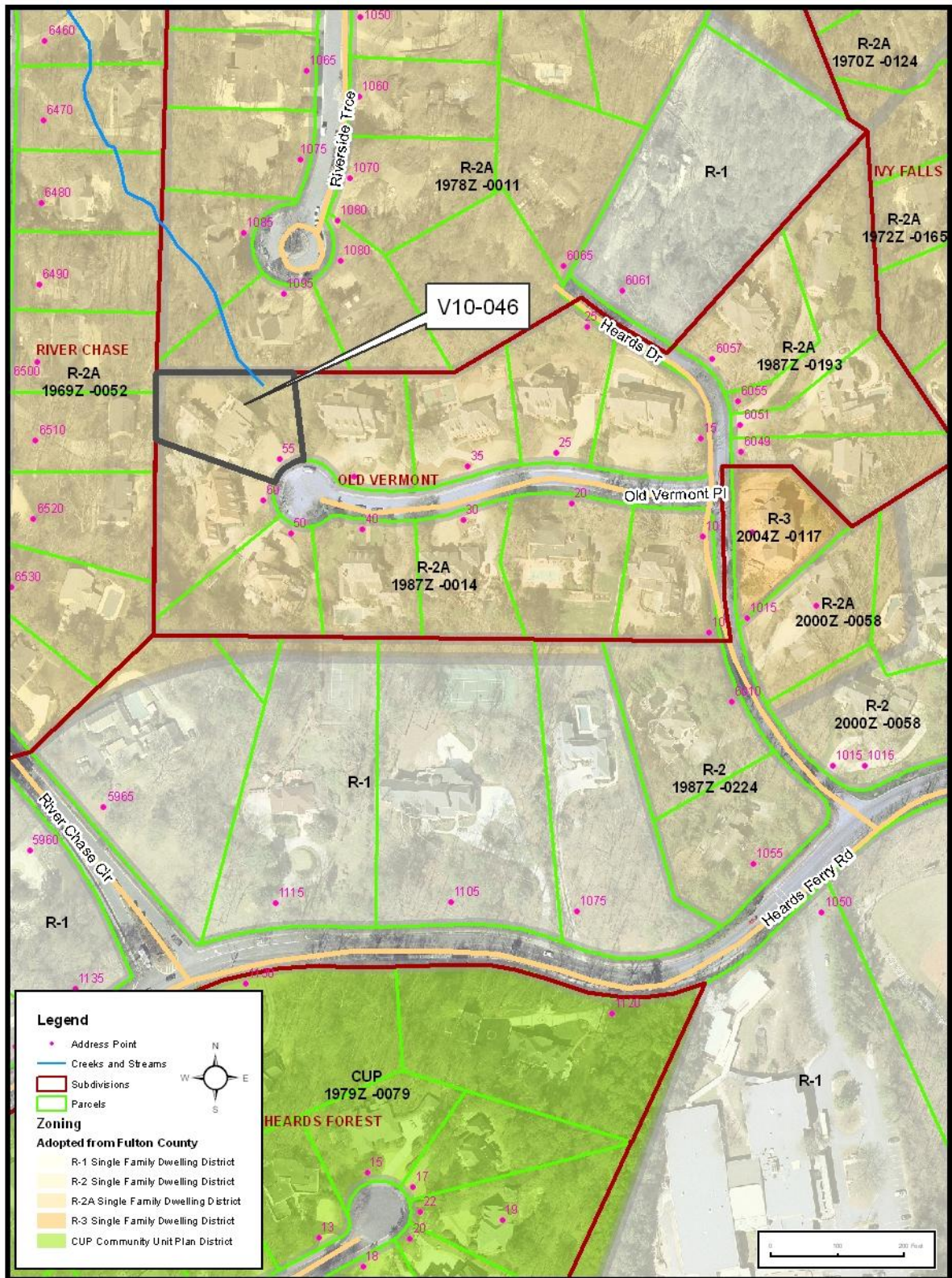
V10-046 - 1) APPROVAL CONDITIONAL

V10-046 - 2) APPROVAL CONDITIONAL

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on February 10, 2011

Parcel Map

55 Old Vermont Place



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

CASE NUMBER: V10-046

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: linda.abaray@sandyspringsga.org

Findings of Fact

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for the construction of a pool house, retaining wall, pool, pool deck, pool equipment, fire place and covered patio and from Section 6.3.3.D of the Zoning Ordinance to reduce the required rear setback from 40 feet to 10 feet to allow an accessory structure (pool house and fire place).

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 55.31 feet of frontage on Old Vermont Place. The property is trapezoidal in shape. The site plan (exhibit 1) show the property having two (2) rear setbacks. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. The stream begins at the headwall of an existing detention pond located on the northeast side of the lot. The stream runs approximately fifty (50) feet before exiting on the north property line. The stream buffers cover approximately one third of the buildable area of the lot in the rear yard. There is a twenty (20) foot sanity sewer easement running from the cul-de-sac to the creek. The site plan also shows the existing fire place located on top of an existing retaining wall which encroached into the rear setback three (3) feet and the stream buffer.

Staff notes the surrounding properties are zoned R-2A (Single Family Dwelling District), the same zoning as the subject property. The creek also bisects portions of adjacent properties. Also, some of the adjacent properties have encroachments in to the 75 foot stream buffer.

Standards for Consideration

VARIANCE #1

Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for the construction of a guest house, retaining wall, pool, pool deck, pool equipment, fire place and covered patio.

Section 109-225 of the Sandy Springs Code of Ordinances which includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each of these variance criteria followed by an analysis by staff:

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on February 10, 2011

Section 109-225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. The property is trapezoidal in shape. The site plan (exhibit 1) show the property having two (2) rear setbacks. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. The stream buffers cover approximately one third of the buildable area of the lot in the rear yard. The majority of the buildable area in the rear, level portion of the property is unbuildable without relief from the buffer requirement. Staff notes if the lot did not have the stream buffers the pool and pool deck would be allowed without a variance. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffers cover approximately one third of the buildable area of the lot in the rear yard. The majority of the buildable area in the rear, level portion of the property is unbuildable without relief from the buffer requirement. Therefore, the pool and pool deck would encroach in any remaining buildable location in the rear of the property. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property is trapezoidal in shape. The site plan (exhibit 1) show the property having two (2) rear setbacks. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. The stream buffers cover approximately

one third of the buildable area of the lot in the rear yard. Staff notes if the lot did not have the stream buffers the pool and pool deck would be allowed without a variance. The property does exhibit some topographic challenges. The size, shape and topography do create a hardship in relation to the requested variances. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and buffers on the property have been identified on the site plan (exhibit 1). The stream begins at the headwall of an existing detention pond located on the northeast side of the lot. The stream runs approximately fifty (50) feet before exiting on the north property line. The stream buffers cover approximately one third of the buildable area of the lot in the rear yard. There is a twenty (20) foot sanity sewer easement running from the cul-de-sac to the creek.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the site plan (exhibit 1). The site plan shows the proposed pool, pool deck, fire place and stairs encroaching into the 50 foot stream buffer. The proposed pool house would encroach into the 25 foot impervious setback. The applicant proposed the limits of disturbance at 25 feet.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with staff regarding this property. Therefore, staff is of the opinion this condition has not been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site condition.

VARIANCE #2

Section 6.3.3.D to reduce the required rear setback from 40 feet to 10 feet to allow an accessory structure (pool house and fire place).

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. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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:

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and could be a detriment to the public. Adjacent properties have rear setback encroachments of pools and sports courts. There does not appear to be any accessory structures (pool house) encroaching into the rear setbacks. The fire place is located on top of an existing retaining wall. The retaining wall and the fire place encroach three (3) feet into the setback. The fireplace is not encroaching any further into the side setback than the existing retaining wall. The Zoning Ordinance allows retaining walls to encroach into setbacks. Therefore, staff is of the opinion this condition has not been satisfied for the pool house, but has been satisfied for the fireplace.

Section 22.3.1.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,

Findings:

Staff is of the opinion that the subject parcel is similar to other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography and shape. Due to the shape of the property it has two (2) rear setbacks, reducing the buildable area of the lot by twenty-five (25) feet. The lot slopes from 960 feet from southwest property line to 938 feet to the creek on the northeast property line. However, the topography and shape of the lot do not create an extraordinary and exceptional condition resulting in a hardship for the owner as it relates to the fireplace and the pool house, as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is not been satisfied.

Section 22.3.1.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 on January 5, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	- House existed prior to establishment of 50ft stream buffer and 75ft impervious setback. - Applicant should state the area of pool and pool deck and retaining wall encroachment into impervious setback and city and state stream buffers, and the area of proposed land disturbance within the city and state stream buffers. Applicant should indicate the proposed access path for construction traffic. Applicant shall clearly delineate the limits of proposed land disturbance that shall encompass all areas of excavation, stockpiling, machinery access, etc, and, the extent of the requested variance into the stream buffer shall be consistent with the extent of land disturbance encroachment into the buffer. Applicant shall show proposed pool equipment location. Plan should be revised to very clearly show the limits of work and scope of work intended to be included in this variance, and to clearly exclude improvements that are depicted that are not included in the variance application.
	Sandy Springs Landscape Architect/ Arborist	If the BOA recommends approval, the site could be conditioned to replanting the area outside of the hardscape to meet the requirements of the riparian vegetation requirements as approved by the City Arborist.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Traffic Planner requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance(s) request to encroach into the stream buffer. The request was also reviewed relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance(s) requesting a reduction in the rear setback for the fire place only.

Recommended Condition(s)

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

- 1) The subject pool, pool deck, pool equipment, retaining walls, stairs, covered patio and fire place shown on the site plan, provided by the applicant dated received December 7, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty- five (25) foot buffer (pool, pool deck, pool equipment, retaining walls, stairs and fire place) where necessary to accommodate the portion of the stream buffer and impervious setback encroachment only.
- 2) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
- 4) To reduce the required forty (40) foot rear setback to thirty-seven (37) feet to allow for an accessory structure (fire place only).

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Photographs
Letters of Opposition