



Variance Petition No. 201303879

HEARING & MEETING DATES

Board of Appeals Hearing
March 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
ESA P Portfolio LLC	Extended Stay America	Wilson Brock & Irby, LLC Harold Buckley Jr.

PROPERTY INFORMATION

Address, Land Lot(s), and District	1100 Hammond Drive Land Lot 18, 17 District
Council District	5
Frontage	Approximately 674.00 feet of frontage along the northern side of Hammond Drive and 513.00 feet of frontage along the western side of Peachtree Dunwoody Road.
Area	The subject property has a total area of 9.29 acres (404,672.4 square feet).
Existing Zoning and Use	C-1 (Community Business District) conditional under Z96-119 FC and is currently developed with a Shopping Center
Overlay District	Perimeter Community Improvement Design District (PCID).
2027 Comprehensive Plan Future Land Use Map Designation	Living Working Regional (LWR).

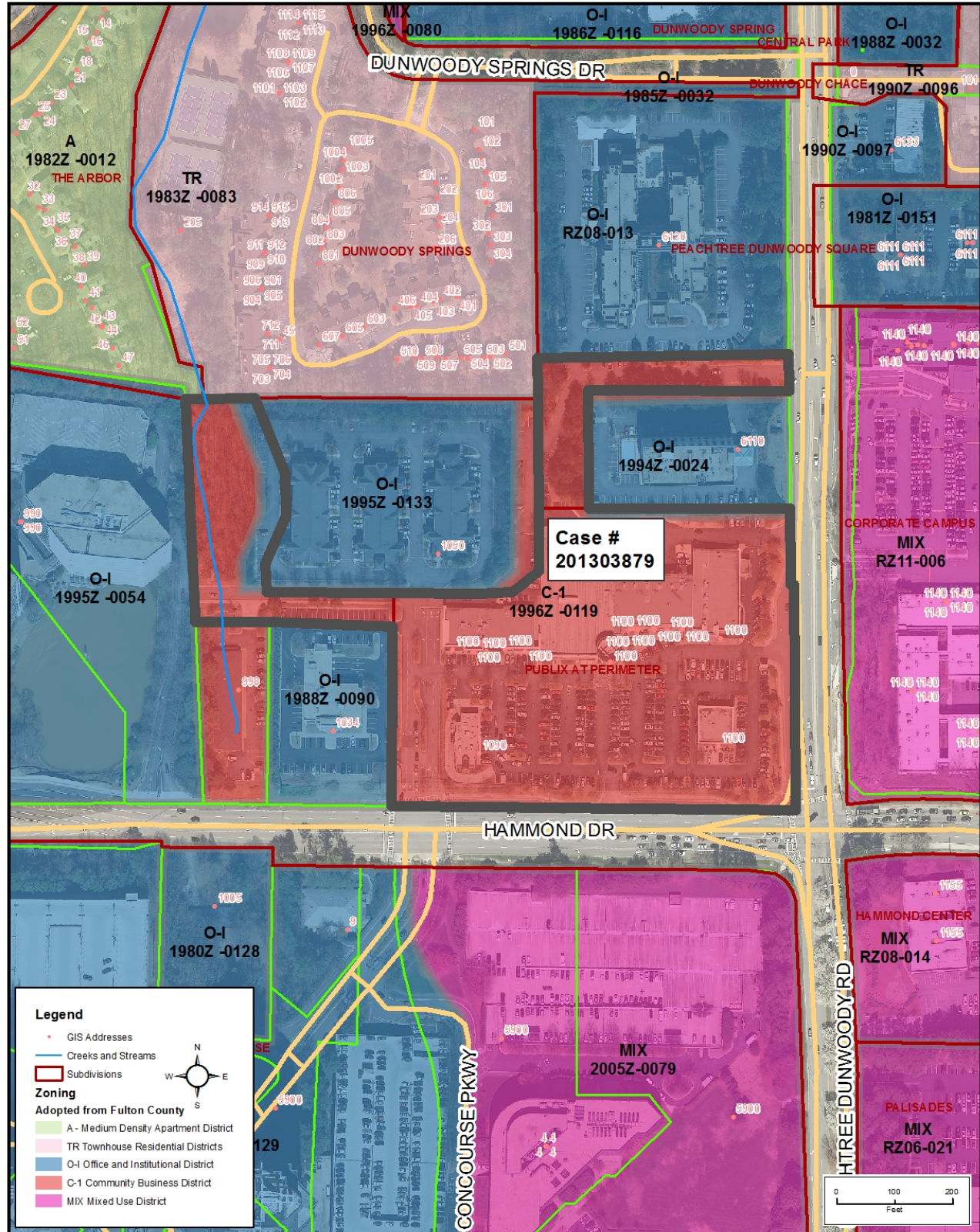
INTENT

The applicant is seeking a primary variance from Section 33.26.F.b of the Zoning Ordinance to allow a second ID Monument along the Hammond property frontage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303879 -1) APPROVAL CONDITIONAL

1100 Hammond Drive



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

CASE NUMBER: 201303879

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

Staff Analysis:

The subject site is a 9.29 acre tract located at the northwest intersection of Peachtree-Dunwoody Road and Hammond Drive. The property is zoned C-1(Community Business District) conditional under Z96-119 FC and is currently developed with a Shopping Center. The subject property is located within the Perimeter Community Improvement Design District (PCID).

This variance application is from Extended Stay America Hotels requesting to be allowed to replace the existing Homestead Studio Suite free standing sign with a new Extended Stay America Hotels monument sign as part of its overall brand consolidation strategy.

Extended Stay is located at 1050 Hammond Drive approximately 350 feet from Hammond Drive and behind the retail property occupied by Publix shopping center. The access to the hotel property is achieved via driveway across the adjacent Publix property from Hammond Drive and approximately 450 feet from Peachtree-Dunwoody Road. The retail development is located between the Hotel property and the streets, therefore, leaving the hotel without street frontage.

The retail property has signs on each road frontage that identifies its on-site tenants. The sign that is the subject of this variance is located on the west entrance to the retail property and on the Hammond road frontage. This makes the Hotel sign a nonconforming second sign because it is located on the same road frontage as the retail property's monument sign.

The Sandy Springs zoning ordinance provides:

Section 33.26.F.b Commercial and Industrial Park District

One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

Because the ordinance only allows one sign per road frontage and currently there are two signs, to be able to replace this existing sign (a non-conforming sign) a variance is required.

The applicant is proposing to replace the existing sign with "a higher aesthetic quality" ID monument sign. The proposed ID monument sign will reduce:

1. The overall sign height from 9.25 feet to six (6) feet;
2. The sign copy area from fifty nine (59) square feet to twenty nine (29) square feet.

History

Staff was not able to locate any permit record for Homestead Studio Suites Hotel current sign. No Code Enforcement issues have been reported.

Standards for Consideration

Zoning Ordinance

1. Section 33.26.F.b of the Zoning Ordinance to allow a second ID Monument along the Hammond property frontage

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 retail property is located between the Hotel property and the adjacent public roads, which deprives the Hotel property from any street frontage and any entitlement to an ID monument sign. In addition, dense tree cover on the retail property almost completely obscures view of the hotel from any public road. This condition makes the ability to construct and maintain an ID monument sign along the public street absolutely critical to the Hotel property's continue viability. The purpose of the signs is informational. As a result, clear and readable directives become imperative to a guest's ability to reach his or her intended destination. Staff is of the opinion that the natural features of the lot on which the sign is to be located presents challenges to justify the approval of this variance. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on January 8, 2014, 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

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs. Staff is of opinion that the characteristics of this development preclude the applicant from having sign that are all in compliance with the standards. The unique nature of this project creates many challenges for using signage effectively to promote vehicular and pedestrian awareness. 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 and reasonable level of signage for the Hotel property and would be in harmony with the intent of the zoning ordinance which is "To convey their message through signs".

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request.

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

1. To allow an additional Identification monument sign along Hammond Drive property frontage pursuant to the sign detail, submitted by the applicant, and dated received October 23, 2013 by the Department of Community Development.

2. That the sign shall be located at the proposed location (10' from the right of way) pursuant to the site plan provided by the applicant dated received October 23, 2013, by the Department of Community Development.
3. That the sign area shall not exceed twenty nine (29) square feet and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received October 23, 2013 by the Department of Community Development.

Attachments

Letter of Appeal
Property Survey
Sign Detail
Photographs



Variance Petition No. 201303931

HEARING & MEETING DATES

Board of Appeals Hearing
March 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Joe Card

Petitioner
Joe Card

Representative
Joe Card

PROPERTY INFORMATION

Address, Land Lot(s), and District 101 Mount Paran Road
Land Lots 92, 17th District

Council District 6

Frontage Approximately 224.22 feet of frontage

Area Approximately .46 acres

Existing Zoning R-3 (Single Family Residential District)

Existing Use Single family residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to construct a detached garage. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Section 6.4.3.B of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to thirty (30) feet to allow construction of a detached garage.
2. Section 6.4.3.I of the Zoning Ordinance for relief from the requirement that accessory structures be located in a rear yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303931 – 1) APPROVAL
2) APPROVAL

Standards for Consideration

VARIANCE #1

Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to thirty (30) feet to allow construction of a detached garage.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The proposed garage would be minimally disruptive to the adjacent property owner because it will not intrude into the side yard setback and would be located adjacent to the neighboring property owner's rear yard. Furthermore, the proposed garage would be shielded from the neighboring property owner by an existing wooden fence and trees along the property line. Based on these considerations, staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The applicant's property is triangular in shape and slopes approximately eighteen (18) feet from the front building line to the rear of the property as shown on the attached topography map. The slope of the property is particularly significant along the sides and rear of the lot. Therefore, the applicant is proposing to construct the garage in the front yard at the flattest portion of the property, in order to minimize disruption to the neighboring property owners. Developable options for a detached garage are limited due to the shape and slope of the lot. Based on these considerations, staff is of the opinion that this condition has been satisfied.

VARIANCE #2

Variance from Section 6.4.3.I of the Zoning Ordinance for relief from the requirement that accessory structures be located in a rear yard.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The intent of the ordinance is to preserve the character of the neighborhood and ensure that development occurs in a meaningful and organized way. Most of the houses within the neighborhood have a garage and a number of those homes have garages that extend into the front yard. Due to the irregularity of the lot and in order to be as minimally disruptive to the surrounding neighbors the applicant is limited in the location of a detached garage. Based on these considerations, staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

The applicant's property is irregular in shape, with a significant slope change along the sides and rear of the lot. Due to the slopes significance in the rear yard, the applicant is proposing to construct the garage in the front yard at the flattest portion of the property, in order to minimize an increase in construction, labor, and disruption to the neighboring property owners. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday January 8, 2014, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation	J For informational purposes only, 101 Mount Paran Road is located on the Sidewalk Master Plan network. Through the city's capital Sidewalk Program, a sidewalk is slated for construction along the property frontage in 2014.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of the first variance request, to reduce the required fifty (50) foot front yard setback to thirty (30) feet to allow construction of a detached garage, and **APPROVAL** of the second variance request, for relief from the requirement that accessory structures be located in a rear yard.

Recommended Condition(s)

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

- 1) To reduce the required fifty (50) foot front yard setback to thirty (30) feet to allow construction of a detached garage, as shown on the site plan dated received November 25, 2013 by the Department of Community Development.
- 2) Relief from the requirement that accessory structures be located in a rear yard.

ATTACHMENTS:

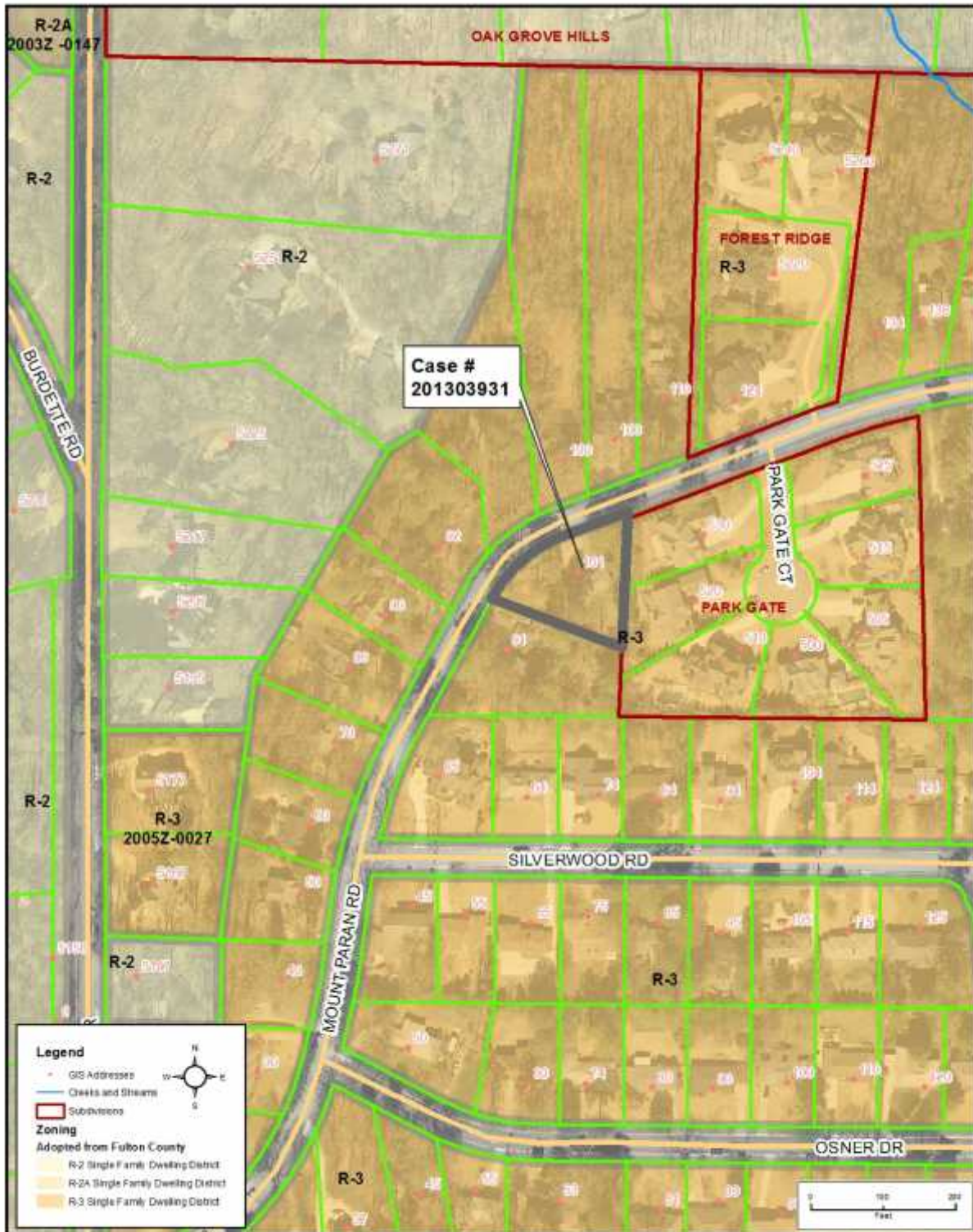
Letter of Appeal – Dated received November 25, 2013

Site Plan – Dated received November 25, 2013

Topography Map – printed from Sandy Springs' GIS

Photographs

101 Mount Paran Road NE





Variance Petition No. 201303978

HEARING & MEETING DATES

Board of Appeals Hearing
March 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Keith & Carol Sirockman	Carol V. Clark	Carol V. Clark

PROPERTY INFORMATION

Address, Land Lot(s), and District	5217 Long Island Drive Land Lots 121, 17 th District
Council District	6
Frontage	Approximately 35 feet of frontage
Area	Approximately 1.181 acres
Existing Zoning	R-2 (Single Family Residential District)
Existing Use	Undeveloped
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 0 to 1 unit per acre

INTENT

The applicant is proposing to subdivide the existing lot into two lots, but is unable to meet the lot width requirements specified in the Zoning Ordinance and cannot re-plot the parcel as two lots without a variance. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Section 4.2.10 of the Zoning Ordinance to allow the required lot width to be met at a distance greater than the sum of the front and rear yard setbacks to allow for creation of a new lot.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303978 – 1) DENIAL

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:

The proposed site plan would create a flag lot layout which Section 4.2.10 of the Zoning Ordinance aims to prohibit. The intent of the ordinance is to maintain conformity and create a neighborhood with consistency in the interaction between a residential lot and the primary frontage. Based on these considerations, staff is of the opinion that 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 current configuration leaves a lot that is regular in shape and complies with the requirements of the Zoning Ordinance. If the applicant were to subdivide, they would be creating hardships that are not germane to the existing parcel. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

Department Comments

Focus Meeting held on Wednesday January 8, 2014, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation	<i>For informational purposes only, 5217 Long Island Drive is located on the Sidewalk Master Plan network. If lot is subdivided, it would be subject to right-of-way dedication of 40 feet from centerline, 11 feet from back of curb or one foot from the back of sidewalk, whichever is greater.</i>
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of this variance request to allow for the subdivision of the existing parcel.

Recommended Condition(s)

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

- 1) To allow relief from the requirement that the lot width be met at a distance greater than the sum of the front and rear yard setbacks to allow for creation of a new lot, as shown on the site plan dated received December 3, 2013 by the Department of Community Development.

ATTACHMENTS:

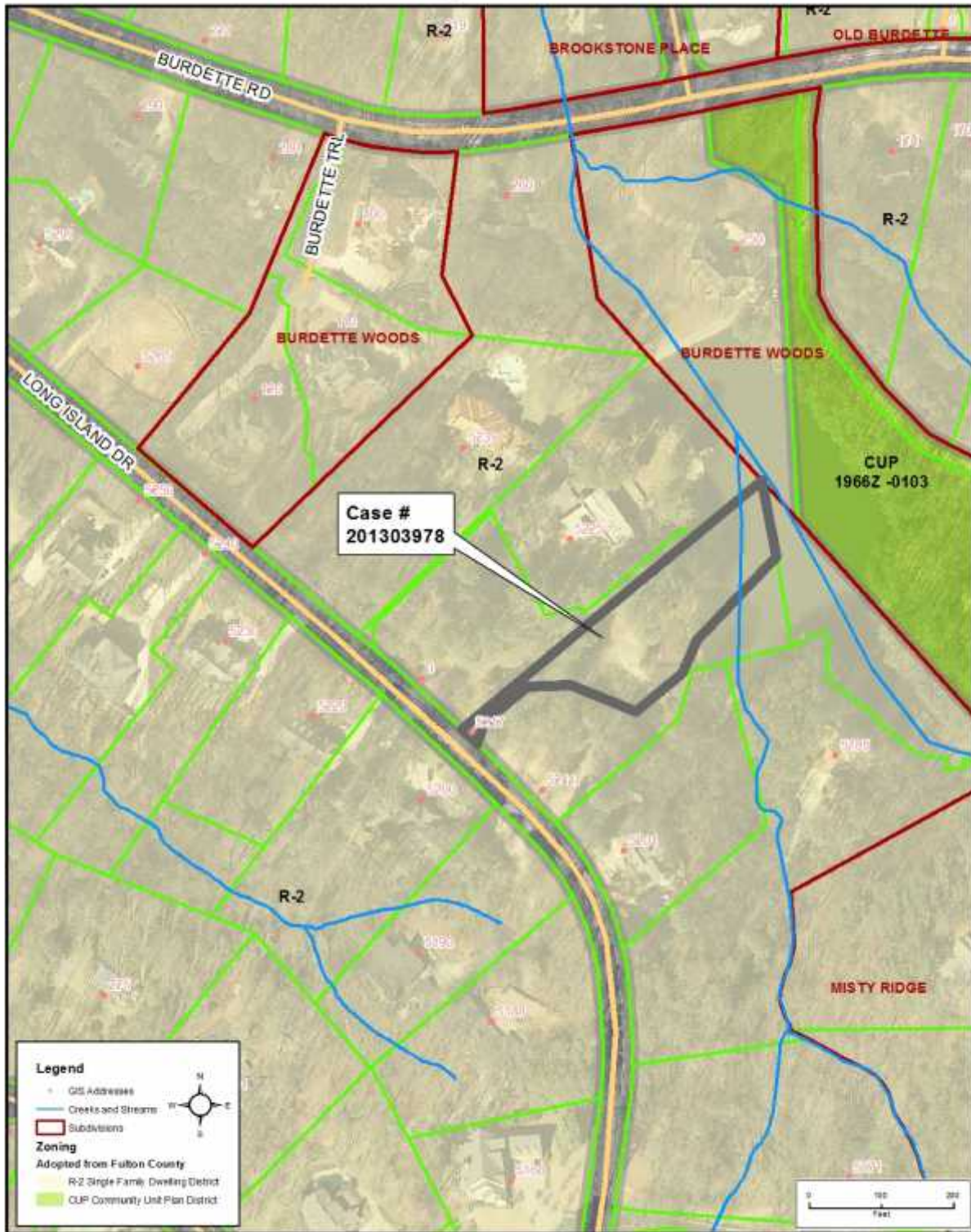
Parcel Map

Letter of Appeal – Dated received December 3, 2013

Site Plan – Dated received December 3, 2013

Photographs

5217 Long Island Drive NW



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 13, 2014.



Variance Petition No. 201304216

HEARING & MEETING DATES

Board of Appeals Hearing
March 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Andre N. Koleszar, Regency Centers	Regency Centers	Carl Baker

PROPERTY INFORMATION

Address, Land Lot(s), and District	6269 Roswell Road Land Lots 71 and 89, 17 th District
Council District	4
Frontage	Approximately 799.07 feet of frontage along Roswell Road, and approximately 409.86 feet of frontage along Johnson Ferry Road
Area	Approximately 9.624 acres
Existing Zoning	C-1 (Community Business District) pursuant to Fulton County case Z57-0034
Existing Use	Commercial buildings
Overlay District	Main Street Overlay District
2027 Comprehensive Future Land Use Map Designation	Live-Work Community (LWC)

INTENT

The applicant is proposing a modified streetscape plan to accommodate existing site conditions. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 12B.4 of the required streetscape standards to allow for a modified streetscape plan.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
201304216 – 1) APPROVAL

DESIGN REVIEW BOARD RECOMMENDATION

January 14, 2014 Hearing

201304216 – 1) Recommendation for Approval

At the January 14, 2014 meeting, the Design Review Board recommended approval (6-0, Bartlett, Ealick-Anderson, Landeck, Mobley, Richard, and Roberts; Lichtenstein not voting) subject the submitted conditions and site plan.

Standards for Consideration

Variance from Section 12B.4 of the required streetscape standards to allow for a modified streetscape plan that seeks relief from the sidewalk width requirement for a portion of the street frontage; the required sidewalk width shall be maintained throughout a majority of the site, except where existing conditions prohibit it.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The proposed site plan accommodates the design standards as much as possible, in an attempt to create a streetscape that is in harmony with the intent of the ordinance while requiring minimal disruption to the existing development, sidewalk and utilities, and flow of pedestrian traffic along Roswell Road. The variance request associated with this parcel reflects a site plan that accommodates the intent of the ordinance, providing a wider sidewalk with pedestrian lighting and landscaping, to the greatest extent possible considering the grade changes and existing conditions that prevent them from meeting the required sidewalk width throughout the duration of the frontage. Based on these considerations, staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

Grade changes along the north end of the property, along with an existing dumpster pad, utilities, and landscaping make meeting the required nine (9) foot sidewalk width difficult. Based on the topography of the lot and existing conditions adjacent to this stretch of sidewalk, there are many unique circumstances of this parcel. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday January 8, 2014, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation	At the south property line, the sidewalk shall maintain a minimum width of five feet of a surface that is even and consistent (i.e., concrete) and transition to the City's project which is shown in attachment. In addition, variation in sidewalk width shall transition as required by the Development Ordinance. Section 103-80 on sidewalk transitions states, "where new sidewalks tie in to existing sidewalks of a different width or where the proposed sidewalk must change width then the transition shall be made in a gradual manner at a rate of 5:1."
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of this variance request seeking relief from considerations in Article 12B.4 of the required streetscape standards to allow for a modified streetscape plan.

Recommended Condition(s)

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

- 1) To allow relief from Section 12B.4 of the required streetscape standards to allow for a modified streetscape plan, as shown on the site plan dated received January 13, 2014 by the Department of Community Development.

ATTACHMENTS:

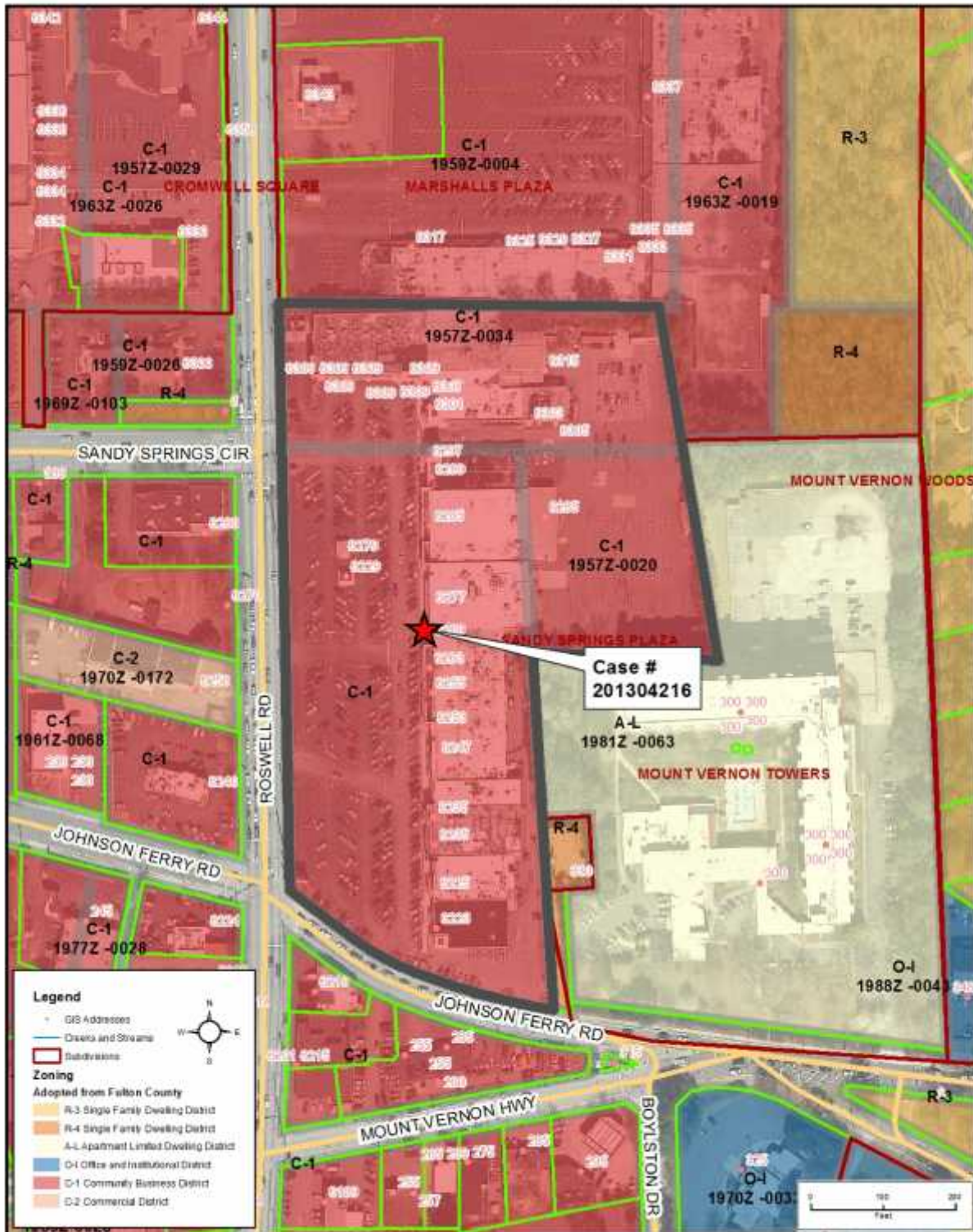
Parcel Map

Letter of Appeal – Dated January 6, 2014

Site Plan – Dated received January 13, 2014

Photographs

6269 Roswell Rd (SR9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 13, 2014.



Variance Petition No. 201304282

HEARING & MEETING DATES

Board of Appeals Hearing

March 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner

Susan & Harry Mehre

Petitioner

Harry Mehre

Representative

Harry Mehre

PROPERTY INFORMATION

Address, Land Lot(s), and District 345 Riverhill Drive
Land Lot 124, 17th District

Council District 17

Frontage Approximately 114.36 feet of frontage along Riverhill Drive

Area Approximately .5788 acres

Existing Zoning R-3 Single Family Dwelling District pursuant to Fulton County case Z62-0002

Existing Use Single Family Residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to install a generator in the side yard of their home. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.4.3.C of the Zoning Ordinance to allow for a reduction in the side yard setback from ten (10) feet to five (5) feet six (6) inches to allow for the installation of a generator.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201304282 – 1) APPROVAL CONDITIONAL

Standards for Consideration

1. Variance from Section 6.4.3.C of the Zoning Ordinance to allow for a reduction in the side yard setback from ten (10) feet to five (5) feet six (6) inches to allow for the installation of a generator.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Finding:

The intent of the ordinance is served because the proposed location for the generator is adjacent to the existing mechanical equipment. Also, the applicant's generator has a smaller footprint than the existing mechanical equipment, which would shield it from the street. Additionally, many of the existing homes in the neighborhood have their mechanical equipment in similar locations. Based on these considerations, staff is of the opinion that this condition has been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Finding:

Not applicable.

Department Comments

Related materials were distributed to internal departments during the week of February 5, 2014, no comments from the following departments: Fire, Code Enforcement, Site Development, or Arborist. Transportation and Building and Permitting made the following:

<i>Building and Permitting</i>	The generator is within a 20' Drainage Easement that contains a storm pipe that conveys street drainage. So it's a City utility and easement, not private. A condition of approval could include something about the homeowner is responsible for moving the generator if the City ever needs to repair, inspect or upgrade the underground storm pipe and the City is not liable for any damages to the generator should the City need to access the easement for repairs, inspections or upgrades.
<i>Transportation Services</i>	Per Section 103-96 of the Development Ordinance, all drainage easements shall be kept free from all obstructions. It appears the proposed generator is within a public drainage easement. Public Works recommends that no permanent structure shall encroach upon or materially interfere with the permanent drainage easement. Should the Board of Appeals permit construction, applicant shall enter into a City encroachment and indemnification agreement.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request to allow for a reduction in the side yard setback from ten (10) feet to five (5) feet six (6) inches to allow for the installation of a generator.

Recommended Condition(s)

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

- 1) To reduce the required ten (10) feet to five (5) feet six (6) inches to allow for the installation of a generator, as shown on the site plan dated received December 30, 2013 by the Department of Community Development.
- 2) The homeowner shall be responsible for moving the generator if the City ever needs to repair, inspect or upgrade the underground storm pipe. Additionally, the City shall not be liable for any damages to the generator should the City need to access the easement for repairs, inspections or upgrades.
- 3) Should the Board of Appeals permit construction, the applicant shall enter into a City encroachment and indemnification agreement at the time of building permitting.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received December 30, 2013

Site Plan – Dated received December 30, 2013

Photographs

345 Riverhill Drive





Variance Petition No. 201400061

HEARING & MEETING DATES

Board of Appeals Hearing

March 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Alfred & Adele Davis Academy	Alfred & Adele Davis Academy	Bob Gerber

PROPERTY INFORMATION

Address, Land Lot(s), and District	7901 Roberts Drive NE Land Lot 383, 17 District
Council District	1
Frontage	Approximately 288.77 feet of frontage along the eastern side of Roberts Dr. and 930.41 feet of frontage along the Northern side of Spalding Dr.
Area	The subject property has a total area of 7.39 acres (321,908.40 square feet).
Existing Zoning and Use	R-2 (Single Family Dwelling District). The property is currently developed with a private school.
Overlay District	NA
2027 Comprehensive Plan Future Land Use Map Designation	Residential, 0-1 Unit per acres

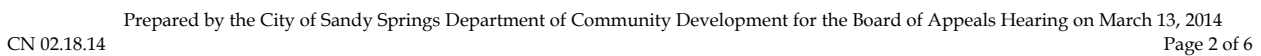
INTENT

The applicant is seeking a primary variance from Section 33.23.C of the Zoning Ordinance to allow for LED lighting as part of a changeable copy display for an internal sign.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

2011400061-1) APPROVAL CONDITIONAL

7901 Roberts Drive



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

CASE NUMBER: 201400061

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

Staff Analysis:

The site is located on the northeast quadrant of the intersection of Spalding Drive and Roberts Drive. The property is zoned R-2 (Single Family Dwelling District) and is currently developed with a private school.

The application is from the Alfred & Adele Davis Academy requesting to be allowed to install an electronic reader board sign utilizing LED. The sign is an existing internal sign that sits approximately one hundred (150) feet from the Roberts' Drive right of way, approximately seventy six (76) feet from the Spalding Drive right of way and approximately ten (10) feet below the Spalding Drive finished grade. The visibility of the sign is very limited.

The Sandy Springs zoning ordinance provides:

Section 33.26.B.8 Single Family Residential District

Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

Section 33. 23. C. Changeable Copy Signs

For any signs on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Such changeable copy signs cannot flash, and if located within one hundred fifty (150) feet of a road right of way, may not change more than once per twenty-four (24) hours. The changeable copy portion of an allowed sign shall not exceed 75% of the overall sign area. No LED lighting shall be permitted as part of a changeable copy display. No changeable copy display shall scroll or simulate movement in any manner. Changeable copy displays shall remain constant in lighting, color, and all other changeable variables allowed by technology.

The applicant offers the following in support of the application:

- “The proposed sign would only be visible from those traversing the entrance drive to the Davis Academy. The sign will not be visible to those traveling along Roberts Drive or any public right of way.
- The proposed sign will meet all other requirements, including those related to height, size and included in the City’s Sign Ordinance.
- The sign will be used to provide school related information to affected parents of enrolled students only.
- Allowing for an electronic reader board sign will allow the Davis Academy to respond faster to alert parents in the carpool lane as to any emergency that may impact the school or its students and faculty.
- Replacing the existing reader board with an electronic reader board sign will allow for an easier process to change notices to parents and guests attending school functions”.

History

Staff was not able to find any record that shows that this sign was permitted.
No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

Section 33. 23. C. To allow for LED lighting as part of a changeable copy display for an internal sign.

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 purpose of the internal signs is informational and directional. As a result, clear and readable directives become imperative to a guest’s ability to reach his or her intended destination. The sign is intended to provide information to the parents and faculty in an expedited manner while in the property. The internal sign sits over 150’ from the public road, about 10’ below Spalding Drive finished grade therefore not legible from the right of way. Staff is of the opinion that the natural features of the lot on which the sign is to be

located presents challenges to justify the approval of this variance. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on February 5, 2014 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

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

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request.

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

1. To allow an internal sign to use LED technology as part of a changeable copy display pursuant to the sign detail, submitted by the applicant, and dated received January 8, 2014 by the Department of Community Development.

2. That the sign area shall not exceed 16 square feet of sign area and five (5) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received January 8, 2014 by the Department of Community Development.
3. Changeable copy displays shall remain constant in lighting, color, and all other changeable variables allowed by technology, pursuant to the sign design provided by the applicant dated received January 8, 2014, by the Department of Community Development.

Attachments

Letter of Appeal
Property Survey
Sign Detail
Photographs



Variance Petition No. 201400062

HEARING & MEETING DATES

Board of Appeals Hearing

March 13, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Alfred & Adele Davis Academy	Alfred & Adele Davis Academy	Bob Gerber

PROPERTY INFORMATION

Address, Land Lot(s), and District	8105 Roberts Drive NE Land Lot 383, 17 District
Council District	1
Frontage	Approximately 1,122.0 feet of frontage along the eastern side of Roberts Dr.
Area	The subject property has a total area of 11.28 acres (491,356.8 square feet).
Existing Zoning and Use	R-2 (Single Family Dwelling District) & AG-1 (Agricultural District). The property is currently developed with a private school.
Overlay District	NA
2027 Comprehensive Plan Future Land Use Map Designation	Residential, 0-1 Unit per acres

INTENT

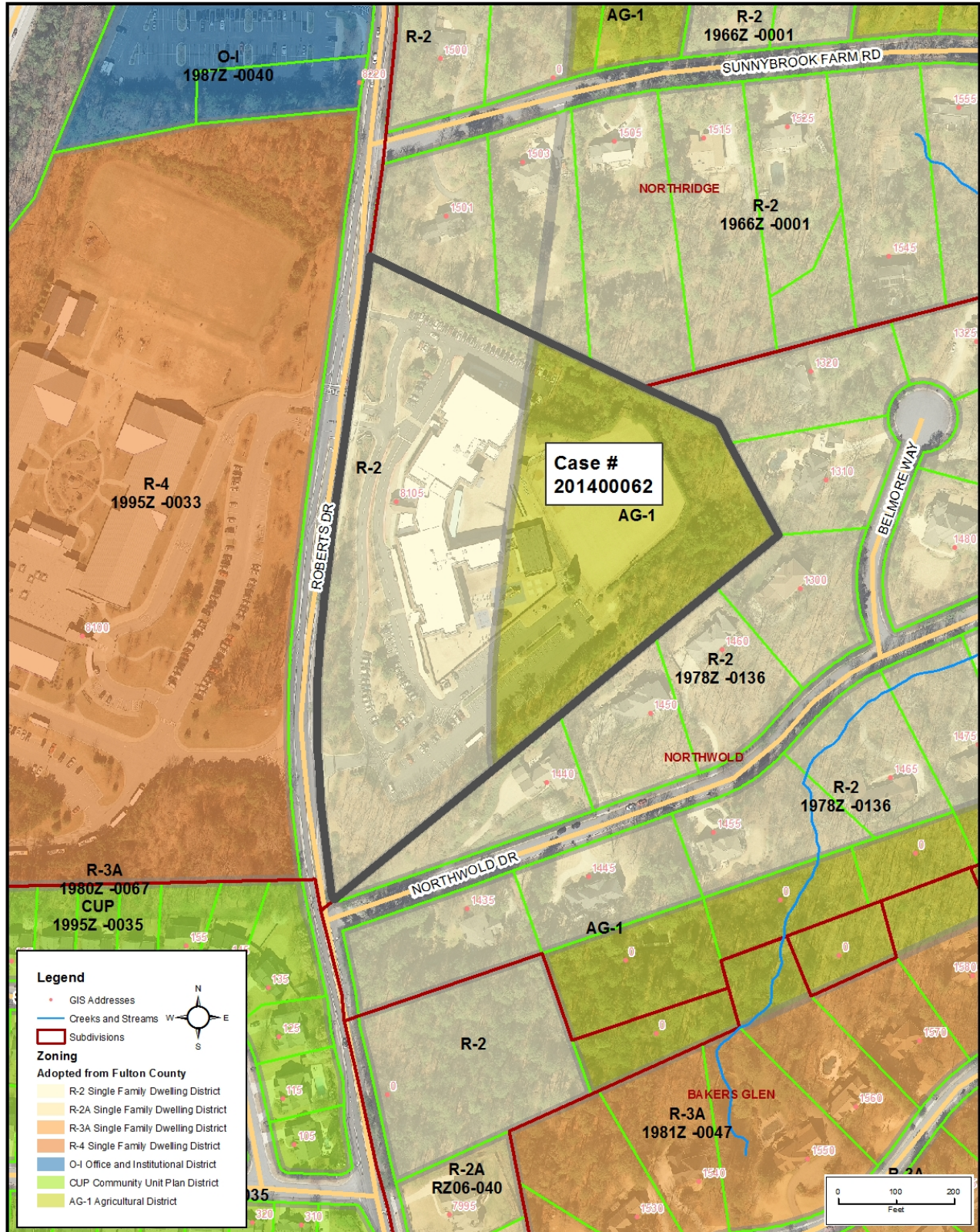
The applicant is seeking a primary variance from Section 33.23.C of the Zoning Ordinance to allow for LED lighting as part of a changeable copy display for an internal sign.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

2011400062-1) APPROVAL CONDITIONAL

Parcel Map

8105 Roberts Drive



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

CASE NUMBER: 201400062

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

Staff Analysis:

The subject site is located on the eastern side of Roberts Drive, approximately 1500 feet north of the intersection of Roberts Drive and Spalding Drive. The property is zoned R-2 (Single Family Dwelling District) and is currently developed with a private school.

The application is from the Alfred & Adele Davis Academy requesting to be allowed to install an electronic reader board sign utilizing LED. The sign is an existing internal sign that sits approximately eighty nine (89) feet from the Roberts' Drive right-of-way. The visibility of the sign is very limited due to the distance from the road and the vegetation that is along the front property line.

The Sandy Springs zoning ordinance provides:

Section 33.26.B.8 Single Family Residential District

Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

Section 33. 23. C. Changeable Copy Signs

For any signs on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Such changeable copy signs cannot flash, and if located within one hundred fifty (150) feet of a road right of way, may not change more than once per twenty-four (24) hours. The changeable copy portion of an allowed sign shall not exceed 75% of the overall sign area. No LED lighting shall be permitted as part of a changeable copy display. No changeable copy display shall scroll or simulate movement in any manner. Changeable copy displays shall remain constant in lighting, color, and all other changeable variables allowed by technology.

The applicant offers the following in support of the application:

- "The proposed sign would only be visible from those traversing the entrance drive to the Davis Academy. The sign will not be visible to those traveling along Roberts Drive or any public right of way.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on March 13, 2014

- The proposed sign will meet all other requirements, including those related to height, size and included in the City's Sign Ordinance.
- The sign will be used to provide school related information to affected parents of enrolled students only.
- Allowing for an electronic reader board sign will allow the Davis Academy to respond faster to alert parents in the carpool lane as to any emergency that may impact the school or its students and faculty.
- Replacing the existing reader board with an electronic reader board sign will allow for an easier process to change notices to parents and guests attending school functions".

History

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No Code Enforcement issues had been reported.

Standards for Consideration

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Findings:

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Department Comments

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Recommendation

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