



Variance Petition No. 201400086

HEARING & MEETING DATES

Board of Appeals Hearing
April 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Karan Suri

Petitioner
Karan Suri

Representative
William Woodson Galloway

PROPERTY INFORMATION

Address, Land Lot(s), and District	6096 Barfield Road Land Lots 17, 36 th District
Council District	5
Frontage	Approximately 499.59 feet of frontage on Barfield Road
Area	Approximately 5.168 acres
Existing Zoning	O-I (Office & Institutional District) Conditional, pursuant to Fulton County cases Z85-084/U86-0007/M86-0011
Existing Use	Hotel
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Live Work Neighborhood (LWN)

INTENT

A Secondary Variance to appeal the Director of Community Development's December 12, 2013 Letter of Determination regarding the current use of the property.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400086 – 1) AFFIRM DIRECTOR'S DECISION

Findings of Fact

Background

-) This petition involves property located at 6096 Barfield Road, owned by 6096 Barfield Road LLC. The property is located on the west side of Barfield Road, just north of the Barfield/Hammond Drive intersection.
-) The property was zoned Office & Institutional, conditional pursuant to Z85-0084, U86-0007, and M86-0011 by Fulton County in the mid-1980s. The Special Use Permit conditions approved on March 5, 1986 restrict the use of the property to a 136-unit Residence Inn extended stay hotel with no limitation on the length of stay.
-) On February 1, 1989 the Fulton County Zoning Ordinance was amended to define a both a hotel/motel and a hotel, apartment as a building/use where lodging and/or boarding is provided for fewer than 30 days.
-) Upon approval of the aforementioned amendment to the Fulton County Zoning Ordinance in 1989, the property became a non-conforming use.
-) The Sandy Springs Zoning Ordinance also restricts the length of stay for a hotel to fewer than 30 days.

Conversion to Apartment Use

-) In 2011 and early 2012, the Department of Community Development began receiving inquiries regarding the permitted use of the property; representatives who contacted the City indicated that Marriott was preparing to sell the property.
-) The potential purchaser presented was The Hub, a residential provider for private educational institutions. The representative was notified via telephone that the property was permitted to be used as a hotel only and that a residential apartment use was not allowed under the existing zoning.
-) In the summer of 2012 the property was sold to a residential service provider that rebranded the property as “The Hub” and re-opened as a dormitory-type facility affiliated with the Art Institute of Atlanta.

The HUB Citation

-) Staff determined that the property is not open to the public for room rental consistent with the definition of hotel found in the City’s codes and ordinances. In the fall of 2012, staff conducted site visits to the property, seeking to rent rooms, and were directed to the Art Institute.
-) Additionally, City Staff’s site visit to the Art Institute and review of the school’s website reveal that the subject property was restricted to student housing.
-) Additional site visits to the subject property confirmed that the property is not open to the public; the Hub posted a permanent “No Vacancy” sign on the main entrance.
-) In October 2012, The Hub was issued a citation for operating as an apartment, in violation of the approved zoning.
-) Following issuance of the citation, representatives of The Hub contended that the use still qualified as a hotel. As such, the City notified The Hub that the required hotel/motel tax must be paid and that the property must continue to operate as a hotel.
-) Subsequent to the initial payment in October 2012, The Hub failed to pay the required hotel/motel tax.

Non-conforming Use Status

-) Following issuance of the Citation, The Hub representatives sought to establish that the property enjoyed non-conforming use status and therefore is entitled to continue the leasing of rooms for periods in excess of 30 days.
-) Staff’s sampling of the leasing documentation submitted by The Hub representatives revealed that the total number of rooms leased for periods in excess of 30 days ranged from sixteen to fifty percent, depending upon the day, month and year.
-) Staff determined that the documentation submitted was not sufficient to establish the non-conforming use status of the property.
-) Upon completion of staff’s review of the documentation and the failure of The Hub representatives to present any additional information, the Citation was set for a December, 2013 hearing date in Magistrate Court.

Letter of Determination

-) On December 4, 2013 a formal zoning determination regarding the current use of 6096 Barfield Road was requested by the property owner’s attorney.
-) On December 12, 2013, the City issued a Letter of Determination outlining the areas of non-conformance including failure to pay the required hotel/motel taxes, failure to be open to the public for room rental consistent with the definition of hotel and restricting the use of the property to students of the Art Institute, indicated by the posting of a permanent “No Vacancy” sign.

Recent Activity

-) On March 25, 2014 The Hub filed back hotel motel tax returns and paid taxes for some of the months since October 2012. The required returns are still outstanding for several months.
-) The sign has been modified to reflect Vacancy.

Appeal

William Woodson Galloway, acting as the Agent for 6096 Barfield Road, LLC, filed a Secondary Variance seeking to appeal the decision of the Director as outlined in the Letter of Determination. The arguments outlined in the Letter of Appeal indicate that the petitioner feels the current use meets the definition of a hotel based on the following:

- 1) Unoccupied rooms are available for rent on a nightly basis.
- 2) No leases are offered.
- 3) There is a manned 24 hour front desk.
- 4) Persons staying at the property must prove they have a principal domicile.
- 5) The rooms are furnished, and utilities are paid for by the property owner.

Conclusion and Requested Action

Pursuant to Section 22.13.11 of the Sandy Springs Zoning Ordinance, the Board is permitted to take the following actions as it relates to this appeal:

22.13.11. BOA DECISION ON SECONDARY VARIANCES/INTERPRETATIONS. The BOA may take the following actions pursuant to a secondary variance and/or an interpretation appeal:

- A. Affirm an order, requirement, or decision, wholly or partly;
- B. Reverse an order, requirement, or decision, wholly or partly;
- C. Clarify an order, requirement, or decision, wholly or partly, by presenting—an interpretation of the text in the form of a statement of clarification. Such statement shall not contain substitute language, but shall rely upon language and definitions contained in the Zoning Ordinance, and definitions contained in the most current edition of the Merriam-Webster Collegiate Dictionary.

At this time, staff respectfully requests the Board of Appeals to **AFFIRM** the determination made regarding the use of the property, and it's non-conformance with the City's regulations.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received January 10, 2014

Letter of Determination – Dated December 12, 2013

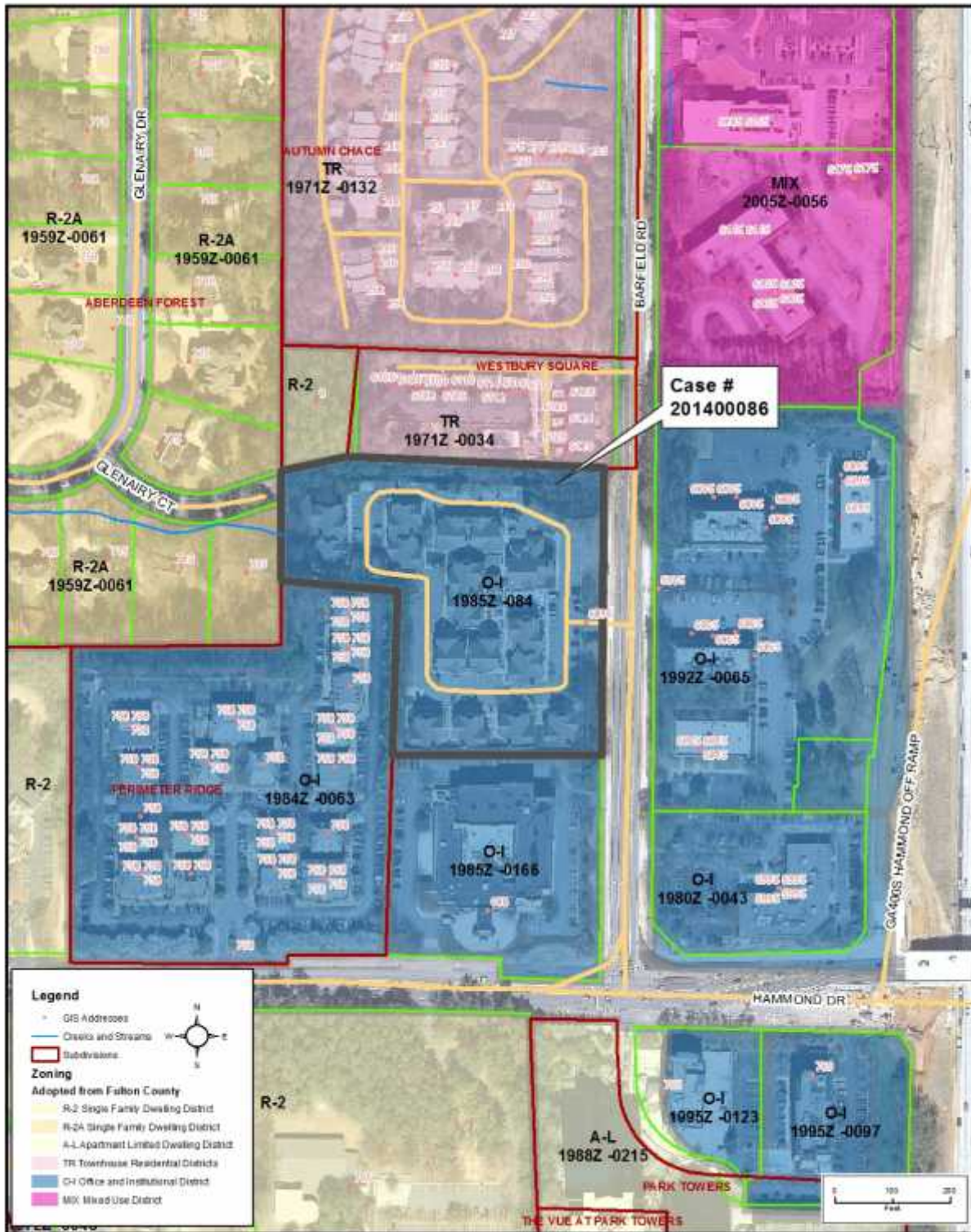
Site Plan – Dated received January 10, 2014

First Amendment – Dated received March 28, 2014

Second Amendment – Dated received March 31, 2014

Photographs

6096 Barfield Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 10, 2014.



Variance Petition No. 201400099

HEARING & MEETING DATES

Board of Appeals Hearing
April 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Kevin Medendorp

Petitioner
Kevin Medendorp

Representative
Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot(s), and District 227 St. Nicholas Circle
Land Lot 120, 17th District

Council District 6

Frontage Approximately 35.23 feet of frontage along Mount Paran Road and 229.44 feet of frontage along St. Nicholas Circle.

Area Approximately 1.041 acres

Existing Zoning R-2

Existing Use Undeveloped residential lot

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 0 to 1 units per acre

INTENT

The applicant is proposing to construct a single family residence and retaining wall on a previously permitted lot that was abandoned after initial land disturbance was permitted and completed. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 109-225.a.1 & 2 of Stream Buffer Protection Ordinance to allow construction of a new home and retaining wall within the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400099 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan	Total
0'-25' State Buffer	0 sf	0 sf	0 sf
25' – 50' Undisturbed Buffer	0 sf	0 sf	0 sf
50' – 75' Impervious Surface Setback	0 sf	1,204 sf	1,204 sf
Total Impervious Surface encroaching in Stream Buffer	0 sf	1,204 sf	1,204 sf

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 property is irregular in shape, with the buildable area taking the shape of a triangle. The stream buffer covers more than two-thirds of the developable area of the lot. The applicant has been mindful of the buffers, creating a site plan that pushes the home towards the street, leaving the twenty (25) foot state intact. Due to the irregular shape of the lot and applicable stream buffers, there is not a sufficient buildable area outside of the stream buffer for the development of a single family residence. 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 stream buffer covers a majority of the existing property. As detailed in the table above and shown on the site plan, the applicant has proposed a minimal impact to the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer. Staff notes that the stream buffer covers more than two-thirds of the buildable area of the lot when the minimum buffer requirement is 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 lot is a flag lot, with the primary frontage on Mount Paran, with the buildable area taking a triangular shape. Due to the shape of the lot, the area appropriate for the footprint of a single family residence is in the widest part of the triangle, pushed towards the street, and away from the stream buffers to the extent possible, while maintaining conformity with the existing residences. Additionally, the stream takes a sharp turn near the intersection of the western and southern property lines, effectively boxing the lot in. 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 property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

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 attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

The variance request is for the construction of a new single family residence and retaining wall. Based on the coverage of the lot by the stream buffers, no alternatives that were less intrusive were possible. 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:

As previously mentioned, a land disturbance permit was issued related to the development of a single family residence on this property. A significant amount of excavating and grading, and tree removal has already been completed. This, in conjunction with the proposed footprint being located within only the seventy-five (75) foot impervious surface setback with only a wall within the fifty (50) foot undisturbed buffer, allowing for the stabilization of the site, would be at least as protective of natural resources and the environment. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday March 5, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development. The Arborist provided the following:

- The site was previously cleared to allow for the construction of a house. The current configuration of the proposed house will not cause additional negative impact to the site or stream buffer.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for the construction of a single family residence.

Recommended Condition(s)

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

- 1) To allow for the construction of a single family residence and wall within the seventy-five (75) foot impervious surface setback and fifty (50) undisturbed buffer, as shown on the site plan dated received February 10, 2014 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received February 10, 2014

Proposed Site Plans – Dated received February 10, 2014

Photographs

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 10, 2014.

Case # 201400099

Legend

- GIS Addresses
- Creeks and Streams
- Subdivisions
- Zoning**
- Adopted from Fulton County
- R-2 Single Family Dwelling District
- R-3 Single Family Dwelling District

Map Labels: R-2, R-3, 2000Z-0061, 2000Z-0061, ST NICHOLAS CIR, ROSE COURT, MOUNT PARAN RD, MERLENDALE DR, LAKE FOREST, MOUNT PARAN FOREST, 0 100 200 Feet

CA 3.21.2014



Variance Petition No. 201400322

HEARING & MEETING DATES

Board of Appeals Hearing

April 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner

Caram, Inc.

Petitioner

Caram, Inc.

Representative

McKenna Long &
Aldridge/ Dan Baskerville

PROPERTY INFORMATION

**Address, Land Lot(s),
and District**

1150 Lake Hearn Dr..
Land Lot 17, 17 District

Council District

5

Frontage

Approximately 607 feet of frontage along the northern side of Lake Hearn Drive.

Area

The subject property has a total area of 7.96 acres (393346.8 square feet).

**Existing Zoning and
Use**

O-I (Office Institutional District) conditional under Fulton County zoning case 71Z-0130, currently developed with office buildings

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.D.1.b of the Sandy Springs Zoning Ordinance:

- 1) To allow for a second ID monument along the Lake Hearn road frontage.
- 2) To allow the signs along the Lake Hearn road frontage to be internally illuminated.

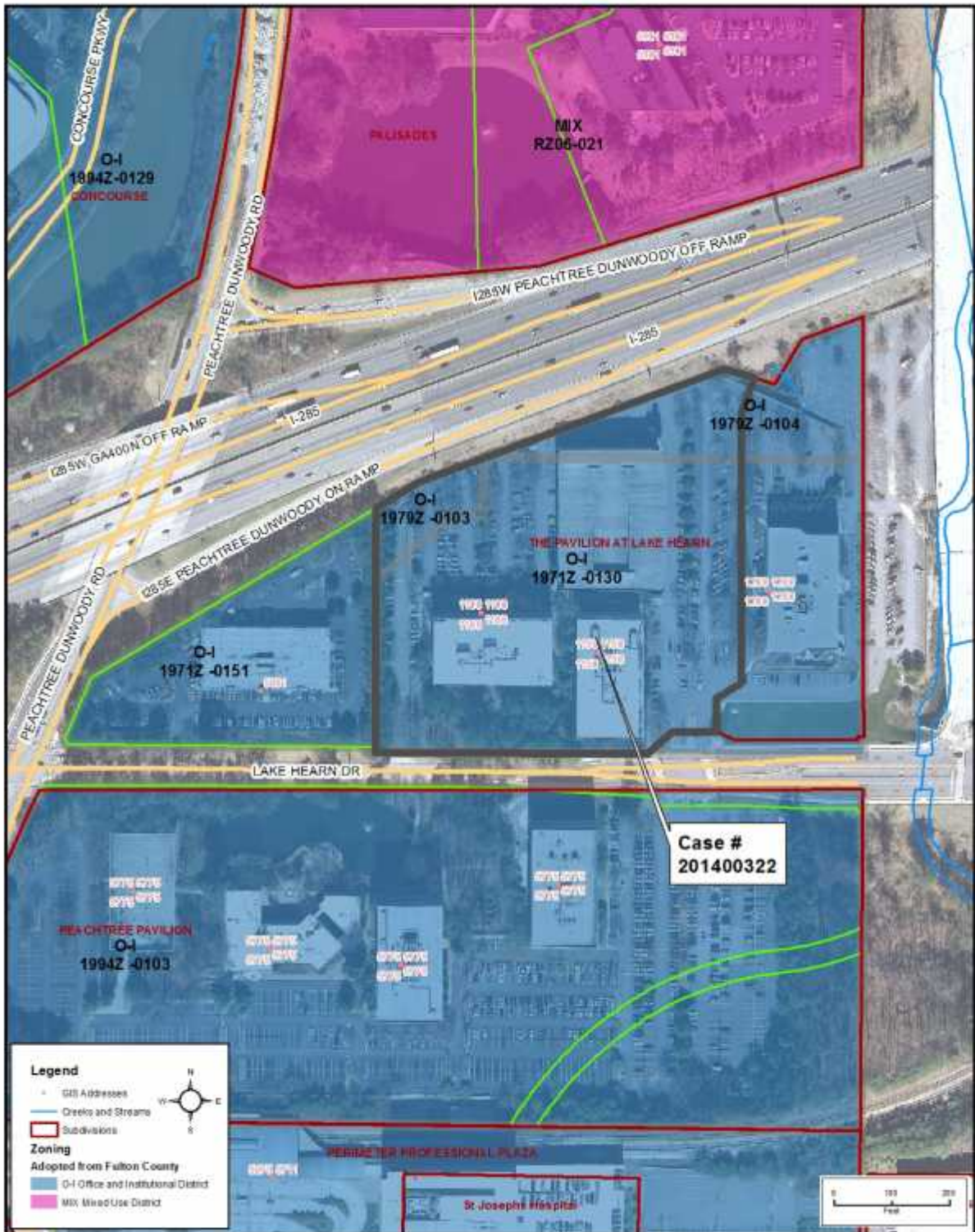
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400322-1) APPROVAL CONDITIONAL

2) APPROVAL CONDITIONAL

Parcel Map

1150 Lake Hearn Drive



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

CASE NUMBER: 201400322

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

Staff Analysis:

The subject property has been utilized as medical office since 1994. Currently the property contains two medical buildings and each building houses a variety of medical office uses. The buildings are identified as 1100 and 1150 and each building has a separate driveway, which provides the single access point from Lake Hearn Drive to the individual building entrances. There is approximately a 440 feet of separation between the driveways. Each entrance has an existing ID monument that identifies the location of the vehicular entrance to each facility.

The petitioner desires to replace the two existing monument signs with two new signs, in order to improve the visibility and physical appearance of the signs.

The Sandy Springs zoning ordinance provides

Section 33.26.D.1. O-I District

b. 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), shall not be internally illuminated. 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 (Staff was not able to produce existing permits for), to be able to replace and maintain the two signs a variance is required.

In addition the applicant would like to have both signs internally illuminated, stating that due to the characteristics of this property it is imperative to have signs that are visible to the traveling public and emergency vehicles to assist patrons with identification of appropriate entrances and exits locations. The proposed light on these signs is directed towards the sign structure and is only perceived as a halo.

The proposed ID monument signs will reduce:

1. The overall sign height from 8.0 feet to five (5) feet;
2. The overall sign structure from forty eight (48) square feet to forty five (45) square feet.
3. While the ordinance allows for a sign sixty four (64) square feet of sign area, the proposed signs area are ten (10) square feet each.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 10, 2014

History

No Code Enforcement issues have been reported.

Standards for Consideration

Zoning Ordinance

Section 33.26.D.1.b

- 1) To allow for a second ID monument along the Lake Hearn road 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:

The unique site layout and quantity of existing buildings, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. There is approximately 400 feet separation between the entrances; and approximately twenty (20) feet of difference in ground elevation between entrance 1 and entrance 2 which dictate to have a sign identifying each entrance for the visitors arriving from the east or the west. Staff is of the opinion that the topography of the lot present challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

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

Findings:

When approaching the site traveling eastbound along Lake Hearn Road, none of the existing building frontage are visible or accessible from the road unless the entrances are used. A similar situation exists for a motorist traveling westbound on Lake Hearn Road. Therefore a motorist traveling westbound or eastbound does not have sufficient time to identify the intended location and adequately determine access locations if there is a single sign located at either entrance or in the middle of the

property frontage; the presence of vegetation limits the placement and visibility of the signage. Staff is of the opinion that the natural features of the lot on which the sign is to be located and of the land immediately adjacent to the lot present

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

2) To allow the signs along the Lake Hearn road frontage to be internally illuminated.

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:

Staff is of the opinion that the natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on March 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 is of opinion that the characteristics of this development preclude the applicant from having signs that are completely in compliance with the standards. 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 Pavilion 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 variance request petition number 1.

The Staff is unaware of any hardship unique to the property advertised which would warrant special consideration to allow internally illuminated signs. However, 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 business. The internally illuminated proposed ground signs at the proposed locations will not have a negative impact on the surrounding properties as there are other signs internally illuminated. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of variance petition number 2.

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

1. To allow an additional Identification monument sign along Lake Hearn Drive property frontage pursuant to the sign detail, submitted by the applicant, and dated received February 18, 2014 by the Department of Community Development.
2. To allow ID monument signs along Lake Hearn Drive property frontage to be internally illuminated pursuant to the sign details, submitted by the applicant, and dated received February 4, 2014 by the Department of Community Development.

Attachments

Letter of Appeal, Property Survey, Sign Detail and Photographs.



2Variance Petition No. 201400331

HEARING & MEETING DATES

Board of Appeals Hearing

April 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Concourse III & IV

Petitioner
Concourse III & IV

Representative
Sky Design/Tiffany
Chen

PROPERTY INFORMATION

**Address, Land Lot(s),
and District** 5900 Peachtree Dunwoody
Land Lot 17, 17 District

Council District 5

Frontage Approximately 680 feet of frontage along the western side of
Peachtree Dunwoody Rd and approximately 660 feet of frontage
along the southern side of Hammond Dr.

Area The subject property has a total area of 10.7 acres (466,092.0 Square
feet).

**Existing Zoning and
Use** MIX (Mixed Use District) The property is currently developed with
an office building.

Overlay District Perimeter Community Improvement Design District (PCID).

**2027 Comprehensive
Plan Future Land Use
Map Designation** Living Working Regional (LWR).

INTENT

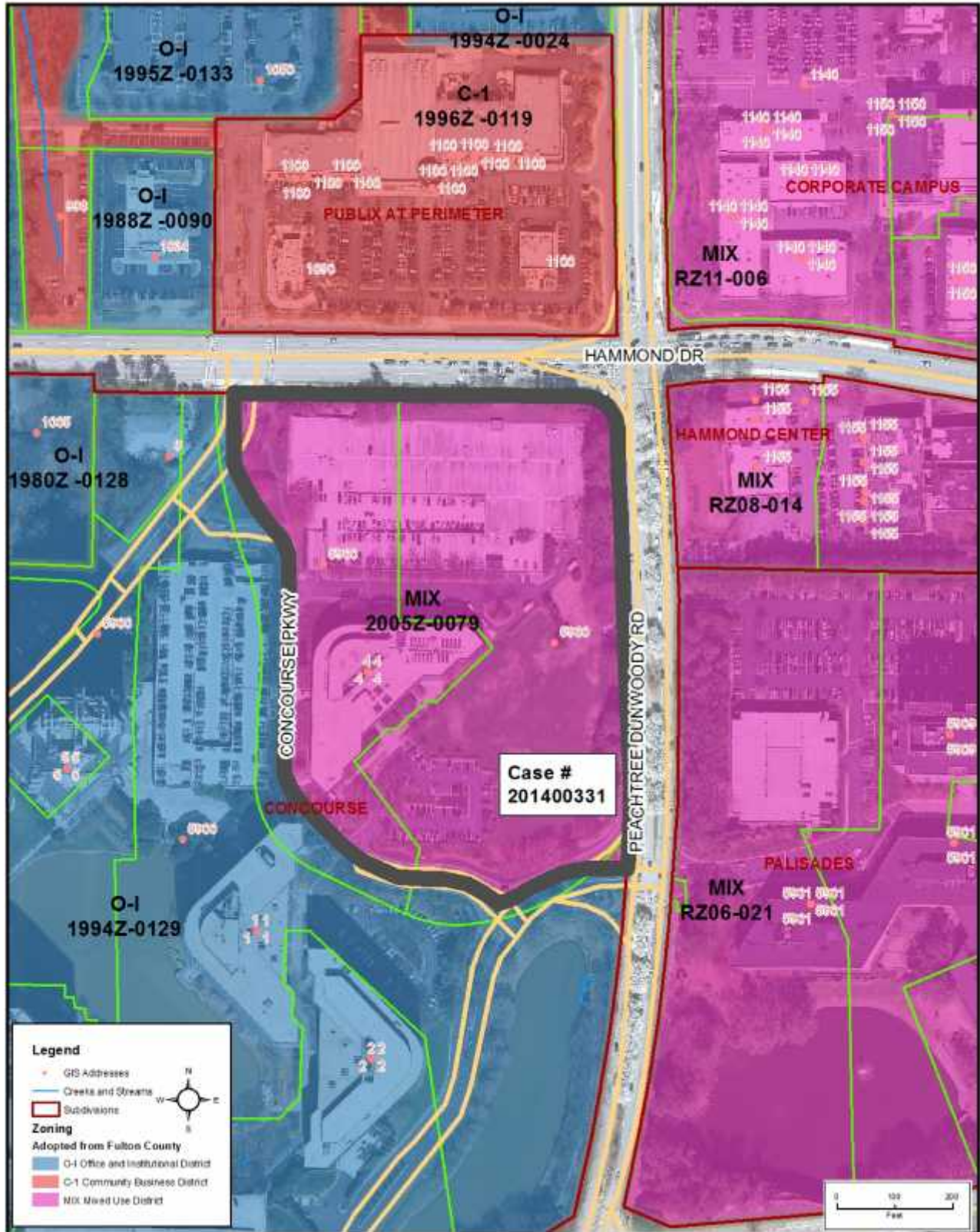
The applicant is seeking a primary variance from Section 33.26.E.1. of the Zoning Ordinance to
allow for ID monument signs to be internally illuminated.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400331-1) APPROVAL CONDITIONAL

Parcel Map

5900 Peachtree Dunwoody Road



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

CASE NUMBER: 201400331

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

Staff Analysis:

The application is from Concourse Owner III & IV LLC requesting to be allowed to install internal illumination to ID Monuments as part of its overall sign renovation strategy. The property has approximately 680 feet of frontage along the western side of Peachtree Dunwoody Rd. and approximately 660 feet of frontage along the southern side of Hammond Dr.

Currently there are five (5) Identification signs along the Peachtree Dunwoody Road and Hammond Drive and the applicant will be replacing these signs with two ID monuments; one per road frontage. The proposed signs will meet all the requirements, such as those related to height and size included in the City's Sign Ordinance. The applicant is proposing to replace the existing signs with "a higher aesthetic quality" ID monument signs.

The proposed ID monument signs measurements are:

1. On Peachtree Dunwoody Rd.:
The overall sign height allowance is ten (10) feet; proposed height is ten (10) feet.
The sign copy area allowance is sixty-four (64) square feet; proposed sign copy area is thirty-two (32) square feet.
2. On Hammond Dr.
The overall sign height allowance is ten (10) feet; proposed height is (8.5) feet.
The sign copy area allowance is sixty-four (64) square feet; proposed sign copy area is (40.57) square feet.

The Sandy Springs Zoning Ordinance provides:

Section 33.26.E.1.Mixed Use District

- b. 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), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*

Exception

- e. Monument signs on arterial streets may be ten (10) feet in height.*

The ordinance provides for signs to be internally or externally illuminated; in the MIX Zoning District signs are required to be externally illuminated.

The applicant states "It is our understanding that Monument Signs shall not be internally illuminated because of the oncoming glare that drivers can receive from signs; externally illuminated signs typically have fixtures facing towards the sign and thus, create minimal glare to oncoming traffic. We respectfully request that each of our monument signs be internally illuminated because our fabrication process and final sign construction will not result in direct glare to drivers. Our signs assembly will be in such way that the Concourse letters will be the only element of the sign to be illuminated. The illuminated result of this entire construction yields a softly glowing, elegant, "edge-lit" effect to the edges of the letters, as oppose to the face of the letters. This effect will be similar to the lighting seen in our provided mockup".

History

No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

Section 33.26.E.1. of the Zoning Ordinance to allow for ID monument signs to be internally illuminated.

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 lot does not present any topographical challenges to justify the approval of this variance. Therefore, 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 present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on March 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 Staff is unaware of any hardship unique to the property advertised which would warrant special consideration to allow internally illuminated signs. However, 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 business. The internally illuminated proposed ground signs at the proposed locations will not have a negative impact on the surrounding properties as there are other signs internally illuminated. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

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

- 1) To allow ID monument signs along Peachtree Dunwoody Road and Hammond Drive to be internally illuminated pursuant to the sign details, submitted by the applicant, and dated received February 4, 2014 by the Department of Community Development.

Attachments

Letter of Appeal, Property Survey, Sign Detail and Photographs.



Variance Petition No. 201400334

HEARING & MEETING DATES

Board of Appeals Hearing

April 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Concourse I, V & VI, LLC

Petitioner
Concourse I, V & VI, LLC

Representative
Sky Design/Tiffany
Chen

PROPERTY INFORMATION

**Address, Land Lot(s),
and District** 1001 Hammond Drive
Land Lot 17, 17 District

Council District 5

Frontage Approximately 790 feet of frontage along the western side of
Peachtree Dunwoody Rd and approximately 900 feet of frontage
along the southern side of Hammond Dr.

Area The subject property has a total area of 50.06 acres (2,180,613.6 square
feet).

**Existing Zoning and
Use** O-I (Office & Institutional District) The property is currently
developed with office buildings.

Overlay District Perimeter Community Improvement Design District (PCID).

**2027 Comprehensive
Plan Future Land Use
Map Designation** Living Working Regional (LWR).

INTENT

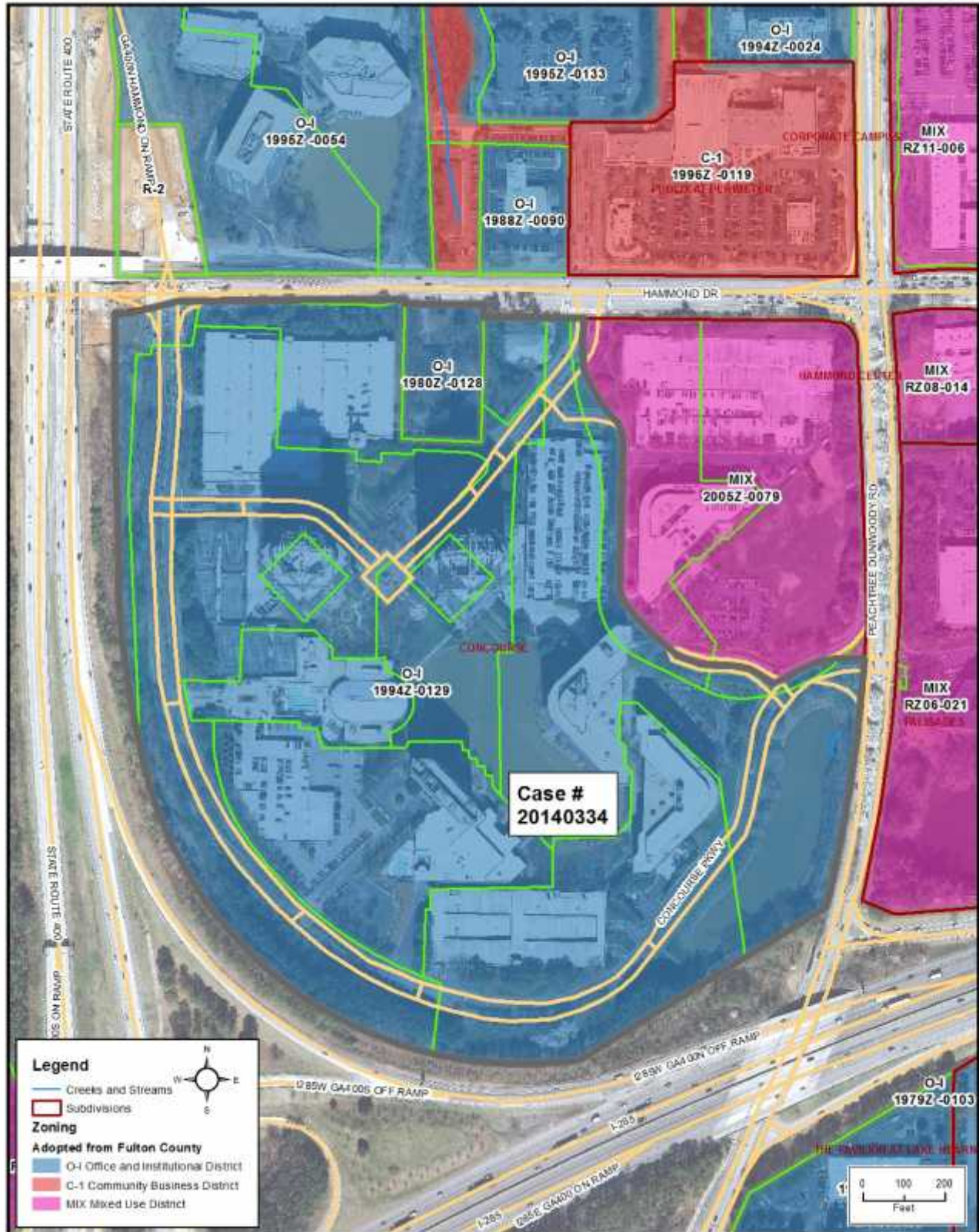
The applicant is seeking a primary variance from Section 33.26.D.1. of the Zoning Ordinance to allow for ID monument signs to be internally illuminated.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400334-1) APPROVAL CONDITIONAL

Parcel Map

1001 Hammond Drive



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

CASE NUMBER: 201400334

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

Staff Analysis:

The application is from Concourse Owner I, V & VI, LLC requesting to be allowed to install internal illumination to ID Monuments as part of its overall sign renovation strategy. The property has approximately 790 feet of frontage along the western side of Peachtree Dunwoody Rd. and approximately 900 feet of frontage along the southern side of Hammond Dr.

Currently there are three (3) Identification signs along the Peachtree Dunwoody Road and Hammond Drive. The applicant will be replacing these signs with two ID monuments; one per road frontage. The proposed signs will meet all the requirements, such as those related to height and size included in the City's Sign Ordinance. The applicant is proposing to replace the existing signs with "a higher aesthetic quality" ID monument signs.

The proposed ID monument signs measurements are:

1. On Peachtree Dunwoody Rd.:
The overall sign height allowance is ten (10) feet; proposed height is six (6) feet.
The sign copy area allowance is sixty-four (64) square feet; proposed sign copy area is (63.03) square feet.
2. On Hammond Dr.
The overall sign height allowance is ten (10) feet; proposed height is (8) feet.
The sign copy area allowance is sixty-four (64) square feet; proposed sign copy area is (52.5) square feet.

The Sandy Springs Zoning Ordinance provides:

Section 33.26.D.1. Office & Institutional District.

- b. 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), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

Exception

- e. Monument signs on arterial streets may be ten (10) feet in height.*

The ordinance provides for signs to be internally or externally illuminated; in the O-I Zoning District signs are required to be externally illuminated.

The applicant states "It is our understanding that Monument Signs shall not be internally illuminated because of the oncoming glare that drivers can receive from signs; externally illuminated signs typically have fixtures facing towards the sign and thus, create minimal glare to oncoming traffic. We respectfully request that each of our monument signs be internally illuminated because our fabrication process and final sign construction will not result in direct glare to drivers. Our signs assembly will be in such way that the Concourse letters will be the only element of the sign to be illuminated. The illuminated result of this entire construction yields a softly glowing, elegant, "edge-lit" effect to the edges of the letters, as oppose to the face of the letters. This effect will be similar to the lighting seen in our provided mockup".

History

No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

Section 33.26.D.1.b of the Zoning Ordinance to allow for ID monument signs to be internally illuminated.

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 lot does not present any topographical challenges to justify the approval of this variance. Therefore, 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 present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on March 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 Staff is unaware of any hardship unique to the property advertised which would warrant special consideration to allow internally illuminated signs. However, 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 business. The internally illuminated proposed ground signs at the proposed locations will not have a negative impact on the surrounding properties as there are other signs internally illuminated. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

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

- 1) To allow ID monument signs along Peachtree Dunwoody Road and Hammond Drive to be internally illuminated pursuant to the sign details, submitted by the applicant, and dated received February 4, 2014 by the Department of Community Development.

Attachments

Letter of Appeal, Property Survey, Sign Detail and Photographs.

BOARD OF APPEALS

201400346

**0 Montevallo Drive (17
0067001075)**

Applicant: Douglas Benson



Variance Petition No. 201400346

HEARING & MEETING DATES

Board of Appeals Hearing
April 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Fay R. Nowland

Petitioner
Brent Benson

Representative
Brent Benson

PROPERTY INFORMATION

Address, Land Lot(s), and District 0 Montevallo Drive, PIN 17 00670001075
Land Lot 93, 17th District

Council District 5

Frontage Approximately 100.01 feet of frontage along Montevallo Drive

Area Approximately .248 acres

Existing Zoning R-3 (Single Family Dwelling District)

Existing Use Undeveloped

Overlay District N/A

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

INTENT

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

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400346 – 1) APPROVAL CONDITIONAL

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 parcel is a legal lot of record in an R-3 (Single Family Dwelling District) zoning district. The lot is irregularly shaped and smaller than other lots on this street, and appears to be a remnant from the original development of the subdivision or the apartments to the south. The proposed site plan shows the residence set as far back as possible from the street, intending to minimize the encroachment into the front setback, and to maintain that the lot is developed in accordance with the intent of the ordinance. Based on 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 lot is very irregular in shape and is only 10,795 square feet (.248 acres), while the requirements state that lots in R-3 (Single Family Dwelling District) zoning districts have a minimum lot area of 18,000 square feet. The small size of the lot and the irregular shape combine to create an extraordinary hardship for the owner. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Related materials were distributed to internal departments on March 5, 2014, and no comments were provided by the following departments: Arborist, Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development.

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

Recommended Condition(s)

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

- 1) To reduce the front yard setback from fifty (50) feet to thirty-five (35) feet to allow for the construction of a single family residence, as shown on the site plan dated received February 5, 2014 by the Department of Community Development

ATTACHMENTS:

Parcel Map

Revised Letter of Appeal – Dated received February 22, 2014

Site Plan – Dated received February 5, 2014

Photographs

Legend

- GIS Addresses
- Creeks and Streams
- Subdivisions
- Zoning

Adopted from Fulton County

- R-3 Single Family Dwelling District
- R-4 Single Family Dwelling District
- A- Medium Density Apartment District
- A-L Apartment Limited Dwelling District
- A-1 Apartment Dwelling District
- C-1 Community Business District
- C-2 Commercial District

Case # 201400346

Map Labels:

- 1979Z-0073
- 1975Z-0028
- THE SUMMIT
- CARDINAL ACRES
- A-1
- 1967Z-0015
- FOREST HILLS
- R-3
- FOREST HILLS DR
- R-3
- Case # 201400346
- 1967Z-0044
- PARK NORTH
- MONTEVALLO
- MONTEVALLO DR
- R-3
- A
- 1967Z-0044
- C-1
- RZ05-002
- C-2
- RZ09-013
- A-L
- 1995Z-0058
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The City of Sandy Springs
Attn: Planning and Zoning Department
7840 Roswell Road Building 500
Sandy Springs Ga 30350

REVISED
RECEIVED
201400346
FEB 22 2014

February 4, 2014

City Of Sandy Springs
Community Development

Planning and Zoning Department:

I (Douglas Brent Benson) am applying for a front setback variance at 0 Montevallo Drive, Atlanta, Ga. 30342. I am asking for the permission to reduce the front setback from fifty linear feet off of the back of the curb to thirty-five linear feet off of the back of the curb. This does not include the allowed extension of the front porch and/or rear deck. Please take this into consideration when reviewing the site plan that I have provided.

The reason for this request is due to the abnormal shape of the lot, with the existing setback conditions the only allowable structure to be built would be fifteen linear feet deep.

Thanks for accepting my application and please call me at 678-877-4680 with any questions.

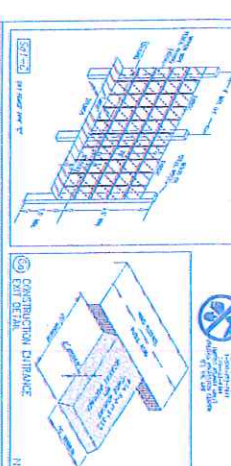
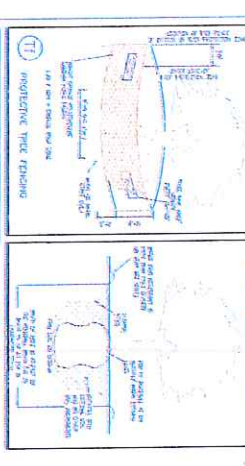
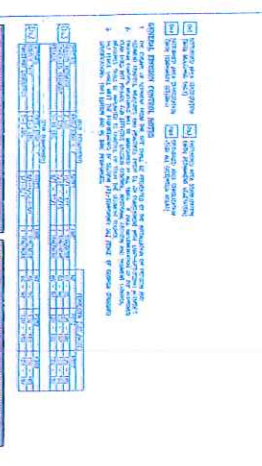
Thanks,

Brent Benson



NOTES:

1. THE PROPERTY SHOWN ON THIS MAP IS THE PROPERTY OF PEACETREE PARK PARTNERS, L.P.
2. THE PROPERTY IS LOCATED IN THE CITY OF ATLANTA, GEORGIA.
3. THE PROPERTY IS BOUND BY THE ATLANTA-ALBANY ROAD (U.S. HIGHWAY 41) TO THE NORTH, THE ATLANTA-ROCKY MOUNTAIN ROAD (U.S. HIGHWAY 28) TO THE SOUTH, AND THE ATLANTA-DECATUR ROAD (U.S. HIGHWAY 20) TO THE WEST.
4. THE PROPERTY IS BOUND BY THE ATLANTA-ALBANY ROAD (U.S. HIGHWAY 41) TO THE NORTH, THE ATLANTA-ROCKY MOUNTAIN ROAD (U.S. HIGHWAY 28) TO THE SOUTH, AND THE ATLANTA-DECATUR ROAD (U.S. HIGHWAY 20) TO THE WEST.
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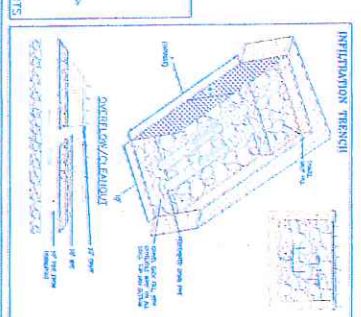
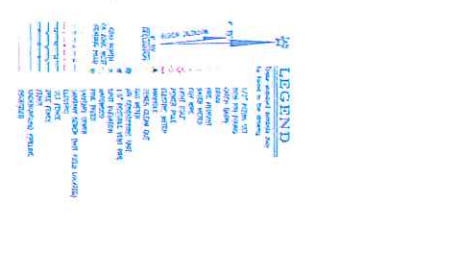


PEACETREE PARK PARTNERS, L.P.

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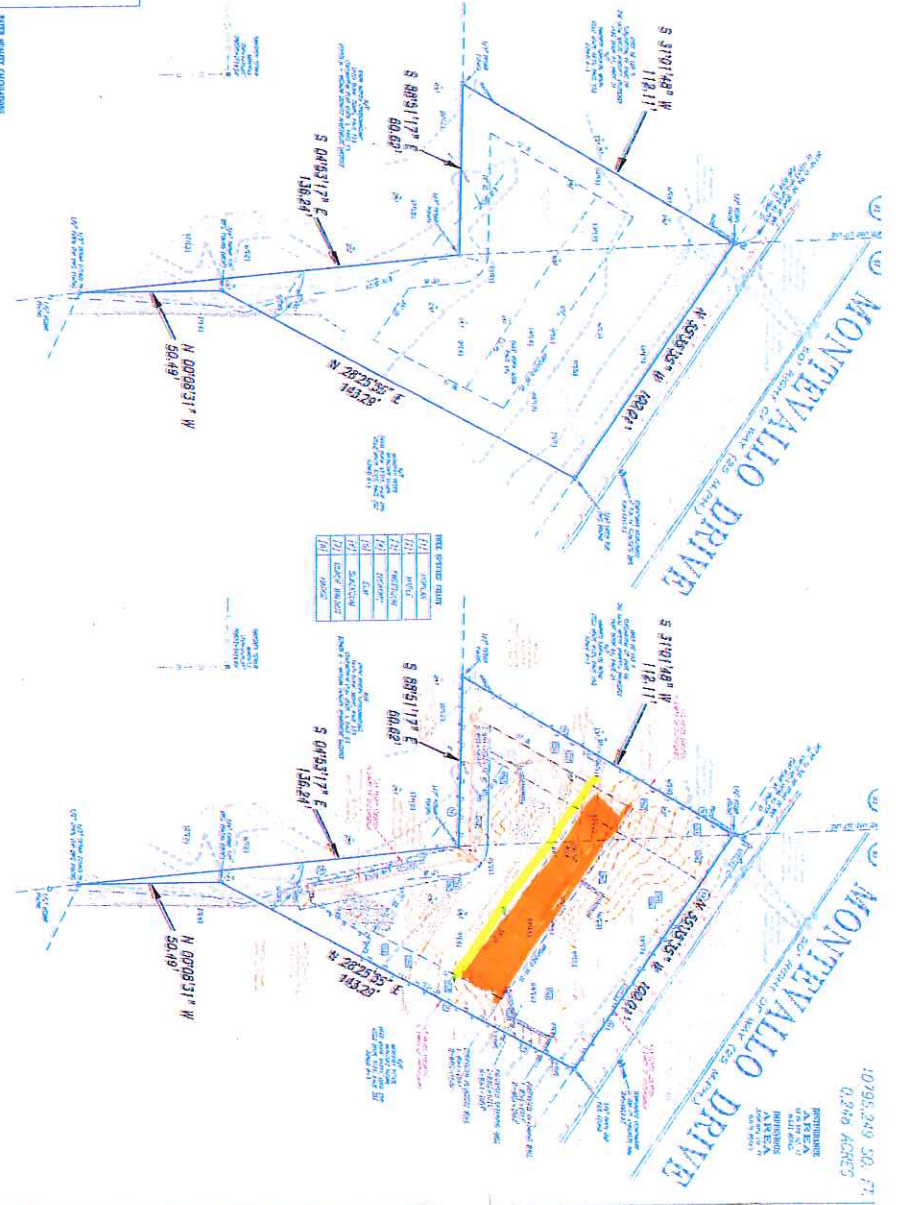


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