



Variance Petition No. V09-004

HEARING & MEETING DATES

Board of Appeals Hearing

April 15, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
John W. & Marie T. Brumbach	John W. & Marie T. Brumbach	John W. & Marie T. Brumbach

PROPERTY INFORMATION

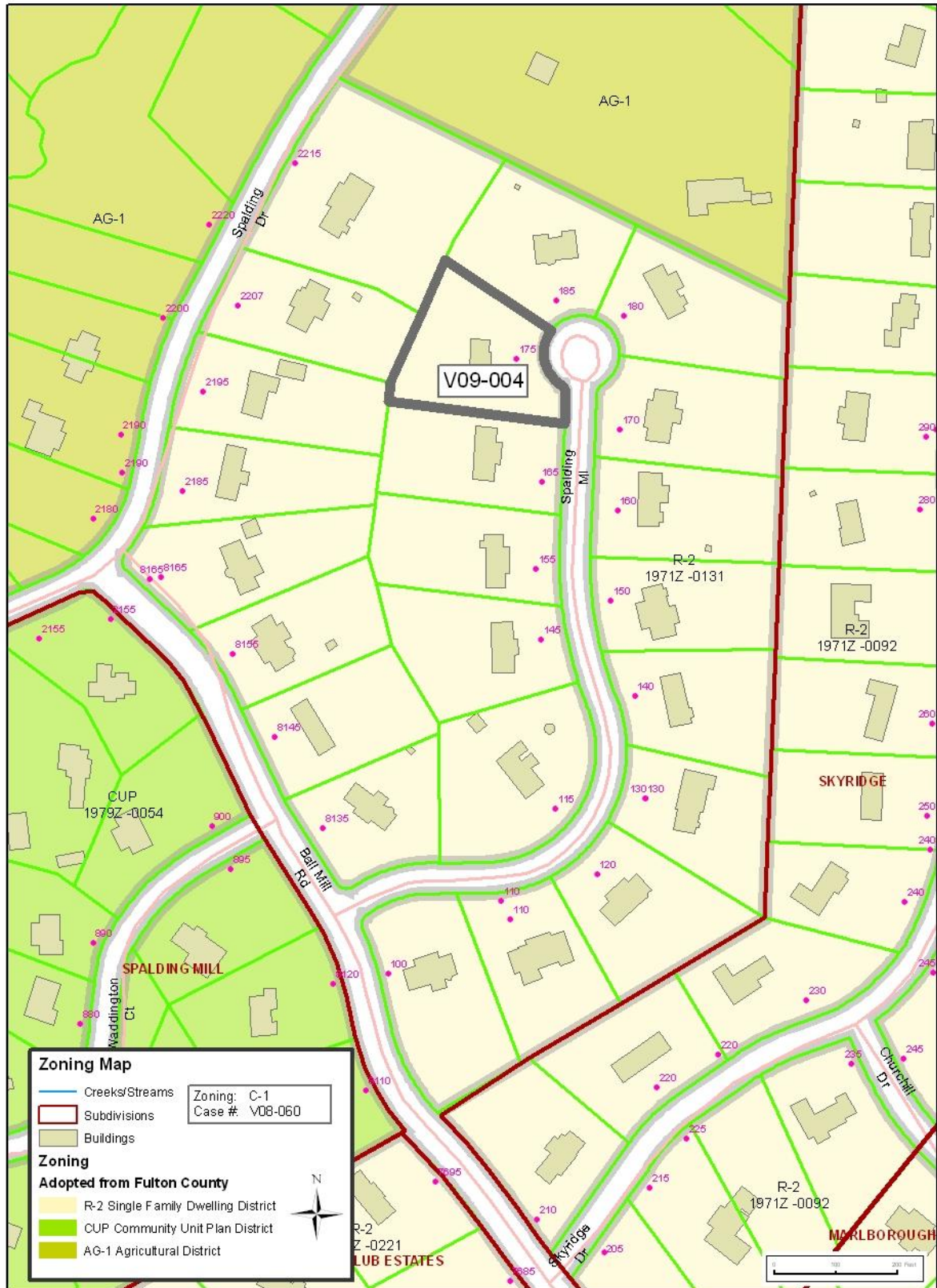
Address, Land Lot(s), and District	175 Spalding Mill Land Lot(s) 357, District 6
Council District	1
Frontage and Area	167± feet of frontage along the west side of the Spalding Mill cul-de-sac. The subject property has a total area of approximately 1.042 acres.
Existing Zoning and Use	The lot is zoned R-2(Single Family Dwelling District) conditional under Fulton County zoning case 1971Z-0131. The property is currently developed with a single-family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2Residential (1-2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot minimum side yard setback to 8.5 feet to allow for the construction of a detached garage.

Parcel Map

175 Spalding Mill



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 15, 2009

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

CASE NUMBER: V09-004

STAFF CONTACT: Julie Eldridge, Senior Planner 770-206-1519
E-mail: Julie.eldridge@sandyspringsga.org

REQUEST:

The applicant is requesting relief from to Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot minimum side yard setback to eight and one half (8.5) feet to allow for construction of a third garage on the property.

ANALYSIS:

The applicant has provided a site plan and photographs indicating the subject property to be trapezoidal in shape, sloping downward 10 feet in the north-west quadrant of the property to a creek bed. The property is currently developed with a single-family residence. A creek runs across the northwest corner of the lot, behind the home.

The proposed freestanding third garage is shown on the site plan at the back of a large cement parking pad measuring approximately 30 feet wide by 50 feet long, at the end of the driveway to the home. The parking pad extends to the property line and into the side setback. Because of the change in elevation at this location behind the house the garage is shown as a split elevation incorporating a retaining wall into the design with stairs leading down to the lower level rear of the house. The total area of encroachment into the side yard setback for the garage is 104.45 square feet.

The applicant has stated the following:

1. That placement of the garage in this location prevents removal of three hardwood trees (as opposed to a front yard location).
2. The proposed plan reduces the impervious area from 640 square feet to 403 square feet (as opposed to a front yard location, plus removal of the swimming pool and deck).
3. That adding a third garage increases property values.

The applicant has not assessed the option of placing the additional garage adjacent to the house. The applicant has expressed their desire for the side yard location and has provided written support from their neighbors on that side for this project.

The existing distance to the adjoining property to the south is 50 feet. Adding the garage in this location reduces the distance to the adjoining property to 29 feet.

Department Comments

The staff held a Focus Meeting on March 4, 2009 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪	No comments
	Arborist/Landscape Architect	▪	No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪	No comments
FIRE DEPT.	Fire Protection Engineer	▪	No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪	No comments
	Georgia Department of Transportation	▪	No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that the addition of a detached third car garage will increase the value of the property and that placement on the southern side of the house will minimize visual impact because of the extreme difference in elevation between this lot and that of the adjoining property (which sits much higher and will look down on the roof of the garage).

2. *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;*

The applicant has provided a site plan/topographical map and photographs indicating the subject property to be trapezoidal in shape, sloped from Spalding Mill cul-de-sac toward the north western corner of the lot. The southern side of the house, which contains the existing 2-car garage, is paved 30 feet wide up to the edge of the property line. The proposed third car garage is 18 feet wide. A swimming pool, which is proposed to be filled in, sits to the rear of the paved driveway on this side of the house.

Recommended Condition(s)

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

- 1) The site preparation, removal of the swimming pool and deck, and grading shall be performed in accordance with the proposed site plan, provided by the applicant dated received February 2, 2009, by the Department of Community Development, for the variance herein, showing site preparation and grading where necessary to prepare the site as indicated only.
- 2) The subject detached garage shall be constructed in accordance with the proposed site plan, provided by the applicant dated received February 2, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the 15 foot side yard setback to 8.5 feet where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, Site plans, Supporting documents and photographs



Variance Petition No. V09-005

HEARING & MEETING DATES

Board of Appeals Hearing

April 15, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Chris Wagner	Chris Wagner	Justin Larrison

PROPERTY INFORMATION

Address, Land	355 Glencastle Drive
Lot(s), and District	Land Lot(s) 135, District 17
Council District	6
Frontage and Area	170 feet of frontage along the north side of Glencastle Drive. The subject property has a total area of approximately 1.00 acre.
Existing Zoning and Use	The lot is zoned R-2(Single-family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1Residential (0-1 units per acre)

INTENT

The applicant is seeking two (2) primary variances from the Floodplain Management Ordinance:

- 1) Variance from Section 109-89.a.2 to allow a reduction in the base flood or future – conditions regulatory flood storage capacity and
- 2) Variance from Section 109-113.1 to allow new construction of principal building within the limits of future-conditions floodplain.

Both variances are to allow for an addition to a single-family house.

355 Glencastle Drive



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

CASE NUMBER: V09-005

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

REQUEST:

The applicant is requesting relief from Section 109-89.a.2 from the Floodplain Management Ordinance to allow a reduction in the base flood or future -conditions regulatory flood storage capacity and from Section 109-113.1 from the Floodplain Management Ordinance to allow new construction of principal building within the limits of future-conditions floodplain. Both variances are to allow for a porch addition to a single-family house.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have a rough rectangular shape. The applicant has provided a site plan and topographical map indicating the lot to primarily slope down from the Glencastle Drive right-of-way toward the back of the lot. The northern rear property line is shown to be the centerline of Long Island Creek. Another stream is located along the eastern side property line. From the rear property line, approximately $\frac{3}{4}$ of the lot is within a flood plain and approximately $\frac{1}{2}$ of the existing house is within a flood plain. The existing house is located adjacent to the required front setback line.

Staff notes the site and elevation plans indicate the deck of the proposed porch to be at an elevation of approximately 860.5 feet and, from the approximate center of the proposed improvement, approximately eight (8) feet above the existing grade. Additionally, the porch is proposed to not be within the seventy-five (75) foot stream buffers required for the state waters located along the eastern side property line and on northern rear property line.

The applicant states the following:

The intent is to expand the existing covered deck at 355 Glencastle Drive. The plans call for the proposed 22' wide deck to extend out 16' from the rear wall of the house (approximately 11' beyond the existing deck) and be 8' above the grade below, as shown on the attached Plans. A portion of the deck, approximately 5'-6" out from rear wall of the house, shall be covered. The total square footage of the new deck shall be approximately 352 sf. The existing deck structure, stairs and concrete patio below the deck shall remain.

This variance is sought as a result of the rear portion of the house being located partially in the current 100 year flood plain as shown on the attached Survey. The current base flood elevation of 856.5' above sea level is approximately 4.5' below the finished elevation of the proposed deck. In an effort to create a functional outdoor living space and raise the value of the property, a larger rear deck is the most effective and appealing improvement that can be created. Therefore, the applicant requests the Zoning Board grant a variance that will allow the construction of a deck within the 100 year flood plain.

The applicant asks the Zoning Board also consider the following factors and refer to the attached photo and Site Plan in reviewing the negligible impacts of encroaching within the flood plain.

- The expansion of the existing deck will be a significant improvement in appearance over the current deck and an overall enhancement to the rear façade.
- As shown on the Site Plan, the current position of the house has located the front of the house very close to the front setback line. The hardship created by the short distance from the front setback line to the 100 year flood plain does not allow for meaningful space to be created off the rear of the house.
- When designing the new deck, the Architect took into account the proximity of the stream and made the determination that a partially covered deck would achieve the Owners' objectives while minimizing the effect on the surrounding environment. As indicated above, the existing conditions shall remain and the only disturbance that shall be made below the base flood elevation will be the installation of four footings for the new structural posts.
- A set of French doors has already been installed in the rear wall of the house, leading from the Main Level of the house to the proposed location of the expanded deck as sketched in on the attached photo.

Department Comments

The staff held a Focus Meeting on March 4, 2009 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ Deck shall remain "open-air"; that is, shall not be, nor shall be converted to an enclosed and/or heated living space.
	Arborist/Landscape Architect	▪ There is a feature on the east side of the property that would require a buffer.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

Staff notes the site and elevation plans indicate the deck of the proposed porch to be at an elevation of approximately 860.5 feet and, from the approximate center of the proposed improvement, approximately eight (8) feet above the existing grade. Additionally, the porch is proposed to not be within the seventy-five (75) foot stream buffers required for the state waters located along the eastern side property line and on northern rear property line.

The applicant states the following:

- This variance is sought as a result of the rear portion of the house being located partially in the current 100 year flood plain as shown on the attached Survey. The current base flood elevation of 856.5' above sea level is approximately 4.5' below the finished elevation of the proposed deck. In an effort to create a functional outdoor living space and raise the value of the property, a larger rear deck is the most effective and appealing improvement that can be created. Therefore, the applicant requests the Zoning Board grant a variance that will allow the construction of a deck within the 100 year flood plain.
 - The expansion of the existing deck will be a significant improvement in appearance over the current deck and an overall enhancement to the rear façade.
 - When designing the new deck, the Architect took into account the proximity of the stream and made the determination that a partially covered deck would achieve the Owners' objectives while minimizing the effect on the surrounding environment. As indicated above, the existing conditions shall remain and the only disturbance that shall be made below the base flood elevation will be the installation of four footings for the new structural posts.
2. *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;*

The applicant has provided a site plan and topographical map indicating the lot to primarily slope down from the Glencastle Drive right-of-way toward the back of the lot. The northern rear property line is shown to be the centerline of Long Island Creek. Another stream is located along the eastern side property line. From the rear property line, approximately $\frac{3}{4}$ of the lot is within a flood plain and approximately $\frac{1}{2}$ of the existing house is within a flood plain. The existing house is located adjacent to the required front setback line.

The applicant states the following:

- As shown on the Site Plan, the current position of the house has located the front of the house very close to the front setback line. The hardship created by the short distance from the front setback line to the 100 year flood plain does not allow for meaningful space to be created off the rear of the house.

Recommended Condition(s)

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

1. The proposed porch shall be constructed in accordance with the proposed site plan, provided by the applicant dated received February 3, 2009 by the Department of Community Development, for the variance(s) herein, showing a reduction in the base flood or future -conditions regulatory flood storage capacity and showing new construction of principal building within the limits of future-conditions floodplain where necessary to accommodate the portion of the encroachment(s) only.

ATTACHMENTS: Letter of appeal, site plans, topographical map, construction drawings, and a photograph.



Variance Petition No. V09-006

HEARING & MEETING DATES

Board of Appeals Hearing

April 15, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Josh Tolchin	Josh Tolchin	Josh Tolchin

PROPERTY INFORMATION

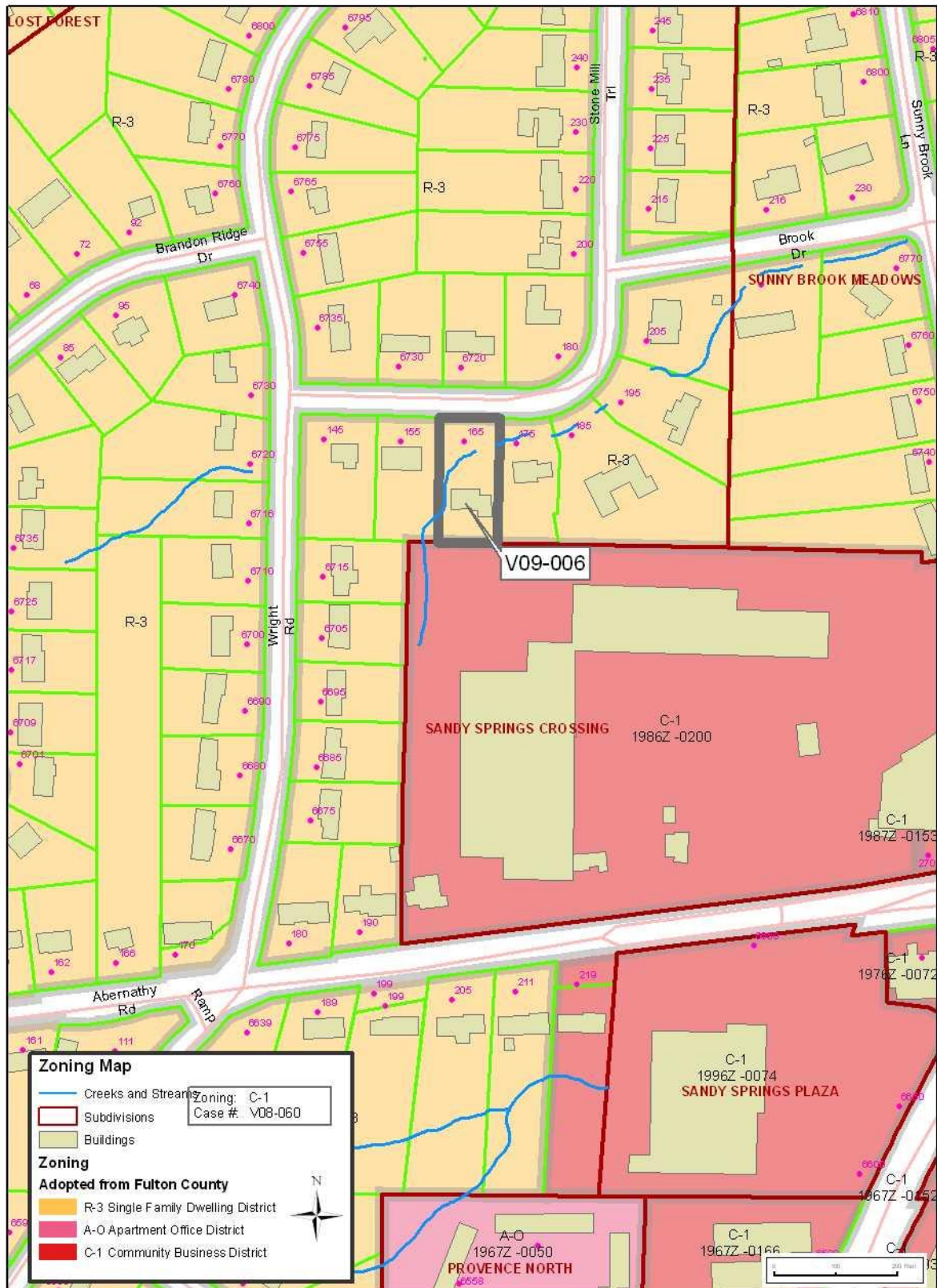
Address, Land Lot(s), and District	165 Stone Mill Trail Land Lot(s) 87, District 17
Council District	3
Frontage and Area	97 feet of frontage along the south side of Stone Mill Trail. The subject property has a total area of approximately 0.445 acres.
Existing Zoning and Use	The lot is zoned R-3(Single-family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2Residential (1-2 units per acre)
INTENT	

The applicant is seeking two primary variances:

- 1) Section 109-225.a.1. of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a minimum 26 foot undisturbed natural buffer to allow for a porch and walkway addition having 225 sq. ft. of land disturbance, and to allow for a driveway expansion (turn-out) having 30 sq. ft. of land disturbance.
- 2) Section 6.4.3.C. of the Zoning Ordinance to reduce the required 10 foot minimum side yard setback to 9 feet to allow for an addition to a single-family house.

Parcel Map

165 Stone Mill Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 15, 2009

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

CASE NUMBER: V09-006

STAFF CONTACT: Julie Eldridge, Senior Planner 770-206-1519
E-mail: Julie.Eldridge@sandyspringsga.org

REQUEST:

The applicant is requesting for two primary variances:

- 1) A variance from Section 109-225.a.1 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed buffer and 25 foot impervious surface setback) to 26 feet to allow for a porch and walkway addition in the front of the home and a small portion of driveway expansion (turn out), and
- 2) A variance from Section 6.4.3.c of the Zoning Ordinance to reduce the required 10 foot minimum side yard setback to 9 feet to allow for an addition to a single-family house.

Note: The variance for the side yard can be done administratively, but the applicant has submitted this variance to be considered with the other variance request in overall package of improvements.

ANALYSIS:

The applicant has provided a site plan/topographical map and photographs indicating the subject property to roughly be rectangular in shape, with a creek bed running across the front of the property, piped under the bridge, and piped continuing around the west side of the house and then south to the rear of the property. The property is currently developed with a single-family residence.

The applicant states the following:

- 1) Their family has grown and they need more space but they do not want to leave this neighborhood.
- 2) They are proposing to stay where they are and renovate to add more space including expansion of the garage to create indoor play-space above the garage, a kitchen expansion with a bay window, and a covered front porch with a replaced walkway. Only a small portion of the front porch, walkway and driveway expansion extend into the 50 foot vegetative buffer. The kitchen and garage expansions to the rear of the house are accomplished without encroaching into the 35 foot rear yard setback. The expansion of the garage to the rear encroaches into the side yard setback less than one foot.
- 3) Their property is very constrained with a stream that wraps around the front and side yards of the lot. Almost any addition to the home will violate the 75 foot stream buffers and/or side setbacks. The expansion of the garage to the rear of the property increases an encroachment into the 10 foot east side yard setback from 9.7 feet to 9.25 feet.

The additions to the home are proposed in areas where minimal impact will be made into the buffers which severely constrain expansion on this property. The proposed new walkway replaces an existing brick paver walkway that extends into the 50 foot undisturbed natural buffer. The existing impervious surface within the 50 foot undisturbed natural buffer is 794 square feet. The proposed expansion into the 50 foot undisturbed natural buffer is 829 square feet, for a total new impact of 35 square feet. The new construction limits of disturbance within the 50 foot undisturbed natural buffer will be 255 square feet for the porch, walkway, and driveway turnout.

Department Comments

The staff held a Focus Meeting on March 4, 2009 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	No comments.
	Arborist/Landscape Architect	The use of vines on the stream banks acts effectively to minimize erosion, but is not an indigenous species.
BUILDING AND PERMITTING	Building Plan Reviewer	No comments.
FIRE DEPT.	Fire Protection Engineer	No comments.
TRANSPORTATION	Public Works Dept., Transportation Planner	No comments.
	Georgia Department of Transportation	No comments.

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

- 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;*

The applicant states the intention is to improve the property's function and value by adding a covered porch, replaced walkway and garage expansion to the front, as well as an expansion of the kitchen and garage to the rear of the home. The encroachments into the stream buffer and the side yard setbacks are minimal and unavoidable due to the close proximity of the stream.

2. *The application of the particular provision of the Stream Buffer ordinance and 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;*

Staff notes the property is currently developed with a single-family residence located within the 75 foot stream buffer of a creek on two sides of their property. The applicant has provided a site plan/topographical map and photographs indicating the subject property to roughly be rectangular in shape, with a creek bed running across the front of the property and piped under the driveway and around the west side of the house and south to the rear of the property. The property is currently developed with a single-family residence.

Given the stream buffer issues burdening this property, which hardship is unique to this property, the requirement to strictly comply with the referenced development standard would place an unnecessary hardship on the owner(s) while the approval of this application would cause no detriment to the public.

Recommended Condition(s)

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

- 1) The proposed walkway, porch, driveway turn-out and home additions shall be constructed in accordance with the proposed site plan, provided by the applicant dated received February 4, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty six (26) foot undisturbed natural buffer for the proposed walkway, porch, and driveway turn-out to allow for a total of 255 square feet land disturbance within the required fifty (50) foot undisturbed natural buffer where necessary to accommodate the portion of the encroachments only; and to reduce the eastern side yard setback to 9 feet.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, and patios shall be constructed of pervious material.
- 3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention device.
- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.

- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
- 9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.
- 10) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plans, supporting documents, and photographs.



Variance Petition No. V09-002

HEARING & MEETING DATES

Design Review Board
March 10, 2009

Board of Appeals Hearing
April 15, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
CK City Walk LLC

Petitioner
CK City Walk LLC

Representative
Louis E. Bridges

PROPERTY INFORMATION

Address, Land Lot, and District. 230 Hammond Drive
Land Lot 89, District 17

Council District 3

Frontage and Area Approx. 718 feet of frontage along the north side of Hammond Dr., approx. 99.81 feet of frontage along the east side of Sandy Springs Cir. and approx. 522 feet of frontage along the south side of Sandy Springs Place. The subject property has a total area of 14 acres (615,938 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County 92Z-085, currently developed with a shopping center.

Overlay District Main Street District

Interim 2025 Comprehensive Future Land Use Map Designation Living-Working Community (LWC)

INTENT

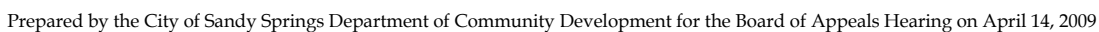
The applicant is seeking relief from the Sandy Springs Zoning Ordinance, to increase the sign area of three (3) existing free standing signs. The applicant request is as follows:

1. Variance from Section 33.26.H.1.a
 - a) To increase the maximum permitted square footage for an existing free standing sign located on Sandy Springs Circle (Sign C) from thirty-two (32) square feet to seventy-two (72) square feet on lot frontage with less than 500 linear feet.
2. Variance from Section 33.26.H.1.b.
 - a) To increase the maximum permitted square footage for an existing free standing sign located on Hammond Drive west entrance (Sign B) from sixty-four (64) square feet to seventy-two (72) square feet on lot frontage with more than 500 linear feet and up to 1,000 linear feet.
 - b) To increase the maximum permitted square footage for an existing free standing sign located on Sandy Springs Place (Sign D) from sixty-four (64) square feet to sixty-seven (67) square feet on lot frontage with more than 500 linear feet and up to 1,000 linear feet.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the March 10, 2009 DRB meeting. The request was recommended for APPROVAL (3-0, Gregory, Mobley, and Richard for; Lichtenstein not voting; Landeck excused at 9:23 a.m.; Porter and Westmoreland absent) as presented without conditions.

230 Hammond Drive



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V09-002

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is requesting two primary variances from the Zoning Ordinance: 1) variance from Section 33.26.H.1.a to increase the maximum permitted square footage for an existing free standing sign from 32 square feet to 72 square feet (on Sandy Springs Circle, Sign C) on a lot frontage with less than five hundred (500) linear feet and 2) variance from Section 33.26.H.1.b to increase the maximum permitted square footage for two existing free standing signs from 64 square feet to 72 square feet (on Hammond Drive, sign B) and 67 square feet (on Sandy Springs Place, sign D) on lot frontages with more than five hundred (500) linear feet and up to one thousand (1,000) linear feet.

ANALYSIS:

The subject property is the City Walk shopping center located at 230 Hammond Drive. This development is comprised of approximately 172,955 square feet of office and retail space and five (5) buildings. This property has frontages on Sandy Springs Circle (less than five hundred (500) lineal feet of frontage), Hammond Drive and Sandy Springs Place (with more than 500 lineal feet and up to 1,000 lineal feet of frontage).

The current sign ordinance provides: Article 33, Section 26.H.1, **Sandy Springs Overlay District**.

- a. One (1) maximum thirty-two (32) square foot, freestanding sign shall be permitted for each lot which has up to and including five hundred (500) linear feet of frontage. The sign shall have a maximum height of six (6) feet and shall not have changeable copy.
- b. One (1) maximum sixty-four (64) square foot, freestanding sign shall be permitted for each lot which 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 d.) and shall not have changeable copy.

Pursuant to the case number V04-160 the previous owner of the shopping center erected four (4) free standing signs with sign areas up to thirty-seven (37) square feet, advertising the shopping center and the major anchor. The tenants' names were not included.

This request is to increase the sign area of the existing free standing signs at the Shopping Center entrances at Hammond Drive, Sandy Springs Circle and Sandy Springs Place, to add the names of all the tenants in the shopping center. The applicant proposes to increase the sign

faces of these existing signs without altering the existing structures, by adding the names of the tenants to the existing panels already on the structures as shown in exhibit 1.

The applicant proposes to increase over the maximum allowed eight (8) square feet of sign face to sign B, forty (40) square feet of sign face to sign C, and three (3) square feet of sign face to sign D. The existing signs faces are thirty-seven (37) square feet in size.

The applicant states “the additional signage is needed because all but one of the Shopping Center buildings are well above the grade of the adjacent road, Hammond Drive and all of the buildings are set back behind existing buildings on Sandy Springs Circle. For this reason the premises of most of the Shopping Center tenants can not be seen from the adjacent streets except from the immediate parking area within the Shopping Center. Discussions between the current tenants and the Shopping Center owner have revealed that the tenants are extremely concerned that they do not have visibility in the Shopping Center, and that this lack of visibility has contributed, if not caused, several tenants to go out of business”.

Department Comments

The staff held a Focus Meeting on March 4, 2009 at which time the following departmental comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that it is important for a driver to distinctively recognize the location of each business. Tenant sales are being adversely affected by the lack of visibility of their business in the Shopping Center. Several tenants have recently gone out of business at least in part because of lack of visibility.

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 commercially reasonable level of signage for each business which would be in harmony with the intent of the zoning ordinance. The sign panels already exist and the owner is requesting no changes to the existing structures other than allow the tenants to utilize the existing blank panels. The applicant has indicated all nearby shopping centers have signs that permit tenants to place sign panels on the freestanding sign.

2. *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;*

The applicant has stated: these variances requested are justified due to the hardship created by the unique location of the site. The design of the shopping center on which the signs are to be located renders it impossible to comport with the strict standards of this Article. The extreme topography to the south of the Shopping Center obscures Shopping Center and the tenants shops from Hammond Drive.

3. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from and adjoining road.*

Existing buildings on adjacent land and a deep set back to the west of the Shopping Center obscures visibility of the tenant's shops from Sandy Springs circle. Tenants shops are invisible except from within the Shopping Center.

The applicant has indicated that the purpose for these variances is mainly to provide signage visibility for the tenants. Wall signs installed on front of the tenant's spaces are only visible from within the shopping center and completely obscured by the shopping center structures.

Recommended Conditions:

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

1. The sign area for the free standing sign located on Sandy Springs Circle (Sign C) shall not exceed seventy-two (72) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development.
2. The sign area for the free standing sign located on Hammond Drive west entrance (Sign B) shall not exceed seventy-two (72) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development.
3. The sign area for the free standing sign located on Sandy Springs Place (Sign D) shall not exceed sixty-seven (67) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development.
4. Display street address on all freestanding signs. Address must be showing horizontal and not blocked by landscaping.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, building elevation, and letter of appeal.

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking relief from the Sandy Springs Zoning Ordinance, to increase the sign area of three (3) existing free standing signs. The applicant request is as follows: 1. Variance from Section 33.26.H.1.a a) To increase the maximum permitted square footage for an existing free standing sign located on Sandy Springs Circle (Sign C) from thirty-two (32) square feet to seventy-two (72) square feet on lot frontage with less than 500 linear feet. 2. Variance from Section 33.26.H.1.b. a) To increase the maximum permitted square footage for an existing free standing sign located on Hammond Drive west entrance (Sign B) from sixty-four (64) square feet to seventy-two (72) square feet on lot frontage with more than 500 linear feet and up to 1,000 linear feet. b) To increase the maximum permitted square footage for an existing free standing sign located on Sandy Springs Place (Sign D) from sixty-four (64) square feet to sixty-seven (67) square feet on lot frontage with more than 500 linear feet and up to 1,000 linear feet.	The Design Review Board recommended APPROVAL as presented without conditions.	1. The sign area for the free standing sign located on Sandy Springs Circle (Sign C) shall not exceed seventy-two (72) square feet, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development. 2. The sign area for the free standing sign located on Hammond Drive west entrance (Sign B) shall not exceed seventy-two (72) square feet, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development. 3. The sign area for the free standing sign located on Sandy Springs Place (Sign D) shall not exceed sixty-seven (67) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development.	Prior to the 2007 Zoning Ordinance amendment in the Sandy Springs Overlay, properties were allowed one freestanding sign per street frontage. Therefore, City Walk was allowed to have three free standing signs by right and an additional sign on Hammond Drive (Sign A) pursuant to V04-160.



Variance Petition No. V09-003

HEARING & MEETING DATES

Design Review Board
March 10, 2009

Board of Appeals Hearing
April 15, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Sandy Springs Christian Church, Inc.	Sandy Springs Christian Church, Inc.	W. Bryant McDaniel

PROPERTY INFORMATION

Address, Land Lot, and District.	301 Johnson Ferry Road Land Lots 125 and 126, District 17
Council District	3
Frontage and Area	Approx. 456 feet of frontage along east the side of Johnson Ferry Road and approx. 437 feet of frontage along the north side of Abernathy Road. The subject property has a total area of 5.2 acres (226,512 square feet).
Existing Zoning and Use	R-1 and R-3 (Single- Family Dwelling District) currently developed with a Church.
Overlay District	Urban District
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1-2 Units per Acre)

INTENT

The applicant is seeking relief from the Sandy Springs Zoning Ordinance, to install a sign for the church during the GA DOT road construction project on Johnson Ferry Road and Abernathy. The applicant request is as follows:

1. Variance from Section 33.22.C.
 - a) To reduce the required ten (10) foot minimum sign setback from the right-of-way to 5 feet.
2. Variance from Section 33.26.H.1.a.
 - a) To increase the maximum permitted square footage for a free standing sign from thirty-two (32) square feet to thirty- five (35) square feet on a lot frontage with less than 500 linear feet.
 - b) To allow for a free standing sign to exceed the maximum height permitted from six (6) feet to seven (7) feet.
 - c) To allow a changeable copy sign.

DESIGN REVIEW BOARD RECOMMENDATION

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 15, 2009

The application was heard at the March 10, 2009 DRB meeting. The request was recommended for APPROVAL (4-0, Gregory, Landeck, Mobley, and Richard for; Lichtenstein not voting, Porter and Westmoreland absent) as presented without conditions.

Parcel Map

Zoning Map

- Creeks/Streams
- Subdivisions
- Buildings

Zoning: C-1
Case #: V08-060

Zoning Adopted from Fulton County

- R-1 Single Family Dwelling District
- R-3 Single Family Dwelling District
- R-5 Single Family Dwelling District
- CUP Community Unit Plan District

The map shows a central parcel labeled V09-003, which is currently zoned R-3. It is surrounded by other parcels with various zoning designations, including R-1, R-3, R-5, and CUP. Roads shown include Barnard Pl, River Valley Rd, River Springs Dr, and others. A north arrow and a scale bar are located in the bottom right corner.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 15, 2009

DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-003

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

ANALYSIS:

The subject property is the Sandy Springs Christian Church located at 301 Johnson Ferry Road. In 2007, the church sold a very small piece of property to the GDOT and granted a temporary easement for the road construction project. In 2008 the church was asked to move the free standing sign that had been located in front of the church since 1986, to allow the completion of a survey work. The sign was removed and placed nearby to have visibility from the near intersection, Johnson Ferry Road and Abernathy Road. The sign was stolen, leaving the church without any identification. The applicant states the church's intention is to place a sign at temporary locations (Phase one and Phase two) to communicate that the church will remain open throughout the construction project and to let motorist know the name of the church, its denomination, worship times, web address, and to notify everyone of upcoming events and activities. Once the construction is completed, their plan is to erect a more permanent sign near the new intersection, which will be west of the current location.

The applicant explains that the construction project falls into three phases, basis why they are asking to have the sign at more than one location. Phase one is on the way and will end with the initiation of work on the church property at which time the sign will have to be moved to Phase two location, which is prior to the relocation of River valley and Johnson Ferry Road.

The proposed sign is to be used during construction only at the proposed location identified on the site plan as "Phase one", five (5) feet from the current right-of-way instead of the required ten (10) feet from the right-of-way, to give the church visibility from the street until GDOT removes the dozens of trees that are along the road frontage. During phase two, the church anticipates to move the sign back beyond the construction easement area granted to GDOT. This will place the sign about twenty-five (25) feet back from the right-of-way. The applicant states that because the deep setback and general mess that comes with construction, they are asking for a taller and larger sign than allowed by the ordinance.

The applicant proposes a sign as follows:

1. Changeable copy, to communicate information on upcoming events at the church and the day school.
2. Thirty-five (35) square feet of sign area, to achieve more visibility as the sign will be located approximately twenty-five (25) feet back from the right-of-way during phase two.
3. Seven (7) feet height so that the signage will be more visible with easement setback and grade.
4. Five (5) feet from the right-of-way during phase one, to gain visibility as otherwise the sign visibility will be obstructed by the vegetation.

Department Comments

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 15, 2009

The staff held a Focus Meeting on March 4, 2009 at which time the following departmental comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation Planner	▪ The proposed Phase 1 sign location is on GDOT owned property. The City cannot issue a variance for a sign location on another party's property. The applicant needs to provide written approval from the property owner, GDOT, to allow the proposed Phase 1 location. Public Works has no other objections to the variance for size, type, sign structure, or the proposed Phase 2 location.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant's purpose is to present an identification of its premises, communicating to the citizens the location of the Sandy Springs Christian Church and to communicate that the church will remain open through the construction project. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

Recommended Conditions:

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

1. Allow the freestanding sign to be located at the proposed location (Phase 1), five (5) feet from the right of way contingent to GDOT approval and until the construction project requires the sign to be moved, pursuant to the site plan submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development.
2. The freestanding sign shall not exceed thirty- five (35) square feet of sign area pursuant to the sign design detail, submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development.
3. The freestanding sign shall not exceed seven (7) feet height pursuant to the sign design detail, submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development.
4. Allow the freestanding sign to have manual changeable copy.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, building elevation, and letter of appeal.

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking two primary variances from the Zoning Ordinance: - Variance from Section 33.22.C. - To reduce the required ten (10) foot minimum sign setback from the right-of-way to 5 feet. - Variance from Section 33.26.H.1.a. - To increase the maximum permitted square footage for a free standing sign from thirty-two (32) square feet to thirty-five (35) square feet on a lot frontage with less than 500 lineal feet. - To allow for a free standing sign to exceed the maximum height permitted from six (6) feet to seven (7) feet. - To allow a changeable copy sign.	The Design Review Board recommended APPROVAL as presented without conditions.	- Allow the freestanding sign to be located at the proposed location, five (5) feet from the right of way contingent to GDOT approval and until the construction project requires the sign to be moved, pursuant to the site plan submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development. - The freestanding sign shall not exceed thirty-five (35) square feet of sign area pursuant to the sign design detail, submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development. - The freestanding sign shall not exceed seven (7) feet height pursuant to the sign design detail, submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development. - Allow the freestanding sign to have changeable copy.	The applicant's proposal is in two phases to display a sign for the church during the GDOT road construction project on Johnson Ferry Road and Abernathy. - Phase one is to have the sign at five feet (5) from the ROW. - Phase two is to relocate the sign at approximately forty-two (42) feet from the relocated curb and gutter as shown on site plan submitted by the applicant and dated received February 3, 2009.