



Variance Petition No. 201400823

HEARING & MEETING DATES

Board of Appeals Hearing

May 8, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Springmont School/ Chris Huff	Springmont School/ Chris Huff	Josh Tolchin

PROPERTY INFORMATION

Address, Land Lot(s), and District	5750 Long Island Drive Land Lot 123, 17 District
Council District	6
Frontage	Approximately 700 feet of frontage along the western side of Long Island Drive.
Area	The subject property has a total area of 6.7 acres (2,918,852.0 square feet).
Existing Zoning and Use	R-1 (Single Family Dwelling District), currently developed with a private school.
Overlay District	NA
2027 Comprehensive Plan Future Land Use Map Designation	Residential 0 to 1 Units per acre.

INTENT

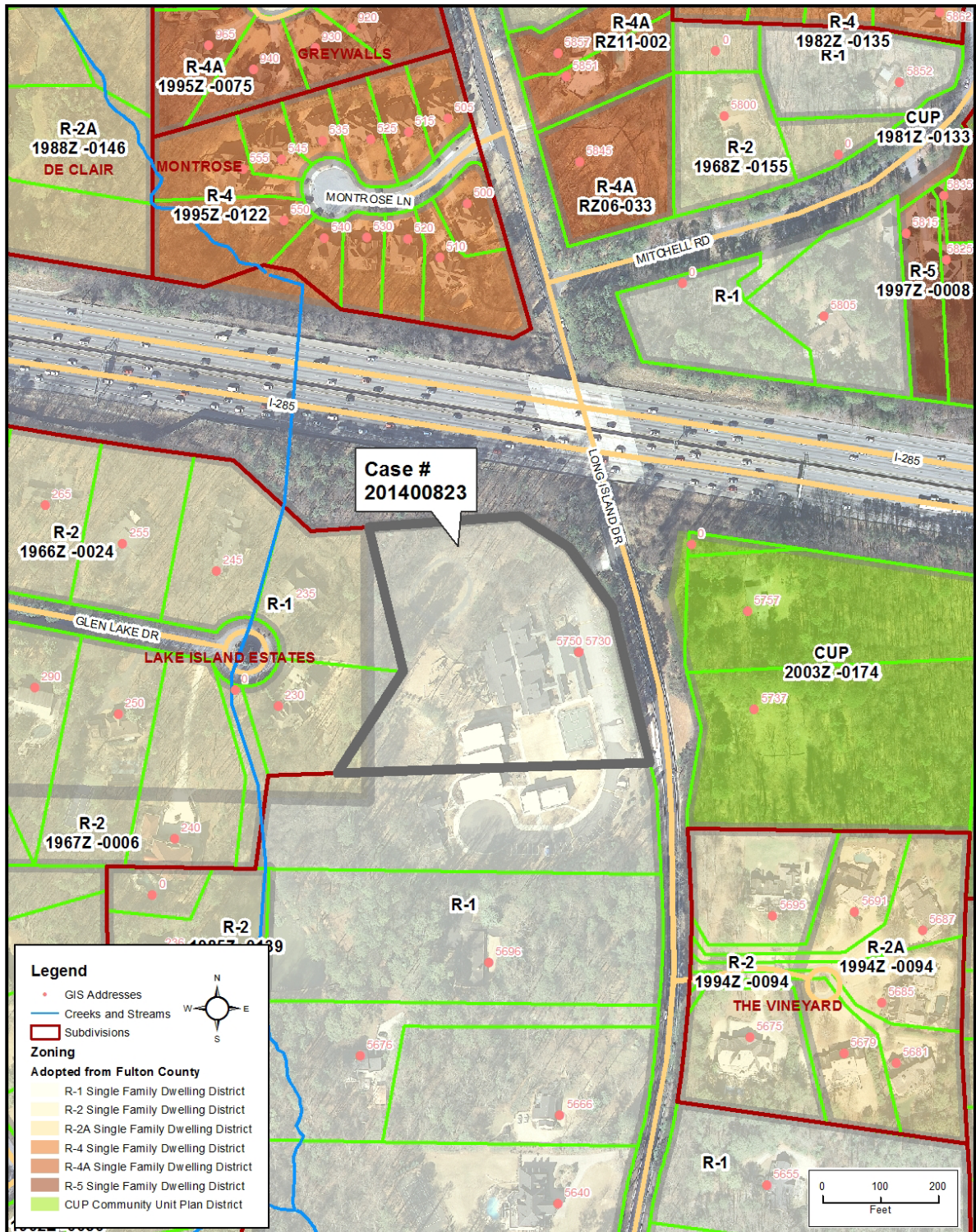
The applicant is seeking a primary variance from Section 33.26.B.1.a. of the Sandy Springs Zoning Ordinance to allow for a free standing sign that is not a monument type along the Long Island Dr. road frontage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400823-1) APPROVAL CONDITIONAL

Parcel Map

5750 Long Island Drive



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

CASE NUMBER: 201400823

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

Staff Analysis:

The subject property has been utilized as school since 1963. Springmont School changed its name from First Montessori School of Atlanta in 2013. Currently the school serves approximately 280 students ranging in age from 1 ½ to 14 years old.

The subject property has two curb cuts along the road frontage, about 150' apart; one way entrance and one way exit. On the north side of the entrance there is a wooden free standing sign identifying the school. The existing sign, "which has been in place for probably 40 years", is located on GA DOT right of way. The visibility of the sign is minimal due to the topography and natural features of the lot. The petitioner desires to replace the existing sign with a new sign, in order to improve the visibility to the school.

The subject of this variance is that the proposed sign is a non-monument type sign.

The Sandy Springs zoning ordinance provides:

Section 33.26.B.1. Single Family Residential, CUP and NUP Districts

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

SECTION 3: DEFINITIONS.

Monument sign

A freestanding sign mounted directly upon the ground and not attached to or a part of or supported by a building and designed in such a manner that the base of the sign face is flush with the supporting solid base which is flush with the ground. The base shall be at least as wide as the sign and shall be constructed of brick, stone, or other architectural masonry material.

Because the ordinance only allows monument type signs, to be able to place on the lot a sign that is not a monument type a variance is required.

The applicant offers the following information:

"The school has contracted with a very well known metal sculptor, Andrew Crawford (www.andrewtcrawford.com). Mr. Crawford has completed works of fine art for numerous locations in the Southeast including the Atlanta Botanical Gardens, Athens Botanical Gardens and even the Sandy Springs Library (he created the large wrench that sits out front). The school and Mr. Crawford have

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 8, 2014

worked together to create a very attractive metal sculpture/sign that will fit in beautifully in our residential neighborhood.

Springmont takes the time to communicate with and solicit feedback from its neighbors on projects like this that could impact the community. We have shared drawings of our proposed sign (copies are included in this application) with the school's neighbors on Long Island Drive. They are all very excited about this effort and some of their e-mails of support have been included in this variance application. To date, we have had no neighbors express unhappiness with this project."

The applicant offers the following in support of the application

"Requiring Springmont to follow the zoning ordinance for a monument sign on this location creates an unnecessary hardship for the school while also causing a detriment to the school's neighbors. The issues are as follows:

1. The topography of the new sign location adjacent to the earthen berm requires the sign to be as high as possible in order to be visible to northbound traffic. A monument sign of six feet tall would be massive and ugly. A hanging sign off of a post is a better option.
2. Long Island Drive is a very pretty road. The school is in the middle of a wooded residential area surrounded by attractively landscaped homes. A massive monument sign would be inconsistent with the residential charm and natural features of the street. Our proposed sign will be more organic and natural looking with its weathered/rusted steel coloring. A commercial looking monument sign would detract from the landscaping improvements planned by the school and prove unsightly to the school's neighbors" .

The proposed sign will meet all other requirements, including those related to height and size included in the City's Sign Ordinance.

History

No Code Enforcement issues have been reported.

Standards for Consideration

Zoning Ordinance

Section 33.26.B.1.a

- 1) To allow for a free standing sign that is not a monument type along the Long Island Dr. 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:

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 April 2, 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 protect the rights of individuals and businesses to convey their messages through signs.

Staff is of opinion that while the subject property has variable topography and natural features challenges, these do not preclude the applicant from having a sign that is completely in compliance with the standards.

The Staff is unaware of any hardship unique to the property advertised which would warrant special consideration to allow a sign that is not a monument type. 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 school. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of the variance petition.

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

1. To allow a sign that is not a monument type along the Long Island Drive property frontage pursuant to the sign details, submitted by the applicant, and dated received March 4, 2014 by the Department of Community Development.

Attachments

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



Variance Petition No. 201400824

HEARING & MEETING DATES

Board of Appeals Hearing
May 8, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Edward Weiler

Petitioner
Brad Hughes

Representative
Brad Hughes

PROPERTY INFORMATION

Address, Land Lot(s), and District	650 Windsor Parkway Land Lot 41, 17 th District
Council District	5
Frontage	Approximately 186.5 feet of frontage along Windsor Parkway.
Area	Approximately 2.24 acres
Existing Zoning	R-3
Existing Use	Developed with one single family residence
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 1 to 2 units per acre

INTENT

The applicant is proposing to create a single family subdivision, tying into an existing private residential street. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.4.3.B of the Zoning Ordinance to reduce the required fifty (50) foot front yard setbacks to twenty-five (25) feet; and
2. Variance from Section 6.4.3.D of the Zoning Ordinance to reduce the required thirty-five (35) foot rear yard setbacks to fifteen (15) feet to allow for the construction of a single family subdivision.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400824 – 1) APPROVAL CONDITIONAL
2) 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 very narrow and deep, with a depth that is nearly three times the width at the primary street frontage. This narrow rectangular configuration provides few options for access to and development of the entire lot.

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

Based on the subdivision layout presented at the time of application, the proposed setback reductions are in harmony with the intent of the ordinance in that they are internal to the site or are on property lines shared with GA 400 right of way, are consistent within the development and with neighboring developments, and would not negatively impact surrounding residential properties. 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 zoned R-3, which would allow for lots of 18,000 square feet. The applicant has proposed to subdivide the parcel consistent with the zoning designation and with surrounding densities. Due to the extremely narrow lot width, the applicant has requested to reduce setbacks internal to the development to allow for construction of a street and four lots for residential development. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday April 2, 2014, and no comments were provided from the following departments: Arborist, Fire, Code Enforcement, or Site Development. Transportation and Building and Permitting provided the following:

Transportation

Windsor Parkway is classified as a Collector Street and has a posted speed limit of 35 mph. The daily traffic volume east of the site was 8,350 vehicles per day in 2011 and 9,060 vehicles per day west of the site in 2012. Windsor Parkway is included in the Sidewalk Master Plan network.

The proposed subdivision is subject to all of the Street Design and Construction requirements of Article 11 of the Sandy Springs Development Regulations. Specific comments for the proposed site plan include the following:

- *103-70: All new streets (public or private) shall be designed to public street standards.*
- *103-73(c): Residential driveways shall be located on the proposed private street.*
- *103-73(f): The proposed location for access meets warrants for installation of auxiliary lanes from Windsor Parkway, which is equal to or greater than 8,000 vehicles per day (vpd) for the installation of deceleration lane and equal to or greater than 6,000 vpd for the installation of left turn lane.*
- *103-73(k): The minimum separation distance between streets or adjacent driveways for 35 mph roadway is 300 feet.*
- *103-73(n): The westbound lane of Windsor Parkway shall be widened to a uniform lane width of 12 feet wide.*
- *103-74(c): Cul-de-sac design requirements permit eyebrow cul-de-sac at right-angled intersections, and the **minimum cul-de-sac radius shall be 50 feet.***
- *103-75(a): The minimum right-of-way for Windsor Parkway is 80 feet. Applicant shall dedicate the greater of 40 feet as measured from centerline or 11 feet from back of curb or one foot from back of sidewalk, whichever is greater along the entire property frontage. The minimum right-of-way or common easement for proposed roadway is 50 feet. For the proposed street, the applicant shall dedicate or hold in common easement the greater of 25 feet as measured from centerline or 11 feet from back of curb or one foot from back of sidewalk, whichever is greater. Twenty foot miters are required at the intersection of Windsor Parkway and the proposed street.*
- *103-77(d): The minimum intersection radii at proposed street are 40 feet.*
- *103-77(f): The proposed street intersection shall meet minimum sight distance for 35 mph.*
- *103-79(a): All existing and proposed street frontages shall be provided with curb and gutter to meet current standard.*
- *103-80(c): A minimum 5 foot sidewalk with 2 foot landscape strip shall be provided along the entire property frontage along Windsor Parkway and proposed street.*

Building and Permitting

- The plan has created an unbuildable parcel on the west side of the property.
- The Development Regulations require that on subdivisions of three or more lots the detention facility is to be located on a separate lot.
- Show the distance between the road and the west property line.

Conclusion

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

Recommended Condition(s)

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

1. To reduce the required fifty (50) foot front yard setbacks to twenty-five (25) feet to allow for construction of a single family subdivision, as shown on the site plan dated received March 4, 2014 by the Department of Community Development.
2. To reduce the required thirty-five (35) foot rear yard setbacks to fifteen (15) feet to allow for the construction of a single family subdivision.

ATTACHMENTS:

Parcel Map

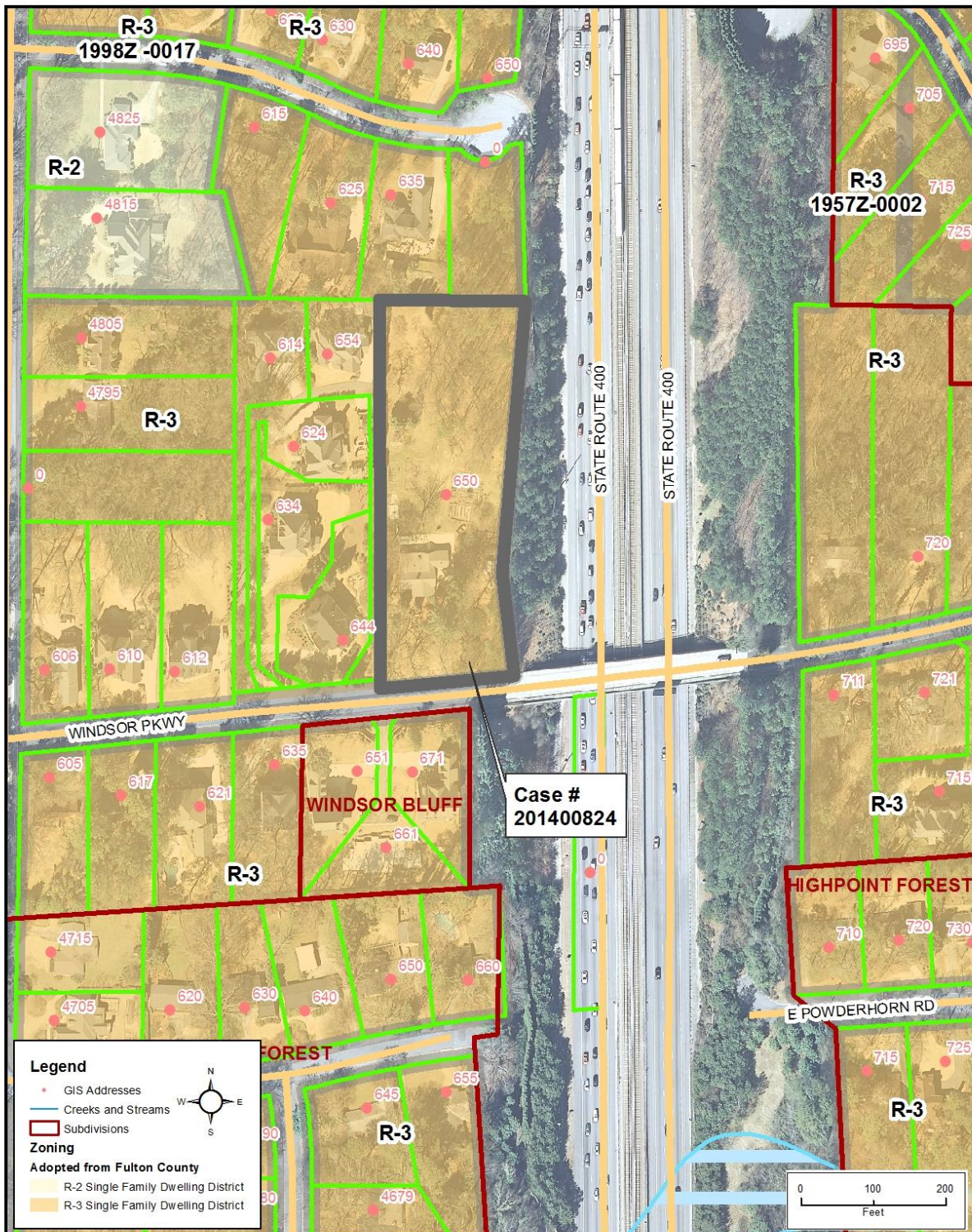
Letter of Appeal – Dated received March 4, 2014

First Amendment to the Variance Application – Dated received April 24, 2014

Proposed Site Plan – Dated received March 4, 2014

Photographs

650 Windsor Parkway





Variance Petition No. 201400853

HEARING & MEETING DATES

Board of Appeals Hearing
May 8, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
DDR

Petitioner
Linda Mackay

Representative
Linda Mackay

PROPERTY INFORMATION

**Address, Land Lot(s),
and District** 1155 Mount Vernon Highway
Land Lot 19, 17th District

Council District 5

Frontage Approximately 1,000 feet of frontage along the southeast side of Mt. Vernon Highway and 620 feet along the northeast side of Perimeter Center West.

Area Approximately 30.41 acres

Existing Zoning C-1 (Community Business District) pursuant to Sandy Springs rezoning case RZ09-006/CV09-015.

Existing Use Shopping center

Overlay District Perimeter Community Improvement Design District

**2027 Comprehensive
Future Land Use Map
Designation** Living-Working Regional (LWR), Node 6: PCID (Perimeter Community Improvement District – Live Work Regional only)

INTENT

The applicant is proposing to allow a tent and sign in association with roadside vending. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 19.3.14.1.B.11 of the Zoning Ordinance to allow tents and tarps
2. Variance from Section 19.3.14.1.B.12 of the Zoning Ordinance to allow signs advertising the vending operation.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400853 – 1) APPROVAL CONDITIONAL

201400853 – 2) APPROVAL CONDITIONAL

Standards for Consideration

VARIANCE #1

Variance from Section 19.3.14.1.B.11 of the Zoning Ordinance to allow tents and tarps

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:

Previously there was a section in the Zoning Ordinance that allowed the use of tents in the seasonal sale of items related to calendar holidays. When the text was taken out of the Zoning Ordinance permits were still issued to seasonal businesses who had tents as a part of their display. The intent of the ordinance is to prevent the long-term sale of crafts, clothing, etc. from temporary structures in residential neighborhoods. The intent of the ordinance is not to prohibit the use of tents in the seasonal sale of items such as, Christmas trees, Halloween pumpkins, fireworks, etc. The proposed display would not be obtrusive to any residential neighborhoods and would be located at the edge of a parking lot in a commercial shopping center, along Mount Vernon Highway. 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,

Not applicable.

VARIANCE #2

Variance from Section 19.3.14.1.B.12 of the Zoning Ordinance to allow signs advertising the vending operation.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the ordinance is to prevent the cluttering of sites with signage. The proposed display would be limited to the maximum allowances for banners placed on commercial property. 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,

Not applicable.

Department Comments

Focus Meeting held on Wednesday April 2, 2014, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following comments:

Transportation	J For informational purposes only, Mount Vernon Highway is classified as a Minor Arterial Street and has a posted speed limit of 35 mph. The daily traffic volume near the site was 25,362 vehicles per day in 2013. Mount Vernon Highway is included in the Sidewalk Master Plan network.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request to allow tents and tarps in association with roadside vending and **APPROVAL CONDITIONAL** of the variance request to allow signs advertising the vending operation.

Recommended Condition(s)

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

- 1) To allow one (1) 40x60 tent for a period of eleven (11) days commencing on June 25, 2014 and expiring on July 5, 2014, as shown on the site plan dated received March 6, 2014 by the Department of Community Development.
- 2) To allow one (1) thirty-two (32) square foot sign advertising the vending operation, for a period of eleven (11) days commencing on June 25, 2014 and expiring on July 5, 2014, as shown on the site plan dated received March 6, 2014 by the Department of Community Development.

ATTACHMENTS:

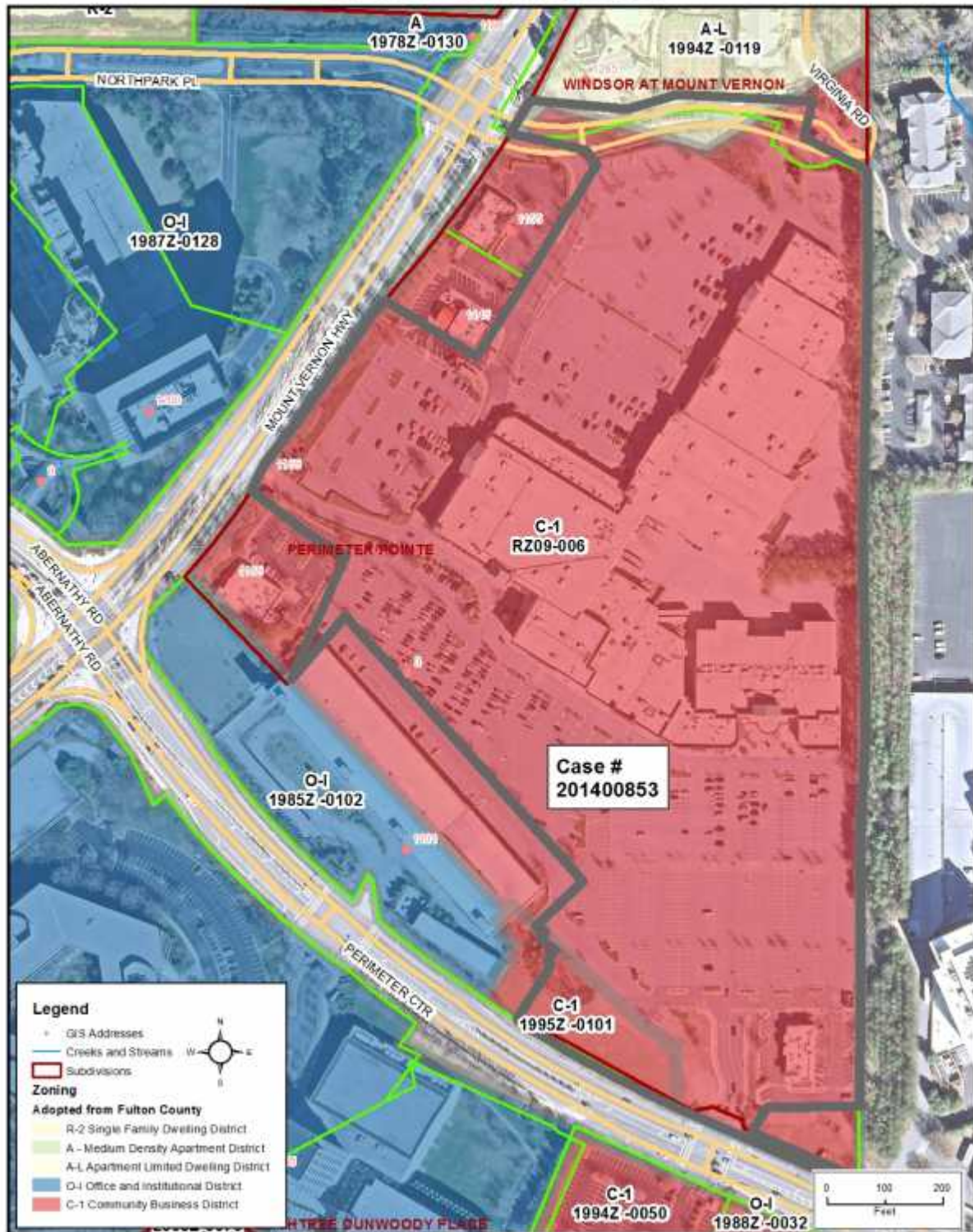
Parcel Map

Letter of Appeal – Dated received March 12, 2014

Site Plan – Dated received March 6, 2014

Photographs

1155 Mount Vernon Highway NE



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 8, 2013.