



Variance Petition No. 201203415

HEARING & MEETING DATES

Board of Appeals Hearing

May 9, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
James Dorian	Revival Construction	Wright Marshall

PROPERTY INFORMATION

Address, Land Lot(s), and District	400 Ferry Landing Land Lot 207, 17 th District
Council District	3
Frontage	Approximately 150 feet of frontage along Ferry Landing.
Area	The subject property has a total area of approximately .738 acres.
Existing Zoning and Use	The lot is zoned R-2A (Single Family Dwelling District) pursuant to Fulton County zoning case Z69-052. The property is currently developed with a residence.
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 construct an additional freestanding garage. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to eight (8) feet to allow for the construction of a detached garage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201203415 – 1) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION

April 11, 2013 Hearing

201203415 – Approval and Deferral to May 9, 2013

At the April 11, 2013 meeting the Board of Appeals approved the initial request to reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for the construction of a garage expansion. (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin in support; E. Johnson not yet in attendance) The Board deferred the second request to the May 9, 2013 meeting to allow the applicant time to submit a revised site plan that reduces the encroachment into the side yard setback. (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin in support; E. Johnson not yet in attendance) The applicant will be asking for a withdrawal of the remaining variance request, and will be creating a design that does not require a variance.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013.



Variance Petition No. 201203415

HEARING & MEETING DATES

Board of Appeals Hearing

May 9, 2013

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Council District	3
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Area	The subject property has a total area of approximately .738 acres.
Existing Zoning and Use	The lot is zoned R-2A (Single Family Dwelling District) pursuant to Fulton County zoning case Z69-052. The property is currently developed with a residence.
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 construct an additional freestanding garage. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to eight (8) feet to allow for the construction of a detached garage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201203415 – 1) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION

April 11, 2013 Hearing

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At the April 11, 2013 meeting the Board of Appeals approved the initial request to reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for the construction of a garage expansion. (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin in support; E. Johnson not yet in attendance) The Board deferred the second request to the May 9, 2013 meeting to allow the applicant time to submit a revised site plan that reduces the encroachment into the side yard setback. (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin in support; E. Johnson not yet in attendance) The applicant will be asking for a withdrawal of the remaining variance request, and will be creating a design that does not require a variance.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013.

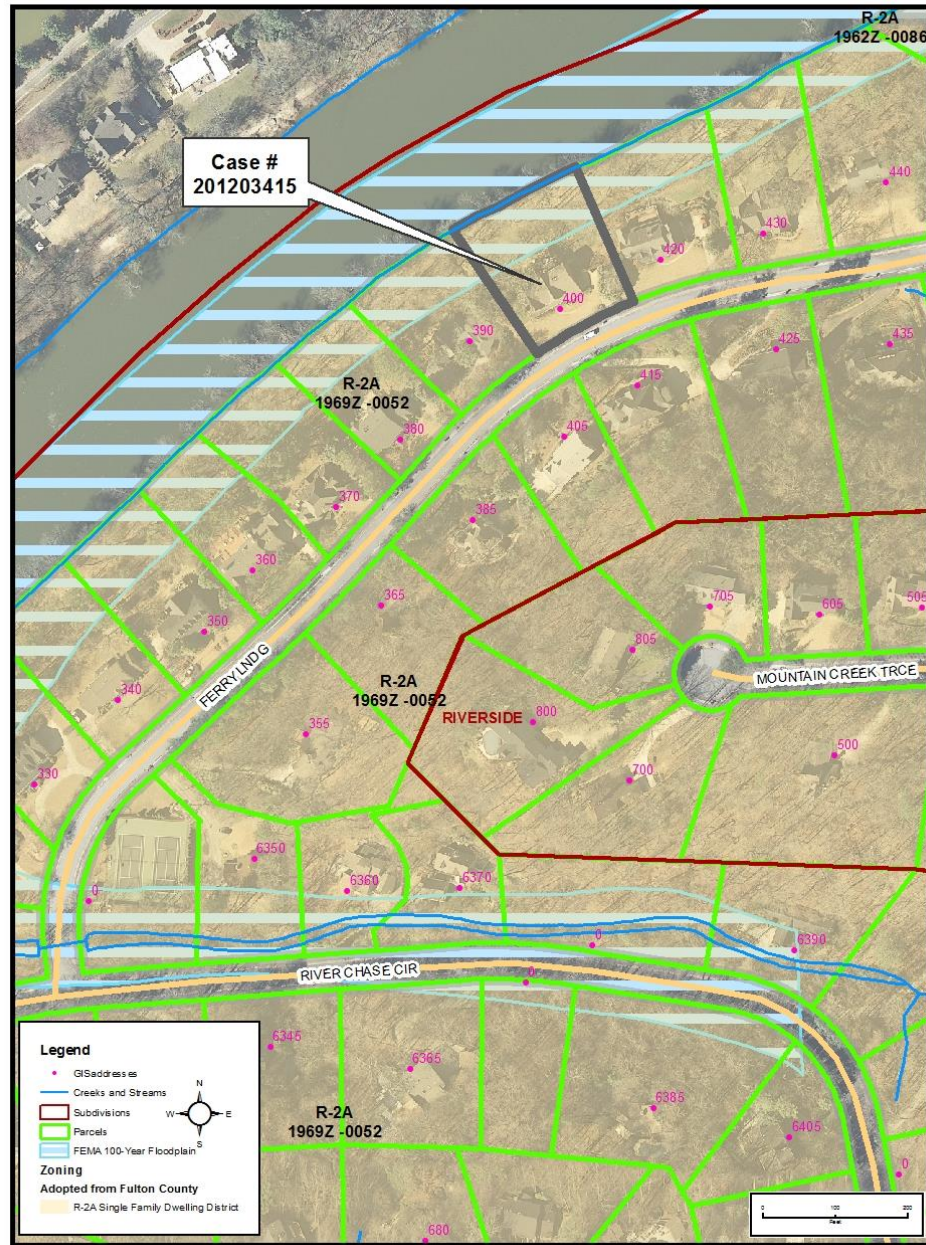
March 15, 2013 Hearing

201203415 – Deferred to April 11, 2013

At the March 15, 2013 meeting the Board of Appeals deferred this item to April 11, 2013 to allow the applicant time to submit a revised site plan that reduces the encroachment into the side yard setback. (4-2, Carpinella, Coan, A. Johnson, and Moller in support; Nodvin and Sandler in opposition; E. Johnson absent). The applicant submitted previously evaluated alternatives and a landscape plan for the preferred alternative.

Parcel Map

400 Ferry Landing



Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

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:

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

Finding:

The intent of the ordinance is to preserve the character of the neighborhood and ensure that development occurs in a meaningful and organized way; the proposed encroachment of a detached garage is in harmony with the intent, and with the surrounding homes. Many of the houses on the street have seen renovations and changes in footprints over the years, including detached or additional structures attached to the main dwelling. There will continue to be a buffer between this residence and the neighbor opposite the effected property line. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The existing residence developed on this parcel is a legal non-conforming structure. Additionally, given the proximity of this parcel to the Chattahoochee River, and associated flood plains, topography issues, and environmental concerns, the applicant is left with few options for developable space. The existing home, and this proposed detached garage, are minimally invasive towards the existing topology and flood plain. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday December 5, 2012 at which no additional comments were provided.

Conclusion

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

Recommended Condition(s)

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

- 1) To reduce the required fifteen (15) foot side yard setback to eight (8) feet to allow for the construction of a detached garage, as shown on the "Planting Plan – Alternative 'A'" site plan dated received March 29, 2013 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received December 28, 2013

Initial Site Plan – Dated received January 14, 2013

Revised Site Plan & Alternatives – Dated received March 29, 2013

Photographs

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013.



Variance Petition No. 201300002

HEARING & MEETING DATES

Board of Appeals Hearing

May 9, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Andrew Peskel

Petitioner
Andrew Peskel

Representative
Andrew Peskel

PROPERTY INFORMATION

Address, Land Lot(s), and District
4555 Northside Drive
Land Lot 162, 17th District

Council District
6

Frontage
Approximately 82.81 feet of frontage along Northside Drive and 161.80 feet of frontage along Highcourt Road.

Area
The subject property has a total area of approximately .42 acres.

Existing Zoning and Use
The lot is zoned R-1 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District
N/A

2027 Comprehensive Future Land Use Map Designation
Residential 0-0.5, 0 to 0.5 units per acre

INTENT

The applicant is proposing to construct a single family residence. The applicant is requesting three (3) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.1.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to fifty (50) feet to allow for the construction of a single family residence.
2. Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required twenty-five (25) and forty (40) foot side yard setbacks to eighteen (18) and thirty (30) feet, respectively, to allow for the construction of a single family residence.
3. Variance for Section 6.1.3.D of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to thirty-five (35) feet to allow for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**201300002 – 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL
3) APPROVAL CONDITIONAL**

BOARD OF APPEALS ACTION

April 11, 2013 Hearing

201300002 – Deferred to May 9, 2013

At the April 11, 2013 meeting the Board of Appeals deferred this item to May 9, 2013 to allow the applicant to establish elevations and design criteria to ensure that the proposed development is in harmony with the existing neighborhood. (7-0, Coan, Sandler, Carpinella, A. Johnson, E. Johnson, Moller, and Nodvin). The applicant has indicated that he will establish design criteria that will guarantee harmony with the neighborhood and address the neighboring land owners' concerns, and is prepared to do so at the May meeting.

March 15, 2013 Hearing

201300002 – Deferred to April 11, 2013

At the March 15, 2013 meeting the Board of Appeals deferred this item to April 11, 2013 to allow the applicant time to submit a revised site plan that reduces the encroachment into the interior side yard and rear yard setbacks. (6-0, Coan, Sandler, Carpinella, A. Johnson, Moller, and Nodvin in support; E. Johnson absent). The applicant has submitted a revised site plan that shows reduced encroachments into the interior side yard and rear yard setbacks.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

1. Variance from Section 6.1.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to fifty-four (54) feet to allow for the construction of a single family residence.
2. Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required twenty-five (25) and forty (40) foot side yard setbacks to twelve and three-tenths (12.3) and thirty-five and nine-tenths (35.9) feet, respectively, to allow for the construction of a single family residence.
3. Variance for Section 6.1.3.D of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to twenty-nine and nine-tenths (29.9) feet to allow for the construction of a single family residence.

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:

This parcel is a legal lot of record in an R-1 (Single Family Dwelling District) zoning district. The lot is .42 acres in size, much smaller than the required 2 acres of an R-1 zoning designation. The proposed site plan show the residence pushed back from each of the street frontages, intending to minimize the encroachments into the front and side corner setbacks, and to ensure that the proposed development is in harmony with the intent of the ordinance and the existing residential lots in the area. Based on this, staff is of the opinion that this site plan is in accordance with the general purpose and intent of the ordinance. 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 property is slightly irregular in shape and is a recorded lot of record that is much smaller than the district minimums; the requirement of an R-1 district is 2 acres, while this lot was recorded at .42 acres. The small size of the lot and the current setbacks create an unnecessary hardship for the owner. Staff is of the opinion that this condition has been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on Wednesday February 6, 2013 at which no additional comments were provided.

Sandy Springs Public Works	For informational purposes only, Northside Drive 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 these variance requests 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 required sixty (60) foot front yard setback to fifty (50) feet to allow for the construction of a single family residence, as shown on the site plan dated received January 2, 2013 by the Department of Community Development.
- 2) To reduce the required twenty-five (25) and forty (40) foot side yard setbacks to eighteen (18) and thirty (30) feet, respectively, to allow for the construction of a single family residence.
- 3) To reduce the required fifty (50) foot front yard setback to thirty-five (35) feet to allow for the construction of a single family residence.

ATTACHMENTS:

Revised Letter of Appeal – Dated received April 2, 2013

Site Plan – Dated received January 2, 2013

Revised Site Plan – Dated received April 2, 2013

Photographs



Variance Petition No. 201300508

HEARING & MEETING DATES

Board of Appeals Hearing
May 9, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Mrunalini D. Patel

Petitioner
Dhiren L. Patel

Representative
Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot(s), and District 35 Mount Paran Road
Land Lot 121, 17th District

Council District 6

Frontage Approximately 157.5 feet of frontage

Area Approximately 1.253 acres

Existing Zoning R-2

Existing Use Residence

Overlay District N/A

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

INTENT

The applicant is proposing to reduce the required side yard setback to allow the existing house to remain. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the side yard setback from fifteen (15) feet to five (5) feet to allow for the installation of a generator.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300508 – 1) WITHDRAWAL

BOARD OF APPEALS ACTION

April 11, 2013 Hearing

201300508 – Deferred to May 9, 2013

At the April 11, 2013 meeting the Board of Appeals deferred the petition to the May 9, 2013 hearing to allow for additional legal guidance from the City's legal staff. (5-0, Coan, Sandler, A. Johnson, Moller, and Nodvin in support; Carpinella and E. Johnson no longer in attendance) The City's legal staff will be present during the May 9, 2013 work session to advise the Board.

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 existing home is pushed back farther from the front setback than is required by the ordinance. Additionally, there are not similar encroachments in the neighborhood. Staff is of the opinion that this condition has not been satisfied.

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

Finding:

While the lot is slightly narrower than the lot width required by the district, there is still available buildable area. The narrowness of the lot does not limit the developable area or create an unnecessary hardship for the owner. Staff is of the opinion that this condition has not been satisfied.

Department Comments

Focus Meeting held on Wednesday March 6, 2013, no comments from the following departments: Building and Permitting, Fire, Code Enforcement, Site Development, or Arborist. Transportation made the following:

<i>Transportation Services</i>	For informational purposes only, the Mount Paran Road frontage 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 **DENIAL** of this variance request to reduce the required side yard setback.

Recommended Condition(s)

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

- 1) To reduce the required fifteen (15) foot side yard setback to five (5) feet to allow the existing house to remain, as shown on the site plan dated received February 21, 2013 by the Department of Community Development.

ATTACHMENTS:

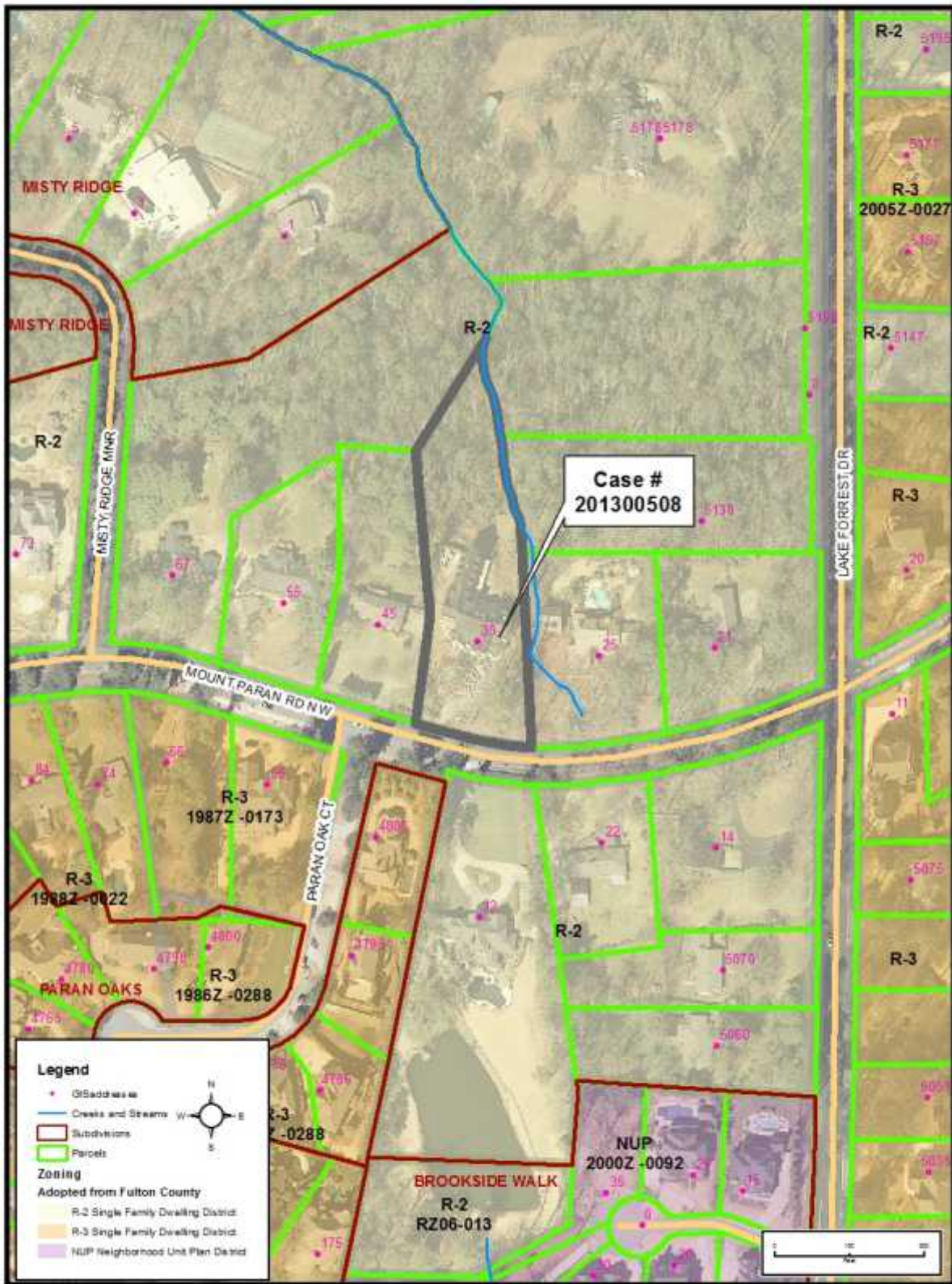
Parcel Map

Letter of Appeal – Dated received February 21, 2013

Site Plan – Dated received February 21, 2013

Photographs

35 Mount Paran Road NW



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013.



Variance Petition No. 201300627

HEARING & MEETING DATES

Board of Appeals Hearing
May 9, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Kevin Abel

Petitioner
David J. Roberts

Representative
David J. Roberts

PROPERTY INFORMATION

Address, Land Lot(s), and District 6362 Cherry Tree Lane
Land Lot 72, 17th District

Council District 4

Frontage Approximately 120 feet of frontage

Area Approximately .55 acres

Existing Zoning R-3 Single Family Dwelling District

Existing Use Residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 2 to 3 units per acre

INTENT

The applicant is proposing to reduce the required side yard setback to allow HVAC units to encroach. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required ten (10) foot side yard setback to seven (7) feet to allow HVAC units to encroach.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300627 – 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 proposed location for the generators is in the side yard of the house. This side yard is densely vegetated and is also downhill from the street. The intent of the ordinance is served in that the proposed location, under the current circumstance, does not create a nuisance for neighboring landowners. Additionally, many of the existing homes in the area appear to have similar or greater encroachments. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

Not applicable.

Department Comments

Focus Meeting held on Wednesday April 3, 2013, no comments were provided from the following departments: Transportation, Building and Permitting, Fire, code Enforcement, Site Development, or Arborist.

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 for a reduction in the side yard setback to allow for the placement of a generator.

Recommended Condition(s)

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

- 1) To reduce the required ten (10) foot side yard setback to allow HVAC units to encroach, as shown on the site plan dated received March 20, 2013 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received March 20, 2013

Site Plan – Dated received March 20, 2013

Photographs

CA 4.29.2013



Variance Petition No. 201300670

HEARING & MEETING DATES

Board of Appeals Hearing
May 9, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
AP Edgewater LLC

Petitioner
Kevin Allaf

Representative
Kevin Allaf

PROPERTY INFORMATION

Address, Land Lot(s), and District 7600 Roswell Road
Land Lots 31, 76, & 84, 17th District

Council District

2

Frontage Approximately 100 feet of frontage

Area Approximately 125 acres

Existing Zoning A (Medium Density Apartment District) pursuant to Fulton County Case Z83-0162

Existing Use Apartments

Overlay District Suburban Overlay District

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

INTENT

The applicant is proposing to install a sidewalk along the existing roadway, providing connectivity between Roswell Road and the residential portion of the development. The applicant is requesting one (1) primary variance(s) from the Stream Buffer Protection Ordinance:

1. Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to various widths to allow for the construction of a sidewalk.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300670 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan	Total
0'-25' Stream Buffer	0 sf	2,350 sf	2,350 sf
25' – 50' Stream Buffer	14,930 sf	7,720 sf	22,650 sf
50' – 75' Stream Buffer	31,128 sf	1,700 sf	32,828 sf
Total Impervious Surface encroaching in Stream Buffer	46,058 sf	11,770 sf	57,828 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 access to the residential portion of the development is very narrow and restricted by the stream, existing topography, and neighboring developments. The existing road is built between the neighboring development, uphill from the stream, and the stream, located on the southern side of the access road. Based on these reasons, staff is of the opinion this condition has been satisfied.

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

Finding:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. The stream buffer covers a majority of the existing access road; in some cases, the stream buffer extends beyond the farthest edge of pavement. Additionally, if the applicant were to adhere to minimal buffer requirements, the amount of grading and associated work required to install the sidewalk outside of the buffer, would be more disruptive to the environment and system on this parcel. 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:

As previously mentioned, a majority of the existing roadway is within the required buffers, with an increase of approximately twenty (20) percent of impervious surface to this portion of the site. The 125 acre lot is accessible by only one entrance from Roswell Road. The size of this property, the limited access, and the existing conditions create physical characteristics that are unique to this parcel. 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.

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:

Alternative designs have been discussed with staff. As was mentioned above, the applicant researched installing the sidewalk along the northern side of the road, but it was determined, with the assistance of the City's Chief Environmental Compliance Officer, that this alternative would be more detrimental and

intrusive to the stream, and associated buffers, due to the challenges presented by the topography of this portion of the site. Therefore, staff is of the opinion this condition has been satisfied.

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

Findings:

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

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

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition. There are currently 46,058 square feet of impervious surface in the required buffer.

Department Comments

Focus Meeting held on Wednesday April 3, 2013, and there were no comments from the following departments: Building and Permitting, Fire, Code Enforcement, or Site Development. The following comments were submitted:

Public Works	
<i>Transportation Services</i>	Sidewalk shall be ADA-compliant within the right-of-way.
<i>Stormwater Services</i>	Public works would support community development in requesting stream bank stabilization and revegetation.
Arborist	The property currently has no sidewalks leading out to Roswell Road. Sidewalks will be constructed just back of curb of existing road.

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 sidewalk.

Recommended Condition(s)

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

- 1) To reduce the required reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to allow for the construction of a sidewalk, as shown on the site plan dated received January 29, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received March 19, 2013
Site Plan – Dated received March 5, 2013
Photographs

Case # 201300670

Legend

- Creeks and Streams
- Subdivisions
- Parcels

Zoning

Adopted from Fulton County

- R-2 Single Family Dwelling District
- R-3 Single Family Dwelling District
- A - Medium Density Apartment District
- TR Townhouse Residential District
- O-1 Office and Institutional District
- C-1 Community Business District
- C-2 Commercial District
- CUP Community Unit Plan District
- AG-1 Agricultural District

Scale: 0 100 200 Feet

CA 4.30.2013



Variance Petition No. 201300686

HEARING & MEETING DATES

Board of Appeals Hearing

May 9, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
McDonald's USA	McDonald's USA	Integrity Engineering

PROPERTY INFORMATION

Address, Land Lot(s), and District	6360 Powers Ferry Road. Land Lot 205, 17 District
Council District	6
Frontage	Approximately 260 feet of frontage along the east side of Powers Ferry Road, 185 feet of frontage along the north side of Northside Drive and 175 feet of frontage along the west side of New Northside Drive
Area	The subject property has a total area of 1.12 acres (48,787.2 square feet).
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County zoning case 71Z-0075, currently developed with a fast food restaurant.
Overlay District	NA
2027 Comprehensive Plan Future Land Use Map Designation	Live-Work Community (LWC)

INTENT

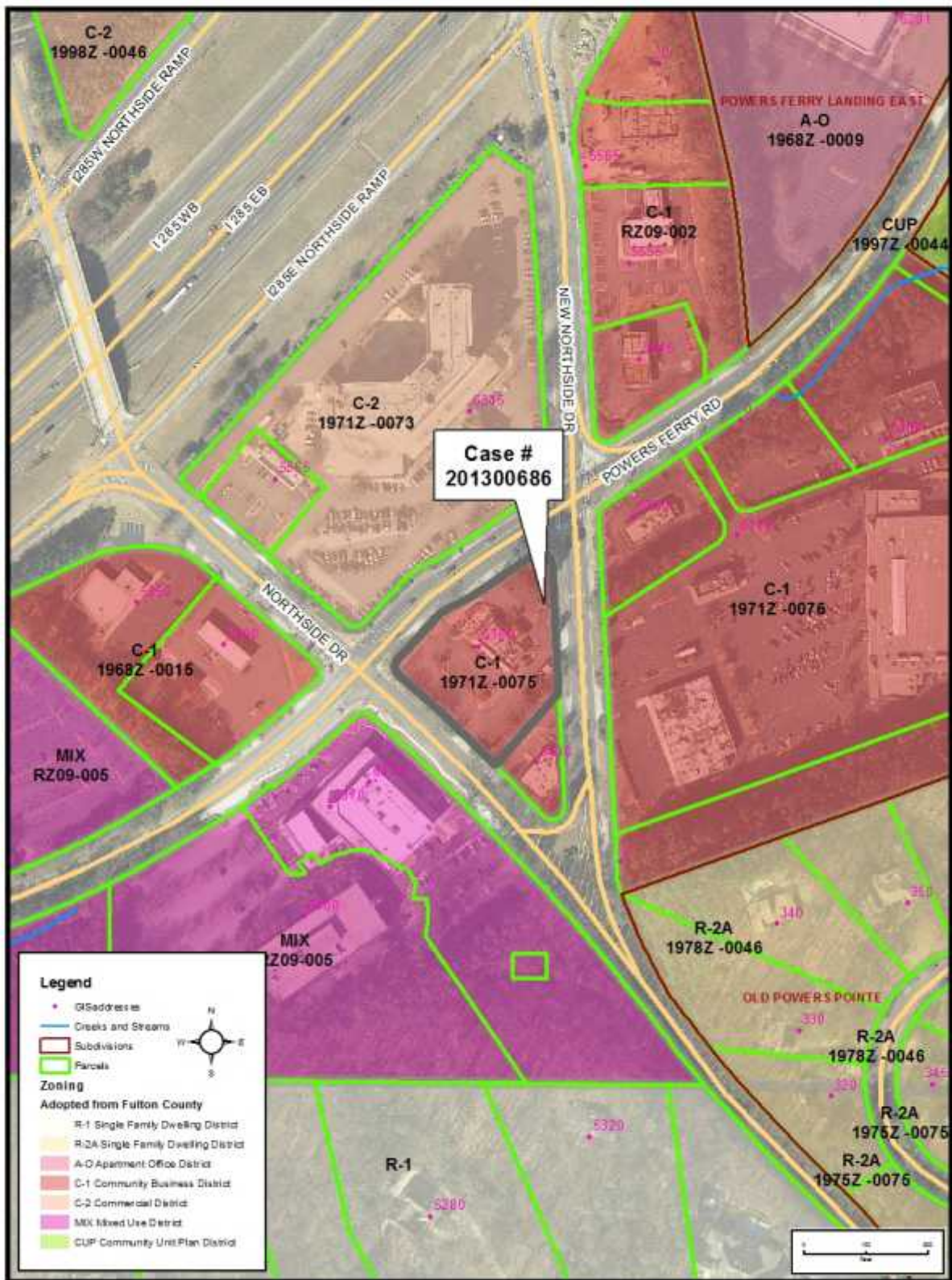
The applicant is seeking a primary variance from Section 33.26.F.14 of the Zoning Ordinance to allow Internal Signs to be legible from the public Right-of-Way.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300686 -1) APPROVAL CONDITIONAL

Parcel Map

6360 Powers Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013

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

CASE NUMBER: 201300686

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

Staff Analysis:

The subject site is located at 6360 Powers Ferry Road. The property is currently zoned C-1 (Community Business District) conditional under Fulton County zoning case 71Z-0075. Said tract or parcel of land contains 1.2 acres and is bordered on three different sides by streets. Approximately 260 feet of frontage along the east side of Powers Ferry Road, 185 feet of frontage along the north side of Northside Drive and 175 feet of frontage along the west side of New Northside Drive. The property is unique in that it differs from other developments because it is bound by three (3) roads; two (2) of the three roads are one way streets.

The subject property is currently being re-developed as a new McDonald's. The petitioner states "Due to the three roads frontages that surround the property is imperative to provide good circulation within the site". Therefore, to assist patrons with identification of appropriate entrances and exits locations the applicant proposed to install internal signs.

Internal Signs. *Freestanding sign not visible from public rights-of-way that is adjacent to internal entrance drive(s) serving a commercial development or subdivision with more than one identifiable section as shown on a recorded plat for the purpose of directing traffic.*

The Sandy Springs zoning ordinance provides

Section 33.26.F.14

Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

The applicant is seeking relief to allow the Internal Signs to be legible from the public Right-of-Way as the signs will be located at each entrance and exit. The applicant states that enter and exit signs at the proposed locations will further improve the visibility to the visitors when arriving or leaving the property, will help to reduce confusion typically associated with one way streets and improve public safety for the motorist.

The proposed signs are to be 3.47 sqft of sign area, 3.29 ft height and internally illuminated.

History

No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

- 1) Section 33.26.F.14 of the Zoning Ordinance to allow Internal Signs to be legible from the public Right-of-Way.

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

Staff is of the opinion that the topography of the lot does not present any challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

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

Findings:

The petitioner states "Due to the three roads frontages that surround the property is imperative to provide good circulation within the site". The property is unique in that it differs from other developments because it is bound by three (3) roads; two (2) of the three roads are one way streets. Due to the fact that the McDonald's property is bounded by three streets it makes it impossible to display internal signs not legible from the public right-of-way. The purpose of the internal signs is informational and directional. As a result, clear and readable directives become imperative to a guest's ability to reach his or her intended destination. Staff is of the opinion that the natural features of the lot on which the signs are 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.

Department Comments

The staff held a Focus Meeting on April 3, 2013, 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 all in compliance with the standards. The unique nature of this project creates many challenges for using signage effectively to promote vehicular and pedestrian awareness. Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and reasonable level of signage for the McDonald's property and would be in harmony with the intent of the zoning ordinance which is "To convey their message through signs".

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

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

1. To allow internal signs to be legible from the public right-of-way pursuant to the sign details, submitted by the applicant, and dated received March 13, 2013 by the Department of Community Development.

Attachments

Letter of Appeal
Property Survey
Sign Detail
Photographs



Variance Petition No. 201300720

HEARING & MEETING DATES

Board of Appeals Hearing
May 9, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
Paul Harney

Petitioner
Paul Harney

Representative
Paul Harney

PROPERTY INFORMATION

Address, Land Lot(s), and District 100, 106, & 110 Mount Paran Road
Land Lot 92, 17th District

Council District 6

Frontage Approximately 222 of frontage

Area Approximately 3.05 acres

Existing Zoning R-3 Single Family Dwelling District

Existing Use Residences

Overlay District N/A

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

INTENT

The applicant is proposing to construct a private street to facilitate the subdivision of the existing parcels. The applicant is requesting one (1) primary variance(s) from the Development Regulations Ordinance:

1. Variance from Section 103.75(b)(7) of the Development Regulations Ordinance to reduce the required fifty (50) foot street setback to twenty (20) feet to allow for construction of a private street.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300720 – 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 proposed site plan is almost identical to one previously seen and approved by the Board of Appeals, under case number V06-131 on December 14, 2006. The initial hearing was for a variance from the City's tree ordinance, and since that time the regulations related to private streets have changed. However, the proposed site plan keeps the edge of pavement for the proposed private street approximately thirty (30) feet from the adjacent property line, where other, similar, developments in the area have private residential streets within approximately ten (10) feet from neighboring property lines. When considering the above,

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013.

the proposed private street is in harmony with the intent of the ordinance in that there will still be adequate buffering between the proposed private street and the adjacent property lines. 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 size of the three parcels, when combined, supports the subdivision of the three (3) existing lots into five (5) lots meeting the requirements provided in the R-3 (Single Family Dwelling District Standards). The narrowness of the lots in comparison with the depth, and the limited frontage limit the options for a street that meet all of the requirements of the Development Regulations Ordinance. The size and long, rectangular shape of the lot make it impossible for the applicant to site a street that would meet the fifty (50) foot setback requirement. Staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday April 3, 2013, and no comments were provided by the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development. The Arborist provided the following:

Arborist	If the board decides to approve the variance a condition could be added to require screening from the neighboring property owners.
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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 this variance request to allow for the construction of an accessory structure.

Recommended Condition(s)

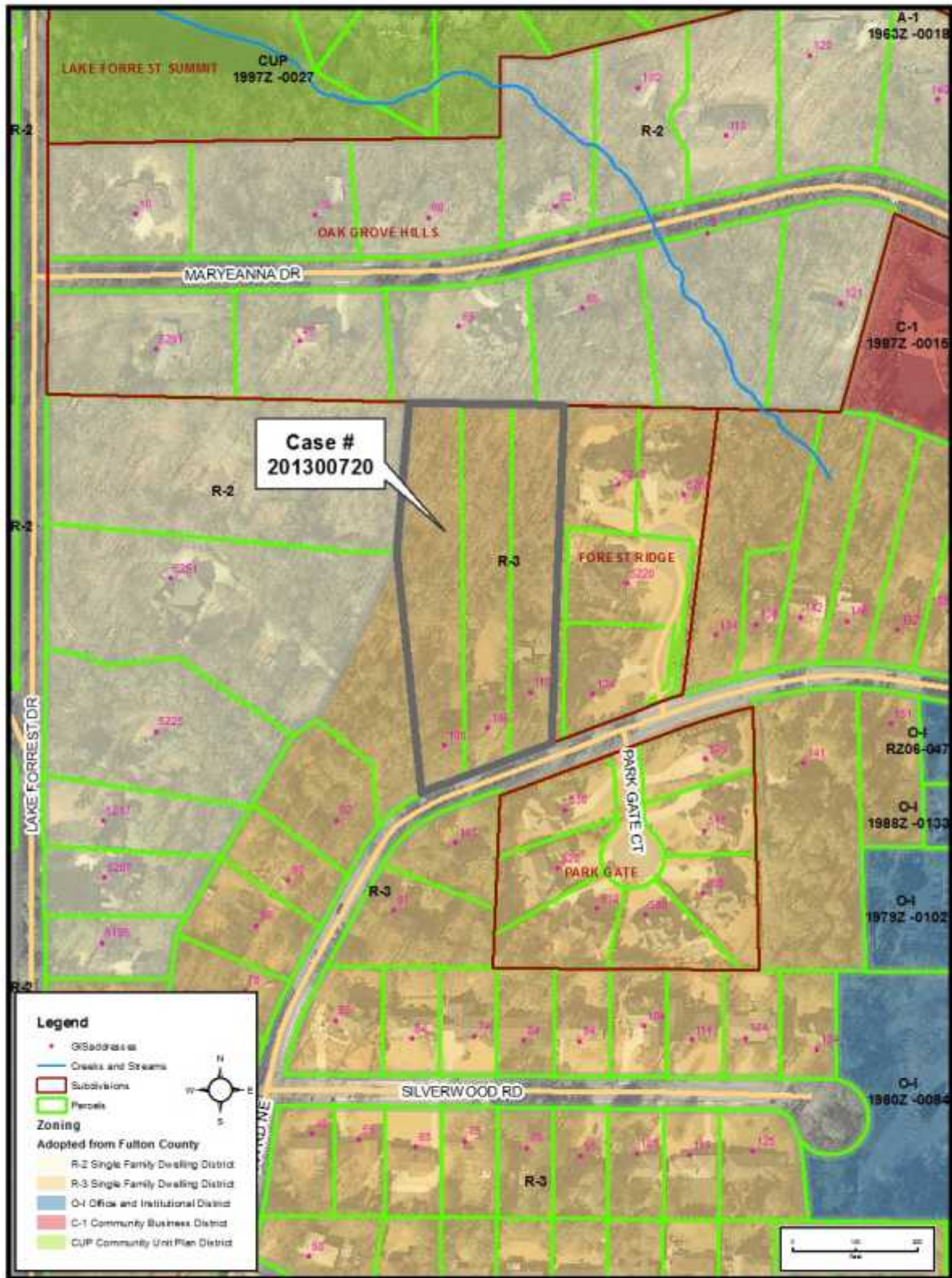
Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To reduce the required fifty (50) foot street setback to twenty (20) feet to allow for construction of a private street, as shown on the site plan dated received April 25, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received April 25, 2013
Site Plan – Dated received April 25, 2013
Photographs

100, 106, 110 Mount Paran Rd NE



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 9, 2013.