



Variance Petition No. V12-004

HEARING & MEETING DATES

Board of Appeals Hearing

May 10, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner

JK MacDonald

Petitioner

JK MacDonald

Representative

Teri Teague

PROPERTY INFORMATION

Address, Land Lot(s), and District 4665 Riverview Road
Land Lot 204 and 203, District 17

Council District 6

Frontage 641.28 feet of frontage along the north side of Riverview Road.

Area 4.7 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 R0-0.5 Residential (0-0.5 units per acre)

INTENT

The applicant is proposing to allow a 346.50 square foot (45' long by 7'7" wide) accessory structure (temporary storage building) in the front yard. The accessory structure would be removed by August 1, 2012. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

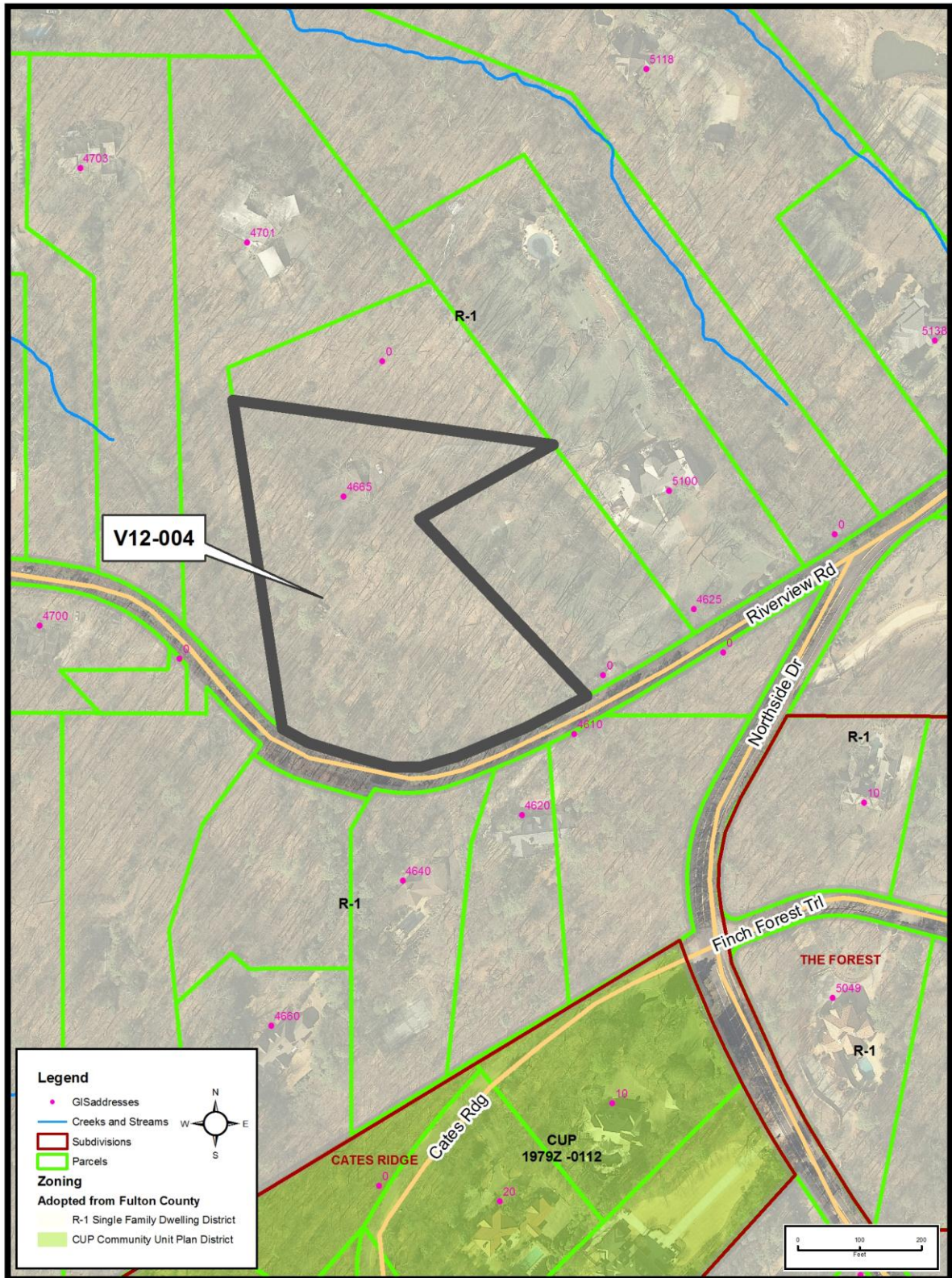
- 1) Variance from Section 6.1.3.I of the Zoning Ordinance to allow for a 346.50 square temporary storage facility in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V12-004 – 1) APPROVAL CONDITIONAL

Parcel Map

4665 Riverview Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 10, 2012

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

CASE NUMBER: V12-004

STAFF CONTACT: Linda Abaray, Senior Planner 770-206-1577
E-mail: labaray@sandyspringsga.gov

Finding of Fact:

The applicant owns the property to the north and east of the subject property. The applicant is renovating the house at 4625 Riverview Road. The temporary storage building is storing equipment from the house while under construction.

Enforcement History:

A notice of violation was issued on February 7, 2012 for outside storage and an accessory structure located in the front yard. The conclusion of the violation is pending the outcome of the variance request.

Building Permits History:

No building permits have been issued for the subject property. However, an active building permit (10-1303) was issued on July 7, 2010 for an addition and alteration at 4625 Riverview Road, which is owned by the applicant.

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:

Relief from this requirement could be made in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public. The proposed 346.50 (45' long by 7'7" wide) square foot accessory structure (temporary storage building) is located in the front yard. The structure is approximately 530 feet away from the two (2) closest structures and 220 feet from Riverview Road. The applicant has also painted the temporary structure to blend in with the natural vegetation. However, the structure is visible from the road. Additionally, the accessory structure would be removed upon completion of the renovation or by August 1, 2012. Therefore, staff is of the opinion 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 site is trapezoidal in shape and slopes downward from southeast corner (Riverview Road) to the swell in the front of the property, then it rises and levels out at the house. The lot then continues to fall towards the northwest corner of the property. The house is set toward the back of the lot and the topography limits the location the accessory structure can be placed. Therefore, because of the site's topography it prevents the accessory structures from being placed in the side or rear yard. The site is heavily wooded and the temporary storage building will be mostly screened from public view until it is removed in or before August 1, 2012. Therefore, staff is of the opinion 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 April 4, 2012 at which there were no departmental comments were provided:

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance (s) request.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received February 28, 2012 by the Department of Community Development, for the variance herein, showing a 346.50 (45' long by 7'7" wide) square foot accessory structure (temporary storage building) in the front yard.
2. The accessory structure (temporary storage building) shall be removed prior to the certificate of occupancy on building permit 10-1303 or no later than August 1, 2012

ATTACHMENTS:

Letter of appeal
Site plans (exhibits 1)
Notice of Violation
Letters of Support
Photographs



Variance Petition No. V12-005

HEARING & MEETING DATES

Board of Appeals Hearing

May 10, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Penny Hendry	Penny Hendry	Penny Hendry

PROPERTY INFORMATION

Address, Land Lot(s), and District	6029 Kayron Drive Land Lot 71, District 17th
Council District	3
Frontage	Approximately 109.27 feet of frontage on the east side of Kayron Drive.
Area	The subject property has a total area of approximately 21,280.22 square feet (.489 acres)
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District) The property is currently developed with a single family resident.
Overlay District	N/A

2027

Comprehensive Future Land Use Map Designation	R2-3 Residential (0-1 units per acre)
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INTENT

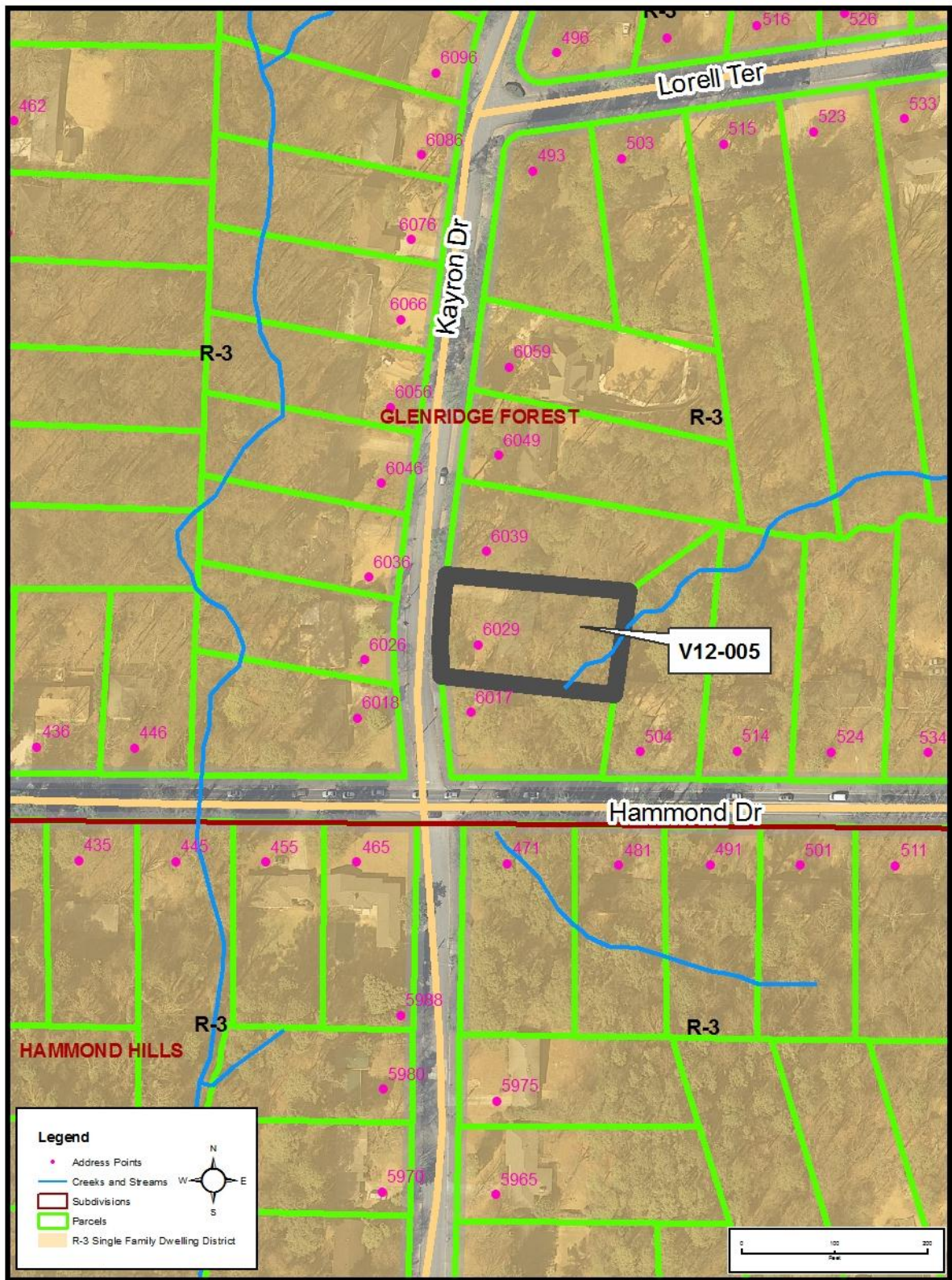
The applicant is proposing to construct an addition and deck which would encroach into the twenty-five (25) foot impervious setback. The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

1. Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the twenty-five (25) foot impervious surface setback) to fifteen (15) feet (proposed addition and deck encroachment of eight (8) feet and limits of disturbance of two (2) feet for a total encroachment of ten (10) feet) to allow for an addition and deck to be constructed.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
V12-005 – 1) APPROVAL CONDITIONAL

Parcel Map

6029 Kayron Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 10, 2012.

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

CASE NUMBER: V12-005

STAFF CONTACT: Linda Abaray, City Planner 770-206-1577
E-mail: labaray@sandyspringsga.gov

Findings of Fact

	Existing Site	Proposed Plan
0'-25' Stream Buffer	0 sf	0 sf
25' – 50' Stream Buffer	19 sf	19 sf
50' – 75' Impervious Setback	906 sf	958 sf
Total Impervious Surface encroaching in Stream Buffer	925 sf	977 sf
Total Impervious Surface on site	4,040 sf	4092 sf

Enforcement

There is no history of code enforcement action on this property. A mechanical permit (10-855) was pulled in May 2010.

Standards for Consideration

VARIANCE #1

Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the twenty-five (25) foot impervious surface setback) to fifteen (15) feet (proposed addition and deck encroachment of eight (8) feet and limits of disturbance of two (2) feet for a total encroachment of ten (10) feet) to allow for an addition and deck to be constructed

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 21,280.223 square foot property is trapezoidal in shape. The property rises fourteen (14) feet from the southwest (Kayron Drive) to the existing house. The property then falls from the house to the southwest (rear of the property/stream) with an elevation change of twenty-four (24) feet. A stream runs approximately eighty-five (85) feet through the southeastern corner of the lot covering approximately sixty (60) percent of the buildable area with stream buffers. 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 strict enforcement of the buffer requirements would not allow for any improvements to the back of the livable area of the house. The proposed addition and deck would be located in least intrusive place in the rear of the house. Staff notes the stream buffers cover approximately sixty (60) percent of the buildable area of the lot. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the 21,280.223 square foot property is trapezoidal in shape. The property rises fourteen (14) feet from the southwest (Kayron Drive) to the existing house. The property then falls from the house to the southwest (rear of the property/stream) with an elevation change of twenty-four (24) feet. A stream runs approximately eighty-five (85) feet through the southeastern corner of the lot covering approximately sixty (60) percent of the buildable area with stream buffers. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. The locations of all streams on the property, including along property boundaries;

Finding:

The locations of all streams and buffers on the property have been identified on the site plan (exhibit 1). A stream runs approximately eighty-five (85) feet through the southeastern corner of the lot covering approximately sixty (60) percent of the buildable area with stream buffers. Based on these reasons, staff is of the opinion this condition has been satisfied.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The location and extent of the stream buffer intrusions are identified on the site plan (exhibit 1). Therefore, 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 not been discussed with staff regarding the proposed encroachments. The applicant is proposing the additions in the least intrusive location on the rear of the house. The proposed addition and deck will encroach fifty-two (52) square feet into the twenty-five (25) foot impervious setback. 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. The proposed addition will be elevated on three (3), two (2) square foot pylons to limit the amount land disturbance. The applicant is proposing to install a rain pillow to collect run-off from the addition. The applicant currently has two (2) ninety (90) gallon rain barrels and a three hundred (300) gallon water tube. The collected rain water is used to water the lawn.

Department Comments

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on April 4, 2012 at which there were no departmental comments were provided:

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Sandy Springs Code of Ordinances. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance requests to encroach into the stream buffer.

Recommended Condition(s)

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

- 1) The subject addition and deck shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 6, 2012 by the Department of Community Development, for the variance herein, showing a reduction in the twenty-five (25) foot impervious surface setback) to fifteen (15) feet (proposed addition and deck encroachment of eight (8) feet and limits of disturbance of two (2) feet for a total encroachment of ten (10) feet) to allow for an addition and deck to be constructed, where necessary to accommodate the portion of the encroachment only.
- 2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Letter of appeal

Proposed site plan (exhibit 1)

Existing site plan

Floor Plan

Rain Water pill specifications

Photographs



Variance Petition No. V12-006

HEARING & MEETING DATES

Design Review Board
April 10, 2012

Board of Appeals
May 10, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner
Mimms Enterprises

Petitioner
WellStreet Urgent Care

Representative
Patricia Wallis

PROPERTY INFORMATION

Address, Land Lot,
and District

6660 Roswell Road (SR 9)
Land Lot 87, District 17

Council District

3

Frontage

Approximately 175.8 feet of frontage on the west side of Roswell Road (SR 9) and approximately 183.3 feet of frontage on the south side of Abernathy Road

Area

The subject property has a total area of approximately 0.31 acres (13,503.6 square feet).

Existing Zoning and
Use

The lot is zoned C-1 (Community Business District) conditional under zoning case Z76-0072. The property is currently developed with an empty building.

Overlay District

Main Street District

2027

Comprehensive
Future Land Use
Map Designation

Live-Work Community (LWC)

INTENT

The applicant is requesting a primary variance from Section 33.26.H.2 of the Zoning Ordinance to allow a wall sign on a non-street facing wall.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

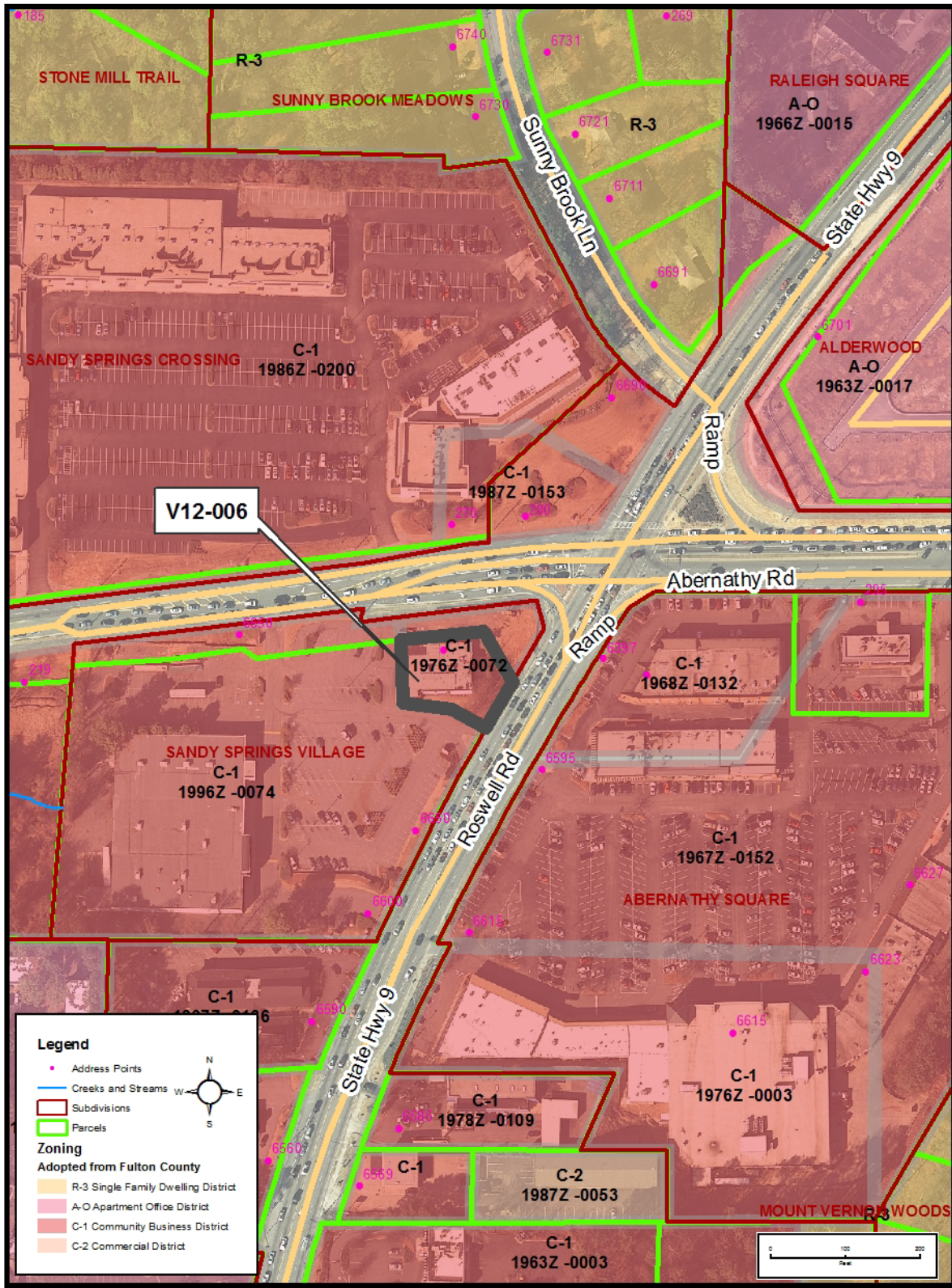
V12 - 006 - 1) APPROVAL CONDITIONAL

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the April 10, 2012 Design Review Board meeting. The Board recommended Approval (6-0, Porter, Mobley, Landeck, Richard, Ealick-Anderson, and Gregory for; Lichtenstein not voting.) with the following recommendation: That the applicant rescinds the wall sign permit issued for the Roswell Road street frontage.

Parcel Map

6660 Roswell Road (SR9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 10, 2012

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V12-006

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

Staff Analysis:

The subject site is located at 6660 Roswell Road (SR 9) at the intersection of Roswell Road (SR 9) and Abernathy Road. The property is currently zoned C-1 (Community Business District) conditional under zoning case Z76-0072, is developed with a vacant building, and is located within the Main Street District of the Sandy Springs Overlay.

The applicant's proposal is for a medical office in the building that was previously occupied by Blockbuster in the Sandy Springs Village, located on the south-west quadrant of the intersection of Roswell Road and Abernathy Road. The building is located with the back facing Roswell Road and Abernathy Road and the front entrance facing the parking lot. It is the applicant's opinion that a sign needs to be located on the south side of the building so potential clients can easily identify the entrance of the facility. WellStreet Urgent Care is requesting this variance to eliminate all visibility issues due to the location of the building.

The applicant is seeking a primary variance from Section 33.26.H.2 of the Zoning Ordinance to allow for a wall sign on a non-street facing wall.

The Sandy Springs zoning ordinance provides:

Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

- a. *Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.*

Because the location of this property at the intersection of Roswell Road and Abernathy Road the building is allowed to have signs on two (2) frontages, north and east.

The applicant states that a sign at the proposed location will further enhance the visibility of the business from the northbound traffic on Roswell Road and the visitors to the center. The applicant proposes to rescind the sign permit issued in his behalf for a sign on the east elevation of the building that faces Roswell Road as a sign on the east elevation of the building is obscured by the trees. The applicant states "We rescind our sign permit #12-04000148 in an effort to gain approval of a sign variance for signage on the parking lot side of the building, which corresponds to our primary entrance. We understand that should we be approved to install signage on the parking lot elevation (south elevation) we will relinquish the opportunity to install signage on the east elevation".

The proposed internally illuminated channel letters sign is not to exceed 5% of the applicable wall.

Staff wants to clarify that the Zoning Ordinance provides for businesses located in the Sandy Springs Overlay that are not represented on a ground sign and have only one street frontage, to be able to display two wall signs one street facing and a second sign non street facing.

Section 33.26.H.2 of the Zoning Ordinance provides :

b. Notwithstanding the foregoing, any business which is not represented on a monument sign may have two wall signs which shall meet the following standards:

- i. The street facing wall sign shall not exceed five percent (5%) of the applicable wall area.
- ii. The non-street facing wall sign shall not exceed five percent (5%) of the applicable wall area.
- iii. The total of both signs shall not exceed 225 square feet.

Because this property has two street frontages it qualifies for two street facing wall signs. The total size of the signs is limited by the 5% of the applicable walls without regards to the total of both signs as stated above

. It is staff's opinion that the ordinance is intended to allow businesses to display more than one wall sign when the standards are met.

SITE HISTORY

This variance request is intended to address the lack of signage visibility for the north-bound traffic on Roswell Road.

There is not Code Enforcement issue reported.

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.H.2 to allow for a wall sign on a non-street facing wall.

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 found that as vehicles travel northbound on Roswell Road, the existing vegetation on the property limits the visibility of the sign on the east elevation of the building. Staff is of the opinion that the natural features of the lot on which the sign is located impairs the visibility of the sign such that its visibility is impacted if located in compliance with the standards. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on April 4, 2012, 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

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. The proposed wall sign at the proposed location will not have a negative impact on the surrounding properties as a former business had have a sign at this location for many years; instead will provide information to the north bound traffic. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

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

1. To allow a wall sign on a non-street facing wall pursuant to the sign design detail submitted by the applicant, dated received March 6, 2012 by the Department of Community Development.
2. The wall sign shall be located on the south elevation of the building pursuant to the site plan submitted by the applicant, dated received March 6, 2012 by the Department of Community Development.
3. That the wall sign shall not exceed 5% of the applicable wall.
4. There shall not be more than two wall signs on the building at any given time

ATTACHMENTS: Site Plans, Photos, Detail Drawings, and Letter of Appeal.