



Variance Petition No. V09-010

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 14, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
City of Sandy Springs	Northridge Forest Community Association	David W. Barclift

PROPERTY INFORMATION

Address, Land Lot(s), and District(s)	Northridge Road, between Somerset Court and Huntingdon Trail Land Lot(s) 361 & 362, District(s) 6 & 18
Council District	1
Frontage	Approximately 420 feet of frontage along both sides of Northridge Road, between Somerset Court and Huntingdon Trail.
Existing Zoning and Use	Public Right-of-Way
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	N/A

INTENT

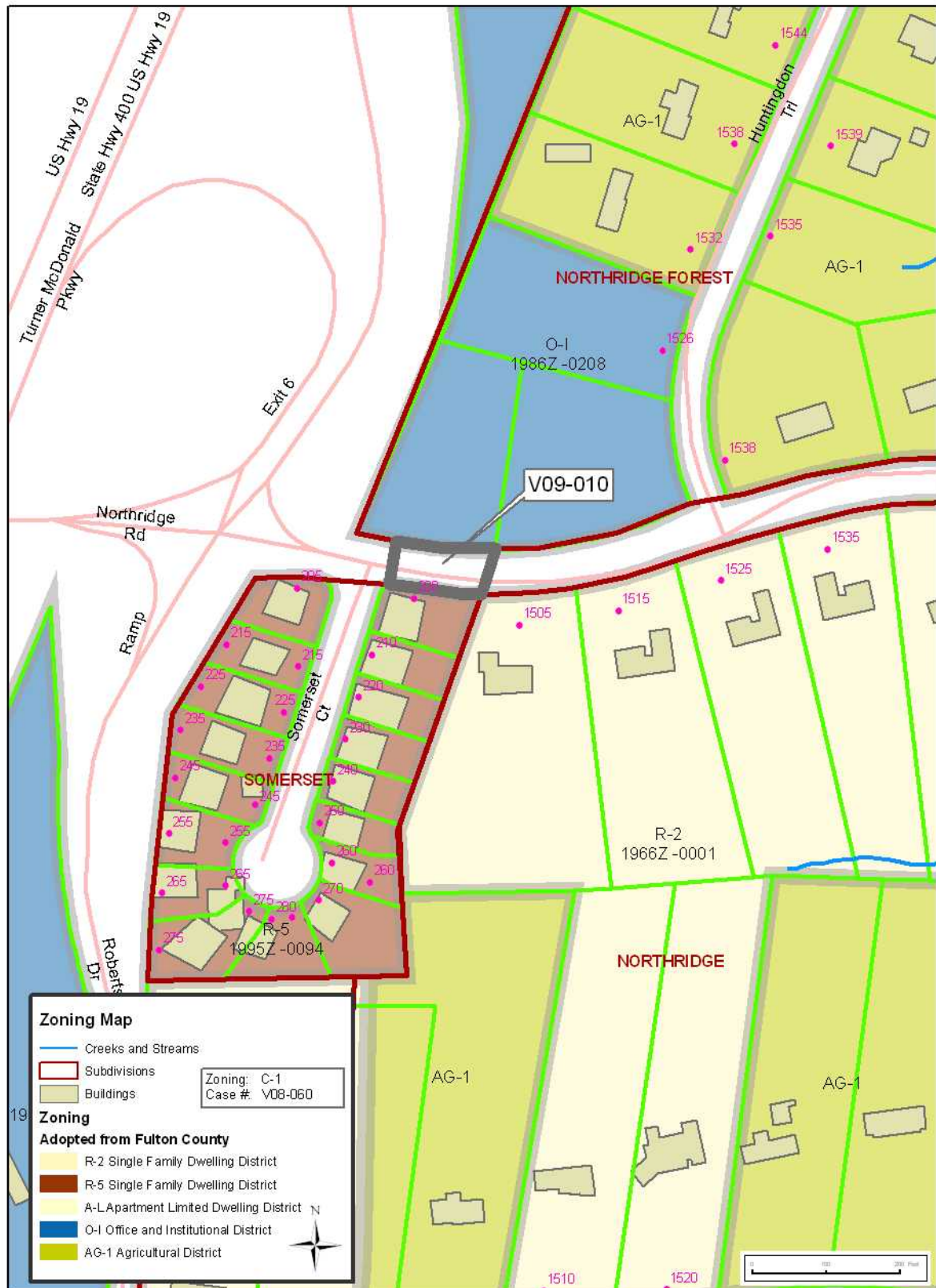
The applicant is seeking two (2) primary variances from the Zoning Ordinance:

- 1) Variance from Section 4.3.5 to allow a privately owned structure within a public right-of-way and
- 2) Variance from Section 33.22.B to allow for a sign to be located in the right-of-way.

Both variances to allow for a neighborhood entrance.

Parcel Map

Northridge Forest Subdivision Entrance



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 14, 2009

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

CASE NUMBER: V09-010

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

REQUEST:

The applicant is seeking a primary variance from Section 4.3.5 to allow a privately owned structure within a public right-of-way and from Section 33.22.B to allow for a sign to be located in the right-of-way. The aforementioned variances are to allow for two (2) stone pillars, each having a wing wall, located within a right-of-way (one on each side of Northridge Road at the Northridge Forest entrance). Additionally, the applicant is requesting a proposed fence be located within the Northridge Road right-of-way, on both sides of the road, from the Northridge Forest entrance to just beyond the Northridge Road and Huntingdon Trail intersection (approximately 420 linear feet on each side of the street). Further, the applicant is requesting a neighborhood plaque sign be attached to the southern pillar that is proposed to be within the right-of-way.

ANALYSIS:

The applicant has provided photographs indicating the land to the north and adjacent to Northridge Road to be sloped and wooded.

Staff notes the two parcels adjacent to and north of Northridge Road (between GA 400 and Huntingdon Trail) are owned by the Georgia Department of Transportation. Additionally, Northridge Road, in this area, serves two (2) subdivisions, Northridge Forest Subdivision to the north and Northridge Subdivision to the south.

The applicant states the following:

Northridge Forest is a well-established neighborhood of approximately 100 families located on the east side of Georgia Highway 400 at Northridge Road. On the west side of GA400, Northridge Drive is a 4-lane street with mix of office, business, and multi-family. The road is heavily traveled as it is a major interchange of GA400. On the east side of GA400, Northridge Road changes abruptly from the 400/ Northridge interchange to a quiet, single-family neighborhood street. There is very little transition between the usage and character of these two sides of the bridge that crosses GA 400.

Nearly fifty years ago, when Northridge Forest was developed, Roswell Road was the main artery between the City of Atlanta and the then rural towns of Roswell and Alpharetta. People moved to areas such as Northridge Forest to escape the city. The Eastern border of the neighborhood was the Atlanta Baptist Assembly, a church campground bordered by the Chattahoochee River. The lure of privacy, space and nature in the mature forest surrounding the river as well as the historic significance of the area were strong then and continue to be now. Few predicted the magnitude of the change that has occurred in the area and even fewer

planned for it. The volume of traffic coming from GA400 onto Northridge Road greatly exceeds the original intent as a means for a few homeowners to approach their homes.

Over the past several years, Northridge Forest has experienced an increasingly high and constant number of wrong-way vehicles coming into the neighborhood. Once the error is realized, the driver must find a place to turn around and then, due to the nature of the street, tends to travel at speeds that exceed a safe rate for a residential thoroughfare. Many drivers use the right turn into Northridge Forest from Roberts Drive as a quicker alternative to waiting in line to turn left onto Northridge to get onto GA400. Many more people enter the neighborhood having been turned around by the cloverleaf exit ramps of the interchange. The subsequent u-turns pose a great hazard to those legitimately entering or leaving the neighborhood.

The Northridge Forest Community Association has conferred with the City of Sandy Springs in an effort to minimize erroneous traffic into the neighborhood and to calm the incoming traffic. The Association also desires to aesthetically improve its presence with an entrance treatment that more appropriately identifies it with natural beauty that surrounds the neighborhood. With health, safety and harmony with surrounds in mind and with the support of the neighbors by majority vote, the Association has proposed an upgraded entrance treatment that will help to accomplish these purposes and give the neighborhood a sense of identity and appropriate pride of place. The accomplishment of these goals could also improve the property values of an already very desirable area. Throughout the process, Mark Moore and Alex Hofelich have been consulted, have shared possible considerations, and have reviewed plans.

Due to the hardship that existing grades, Georgia Department of Transportation property, and a residential brick privacy wall in the area of the entrance improvements present, the variances herein are requested.

A slight narrowing of the roadway and a section of pavers is proposed, which have been reviewed by Mark Moore and Alex Hofelich, for traffic calming. The proposed columns will be a minimum of 7 feet back of the curb. Ultimately, a sign permit request will be submitted for a small bronze plaque attached to the right side column for neighborhood identification.

Department Comments

The staff held a Focus Meeting on April 1, 2009 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION		For purposes of safety, the proposed sign should not be permitted within the clear zone, which is 6' from edge of traveled way at this location.
	Public Works Dept., Transportation Planner	If approved, the variance should be contingent upon the applicant signing the City's standard indemnification agreement for encroachment into the right of way should.
		If approved, the variance should be contingent upon the applicant signing a maintenance agreement with the City to cover all construction proposed in the right of way.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

Northridge Forest is a well-established neighborhood of approximately 100 families located on the east side of Georgia Highway 400 at Northridge Road. On the west side of GA400, Northridge Drive is a 4-lane street with mix of office, business, and multi-family. The road is heavily traveled as it is a major interchange of GA400. On the east

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 14, 2009

side of GA400, Northridge Road changes abruptly from the 400/ Northridge interchange to a quiet, single-family neighborhood street. There is very little transition between the usage and character of these two sides of the bridge that crosses GA 400.

Nearly fifty years ago, when Northridge Forest was developed, Roswell Road was the main artery between the City of Atlanta and the then rural towns of Roswell and Alpharetta. People moved to areas such as Northridge Forest to escape the city. The Eastern border of the neighborhood was the Atlanta Baptist Assembly, a church campground bordered by the Chattahoochee River. The lure of privacy, space and nature in the mature forest surrounding the river as well as the historic significance of the area were strong then and continue to be now. Few predicted the magnitude of the change that has occurred in the area and even fewer planned for it. The volume of traffic coming from GA400 onto Northridge Road greatly exceeds the original intent as a means for a few homeowners to approach their homes.

Over the past several years, Northridge Forest has experienced an increasingly high and constant number of wrong-way vehicles coming into the neighborhood. Once the error is realized, the driver must find a place to turn around and then, due to the nature of the street, tends to travel at speeds that exceed a safe rate for a residential thoroughfare. Many drivers use the right turn into Northridge Forest from Roberts Drive as a quicker alternative to waiting in line to turn left onto Northridge to get onto GA400. Many more people enter the neighborhood having been turned around by the cloverleaf exit ramps of the interchange. The subsequent u-turns pose a great hazard to those legitimately entering or leaving the neighborhood.

The Northridge Forest Community Association has conferred with the City of Sandy Springs in an effort to minimize erroneous traffic into the neighborhood and to calm the incoming traffic. The Association also desires to aesthetically improve its presence with an entrance treatment that more appropriately identifies it with natural beauty that surrounds the neighborhood. With health, safety and harmony with surrounds in mind and with the support of the neighbors by majority vote, the Association has proposed an upgraded entrance treatment that will help to accomplish these purposes and give the neighborhood a sense of identity and appropriate pride of place. The accomplishment of these goals could also improve the property values of an already very desirable area. Throughout the process, Mark Moore and Alex Hofelich have been consulted, have shared possible considerations, and have reviewed plans.

A slight narrowing of the roadway and a section of pavers is proposed, which have been reviewed by Mark Moore and Alex Hofelich, for traffic calming. The proposed columns will be a minimum of 7 feet back of the curb. Ultimately, a sign permit request will be submitted for a small bronze plaque attached to the right side column for neighborhood identification.

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

The applicant has provided photographs indicating the land to the north and adjacent to Northridge Road to be sloped and wooded.

Due to the hardship that existing grades, Georgia Department of Transportation property, and a residential brick privacy wall in the area of the entrance improvements present, the variances herein are requested.

Recommended Condition(s)

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

- 1) The subject rock pillars having wing walls, neighborhood sign, and fencing shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 3, 2009 by the Department of Community Development, for the variance herein, showing privately owned structures and a sign located within a right-of-way.
- 2) The proposed rock pillars having wing walls, neighborhood sign, and fencing shall not be closer than seven (7) feet from any back of curb or, in the absence of curbing, asphalt.
- 3) The applicant shall sign the City's standard indemnification agreement for encroachment into the right of way.
- 4) The applicant signing a maintenance agreement with the City to cover all construction proposed in the right of way.

ATTACHMENTS: Letter of appeal, site plans, elevation/section drawings, letters of support, and photographs.



Variance Petition No. V09-011

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 14, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Ted Peyser	Ted Peyser	Ted Peyser

PROPERTY INFORMATION

Address, Land Lot(s), and District	155 Sheridan Point Lane Land Lot(s) 39, District 17
Council District	5
Frontage and Area	187 feet of frontage along the east side of High Point Road and 97 feet along the southern side of Sheridan Point Lane. The subject property has a total area of approximately 0.48 acres.
Existing Zoning and Use	The lot is zoned R-3(Single-family Dwelling District) under Fulton County zoning case 1988Z-0135. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1-2 units per acre)

INTENT

The applicant is seeking two primary variances from the Zoning Ordinance: 1) variance from Section 6.4.3.D to reduce the required 35 foot minimum rear yard setback to 29 feet and 2) variance from Section 6.4.3.I of the to allow for an accessory structure to be located within a required minimum yard setback. Both variances to allow for a gazebo measuring 16 feet in diameter and 15 feet tall.

Parcel Map

155 Sheridan Point Lane



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

CASE NUMBER: V09-011

STAFF CONTACT: Linda Abaray, Planner I 770-206-1577
E-mail: Linda.Abaray@sandyspringsga.org

REQUEST:

The applicant is seeking two primary variances from the Zoning Ordinance: 1) variance from Section 6.4.3.D to reduce the required 35 foot minimum rear yard setback to 29 feet and 2) variance from Section 6.4.3.I of the to allow for an accessory structure to be located within a required minimum yard setback. Both variances to allow for a gazebo measuring 16 feet in diameter and 15 feet tall.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have a trapezoidal shape. There is roughly 55 feet from the back of the house to the rear southern property line. The gazebo is proposed to be placed ten (10) feet from the back of the house, replacing an existing gazebo that was purchased at Home Depot. Because this is quite a large gazebo (16 feet in diameter) it encroaches six feet into the minimum rear yard setback of 35 feet, reducing the setback to 29 feet.

The applicant has also provided photographs of the existing rear stone patio which measures 45 feet wide by 30 feet deep, where the gazebo is proposed to be placed, as well as a photo of the proposed gazebo structure. The gazebo is proposed to have electricity running to it for operation of an overhead fan and lights.

Staff notes the surrounding lots in the immediate vicinity have the same R-3 zoning as the subject property. The home to the east of this property has a large fountain within ten (10) feet of the rear property line. The home to the south of this property has a swimming pool within ten (10) feet of the rear property line. Also, there is approximately eighty (80) feet from the proposed gazebo to the rear of the existing house to the south. The subject property is heavily wooded and the view from the southern property would be largely obstructed by trees and the six foot high wooden fence along the rear and side property boundaries.

Hardship

-) The lot is not deep enough to accommodate this large gazebo in its proposed location without encroaching into the required 35 foot rear yard setback.

Harmony

-) The view of the gazebo from surrounding properties will be largely obstructed by trees and will blend in with the landscape.

-) Setting the gazebo on the existing hardscape patio does not require cutting of any trees.
-) The roofing material of the gazebo is proposed to match the roof of the home.
-) The proposed gazebo will increase the value and functionality of the property.

General Issues

-) The house exists in an area with backyard development of pools and fountains within ten feet of rear property boundaries.

Department Comments

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

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

Standards for Consideration

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

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

Staff notes the view of the gazebo from surrounding properties will be largely obstructed by trees and the six foot high wooden fence and will blend in with the landscape. Placement of the gazebo on the existing hardscape patio does not require cutting of any trees and replaces an existing gazebo in this location. This placement of the gazebo will reduce the rear yard setback to 29 feet from the required 35 feet. A letter of support for the gazebo was submitted by the adjoining southern property owner.

The applicant states the following:

This variance request seeks to add a gazebo measuring 16 feet in diameter and 15 feet tall to the back patio area. The lot is heavily wooded, which largely obscures the view of the gazebo from the home to the rear. The roofing material of the gazebo is proposed to match the roof of the home and the proposed gazebo will increase the value and functionality of the property.

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

The applicant has provided a site plan indicating the subject property to have a roughly trapezoidal shape with a back yard depth of 55 feet. Placement of a gazebo on the back patio, set back 10 feet from the house, will encroach six feet into the rear yard minimum setback.

Staff notes the surrounding lots in the immediate vicinity have the same R-3 zoning as the subject property. The home to the east of this property has a large fountain within ten (10) feet of the rear property line. The home to the south of this property has a swimming pool within ten (10) feet of the rear property line. The subject property is heavily wooded and the view from the southern property would be largely obstructed by trees and the six foot high wooden fence along the rear and side property boundaries.

Recommended Condition(s)

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

- 1) The proposed gazebo shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 3, 2009 by the Department of Community Development, for the variance(s) herein, showing a reduction in the required thirty-five (35) rear setback to no less than twenty-nine (29) feet where necessary to accommodate the portion of the encroachment(s) only.

ATTACHMENTS: Letter of appeal, site plan, legal description, letter of support and photographs.



Variance Petition No. V09-012

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 14, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Corporate Campus, LLC	Patrick Chesser	Patrick Chesser

PROPERTY INFORMATION

Address, Land	1140 & 1150 Hammond Drive
Lot(s), and District	Land Lot(s) 18, District 17
Council District	5
Frontage and Area	Approximately 796 feet of frontage along the north side of Hammond Drive and 1,076 feet of frontage along the east side of Peachtree-Dunwoody Road. The subject property has a total area of 19.43 acres.
Existing Zoning and Use	MIX (Mixed Use District) conditional under Z08-032, currently being developed with mixed use commercial and office, hotel, senior housing independent living apartments, and a health center.
Overlay District	Perimeter Community Improvement Design District (PCIDD)
2027 Comprehensive Future Land Use Map Designation	Live Work Regional (LWR) Node 6: Perimeter Community Improvement District (PCID)

INTENT

The applicant is seeking four (4) primary variances as follows:

- 1) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (retaining wall) within a landscape strip,
- 2) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces,
- 3) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.6) to allow planting of a smaller caliper shade tree on parking islands than the minimum required 2.5 inch caliper, and
- 4) Variance from Section 4.23.2 of the Zoning Ordinance to allow planting of a smaller caliper shade tree on parking islands than the minimum required 3 inch caliper.

1140 & 1150 Hammond Drive



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

CASE NUMBER: V09-012

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

REQUEST:

The applicant is seeking four (4) primary variances for relief from:

- 1) The Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (retaining wall) within a landscape strip,
- 2) The Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces,
- 3) The Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.6) to allow planting of a smaller caliper shade tree on parking islands than the minimum required 2.5 inch caliper, and
- 4) From Section 4.23.2 of the Zoning Ordinance to allow planting of a smaller caliper shade tree on parking islands than the minimum required 3 inch caliper.

ANALYSIS:

The applicant has provided site plans and photographs indicating the adjoining property to the north (adjacent to the subject retaining wall) is approximately 7 to 8 feet higher in elevation than the subject property. The site plans and photographs also indicate fourteen (14) existing parking islands that are 5.5' by 9.5' and planted with Crape Myrtles.

The applicant states the following:

Variance #1: Relief on the 10' northern landscape strip.

The northern 3-story building has been situated per approved Land Disturbance Permit and zoning to both align with the Peachtree Dunwoody access and maintain rear service access for its retailers. The existing conditions and the northern property's topography made it impossible to build a modular wall or cast -in-place wall because geo-grid tie backs or oversized footings would have required disturbance into the adjacent property. Consequently, the developer used a product which stacks vertically, requires no tie backs or footings, and by its composition is thicker and heavier than a cast-in-place or a modular product by approximately 18". The result is a reduced planting area between the wall cap and the northern property line. Developer is respectfully asking the BZA for relief of this 18" differential from a standard wall. The Development will still provide the overall landscape strip quantities required. As an additional note, the elevation difference between the two pieces of property and the existing landscape strip on the adjacent property provide sufficient separation and privacy between the two which may help to alleviate the need for a typical landscape strip in this area.

Variance#2: Relief of Crape Myrtle plantings in existing islands.

The Developer requests relief from the portion of the landscape ordinance that requires 3" canopy trees in all new parking islands based on the following conditions and hardships.

Prior to the spring of 2006 and the construction of the new buildings, property management replaced the declining hardwoods within the existing islands with Crape Myrtles. The developer was subsequently permitted with a design that left the majority of the existing parking lot and parking islands in place. The Developer is asking for relief to maintain the existing Crape Myrtles as installed.

The new parking surface, immediately adjacent to Peachtree Dunwoody Road complies with all current plantings and parking island dimensions and the Developer will comply with the new ordinance in the event the parking lot is reconfigured. In addition, the Development is currently designed to comply with the City's 2007 Tree Ordinance which calls for more tree densities than the new ordinance. These existing islands only provide ±52 sf of landscape area with no irrigation. From a survivability standpoint, crape myrtles were believed to be a species more capable of surviving in this situation as canopy trees typically require more planting space and better conditions to thrive.

Department Comments

The staff held a Focus Meeting on April 1, 2009 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ All material is existing. The wall will not interfere with the applicant's ability to meet the landscape strip requirement.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states the following:

Variance #1: Relief on the 10' northern landscape strip.

The northern 3-story building has been situated per approved Land Disturbance Permit and zoning to both align with the Peachtree Dunwoody access and maintain rear service access for its retailers.

The Development will still provide the overall landscape strip quantities required. As an additional note, the elevation difference between the two pieces of property and the existing landscape strip on the adjacent property provide sufficient separation and privacy between the two which may help to alleviate the need for a typical landscape strip in this area.

Variance#2: Relief of Crape Myrtle plantings in existing islands.

Prior to the spring of 2006 and the construction of the new buildings, property management replaced the declining hardwoods within the existing islands with Crape Myrtles. The developer was subsequently permitted with a design that left the majority of the existing parking lot and parking islands in place. The Developer is asking for relief to maintain the existing Crape Myrtles as installed.

The new parking surface, immediately adjacent to Peachtree Dunwoody Road complies with all current plantings and parking island dimensions and the Developer will comply with the new ordinance in the event the parking lot is reconfigured. In addition, the Development is currently designed to comply with the City's 2007 Tree Ordinance which calls for more tree densities than the new ordinance. These existing islands only provide ±52 sf of landscape area with no irrigation. From a survivability standpoint, crape myrtles were believed to be a species more capable of surviving in this situation as canopy trees typically require more planting space and better conditions to thrive.

The applicant has provided site plans and photographs indicating fourteen (14) existing parking islands that are 5.5 ' by 9.5' and planted with Crape Myrtles.

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

The applicant has provided site plans and photographs indicating the adjoining property to the north (adjacent to the subject retaining wall) is approximately 7 to 8 feet higher in elevation than the subject property.

The applicant states the following:

Variance #1: Relief on the 10' northern landscape strip.

The existing conditions and the northern property's topography made it impossible to build a modular wall or cast -in-place wall because geo-grid tie backs or oversized footings would have required disturbance into the adjacent property. Consequently, the developer used a product which stacks vertically, requires no tie backs or footings, and by its composition is thicker and heavier than a cast-in-place or a modular product by approximately 18". The result is a reduced planting area between the wall cap and the northern property line. Developer is respectfully asking the BZA for relief of this 18" differential from a standard wall.

Recommended Condition(s)

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

- 1) The subject Crape Myrtles (non-shade trees & less than 2.5 " and 3" in caliper) and retaining wall within a required landscape strip shall remain installed in accordance with the site plan, provided by the applicant dated received March 3, 2009 by the Department of Community Development, for the variance herein.

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



Variance Petition No. V09-013

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

May 14, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Joseph and Susan Churchill	Chad Mattison	Chad Mattison

PROPERTY INFORMATION

Address, Land Lot, and District 398 Tara Trail
Land Lot 136, District 17

Council District 6

Frontage and Area 308 feet of frontage along the south side of Tara Trail. The subject property has a total area of approximately 1.17 acres.

Existing Zoning and Use The lot is zoned R-2 (Single-family Dwelling District). The property is developed with a single-family residence.

Overlay District N/A

Interim 2027

Comprehensive Future Land Use Map Designation R0-1 Residential (0 to 1 units per acre)

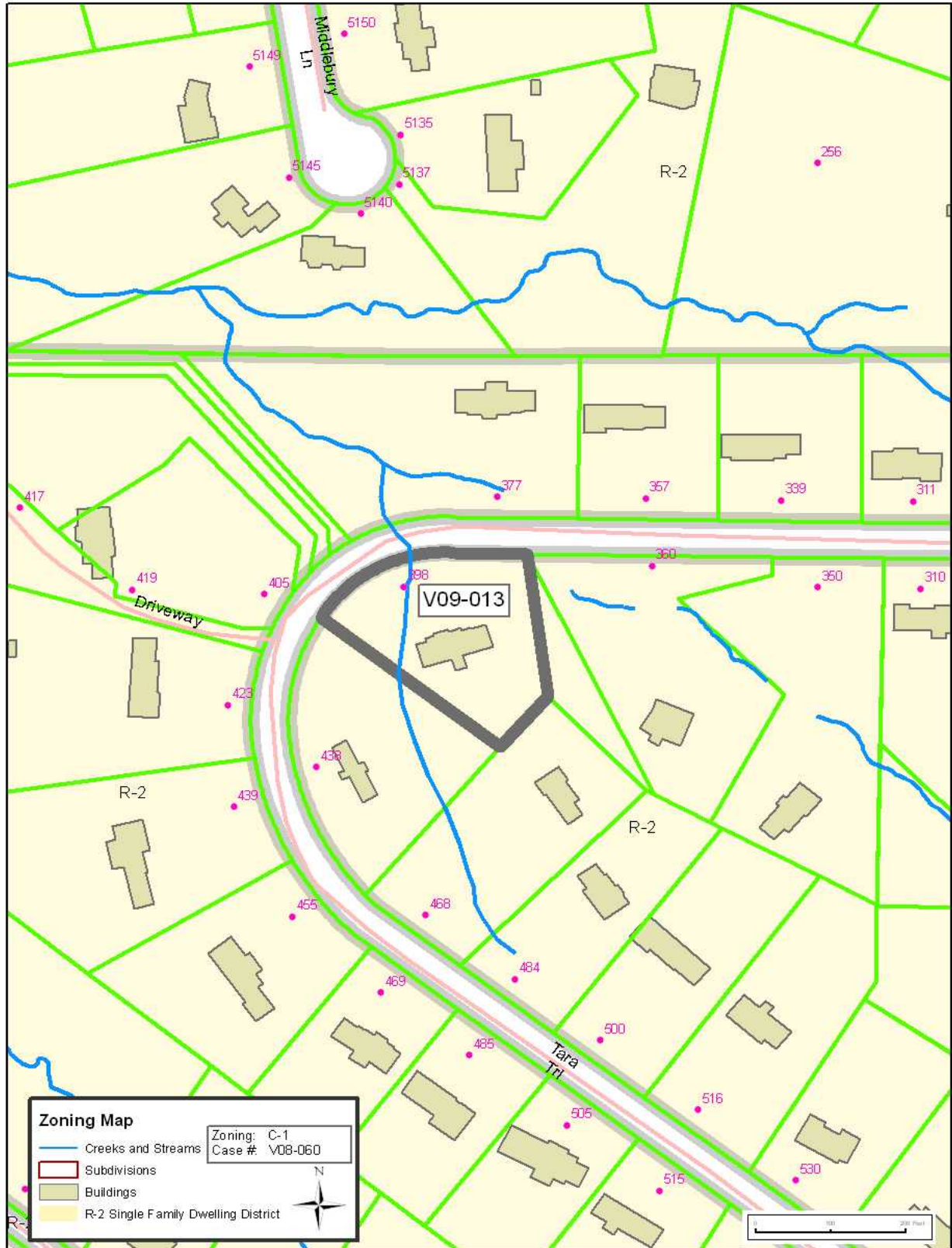
INTENT

The applicant is seeking a primary variance from Section 109-225.a.2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer to allow for the construction of a lap pool, pool deck, and related pool equipment. Retaining walls (max. height 6') and stairs were built on the north western corner of the proposed pool without a permit and the applicant was issued a stop work order by Sandy Springs Code Enforcement on February 10, 2009. Please note the applicant will be required to obtain an "after the fact" retaining wall permit to legalize the existing structures.

The applicant has provided detailed site plans showing the proposed pool to encroach into the twenty-five (25) foot impervious surface setback but not within the fifty (50) foot undisturbed natural buffer.

Parcel Map

398 Tara Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on May 14, 2009

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

CASE NUMBER: V09-013

STAFF CONTACT: Doug Trettin, Senior Planner 770-206-1519
E-mail: doug.trettin@sandyspringsga.org

REQUEST:

The applicant is requesting relief from Section 109-225.a.2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer to allow for the construction of a lap pool, pool deck, and related pool equipment. Retaining walls (max. height 6') and stairs were built on the north western corner of the proposed pool without a permit and the applicant was issued a stop work order by Sandy Springs Code Enforcement on February 10, 2009. Please note the applicant will be required to obtain an "after the fact" retaining wall permit to legalize the existing structures.

ANALYSIS:

The applicant has provided detailed plans showing encroachment into the twenty-five (25) foot impervious surface setback and not be within the fifty (50) foot undisturbed natural buffer.

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping gently from the existing house toward the western side of the property. A stream runs south-north along the subject property's western side property line. The front of the property contains the septic tank and drain field. The existing home encroaches into the required (25) foot impervious surface setback adjacent to the western property line.

The site plan provided by the applicant indicates:

- 488.5 square feet of proposed encroachment into the impervious surface setback for the hardscape and pool.

The applicant states the following:

The existing house is non-conforming and encroaches into the 75' buffer of the western "waters of the state".

Because Joseph Churchill (owner) has health conditions, doctors have suggested and requested that Mr. & Mrs. Churchill invest in a lap pool at their private residence, for daily non-contact aerobic exercise.

There are exceptional conditions pertaining to the configuration of the property that create a hardship on 398 Tara Trail. A drainage swale/stream deemed by the city of Sandy Springs to be “waters of the state” traverses the property to west of the existing house. The application of Zoning Ordinance 109-225.a.2, which requires a 75’ stream buffer and the 50’ undisturbed natural vegetation buffer, reduces the area of allowable land development in the existing backyard to 2373 sq.ft. (an area less than 5% of the entire property) in an asymmetrical shape. As a consequence of the insufficient size and configuration of the remaining developable area, the location of the new construction requires the elimination of the City of Sandy Springs 75’ buffer while still maintaining a 50’ buffer from the “waters of the state”. Development of the land south of the existing retaining wall is unfeasible because of the increasing topography as well as the existing trees that would have to be removed to achieve the proposed project goals.

The proposed new construction at the existing residence is in harmony with the surrounding neighborhood. Pools are common in the neighborhood; however, the proposed pool at 398 Tara Trail will be smaller than most existing in neighborhood. The proposed pool will increase the property value of 398 Tara Trail as well as help support higher property values of its surrounding neighbors. The proposed pool and the corresponding hardscape will not prevent the natural flow of rain run-off from reaching its final and existing destination, nor will it affect the water quality of the run-off. Of the four immediate neighboring properties, only two have current occupying owners. The owners of the property to the east of 398 Tara Trail and to the north of 398 Tara Trail are supportive of the Churchills in the pursuit of the proposed pool and corresponding hardscape. The proposed project will not adversely impact the neighbors; will not be a detriment to the public good, nor would this variance impair the purpose and intent of ordinance 109-225.a.2 of Sandy Springs.

Department Comments

The staff held a Focus Meeting on April 1, 2009 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The existing home encroaches into the required (25) foot impervious surface setback adjacent to the western property line.

Because Joseph Churchill (owner) has health conditions, doctors have suggested and requested that Mr. & Mrs. Churchill invest in a lap pool at their private residence, for daily non-contact aerobic exercise.

The proposed new construction at the existing residence is in harmony with the surrounding neighborhood. Pools are common in the neighborhood; however, the proposed pool at 398 Tara Trail will be smaller than most existing in neighborhood. The proposed pool will increase the property value of 398 Tara Trail as well as help support higher property values of its surrounding neighbors. The proposed pool and the corresponding hardscape will not prevent the natural flow of rain run-off from reaching its final and existing destination, nor will it affect the water quality of the run-off. Of the four immediate neighboring properties, only two have current occupying owners. The owners of the property to the east of 398 Tara Trail and to the north of 398 Tara Trail are supportive of the Churchills in the pursuit of the proposed pool and corresponding hardscape. The proposed project will not adversely impact the neighbors; will not be a

detriment to the public good, nor would this variance impair the purpose and intent of ordinance 109-225.a.2 of Sandy Springs.

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

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping gently from the existing house toward the western side of the property. A stream runs south-north along the subject property's western side property line. The front of the property contains the septic tank and drain field.

There are exceptional conditions pertaining to the configuration of the property that create a hardship on 398 Tara Trail. A drainage swale/stream deemed by the city of Sandy Springs to be "waters of the state" traverses the property to west of the existing house. The application of Zoning Ordinance 109-225.a.2, which requires a 75' stream buffer and the 50' undisturbed natural vegetation buffer, reduces the area of allowable land development in the existing backyard to 2373 sq.ft. (an area less than 5% of the entire property) in an asymmetrical shape. As a consequence of the insufficient size and configuration of the remaining developable area, the location of the new construction requires the elimination of the City of Sandy Springs 75' buffer while still maintaining a 50' buffer from the "waters of the state". Development of the land south of the existing retaining wall is unfeasible because of the increasing topography as well as the existing trees that would have to be removed to achieve the proposed project goals.

Recommended Condition(s)

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

- 1) The proposed swimming pool, pool deck, and pool equipment and the existing retaining walls shall be constructed and remain constructed in accordance with the site plan, provided by the applicant dated received April 3, 2009 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a fifty (50) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, and patios shall be constructed of pervious material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.

- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
- 9) Stream buffer restoration shall be installed as required by the Director of the Community Development Department.
- 10) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.
- 12) The applicant shall provide a revised drainage and erosion plan showing the proposed pool set back no less than fifty (50) from the wrested vegetation of the subject stream and showing plantings as approved by the City Arborist.

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

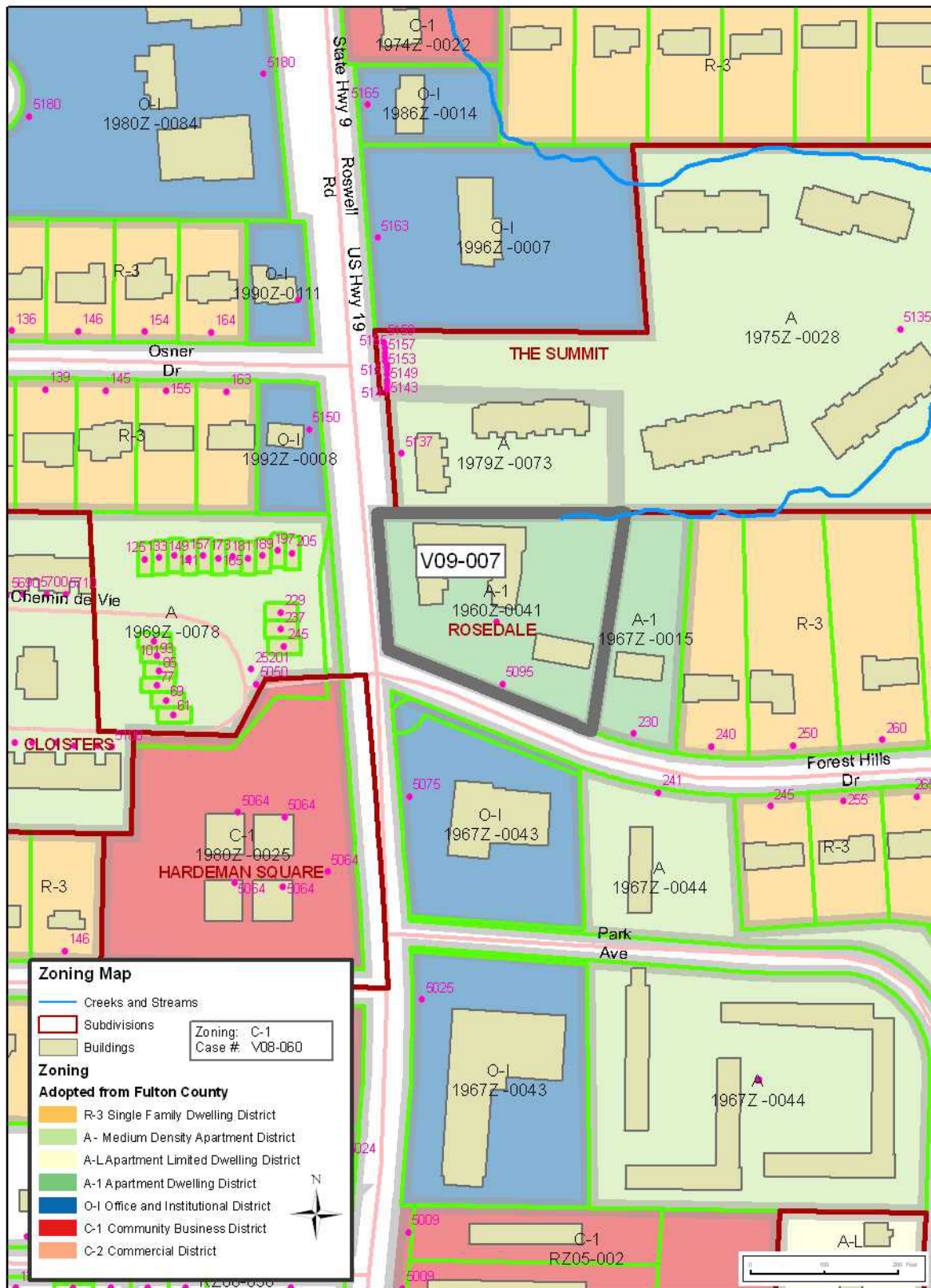


Variance Petition No. V09-007

HEARING & MEETING DATES		
Board of Appeals Hearing May 14, 2009		
APPLICANT/PETITIONER INFORMATION		
Property Owner	Petitioner	Representative
Fountainbleau 2006, LLC.	Fountainbleau 2006, LLC.	Ray S. Smith III
PROPERTY INFORMATION		
Address, Land Lot, and District.	5095 Roswell Road (SR 9) and 220 Forrest Hills Drive Land Lot 93, District 17	
Council District	5	
Frontage and Area	The subject property has 183.4 feet of frontage along the east side of Roswell Road and 296.3 feet of frontage along the north side of Forrest Hills Drive and a total area of approximately 1.69 acres.	
Existing Zoning and Use	A-1 (Apartment Dwelling District) conditional under zoning cases Z60-041 and Z67-015 and is currently developed with an apartment building and a single-family house.	
Overlay District	Village District	
2027 Comprehensive Plan Future Land Use Map Designation	Live-Work Neighborhood	
INTENT		

The petitioner is seeking a secondary variance to appeal the Department of Public Works denial of the request for relief from the required frontage improvements along Forest Hills Drive.

5095 Roswell Road



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

CASE NUMBER: V09-007

STAFF CONTACT: Cesar Geraldo, Zoning Administrator
cesar.geraldo@sandyspringsga.org

BACKGROUND:

This petition involves the Rosedale Condominiums located at the northeast corner of the intersection of Roswell Road (SR9) and Forest Hills Drive and the frontage improvements required by the Department of Public Works as indicated by Staff review comments for submitted Land Disturbance Permit application LDP2007-00020. The comments from Public Works' Staff required the applicant to be compliant with the following sections of the Development Regulations Ordinance and the City of Sandy Springs (COSS) standard detail: Driveway Design Standard (sections 11.4.2, 11.4.15, COSS standard detail), Curb and Gutter Installation (section 11.10), Sidewalk Installation (section 11.11.1), Sidewalk Design (section 11.11.2, COSS standard detail), and Utility Relocation (sections 11.11.2, 12.1.4, COSS).

The applicant, Fountainbleau 2006, LLC., in a letter dated November 17, 2008, filed an administrative appeal for relief from the required frontage improvements with the Department of Public Works. The applicant indicated in the letter the following basis for the administrative appeal:

1. Economic conditions have created a hardship that does not allow them to afford the frontage improvements required by the Department of Public Works.
2. The applicant proposed improvements along Roswell Road only and no improvements along Forest Hills Drive.
3. As an alternative, the applicant offered to install the required street lights and make a \$20,000 donation to the City of Sandy Springs in lieu of completing the required improvements.

In a letter dated January 27, 2009 the Department of Public Works responded to the applicant, indicating there was no observable hardship upon which to base relief from the requirements of the Sandy Springs Development Regulation Ordinance. Therefore, frontage improvements were required by the Sandy Springs Development Regulation Ordinance.

APPEAL:

The applicant indicates the following basis for the appeal to the Department of Public Works denial.

In letter dated March 2, 2009 the applicant indicates that:

1. They have worked diligently to take care of each and every request of the City of Sandy Springs.
2. A Variance Application was filed on December 29, 2006 and was approved by the Board of Zoning Appeals on March 8, 2007.

3. The Georgia Department of Transportation (GDOT) granted permission on January 23, 2008 for the applicant to accomplish work on the right-of-way of Roswell Road (SR9). The work included installation of sidewalk, brick pavers, light poles and new guardrail.
4. During the waiting period, the applicant has also dealt with fire and the worst real estate recession in decades.

In letter dated March 18, 2009 the applicant indicates that:

1. Curbing will be installed along Forest Hills Drive.
2. Sidewalks will be installed, a six (6) foot sidewalk, including pavers, along Roswell Road and a five (5) foot sidewalk along Forrest Hills Drive.
3. The existing guardrail will be replaced with a new standard Georgia Department of Transportation guardrail.
4. The number of pedestrian lights will be reduced to three (3) due to topography conditions.
5. The requirement for street trees will be reduced or totally eliminated, since the area is already heavily landscaped with trees and the topography, guardrail and Georgia Power poles would not allow any more trees.

In letter dated April 10, 2009 the applicant indicates that:

1. They seek relief from the driveway design standards 11.4.2, 11.4.15, COSS standard detail, curb and gutter installation 11.10, and utility relocation 11.11.2, 12.1.4 COSS standard detail.
2. The curb has been raised on the amended plans after it was determined it was too low by the City.
3. The extreme topography of the site is a hardship to compliance with the driveway requirements. It would required the installation of additional retaining walls.
4. The relocation of the power lines and underground water supplies and pipes would create an extreme hardship.

BASIS FOR DEPARTMENT OF PUBLIC WORKS' DETERMINATION:

The Department of Public Works, in a letter dated January 27, 2009, denied the administrative appeal request for relief from the required frontage improvements. The Director of the Department of Public Works based the determination on lack of observed hardships on the site, as defined in the ordinance. Public Works Staff visited the site and did not see any observable hardship in the size, shape, nature, or topography of the site that would prevent the applicant from installing the required frontage improvements.

CONCLUSION AND REQUESTED ACTION:

Staff respectfully requests the Board of Appeals to uphold the determination made by the Department of Public Works, thereby requiring the applicant to provide the required frontage improvements as indicated by Staff review comments for submitted Land Disturbance Permit application LDP2007-00020.

ATTACHMENTS: Site plan, letters of appeal (w/attachments), letter of determination, approval of variance application.



Variance Petition No. V09-008

HEARING & MEETING DATES

Design Review Board
April 14, 2009

Board of Zoning Appeals Hearing
May 14, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
Pointe At Canyon Ridge, LLC

Petitioner
Arthur Lieb

Representative
Arthur Lieb

PROPERTY INFORMATION

Address, Land Lot, and District. 8350 Roswell Road (SR 9)
Land Lots 24, 25, 29 and 30, District 17

Council District 2

Frontage and Area Approximately 630 feet of frontage along the west side of Roswell Road (SR 9).
The subject property has a total area of 38.79 acres (1,689,692.4 square feet).

Existing Zoning and Use A (Medium Density Apartment District) conditional under Fulton County zoning case 1982Z-128, currently developed with apartments.

Overlay District Suburban District.

2027 Comprehensive Future Land Use Map Designation Residential 8 to 12 units per acre (R8-12).

INTENT

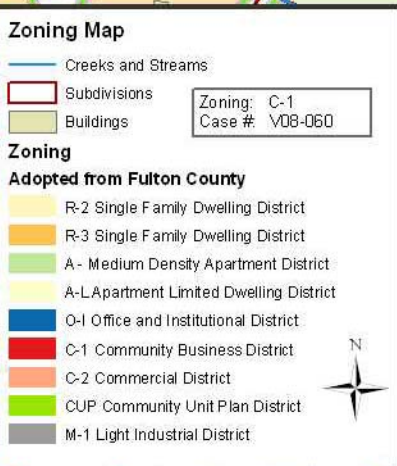
The applicant is seeking two primary variance from the Zoning Ordinance:

- 1) Variance from Section 33.22.B to allow for a sign to be located in the right-of-way.
- 2) Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 0 feet.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the April 14, 2009 DRB meeting. The request was recommended for APPROVAL (6-0, Gregory, Landeck, Mobley, Porter, Westmoreland and Richard for; Lichtenstein not voting) subject to the new sign elevation dated April 7, 2009 submitted to the Design Review Board.

8350 Roswell Road



Page 2 of 6

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V09-008

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is seeking two primary variances from Section 33.22.B and Section 33.22.C of the Zoning Ordinance to allow for a sign to be located in the right-of-way.

Staff Analysis:

The applicant is requesting relief from Section 33.22.B SIGN LOCATION of Sandy Springs Zoning Ordinance, that states *"No sign or any part thereof, except authorized traffic signs, shall be located in any government right-of-way"*, and Section 33.22.C of Sandy Springs Zoning Ordinance that states *"Unless a more restrictive setback is specified in conditions of zoning or otherwise in this Article, all signs shall set back at least ten (10) feet from the right-of-way,"* to allow for a free standing identification sign to encroach into the right-of-way.

The proposed sign location is within the Georgia Department of Transportation right-of-way, approximately sixteen (16) feet from the traveling lane. To locate the sign in the proposed area, variances are necessary to reduce the ten (10) foot set back to zero (0) feet, and to locate the sign in the right-of-way. In addition, because the proposed location is in the State right-of-way, the applicant has obtained approval from Georgia Department of Transportation.

The applicant states "in October of 2008 the property was acquired by Pointe at Canyon Ridge, LLC formerly known as Barrington Canyon Apartments. The current sign is original to the property when it was built in 1985." The applicant would like to remove the current sign and install a new sign at a new location, to include the renaming of the apartment complex. The propose location is closer to the road to have a double sided sign, visible to northbound and southbound traffic on Roswell Road (SR 9). The applicant states it is necessary to provide proper visibility for businesses from all points and entries of the development.

According to the applicant the property's existing identification sign does not provide appropriate identification for the development, as the sign is located approximately Sixty-five (65) feet from the curb, justifying the relocation of the sign closer to the street. The property has a variable right-of-way of approximately 105' to 110' from the centerline of Roswell Road as shown on the survey submitted by the applicant and dated received March 3, 2009 by the Department of Community Development. As per Public Works the City's standard dedication requirement is 55' from centerline for Roswell Road. The applicant states "if the sign is located ten (10) feet from the right-of-way, in compliance with the zoning requirements, it will be located approximately seventy-five (75) feet from the curb and approximately 115' from the centerline of Roswell Road, limiting its visibility to only those directly in front of the entrance."

The Georgia Department of Transportation provided approval of this application as stated in the approval letter dated March 26, 2009 and dated received April 1, 2009 by the Department of Community Development

The applicant proposes a double sided monument sign; 64" x 32" 1" routed sign foam face with beveled edge and aluminum support backer. Bottom planter to be 18" wide and made of high density material with stacked stone overlay. The sign will be externally illuminated.

Article 33.26.C.1 APARTMENT AND TOWNHOUSE RESIDENTIAL allow one maximum 32 square foot free standing sign per multifamily property or two single-faced monument signs not to exceed 16 square feet each, for each side of the development's entrance. The proposed sign is 14.22 sq ft of sign area six (6) feet tall, which meets the minimum requirements.

Department Comments

The staff held a Focus Meeting on April 1, 2009 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ For purposes of safety, the proposed sign should not be permitted within the clear zone, which is 18' from edge of traveled way at this location. If approved, the variance should be contingent upon the applicant signing the City's standard indemnification agreement for encroachment into the right of way.
	Georgia Department of Transportation	▪ Approve the location of the sign in the right-of-way with the condition that the sign shall be located at a distance of sixteen (16) feet or greater from the edge of pavement.

Standards for Consideration

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

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

The applicant states that it is important for a driver to distinctively recognize the location of each business. Allowing each business to maintain individual ground signage is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance. The applicant's purpose is to present an identification of its premises, communicating to the public the location of their businesses.

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance.

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

This property has a variable right-of-way along the street frontage. Pursuant to survey dated 05/14/2004 provided by the applicant and dated received March 3, 2009 by the Department of Community Development the right-of-way is approximately 105 to 110 feet at the entrance to the development. To achieve visibility, the proposed sign location is within the right-of-way, sixteen (16) feet from the curb as shown in exhibit 1.

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

The property has a landscape strip along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic, as shown in exhibit 2. Because of the extremely congested nature of Roswell Road and the existing foliage along the street frontage, the applicant finds it imperative that this sign be within the drivers' vision so as to distract drivers for the minimal length of time.

Recommended Conditions:

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

1. Allow the identification sign to be located in the right-of-way at not less than eighteen (18) feet from the edge of pavement, contingent to the Georgia Department of Transportation approval.
2. Allow the identification sign setback from the right-of-way to be reduced to zero (0) feet.

3. Allow the identification sign contingent upon the applicant signing the City's standard identification agreement for encroachment into the right-of-way.

ATTACHMENTS: Proposed sign site plan, proposed sign detail, GDOT letter of approval and letter of appeals.

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking two primary variances from the Zoning Ordinance: 1. Variance from Section 33.22.B to allow for a sign to be located in the right-of-way. 2. Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 0 feet.	The Design Review Board recommended APPROVAL subject to the new sign elevation dated April 7, 2009.	1. Allow the identification sign to be located in the right-of-way at not less than eighteen (18) feet from the edge of pavement, contingent to Georgia Department of Transportation approval. 2. Allow the identification sign setback from the right-of-way to be reduced to zero (0) feet. 3. Allow the identification sign contingent upon the applicant signing the City's standard identification agreement for encroachment into the right-of-way.	▪ GDOT has approved the location of the sign in the right-of-way with the condition that the sign shall be located at a distance of sixteen (16) feet or greater from the edge of pavement. ▪ Public Works: For purposes of safety, the proposed sign should not be permitted within the clear zone, which is 18' from edge of traveled way at this location.