



Variance Petition No. V11-018

HEARING & MEETING DATES

Board of Appeals Hearing

June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

Allison Maner

Petitioner

Allison Maner

Representative

Allison Maner

PROPERTY INFORMATION

Address, Land 790 Tanglewood Trail

Lot(s), and District Land Lot 163, District 17

Council District 6

Frontage 210.02 feet of frontage along the south side of Tanglewood Trail

Area The subject property has a total area of approximately 88,417 square feet.

Existing Zoning and Use The lot is zoned R-1 (Single Family). The property is currently developed with a single-family 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 requesting one (1) primary variances from the Zoning Ordinance:

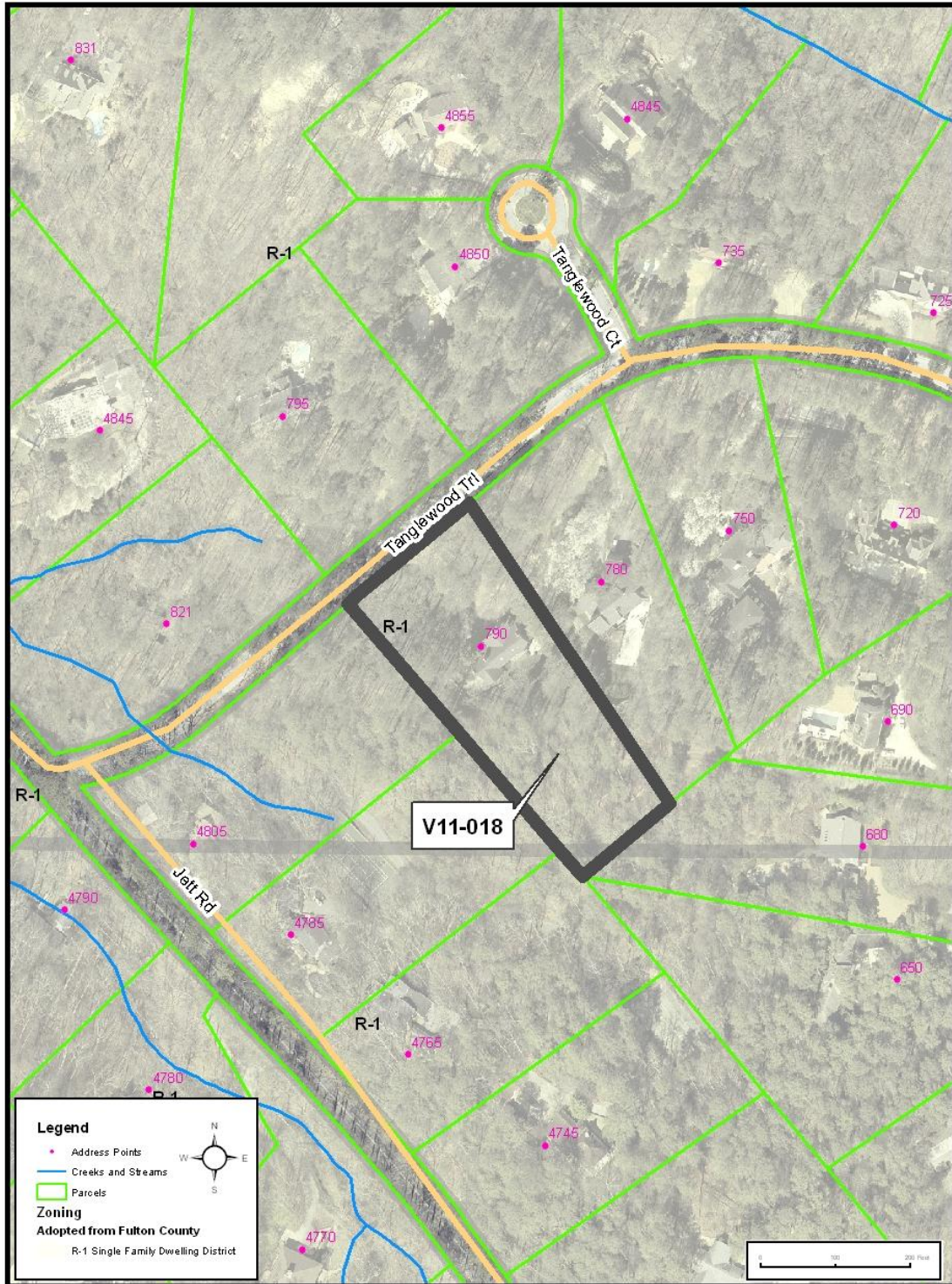
- 1) Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the twenty-five (25) foot setback requirements (25 foot side yard setback from interior property line) to nineteen (19) feet on the east side to allow an existing patio to be screened in.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-018 – 1) Approval Conditional

Parcel Map

790 Tanglewood Trail



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

CASE NUMBER: V11-018

STAFF CONTACT: Taylor Baxter, Planning and Zoning 770-206-1514
E-mail: taylor.baxter@sandyspringsga.org

Finding of Fact:

The applicant is requesting one primary variance from Section 6.3.3.C of the Zoning Ordinance to reduce the property's 25 foot side yard setbacks to 19 feet on the east side to allow an existing patio to be screened in. The existing patio currently encroaches into the side yard setback, and is 19 feet from the east side property line.

The applicant has submitted a site plan (exhibit A) indicating the subject property to have approximately 210.02 feet of frontage on the south side of Tanglewood Trail. The property is trapezoidal in shape, and slopes upward from north to south from the street toward the dwelling structure. The site plan shows the existing patio encroaching into the east side setback.

The surrounding lots in the immediate vicinity are zoned R-1 (Single Family Dwelling District) to the north, south, east and west, and the neighboring property to the east includes a dwelling approximately 60 feet from the existing patio.

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 is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public. The proposed addition will be to an existing patio which currently encroaches into the side setback at its eastern edge. The proposed additions would not horizontally increase the encroachment into this setback. Additionally, the proposed additions are in harmony with nearby residences along Tanglewood Trail in terms of size and architecture. 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 subject parcel is similar to other residential properties in the City. The property is trapezoidal in shape. The site slopes from north to south toward the rear property line. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not 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 on April 6, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

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 April 5, 2011 by the Department of Community Development, for the variance herein, showing a reduction of the required 25 foot minimum side yard setback to 19 feet on the east side yard to allow an addition (screened structure above an existing patio), where necessary, to accommodate the portion of the encroachment(s) only.

ATTACHMENTS:

Letter of appeal
Site plan (exhibit A)
Floor Plans
Photographs.



Variance Petition No. V11-021

HEARING & MEETING DATES

Board of Appeals Hearing

June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Shoppes of Morgan Falls III, LTD	O'Reilly Automotive Stores	O'Reilly Automotive Stores

PROPERTY INFORMATION

Address, Land Lot(s), and District	7878-R Roswell Road (SR9) Land Lot 30, District 17
Council District	2
Frontage	534.10 feet of frontage along the west side Roswell Road.
Area	The subject property has a total area of approximately 0.6369 acres.
Existing Zoning and Use	The lot is C-1 (Community Business District) under Fulton County zoning case Z86-0289. The property is currently developed with a Shopping Center.
Overlay District	Suburban District
2027 Comprehensive Future Land Use Map Designation	C -Commercial

INTENT

The applicant is proposing to allow opaque glass on the ground floor of the existing building. The applicant is requesting one (1) primary variance:

- 1) Variance from Section 12B.5.H to allow reflective and/or opaque glass on the ground floor of a building

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

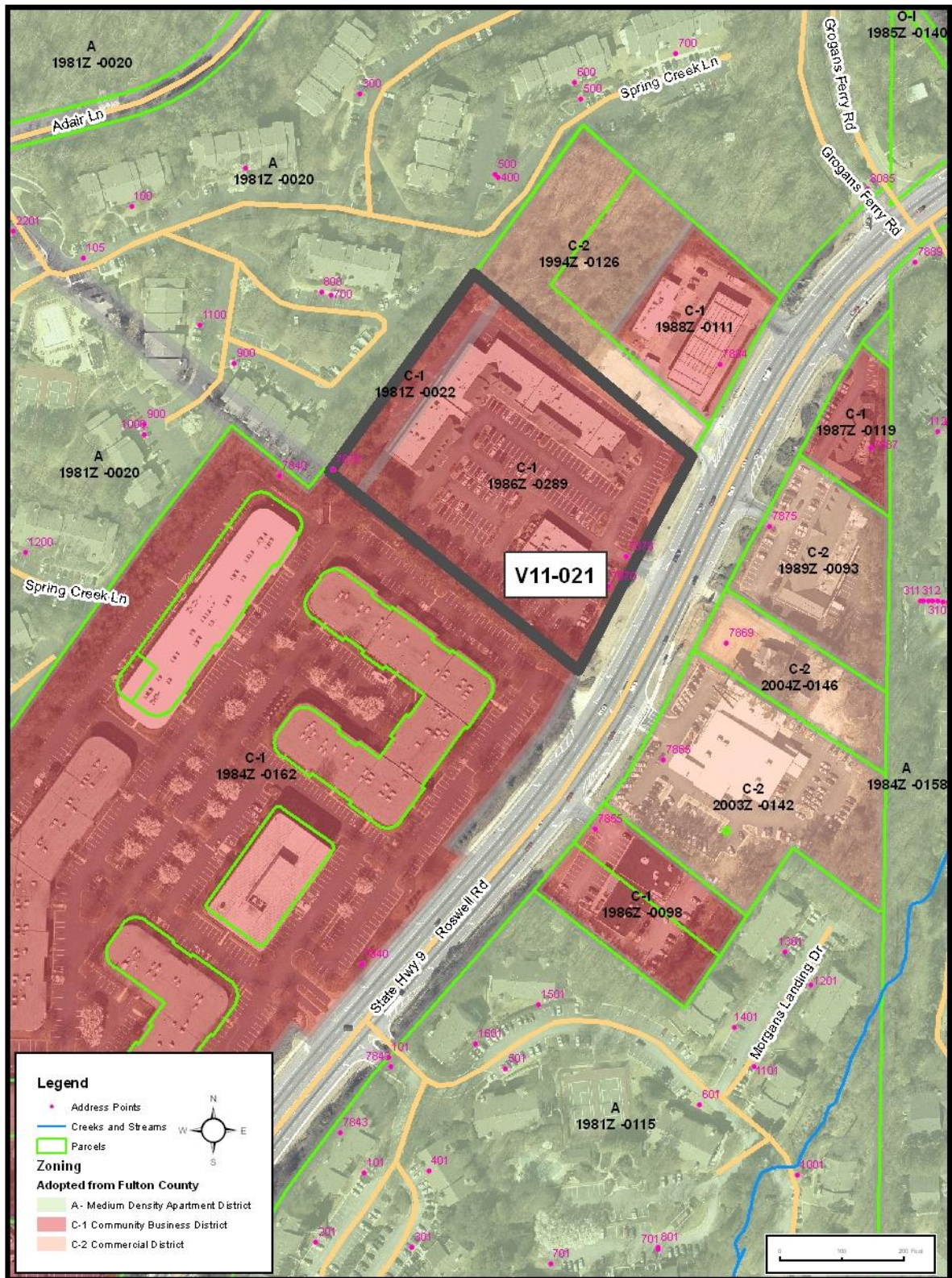
V11-021 - 1) DENIAL

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the May 10, 2011 Design Review Board meeting. The Board recommended approval (4-0, Porter, Landeck, Ealick-Anderson and Richard for; Gregory and Mobley absent; Lichtenstein not voting).

Parcel Map

7878 Roswell Road (SR 9)



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

CASE NUMBER: V11-021

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

Findings of Fact

The applicant has submitted a site plan showing the Shopping Center has 534.10 feet of frontage along the west side Roswell Road (SR9). The property is trapezoidal in shape and has .6369 acres. The property slopes approximately ten (10) feet from the parking lot down to Roswell Road. The tenet space (O'Reilly Auto Parts) is approximately 145 feet from Roswell Road.

The applicant has also submitted elevation drawings (exhibit 1) showing opaque glass on three (3) windows on the front elevation (Roswell Road) and twenty-one (21) windows on the left side elevation (Parking lot). The applicant applied for a building permit for the tenant build out of the space. The building permit application included walls being constructed on the interior of the tenant space and opaque windows being installed to screen the walls. During the plan review process the opaque windows were missed and the application was approved. After the completion of the construction staff noticed the opaque windows and required the applicant to either remove the opaque windows or apply for a variance.

The surrounding lots in the immediate vicinity are zoned C-1 (Community Business District) and C-2 (Commercial District) to the north and east, C-1(Community Business District) to the south, and A (Medium Density Apartment District) to the west.

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 is not in harmony with the intent of the Zoning Ordinance. The tenant space is approximately 145 feet from Roswell Road and the left side elevation is internal to the parking lot. The opaque windows would not be a detriment to the public. However, other buildings in the surrounding area have darkly tinted windows, but none have completely opaque glass on the ground floor. Therefore, staff is of the opinion 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:

The subject parcel does not exhibit extraordinary and exceptional conditions related to its topography. The property slopes approximately ten (10) feet from the parking lot down to Roswell Road. The size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. The Therefore, staff is of the opinion this condition has not 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 on May 4, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	There are Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** 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 tenant space shall be in accordance with the proposed site plan and elevation drawings provided by the applicant dated received April 5, 2011 by the Department of Community Development, for the variance(s) herein, allowing reflective and/or opaque glass on the ground floor of a building, where necessary, to accommodate the portion of the tenant space only.

ATTACHMENTS:

Letter of appeal
Elevation drawings (exhibit 1)
Rendering (Exhibit 2)
Site plan (Exhibit 3)
Photographs



Variance Petition No. V11-022

HEARING & MEETING DATES

Board of Appeals Hearing

June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Housing Authority of Fulton County	Housing Authority of Fulton County	Torian Priestly

PROPERTY INFORMATION

Address, Land Lot(s), and District	144 Allen Road Land Lot 90, District 17
Council District	3
Frontage	Phase I: 299.20 feet of frontage along the north side Allen Road. Phase II: 35 feet of frontage along the north side Allen Road.
Area	The subject property has a total area of approximately 2.27 acres in Phase I and 1.58 acres in Phase II.
Existing Zoning and Use	The lot is A-L (Apartment Limited Dwelling District) under Fulton County zoning case Z81-0129. The property is currently developed with a Senior Housing Apartment Building.
Overlay District	Main Street Overlay District
2027 Comprehensive Future Land Use Map Designation	LWR (Live Work Regional)

INTENT

The applicant is proposing to subdivide the existing property into two (2) parcels for a future senior housing project. The applicant is requesting six (6) primary variance:

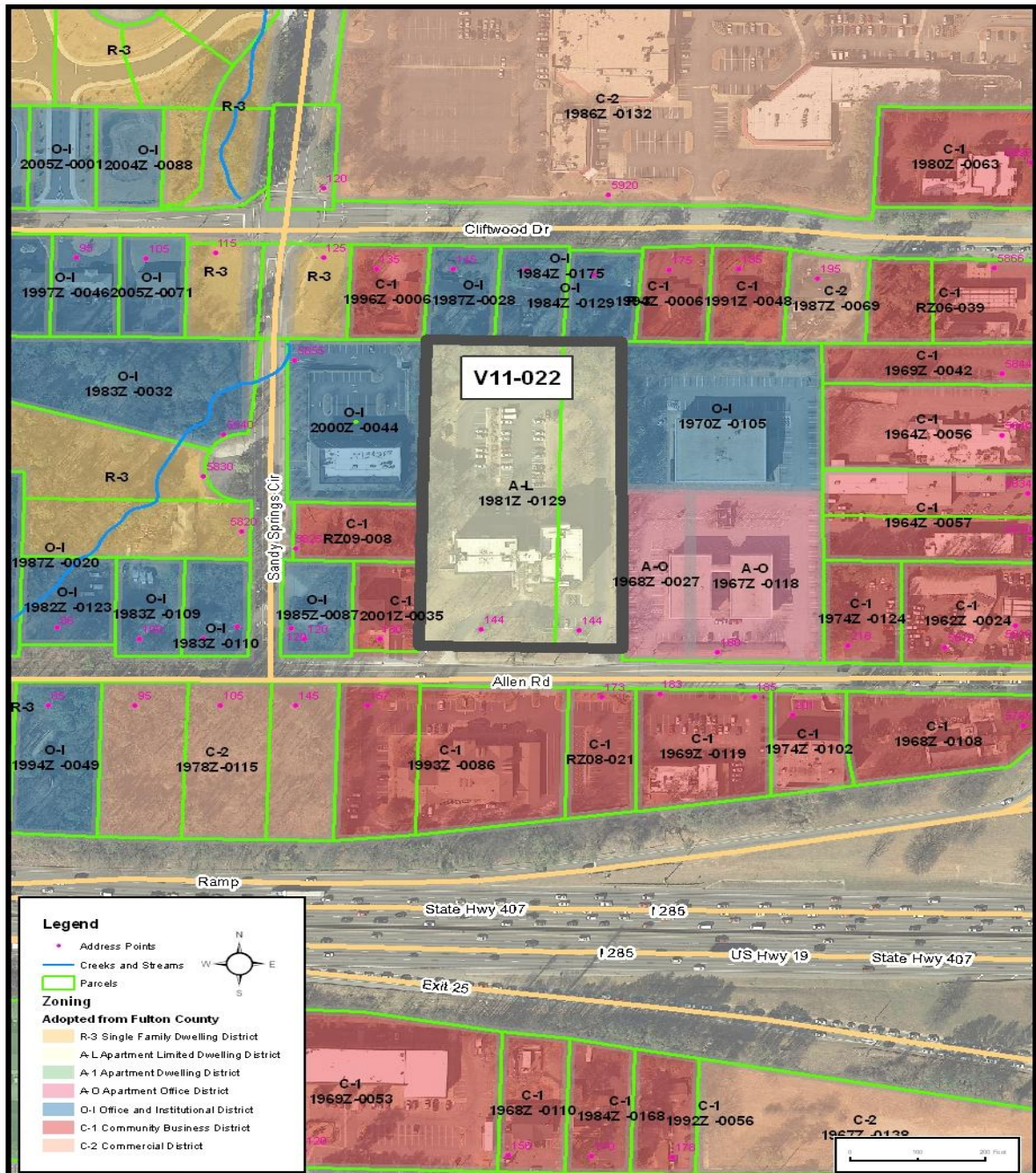
- 1) Variance from Section 18.2.1 to reduce the required number of parking spaces from 91 to 53.
- 2) Variance from Section 4.23.1 to delete the ten (10) foot landscape strip along the north property line.
- 3) Variance from Section 18.3.1.D to allow the existing driveway to encroach in to the required ten (10) foot driveway setback.
- 4) Variance from Section 18.3.1.D to allow parking to encroach into the minimum front yard setback.
- 5) Variance from Section 4.23.1 to delete the required forty (40) foot landscape strip along the south property line.
- 6) Variance from Section 18.3.1.D to allow the existing driveway to encroach in to the required ten (10) foot driveway setback.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-022 - 1) APPROVAL CONDITIONAL
V11-022 - 2) APPROVAL CONDITIONAL
V11-022 - 3) APPROVAL CONDITIONAL
V11-022 - 4) APPROVAL CONDITIONAL
V11-022 - 5) APPROVAL CONDITIONAL
V11-022 - 6) APPROVAL CONDITIONAL

Parcel Map

144 Allen Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 9, 2011

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

CASE NUMBER: V11-022

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

Findings of Fact

The applicant is proposing to subdivide the existing 3.85 acre property into two separate lots. Two (2) site plans highlighting each phase have been submitted. The existing property is rectangular in shape and slopes approximately twenty (20) feet from the south (Allen Road), towards the north property line. The proposed variances would allow the existing conditions to remain

Phase I (exhibit 1) indicating the subject property to have approximately 299.20 feet of frontage along the north side Allen Road and 2.27 acres. The following variances are being requested for this phase:

- 1) Variance from Section 18.2.1 to reduce the required number of parking spaces from 91 to 53. The site currently has 53 parking spaces for the 100 unit senior living center.
- 2) Variance from Section 4.23.1 to delete the ten (10) foot landscape strip along the north property line. The proposed property line between phase I and Phase II would required a ten (10) foot landscape strip. This area is currently developed with a parking lot.
- 3) Variance from Section 18.3.1.D to allow the existing driveway to encroach in to the required ten (10) foot driveway setback. The existing western driveway entrance would encroach into the driveway setback on both proposed phases.

Phase II (exhibit 2) indicating the subject property to have approximately 35 feet of frontage along the north side Allen Road and 1.58 acres. The following variances are being requested for this phase:

- 4) Variance from Section 18.3.1.D to allow parking to encroach into the minimum front yard setback. The parking will be located behind the existing apartment building in an area that currently is developed with a parking lot.
- 5) Variance from Section 4.23.1 to delete the required forty (40) foot landscape strip along the south property line. The proposed property line between phase I and Phase II would required a forty (40) foot landscape strip. This area is currently developed with a parking lot.
- 6) Variance from Section 18.3.1.D to allow the existing driveway to encroach in to the required ten (10) foot driveway setback. The existing western driveway entrance would encroach into the driveway setback on both proposed phases.

The surrounding lots in the immediate vicinity are zoned O-I (Office and Intuitional District) to the north, O-I (Office and Intuitional District) and A-O (Apartment Office District) to the east, C-1(Community Business District) to the south, C-1(Community Business District) and O-I (Office and Intuitional District) west.

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 these requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the proposed property line will only effect the interior of the existing site. There are currently no buffers or landscape strips along the location of the proposed property line. The site has been operating with a reduced number of parking spaces. There is currently a parking lot located in the area where the applicant is proposing parking in the front setback. The driveway entrance is existing on the southwest corner of the property. Additionally, the property would require a rezoning prior to a new building being constructed on the site. The proposed variance is to subdivide the property only. 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 subject parcel does exhibit a slight change in topography. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not 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 on May 4, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Future development shall comply with stormwater management requirements that are current at the time of the development.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has 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 variances requested.

Recommended Condition(s)

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

1. The proposed lots shall be in accordance with the proposed site plans labeled Phase I and Phase II, provided by the applicant dated received April 15, 2011 by the Department of Community Development, for the variance(s) herein, accommodate the portion of the encroachment (s) only.
2. To reduce the required number of parking spaces from 91 to 53.
3. To delete the ten (10) foot landscape strip along the north property line on the property identified as Phase I.
4. To allow the existing driveway to encroach in to the required ten (10) foot driveway setback on the property identified on Phase I.
5. To allow parking to encroach into the minimum front yard setback on the property identified as Phase II.
6. To delete the required forty (40) foot landscape strip along the south property line of the property identified as Phase II.
7. To allow the existing driveway to encroach in to the required ten (10) foot driveway setback property identified on Phase II.

ATTACHMENTS:

Letter of appeal
Phase I Site plan (exhibit 1)
Phase II Site Plan (exhibit 2)
Photographs



Variance Petition No. V11-013

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
Joseph Wright

Petitioner
Joseph Wright

Representative
Joseph Wright

PROPERTY INFORMATION

Address, Land Lot(s), and District 8310 Hewlett Road
Land Lot(s) 356 & 361, District 6

Council District 1

Frontage 164.44 feet of frontage along the northwesterly side of Hewlett Road.

Area The subject property has a total area of approximately 7.0116 acres.

Existing Zoning and Use The lot is zoned R-2(Single-family Dwelling District) under Fulton County zoning case Z66-0001. The property is currently developed with a residence.

Overlay District N/A

2027

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

INTENT

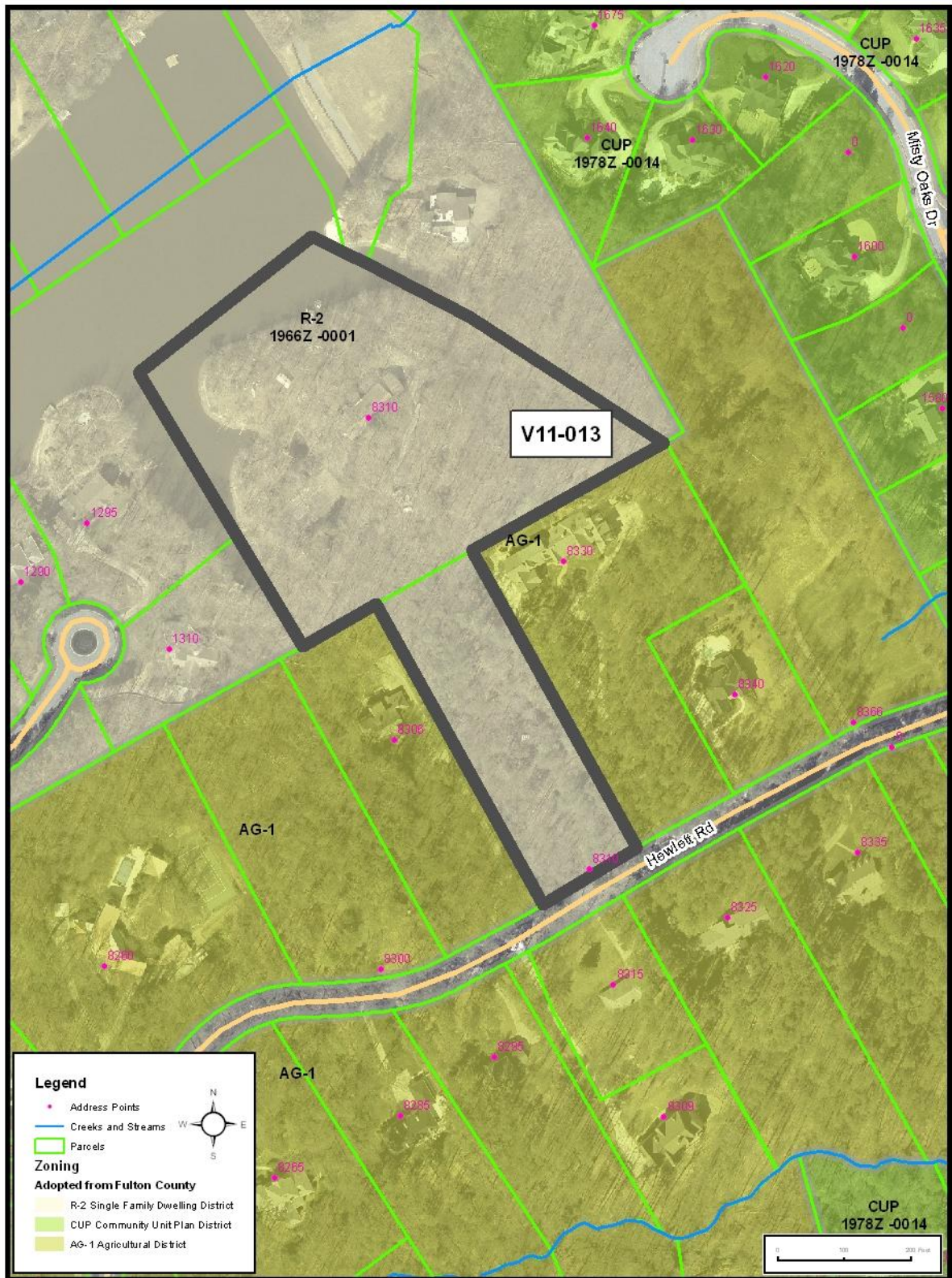
The applicant is proposing to construct a 1,500 square foot one story accessory structure (garage) in front of the existing house. The applicant is requesting one (1) primary variance:

- 1) Variance from Section 6.2.3.I. of the Zoning Ordinance to allow an accessory structure (garage) in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V11-013- APPROVAL CONDITIONAL

Parcel Map

8310 Hewlett Road



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

CASE NUMBER: V11-013

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

Findings of Fact

On June 11, 2009, the City of Sandy Springs Board of Appeals approved variance petition V09-017 for the subject property to allow it to be subdivided into two (2) flag lots and to reduce the 75 foot stream buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). The Board approved the variances subject to the following condition:

1. The proposed lots shall be in accordance with the proposed site plan, provided by the applicant dated received May 8, 2009 by the Department of Community Development, for the variance(s) herein, showing the subdivision of 8310 Hewlett Road into 2 lots with a reduction of the required minimum lot width being achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback. The property shall also be in accordance with the aforementioned site plan, for the variance(s) herein showing a 50 foot undisturbed natural buffer and a 6 foot impervious surface setback to allow for an existing out-building, a 50 foot undisturbed natural buffer and a 15 foot impervious surface setback to allow for an existing driveway, and a 25 foot undisturbed natural buffer to allow for an existing tennis court.

Staff notes that although the subject property can be legally subdivided into two (2) flag lots, the platting process has not been completed; therefore, the City currently recognizes the subject property of V11-013 to be one (1) seven (7) acre parcel. Regardless if analyzed as one (1) lot or two (2), the proposed detached accessory garage would be located in a front yard; however, it is not proposed to encroach into the required sixty (60) foot front yard setback if recognized as one (1) parcel or two (2) flag lots.

The subject property is highly wooded, irregular in shape, and slopes toward the rear of the property where a lake is located.

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 is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the proposed detached accessory garage, would not be visible from Hewlett Road and would be located, as under typical situations, behind the house numbered 8330 Hewlett Road.

The houses on the surrounding properties of the north side of Hewlett Road are setback an average of 275 feet from the road. The proposed detached accessory garage would be approximately 590 feet away from Hewlett Road.

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 applicant has provided a site plans indicating the subject property is highly wooded, irregular in shape, and sloping toward the rear of the property where a lake is located.

Although the site plans do not expressly convey this, it is understood that the proposed detached garage, if it were to be constructed in a side or rear yard as specified in the Zoning Ordinance, would be located in a sloped area and/or in an area restricted by the Stream Buffer Protection Ordinance.

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 on May 4, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

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 requested variance(s).

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 March 15, 2011 by the Department of Community Development, for the variance from Section 6.2.3.I. of the Zoning Ordinance to allow an accessory structure (garage) in the front yard, where necessary, to accommodate the portion of the encroachment only.

ATTACHMENTS:

Letter of appeal

Site plans (exhibits 1 & 2)

Photographs.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 9, 2011



Variance Petition No. V11-020

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
COX Enterprises, Inc.

Petitioner
COX Enterprises, Inc.

Representative
Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District 6205, 6305 and 6325 Peachtree Dunwoody Road
Land Lots 18 and 19, District

Council District 5

Frontage and Area Frontage along Peachtree Dunwoody Road, Central Parkway, and Central Park West. The subject property has a total area of approximately 31.8246 acres (1,386,279.5760 square feet).

Existing Zoning and Use O-I (Office and Institutional District) conditional under Z88-032/U88-020/U88-023, currently developed with office complexes.

Overlay District Perimeter Community Improvement Design

2027 Comprehensive Future Land Use Map Designation Living-Working Regional (LWR)

INTENT

The applicant is seeking primary variances as follows:

- 1) From Section 33.26.D.1.a of the Zoning Ordinance
 - a. To allow an additional monument sign along Central Park Drive;
 - b. To allow additional monument signs along Central Parkway;
 - c. To allow monument signs to be internally illuminated;
- 2) From Section 33.18.Q of the Zoning Ordinance to allow the use of LED technology;
- 3) From Section 33.26.D.3 of the Zoning Ordinance to allow internal signs to be legible from the public right-of-way; and,
- 4) From Section 33.22.C of the Zoning Ordinance to allow internal signs to encroach in

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 9, 2011

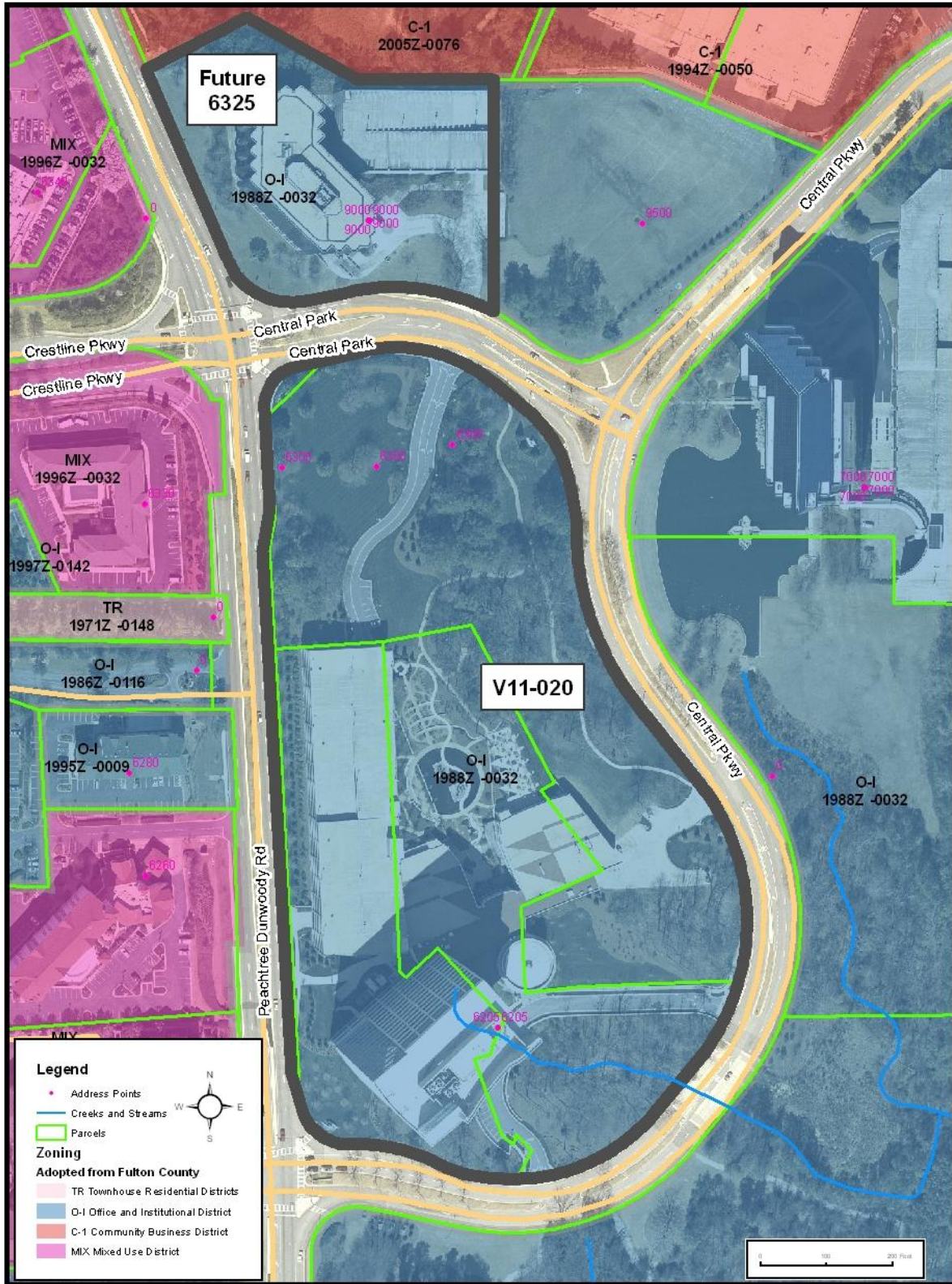
to the minimum sign setback and be located at zero (0) feet from the right-of-way.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION	
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V11 - 020-1a.)	APPROVAL CONDITIONAL
V11 - 020-1b.)	APPROVAL CONDITIONAL
V11 - 020-1c.)	DENIAL
V11 - 020-2)	DENIAL
V11 - 020-3)	APPROVAL CONDITIONAL
V11 - 020-4)	APPROVAL CONDITIONAL

Parcel Map

6250, 6305, 6325 Peachtree Dunwoody Road



CITY OF SANDY SPRINGS

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 9, 2011

**DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER:

V11-020

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is requesting six (6) variances from Sections 33.26.D.1.a, 33.18.Q, 33.26.D.3 and 33.22.C of the Zoning Ordinance for the purpose of clearly providing wayfinding signage in a safe and aesthetically pleasing manner for vehicular and pedestrian passage to and from the Property.

ANALYSIS:

The site is located on the east side of Peachtree Dunwoody Road, at the intersections Central Parkway and Central Park West. The property is zoned O-I (Office and Institutional District) conditional under Z88-032/U88-020/U88-023 & ZM10-004/CV10-005 currently developed with office complexes. The subject property is comprised of approximately 31.8246 acres. It is commonly known as COX Central Park and is the corporate campus of the Applicant.

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 were initially proposed to be private drives, which would have eliminated the need for many of the variances being requested.

The applicant states "In analyzing these variance requests, it is important to understand that while the number of signs seems to be numerous, by noting the extensive right-of-way frontage of the Property along Peachtree Dunwoody Road and the distance between each of the signs all as set forth on the Site Plan submitted, it is reasonable to conclude that the end result of the spacing and number of signs is most appropriate for a combination of reasons. Additionally, the Property at 31.8246 acres represents one of the largest tracks under a unified development plan both developed and undeveloped in Sandy Springs".

VARIANCE CONSIDERATIONS

Variance 1)

PART a. To allow an additional monument sign along Central Park Drive.

The Sandy Springs Zoning Ordinance provides in Section 33.26.D.1.a the following:

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

One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

According to the Zoning Ordinance the applicant is allowed four Identification monuments. These signs are proposed to be located along Peachtree Dunwoody Road at the intersections with Central Parkway and Central Park Drive. Because these signs are primary gateways to the COX Campus they do not adequately provide visitors identification within the COX Campus.

This request is related to a sign identified on the site plan as C.1. Because the ordinance provides for one sign per street frontage a variance is needed to locate an additional sign along the same road. This road has approximately 1,863' of street frontage. The applicant feels that is imperative to place sign C.1 at the proposed location for identification purposes.

The applicant states "because these signs are the primary 'gateways' to the Cox Campus, and they are located on the Western-most perimeter of the Cox Campus along Peachtree Dunwoody Road, they do not adequately fulfill a visitor's need for identification *within* the Cox Campus, such as the 6205 Building circular driveway. As seen on Sheets 1.1 and 1.2 in the Variance Request package, the quantity of landscaping and tree conditions, in addition to the curving path of Central Parkway, create a barrier for visibility for the 6205 Building and its driveway entrance. When driving from the North along Central Parkway, the 6205 Building driveway entrance becomes easily mistaken for a service driveway and easily passed without a monument to identify the building and its address. In addition, the driveway's one-way path creates a necessity to identify the entrance versus the exit of the building's driveway.

We feel that placing a monument at the C.1 location on Central Parkway becomes imperative in the natural hierarchy of wayfinding around the Cox Campus. From the entrance onto the Cox Campus, to arriving at the final destination, this monument's placement and simple identification of the building address reinforces the decision-making by visitors and emergency vehicles in their safe and easily-understood navigation of the Cox Campus ".

STANDARDS FOR CONSIDERATION

Request

1. a) From Section 33.26.D.1.a of the Zoning Ordinance to allow an additional monument sign along Central Park Drive;

Zoning Ordinance, 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:

The unique site layout, quantity of new buildings and the size of this project create many challenges for using signage affectively to promote vehicular and pedestrian awareness. Therefore, staff is of the opinion this standard has 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:

As seen on Sheets 1.1 and 1.2 in the Variance Request package, the quantity of landscaping and tree conditions, in addition to the curving path of Central Parkway, create a barrier for visibility for the 6205 Building and its driveway entrance. When driving from the North along Central Parkway, the 6205 Building driveway entrance becomes easily mistaken for a service driveway and easily passed without a monument to identify the building and its address. In addition, the driveway's one-way path creates a necessity to identify the entrance versus the exit of the building's driveway. The natural features of the lot present challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

Based on these findings, Staff recommends **APPROVAL CONDITIONAL.**

PART b. To allow two (2) additional monument signs along Central Parkway.

This request is related to signs identified on the site plan as C.2 and B.1 to allow additional ID monuments along the Central Park Drive and Central Parkway street frontage. These signs are intended to adequately fulfill a visitor's need by providing identification within the Cox Campus one's onto the Cox Campus from the East.

The applicant states "The addition of Monument B.1 adequately serves to identify a visitor's or emergency vehicle's entrance onto the Cox Campus from the East on Central Parkway. With approximately 3,100 daily employees on campus once the current CTECH construction project is completed, we feel that it is necessary to identify the Cox Campus from all directions so that any visitor or emergency vehicle can immediately understand they have correctly reached the Cox Campus and as a result, begin to make the necessary and quick decisions to reach his or her final destination.

Similar to the need for a monument announcing the entrance onto the Cox Campus, both entrances to the 6305 Building and the 6325 Building driveways on Central Park West (to be renamed Central Parkway) require easily understood and clear identification for emergency vehicles, as well as visitors (including those with ADA needs).

We feel that placing a monument at the B.1 on Central Parkway and the C.2 locations on Central Park West (to be renamed Central Parkway) becomes imperative in the natural hierarchy of wayfinding around a campus. All monuments identify at macro and microscopic levels the entrance either onto the Cox Campus or into a building property/driveway and serve to safely, yet strongly, reinforce decision-making by visitors and emergency vehicles in their navigation of the Cox Campus “.

STANDARDS FOR CONSIDERATION

Request

- 1) b. From Section 33.26.D.1.a of the Zoning Ordinance to allow an additional monument sign along Central Parkway.

Zoning Ordinance, 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:

The unique site layout, quantity of new building and the size of this project create many challenges for using signage affectively to promote vehicular and pedestrian awareness. Therefore, staff is of the opinion this standard has 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:

As seen on Sheets 1.1 and 1.2 in the Variance Request package, the quantity of landscaping and tree conditions, in addition to the curving path of Central Parkway, create a barrier for visibility for the 6205 Building and its driveway entrance. When driving from the North along Central Parkway, the 6205 Building driveway entrance becomes easily mistaken for a service driveway and easily passed without signage to identify the building and its address. In addition, the driveway's one-way path creates a necessity to identify the entrance versus the exit of the building's driveway. The natural features of the lot present challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

Based on these findings, Staff recommends **APPROVAL CONDITIONAL.**

PART c. To allow monument signs to be internally illuminated.

The ordinance provides for signs to be internally or externally illuminated; in the O-I Zoning District signs are required to be externally illuminated.

The applicant states "It is our understanding that Monument Signs shall not be internally illuminated because of the oncoming glare that drivers can receive from signs; externally illuminated signs typically have fixtures facing towards the sign and thus, create minimal glare to oncoming traffic.

We respectfully request that each of our Monument Signs be internally illuminated because our fabrication process and final sign construction will not result in direct glare to drivers. Our signs' assembly plans are two-fold: the rear component of the signs includes a white acrylic face-lit channel letter. Mounted in front of this channel letter (in section view) in the exact size and shape of the channel letters will be the second component of the signs: a non-illuminated fabricated letter that blocks any direct lighting produced by the channel letter. The illuminated result of this entire construction yields a softly glowing, elegant, 'halo-lit' effect to the edges of the letters, as opposed to the face of the letters. This effect will be similar to the lighting seen in our provided mockup".

STANDARDS FOR CONSIDERATION

Request

- 1) c. From Section 33.26.D.1.a of the Zoning to allow monument signs to be internally illuminated;

Zoning Ordinance, 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:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, 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 natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Based on these findings, Staff recommends **DENIAL.**

Variance 2). To allow the use of LED technology.

The Sandy Springs Zoning Ordinance provides the following:

ARTICLE 33. SIGNS

SECTION 2: PURPOSE AND FINDINGS

B. Findings (Amended 04/21/09, TA 09-02, Ord. 2009-04-19)

6. The City finds that advances in technology utilizing LED components results in signs much brighter in appearance for LED signs than for signs not utilizing LED technology. Studies show, particularly during non-daylight hours, that attention given by drivers to such signs is measurably longer than attention given to non-LED signs. These findings have been reported by such diverse agencies as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Department of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies, the City has determined that use of LED technology on outdoor signage in the City along thoroughfares of various categories is detrimental to the public safety, particularly, but not limited to the Roswell Road Corridor where extreme congestion requires driver distraction be kept to a minimum.

The Sandy Springs Zoning Ordinance provides in Section 33.18.Q

PROHIBITED SIGNS AND DEVICES; The following types of signs are prohibited in the City.

Any sign utilizing LED technology and/or components.

The Mayor and City Council found that signs using light-emitting diode (LED) technology are not in the best interest of the general health, safety, and welfare of the public. The use of these types of signs was not expressly prohibited in the sign ordinance. Therefore, in August 2010 the Mayor and City Council adopted this section of the Ordinance to clarify the Council intent.

The applicant justifies their request by stating "It is our intention to utilize LED Technology as the means for illuminating each Monument Sign in our package for reasons primarily based upon sustainability. LED lighting systems are environmentally friendly for a number of reasons: LED technology contains no Mercury, as they are RoHS compliant, and it also reduces Cox's overall carbon footprint (as well as the City of Sandy Springs') with its extended shelf life - typically 50,000 hours for LED compared to 20,000 hours for neon. With this lifespan, LED technology reduces waste and the need for landfill space when no longer in service.

In addition, LED technology requires 6-10 times less power and has improved performance in cold weather compared to neon signs. Its low emittance of heat results in a reduced fire hazard, and also - unlike neon signs - does not release toxic gases such as Argon and Mercury.

Per Section 3 of the City of Sandy Springs Code, please also note that this LED-illuminated sign will not change color, flash, or alternate messages, and the sign will have zero changeable copy. The sign will only have the fabricated shape of the 3 primary letters utilizing the LED components.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 9, 2011

With the extended lifespan of the signage, minimal requirement for power, overall sustainability benefits, as well as the lack of scrolling/changeable messages, all the proposed Monument Signs, particularly those located on Peachtree Dunwoody Road, will be consistently reliable as an environmentally friendly, aesthetically appealing illuminated sign if this variance is allowed”.

STANDARDS FOR CONSIDERATION

Request

- 2) From Section 33.18.Q of the Zoning Ordinance to allow the use of LED technology;

Zoning Ordinance, 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:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, 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 natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Based on these findings, Staff recommends **DENIAL.**

Variance 3). To allow internal signs to be legible from the public right-of-way;

The Sandy Springs Zoning Ordinance provides in Section 33.26.D.3.

Internal Signs (amended 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.

Due to the fact that the Cox Campus is bounded by three streets it makes it impossible to display internal signs not legible from the public right-of-way. The applicant states that the purpose of the internal signs is informational and directional.

In addition the applicant states "The Cox signage package was developed according to the needs of its visiting guests and their destinations. In identifying each of these primary destinations in and around the Cox Campus, certain road conditions (e.g., the central median on Peachtree Dunwoody Road and the inherent circular nature of the perimeter of the Cox Campus) created a need to functionally direct new visitors and emergency vehicles around the Cox Campus to the primary driveways and the single Visitors Parking Deck Entrance, while deterring visiting drivers from entering service driveways, employee entrances, emergency (Fire) driveways, etc. Addresses that are clearly legible on these internal signs become a necessary facet of the wayfinding system to assist any emergency vehicle in efficiently navigating to its destination. Through the understanding of the Cox Campus system, it became necessary to have each internal sign become legible from the public right-of-way and thus facilitate its purpose of supplying information both to guests and emergency providers such as the Fire Department.

In addition to its own visitors, the Cox Campus frequently hosts public events on behalf of the community at the various facilities on campus. As a result, clear and readable directives for these occasions become imperative to a guest's ability to reach his or her intended destination.

We have included a vehicular path plan to reference our single Visitors' Entrance to the Parking Deck, as well as each campus building's primary drop-off entrance. This pathway diagram will in turn also reference the paths traveling from various directions (south on Peachtree Dunwoody Road, north on Peachtree Dunwoody Road, etc.)".

STANDARDS FOR CONSIDERATION

Request

- 3) From Section 33.26.D.3 of the Zoning Ordinance to allow internal signs to be legible from the public right-of-way;

Zoning Ordinance, 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.*

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 9, 2011

Findings:

The staff is of the opinion that the topography of the lot does not impact the location of the sign on this property. Therefore, based on these reasons, staff finds that 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:

Due to the fact that the Cox Campus is bounded by three streets, it is impossible to display internal signs not legible from the public right-of-way. The Cox signage package was developed according to the needs of its visiting guests and their destinations. In identifying each of these primary destinations in and around the Cox Campus, certain road conditions (e.g., the central median on Peachtree Dunwoody Road and the inherent circular nature of the perimeter of the Cox Campus) created a need to functionally direct new visitors and emergency vehicles around the Cox Campus to the primary driveways and the single Visitors Parking Deck Entrance, while deterring visiting drivers from entering service driveways, employee entrances, emergency (Fire) driveways, etc. The natural features of the lot present challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

Based on these findings, Staff recommends **APPROVAL CONDITIONAL**.

Variance 4). To allow internal signs to encroach into the minimum sign setback and be located at zero (0) feet from the right-of-way.

The Sandy Springs Zoning Ordinance provides in Section 33.22.C.

Setback (amended 04/20/10, TA10-, Ord. 2010-04-10).

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 or twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. In the Overlay Main Street District all signs shall set back at least three (3) feet from the right-of way. Temporary banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.

The ordinance provides for signs to be located at a minimum distance of ten (10) feet from the right-of-way. The applicant proposes for nine (9) of the internal signs to be located at zero (0) feet from the right-of-way stating “that either the topographic or the vegetation of the property impair the visibility of the signs, that if located otherwise are not legible”.

Placing the internal signs at the proposed locations, it is the applicant’s intention to provide information and keep traffic moving in all directions within the COX Campus.

STANDARDS FOR CONSIDERATION

Request

- 4) From Section 33.22.C of the Zoning Ordinance to allow internal signs to encroach into the minimum sign setback and be located at zero (0) feet from the right-of-way.

Zoning Ordinance, 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 found that this site presents a variation on grading that limits the applicant to place the signs with strict compliance of the ordinance. The lot presents topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has 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 while traveling along the roads that border this development there is vegetation and curvatures on the roads that prevent drivers from making informed decisions at a crit-

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 9, 2011

ical decision point. The natural features of the lot present challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

Based on these findings, Staff recommends **APPROVAL CONDITIONAL.**

Department Comments

The staff held a Focus Meeting on May 4, 2011 at which 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	▪ Public Works will not oppose the sign variance on the condition that all signs are located outside of the driveway sight triangles. Prior to issuance of any related sign permits Public Works requires a plan that shows all actual sign locations as proposed relative to the sight triangles. We would like to keep this in the records in case of any future questions.

RECOMMENDATION:

Staff is of opinion that the characteristics of this large 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 Cox Campus and would be in harmony with the intent of the zoning ordinance "To convey their messages 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:

- V11 - 020- 1. a. APPROVAL CONDITIONAL**
- b. APPROVAL CONDITIONAL**
- c. DENIAL**
- V11 - 020- 2. DENIAL**
- V11 - 020- 3. APPROVAL CONDITIONAL**
- V11 - 020- 4. APPROVAL CONDITIONAL**

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

- 1) To allow an additional Identification monument sign C.1 along Central Park Drive pursuant to the sign detail, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.
- 2) To allow two additional Identification monument signs C.2 & B.1 along Central Parkway pursuant to the sign details, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.
- 3) To allow monument signs A.1 thru A.4 & B.1 to be internally illuminated pursuant to the sign details, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.
- 4) To allow the use of LED technology on signs A.1, A.2, A.3, A.4, & B.1 pursuant to the sign details, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.
- 5) To allow internal signs D-1.1, D-1.2, D-2.1 thru D-2.5 & D-2.7 thru D-2.19 to be legible from the public right-of-way pursuant to the sign details, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.
- 6) To allow internal signs D-2.1 thru D-2.5, D-2.7, D-2.14, D-2.18 & D-2.19 to encroach into the minimum sign setback and be located at zero (0) feet from the right-of-way pursuant to the signs details, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.
- 7) That the locations for internal signs D-2.1 thru D-2.5, D-2.7, D-2.14, D-2.18 & D-2.19 shall be

subject to the approval of Public Works as follows: Prior to issuance of any related sign permits Public Works requires a plan that shows all actual sign locations as proposed relative to the sight triangles.

ATTACHMENTS:

Site Plans, dated received April 5, 2011 by the Department of Community Development.

Detail Drawings, dated received April 5, 2011 by the Department of Community Development

Photos, dated received April 5, 2011 by the Department of Community Development.

Letter of Appeals, dated received April 5, 2011 by the Department of Community Development.



Variance Petition No. V11-015

HEARING & MEETING DATES

Design Review Board
May 10, 2011

Board of Appeals Hearing
June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
5009 Roswell Road, LLC	5009 Roswell Road, LLC	Mitchell Taylor

PROPERTY INFORMATION

Address, Land 5009 Roswell Road (SR 9)
Lot(s), and District Land Lots 93, District 17

Council District 5

Frontage Approximately 150 feet of frontage along the east side of Roswell Road.

Area The subject property has a total area of 1.85 acres.

Existing Zoning and Use C-1 (Community Business District) conditional under Sandy Springs zoning case 05Z-002, currently developed with an office building.

Overlay District Suburban District

2027 Comprehensive
Plan Future Land
Use Map
Designation

Living -Working Neighborhood (LWN)

INTENT

The applicant is seeking a primary variance from Section 33.26.F.13 of the Zoning Ordinance to allow a Sign during Vacancy for an additional 180 days.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

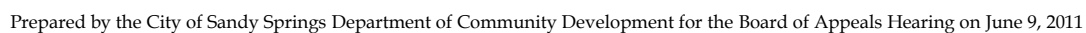
V11-015 - DENIAL

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the May 10, 2011 Design Review Board meeting. The Board recommended approval (4-0, Porter, Landeck, Ealick-Anderson and Richard for; Gregory and Mobley absent; Lichtenstein not voting) subject to the following condition:

1. Vacancy sign shall be removed prior to 180 days if 80% of building is occupied by lease or sales.

5009 Roswell Road



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

CASE NUMBER: V11-015

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

Background

The site is located at 5009 Roswell Road, situated on the east side of Roswell Road approximately 375 feet south of the intersection with Park Avenue. The property is zoned C-1 (Community Business District) conditional under Fulton County zoning cases RZ05-0002/CV05-001 and is currently developed with an office building. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

This property is occupied with an empty building that was constructed in 2007. The subject of this variance is to allow the owners of the development to market the building for sale for a period of time beyond of what is allowed per code.

The Sandy Springs Zoning Ordinance provides:

Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

The applicant obtained their first Vacancy sign permit (90 days) with an expiration date of April 9, 2011. Because the building has not been occupied, at the end of the first Vacancy sign permit period (90 days) a second permit was issued. This second permit will expire on July 9, 2011.

The owners of the property are requesting this variance based on the following, as outlined in their letter of appeal (Exhibit 1):

- A marketing sign, with contact information and specific notice that the building is for sale is vital to reach as many potential clients as possible, especially given the amount of traffic and potential owners that travel on Roswell Road each day;
- It is an extreme hardship to be unable to advertise on the site that the building is available, and allowing the sign to remain in place is important to ultimately attracting occupants for this building, which is in the best interest of the ownership and the City.

Therefore, this variance is to allow the Sign during Vacancy to remain on the site for a period of 180 days from the July 9, 2011 expiration of the current permit.

The proposed sign is a V-shaped sign, with a sixteen (16) square foot sign face and five (5) feet tall.

Standards for Consideration

Request

- 1) Variance from Section 33.26.F.13 of the Zoning Ordinance to allow a Sign during Vacancy for an additional 180 days.

Zoning Ordinance, 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:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, 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 natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Department Comments

The staff held a Focus Meeting on May 4, 2011 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

While the purpose of the sign ordinance is to encourage the effective use of signs as a means of communication and to promote economic development, staff has reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance request. However, should the Board choose to approve the application, Staff recommends the following condition(s):

1. To allow a Sign during Vacancy for a period of one hundred eighty (180) days commencing on July 10, 2011 and expiring on January 6, 2012.
2. To the sign detail submitted by the applicant, dated received April 1, 2011 by the Department of Community Development.

Attachments

Exhibit 1 – Letter of Appeal

Exhibit 2 – Sign Detail

Staff Photographs



Variance Petition No. V11-017

HEARING & MEETING DATES

Board of Appeals Hearing

June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Judith H. Smith	Virginia L. Johansmeier	Virginia L. Johansmeier

PROPERTY INFORMATION

Address, Land Lot(s), and District	474 Bridges Creek Trail Land Lot 72, District 17
Council District	4
Frontage	Approximately 219.59 feet of frontage on the north side of Bridges Creek Trail and 214.81 feet of frontage on the west side of Carriage Drive.
Area	The subject property has a total area of approximately 0.583 acres (25,417 square feet).
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R2-3 Residential (2 to 3 units per acre)

INTENT

The applicant is proposing modify the layout of the required setback to allow the home to be oriented toward Bridges Creek Trail as it is today. The applicant is requesting two (2) primary variances:

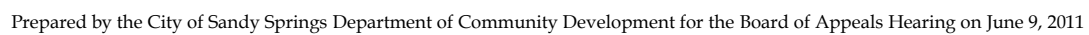
- 1) Variance from Section 6.4.3.B. to reduce the required fifty (50) foot front yard setback to twenty (20) feet to allow front setback adjacent to Bridges Creek Trail.
- 2) Variance from Section 6.4.3.B. to reduce the required thirty-five (35) foot rear yard setback to ten (10) feet to allow rear setback adjacent to the north property line.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-017- 1) APPROVAL CONDITIONAL

V11-017 - 2) APPROVAL CONDITIONAL

474 Bridges Creek Trail



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

CASE NUMBER: V11-017

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

Findings of Fact

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 214.81 feet of frontage on the east side Carriage Drive and 219.59 feet of frontage on the North side of Bridges Creek Trail. The property is trapezoidal in shape. The site slopes from the north to the south towards Bridges Creek Trail. The existing house orients towards Bridges Creek Trail.

Staff notes the definition of front yard states the front yard of a corner lot shall be applied to the street frontage which abuts the lot for the shortest distance. Therefore, the front yard is adjacent to Carriage Drive and the side yard is adjacent to Bridges Creek Trail.

The surrounding lots in the immediate vicinity are zoned R-3(Single Family Dwelling District) the same as the subject property. The applicants request would change the properties frontage from Carriage Drive to Bridges Creek Trail (exhibit 2-*highlighted green*) which would meet the R-3(Single Family Dwelling District) setback regulations.

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 is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the existing house orients towards Bridges Creek Trail and is in harmony with the existing houses on Bridges Creek Trail. Additionally, the existing house currently encroached into the side setback on the west side of the property (Exhibit 2-*setbacks highlighted pink*). The applicant would meet the R-3(Single Family Dwelling District) setback regulations. 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 subject parcel is similar to other residential properties in the City. The property is trapezoidal in shape and located on the corner of Carriage Drive and Bridges Creek Trail. The site slopes from north to the south towards the Bridges Creek Trail. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not 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 on May 4, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

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 April 4, 2011 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required fifty (50) foot front yard setback to twenty (20) foot and the thirty-five (35) foot rear yard setback to ten (10) foot. Also, showing an increase to the side corner setback from the required twenty (20) foot to fifty (50) foot and the side from ten (10) foot to thirty-five (35) foot.

ATTACHMENTS:

Letter of appeal

Site plan (exhibit 1) existing conditions

Site plan (exhibit 2) existing and proposed conditions

Photographs



Variance Petition No. V11-019

HEARING & MEETING DATES

Board of Appeals Hearing

June 9, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

Double Feature, LLC

Petitioner

Dahe Yang

Representative

Denyse/Mike Norton

PROPERTY INFORMATION

Address, Land 6450 Powers Ferry Road.

Lot(s), and District Land Lots 204, 205, 210, 211 of the 17 District

Council District 6

Frontage Approximately 3,500 feet of frontage along the south side of Powers Ferry Road and 815.0 feet of frontage along Northside Drive.

Area The subject property has a total area of 54.11 acres.

Existing Zoning and Use MIX (Mixed Use District) conditional under zoning case RZ09-005, currently developed with residential uses and low rise buildings used for office/retail and restaurants.

Overlay District N/A

2027 Comprehensive

Plan Future Land

Use Map

Designation

LWN (Living-Working Neighborhood)

INTENT

The applicant is seeking two (2) primary variances as follows:

1. From Section 33.26.E.1.b of the Zoning Ordinance to allow an additional monument sign along the Powers Ferry Road frontage on mixed use property that has more than 1,000 linear feet of frontage; and
2. From Section 33.22.C of the Zoning Ordinance to reduce the required setback from 10 feet to 0 feet.

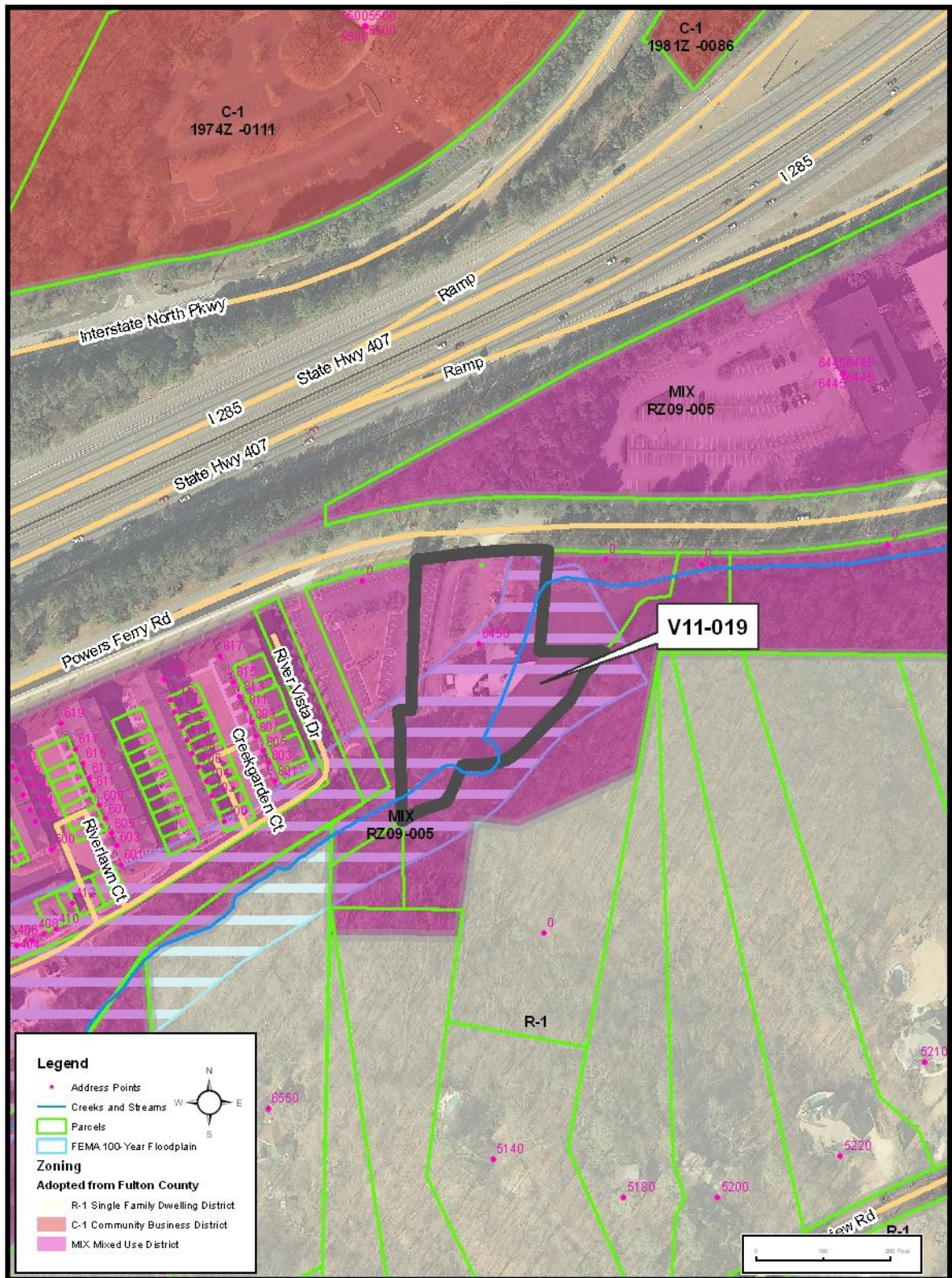
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-019 #1 - APPROVAL CONDITIONAL

V11-019 #2 - APPROVAL CONDITIONAL

Parcel Map

6450 Powers Ferry Road



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

CASE NUMBER: V11-015

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

Background

The subject property is a part of the larger Powers Ferry Landing development which contains approximately fifty-four (54) acres, separated into 6 zones as shown on the zone plan approved as part of zoning case RZ09-005 (Exhibit 2). The subject property falls into Zone 4 of the approved plan and is referenced in the conditions of zoning under the name of the previous restaurant operation "Olive's".

The current operator, Peter Chang's Szechwan Cuisine Restaurant, is requesting to maintain the existing sign base that was left on the property by the former operator (Exhibit 4). Due to the parcel's inclusion in the larger Powers Ferry Landing development, a variance is required to allow an additional monument sign on a frontage where only one (1) is permitted. There are four (4) existing monument signs for other uses in the development along the Powers Ferry Road frontage advertising One River Place condominiums, the Medica office building, Ray's on the River restaurant, and the CVS pharmacy and other retail tenants.

Additionally, the existing sign base is located in the public right-of-way (Exhibit 3). Therefore, a variance is required to allow the sign setback to be reduced from ten (10) feet to zero (0) feet. A portion of the proposed sign is located in the City's right-of-way. Therefore, prior to consideration of this variance, the applicant was required to obtain approval from Public Works Department for the approximate four (4) foot encroachment of the sign.

Note: The City Attorney has determined that the Board of Appeals is not to consider variances for signs in the right-of-way. Instead, applicants are required to obtain approval from Public Works Department when the encroachment is in the City's right-of-way or from Georgia Department of Transportation when in the State's right-of-way.

Article 33, Signs, of the Sandy Springs Zoning Ordinance provides:

SECTION 26: RESTRICTIONS BASED ON LOCATION.

E. Mixed Use District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).
 - b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

SECTION 22: SIGN LOCATION.

C. Setback.

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) from the right-of-way or twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. In the Overlay Main Street District all signs shall set back at least three (3) feet from the right-of way. Temporary banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.

The applicant proposes to install a sign face on the existing base. The proposed monument sign will be eight (8) feet tall and have an area of forty-four (44) square feet (Exhibit 5).

Department Comments

The staff held a Focus Meeting on May 4, 2011 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

Variance Standards

The applicant is requesting two (2) concurrent variances as follows:

1. From Section 33.26.E.1.b of the Zoning Ordinance to allow an additional monument sign along the Powers Ferry Road frontage on mixed use property that has more than 1,000 linear feet of frontage.

Section 33.12.D.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.

The staff is of the opinion that the topography of the lot does not impact the location of the sign on this property. Therefore, based on these reasons, staff finds that this standard has not been satisfied.

Section 33.12.D.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.

The Zoning Ordinance only allows one sign per street frontage per lot. Though the development is made up of multiple parcels, it is zoned under one case and therefore considered a single lot. The entire property has approximately 3,500 linear feet of frontage on the south side of Powers Ferry Road, with uses that function independent of each other. Each parcel has its own entrance driveway and sign. In order to maintain the existing sign base and add a new face for the current restaurant operator, a variance is required. Staff is of opinion that the characteristics of this large development preclude the applicant from having a sign that is in compliance with the standards. One (1) sign for the entire development is not sufficient signage to allow drivers to safely and effectively navigate to the different uses along the large frontage. Staff is of the opinion that the shape and size of the property and the length of the street frontage create an extraordinary and exceptional condition pertaining to the property which creates a hardship for the restaurant operator. Therefore, based on these reasons, staff finds that this standard has been satisfied.

2. From Section 33.22.C of the Zoning Ordinance to reduce the required setback from 10 feet to 0 feet.

Section 33.12.D.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.

The staff is of the opinion that the topography of the lot does not impact the location of the sign on this property. Therefore, based on these reasons, staff finds that this standard has not been satisfied.

Section 33.12.D.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.

The current sign location existed prior to incorporation of the city and the applicant argues that the sign was properly permitted under the previous jurisdiction (Exhibit 1). During the site visit, staff found that as vehicles travel westbound on Powers Ferry Road from Northside Drive toward the Chattahoochee River, the curvature of the road and the existing vegetation limit the visibility of the building and proposed sign. Additionally, there is a water feature on the property that limits the location of parking on this side of the lot and if the sign was required to meet the standard of the ordinance the parking area would be impacted. Staff is of the opinion that the natural features of the lot on which the sign is located and of the land immediately adjacent to the

lot impairs the visibility of the sign such that its visibility is impacted. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Recommendation

Staff has 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 requests, subject to the following condition(s):

1. To allow an additional monument sign along the Powers Ferry Road frontage on mixed use property that has more than 1,000 linear feet of frontage.
2. To reduce the required sign setback from ten (10) feet to zero (0) feet.
3. To the sign location and detail submitted by the applicant, dated received April 5, 2011 by the Department of Community Development.

Attachments

Exhibit 1 – Letter of Appeal

Exhibit 2 – Powers Ferry Landing Zone Plan

Exhibit 3 – Property Survey

Exhibit 4 – Photograph of Original Olive's Restaurant Sign

Exhibit 5 – Sign Detail

Staff Photographs



Variance Petition No. V11-020

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 9, 2011

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
COX Enterprises, Inc.

Petitioner
COX Enterprises, Inc.

Representative
Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District 6205, 6305 and 6325 Peachtree Dunwoody Road
Land Lots 18 and 19, District

Council District 5

Frontage and Area Frontage along Peachtree Dunwoody Road, Central Parkway, and Central Park West. The subject property has a total area of approximately 31.8246 acres (1,386,279.5760 square feet).

Existing Zoning and Use O-I (Office and Institutional District) conditional under Z88-032/U88-020/U88-023, currently developed with office complexes.

Overlay District Perimeter Community Improvement Design

2027 Comprehensive Future Land Use Map Designation Living-Working Regional (LWR)

INTENT

The applicant is seeking primary variances as follows:

- 1) From Section 33.26.D.1.a of the Zoning Ordinance
 - a. To allow an additional monument sign along Central Park Drive; **APPROVED**
 - b. To allow additional monument signs along Central Parkway; **APPROVED**
 - c. To allow monument signs to be internally illuminated; **APPROVED**
- 2) From Section 33.18.Q of the Zoning Ordinance to allow the use of LED technology; **DEFERRED**
- 3) From Section 33.26.D.3 of the Zoning Ordinance to allow internal signs to be legible from the public right-of-way; **APPROVED** and,

- 4) From Section 33.22.C of the Zoning Ordinance to allow internal signs to encroach in to the minimum sign setback and be located at zero (0) feet from the right-of-way.
APPROVED

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11 - 020-1a.) APPROVAL CONDITIONAL
V11 - 020-1b.) APPROVAL CONDITIONAL
V11 - 020-1c.) DENIAL
V11 - 020-2) DENIAL
V11 - 020-3) APPROVAL CONDITIONAL
V11 - 020-4) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION

At the June 9, 2011 hearing the Board of Appeals deferred V11-020-2), to allow the applicant to have the results of the City Council agenda item TA11-002 to be heard at the July 12, 2011 meeting.

Proposed text amendment titled An Ordinance to Amend Section 33.18, Prohibited Signs and Devices, with corresponding mark-up.

Background:

The Mayor and City Council have found that signs using light-emitting diode (LED) technology are not in the best interest of the general health, safety, and welfare of the public. However, the Council has determined that the use of these types of lights for internal illumination of signs does not present a public safety hazard.

Discussion:

The use of these types of lights has been expressly prohibited in the sign ordinance. Therefore, it has been determined that this section of the Zoning Ordinance be amended to clarify the Council's intent.

Parcel Map

6250, 6305, 6325 Peachtree Dunwoody Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 14, 2011

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

CASE NUMBER: V11-020

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

REQUEST:

The applicant is requesting six (6) variances from Sections 33.26.D.1.a, 33.18.Q, 33.26.D.3 and 33.22.C of the Zoning Ordinance for the purpose of clearly providing wayfinding signage in a safe and aesthetically pleasing manner for vehicular and pedestrian passage to and from the Property.

ANALYSIS:

The site is located on the east side of Peachtree Dunwoody Road, at the intersections Central Parkway and Central Park West. The property is zoned O-I (Office and Institutional District) conditional under Z88-032/U88-020/U88-023 & ZM10-004/CV10-005 currently developed with office complexes. The subject property is comprised of approximately 31.8246 acres. It is commonly known as COX Central Park and is the corporate campus of the Applicant.

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 were initially proposed to be private drives, which would have eliminated the need for many of the variances being requested.

The applicant states "In analyzing these variance requests, it is important to understand that while the number of signs seems to be numerous, by noting the extensive right-of-way frontage of the Property along Peachtree Dunwoody Road and the distance between each of the signs all as set forth on the Site Plan submitted, it is reasonable to conclude that the end result of the spacing and number of signs is most appropriate for a combination of reasons. Additionally, the Property at 31.8246 acres represents one of the largest tracks under a unified development plan both developed and undeveloped in Sandy Springs".

VARIANCE CONSIDERATIONS

Variance 2). To allow the use of LED technology.

The Sandy Springs Zoning Ordinance provides the following:

ARTICLE 33. SIGNS

SECTION 2: PURPOSE AND FINDINGS

B. Findings (Amended 04/21/09, TA 09-02, Ord. 2009-04-19)

6. The City finds that advances in technology utilizing LED components results in signs much brighter in appearance for LED signs than for signs not utilizing LED technology. Studies show, particularly during non-daylight hours, that attention given by drivers to such signs is measurably longer than attention given to non-LED signs. These findings have been reported by such diverse agencies as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Department of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies, the City has determined that use of LED technology on outdoor signage in the City along thoroughfares of various categories is detrimental to the public safety, particularly, but not limited to the Roswell Road Corridor where extreme congestion requires driver distraction be kept to a minimum.

The Sandy Springs Zoning Ordinance provides in Section 33.18.Q

PROHIBITED SIGNS AND DEVICES; The following types of signs are prohibited in the City.

Any sign utilizing LED technology and/or components.

The Mayor and City Council found that signs using light-emitting diode (LED) technology are not in the best interest of the general health, safety, and welfare of the public. The use of these types of signs was not expressly prohibited in the sign ordinance. Therefore, in August 2010 the Mayor and City Council adopted this section of the Ordinance to clarify the Council intent.

The applicant justifies their request by stating “It is our intention to utilize LED Technology as the means for illuminating each Monument Sign in our package for reasons primarily based upon sustainability. LED lighting systems are environmentally friendly for a number of reasons: LED technology contains no Mercury, as they are RoHS compliant, and it also reduces Cox’s overall carbon footprint (as well as the City of Sandy Springs’) with its extended shelf life – typically 50,000 hours for LED compared to 20,000 hours for neon. With this lifespan, LED technology reduces waste and the need for landfill space when no longer in service.

In addition, LED technology requires 6-10 times less power and has improved performance in cold weather compared to neon signs. Its low emittance of heat results in a reduced fire hazard, and also – unlike neon signs – does not release toxic gases such as Argon and Mercury.

Per Section 3 of the City of Sandy Springs Code, please also note that this LED-illuminated sign will not change color, flash, or alternate messages, and the sign will have zero changeable copy. The sign will only have the fabricated shape of the 3 primary letters utilizing the LED components.

With the extended lifespan of the signage, minimal requirement for power, overall sustainability benefits, as well as the lack of scrolling/changeable messages, all the proposed Monument Signs, particularly those located on Peachtree Dunwoody Road, will be consistently reliable as an environmentally friendly, aesthetically appealing illuminated sign if this variance is allowed”.

STANDARDS FOR CONSIDERATION

Request

- 2) From Section 33.18.Q of the Zoning Ordinance to allow the use of LED technology;

Zoning Ordinance, 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:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, 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 natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

Based on these findings, Staff recommends **DENIAL.**

Department Comments

The staff held a Focus Meeting on May 4, 2011 at which 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	▪ Public Works will not oppose the sign variance on the condition that all signs are located outside of the driveway sight triangles. Prior to issuance of any related sign permits Public Works requires a plan that shows all actual sign locations as proposed relative to the sight triangles. We would like to keep this in the records in case of any future questions.

RECOMMENDATION:

Staff is of opinion that the characteristics of this large 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 Cox Campus and would be in harmony with the intent of the zoning ordinance "To convey their messages 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:

V11 - 020- 2. DENIAL

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

- 1) To allow the use of LED technology on signs A.1, A.2, A.3, A.4, & B.1 pursuant to the sign details, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.

ATTACHMENTS:

Site Plans, dated received April 5, 2011 by the Department of Community Development.
Detail Drawings, dated received April 5, 2011 by the Department of Community Development
Photos, dated received April 5, 2011 by the Department of Community Development.
Letter of Appeals, dated received April 5, 2011 by the Department of Community Development.