



Variance Petition No. V08-024

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 12, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Miles Whitlock	Miles Whitlock	Heath Honeycutt

PROPERTY INFORMATION

Address, Land Lot, and District	5705 Glen Errol Road Land Lot 133, District 17
Council District	6
Frontage and Area	73 feet of frontage along the north side of Glen Errol Road. The subject property has a total area of approximately 1.20 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District) under zoning case Z85-0175. The property is developed with a single-family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (ii) (new section 109-225.a 2), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of undisturbed natural buffer plus 25 feet of impervious surface setback) to a fifty (50) foot undisturbed natural buffer plus a (16) foot impervious surface setback, and
- 2) Variance from Section 6.2.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to thirty-three (33) feet to allow for additions to a single-family house.

Parcel Map

5705 Glen Errol Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 12, 2008

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

CASE NUMBER: V08-024

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

REQUEST:

The applicant is requesting relief from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (ii) (new section 109-225.a 2), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) to a fifty (50) foot undisturbed natural buffer plus a sixteen (16) foot impervious surface setback and from Section 6.2.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to thirty-three (33) feet to allow for additions to a single-family house.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to be wooded and to have an irregular shape and a lake adjoining the eastern side property line. A topographical map indicates the yard to slope southeastward, primarily towards the aforementioned lake. The existing house encroaches into the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer. Additionally, the site plan shows the existing house to be located closer to the north and west property lines than the south and east property lines and shows the sides of the house to be skewed in relation to the north rear and west side property lines.

An existing deck is within the rear yard setback; however, it complies with regulations because decks may encroach up to ten (10) feet into a required rear yard setback. Additionally, the subject property is required to have a minimum lot width of 150 feet at the front build-to-line. The 150 foot lot width is achieved approximately 112 feet from the front property line and the current house is compliant in this regard and not located in front of the 112 foot build-to-line.

The applicant states that the addition to the right side of the house would have minimal land disturbance because it is estimated that three (3) reinforcement footings, measuring 2 feet by 2 feet, are necessary to support the proposed above ground addition that would replace an existing deck. The applicant further states that only twelve (12) square feet of land disturbance would occur in this area and this would be the best use of space with the least amount of impact on the environment and its surroundings. The additional water from any new gutters will be diverted to the same rainwater drainage system that is in place and will not cause any undue harm to the slope or land around the addition. Staff notes that a concrete pad exists under the current deck.

The applicant states the proposed garage side addition (left side of house) would have a minimal land disturbance of approximately 215 square feet. The disturbance would be on flat ground, surrounded by an existing driveway and landscaping; therefore, creating a barrier for any sediment movement.

The applicant states the proposed additions would be in character with the surrounding areas and the proposal is the most appropriate use of land.

The applicant states that with the additional hardship due to the size and shape of the lot as well as the difficult slope of the terrain, the applicant believes this is the most feasible way to have the least amount of impact on the surrounding area and still create additional living space for two merging families.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	112 feet	112 feet	meets
Min. Rear Yard Setback:	40 feet	33 feet	7 foot variance requested
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	66 feet	9 foot variance requested

Department Comments

The staff held a Focus Meeting on May 7, 2008 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The applicant states that the addition to the right side of the house would have minimal land disturbance because it is estimated that three (3) reinforcement footings, measuring 2 feet by 2 feet, are necessary to support the proposed above ground addition that would replace an existing deck. The applicant further states that only twelve (12) square feet of land disturbance would occur in this area and that this would be the best use of space with the least amount of impact on the environment and its surroundings. The additional water from any new gutters will be diverted to the same rainwater drainage system that is in place and will not cause any undue harm to the slope or land around the addition. Staff notes that a concrete pad exists under the current deck.

The applicant states that the proposed garage side addition (left side of house) would have a minimal land disturbance of approximately 215 square feet. The disturbance would be on flat ground, surrounded by an existing driveway and landscaping; therefore, creating a barrier for any sediment movement.

The applicant states that the proposed additions would be in character with the surrounding areas and that the proposal is most appropriate use of land.

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

The applicant has submitted a site plan indicating the subject property to be wooded and to have an irregular shape and a lake adjoining the eastern side property line. A topographical map indicates the yard to slope southeastward, primarily towards the aforementioned lake. The existing house encroaches into the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer. Additionally, the site plan shows the existing house to be located closer to the north and west property lines than the south and east property lines and shows the sides of the house to be skewed in relation to the north rear and west side property lines.

The applicant states that with the additional hardship due to the size and shape of the lot as well as the difficult slope of the terrain, the applicant believes this is the most feasible way to have the least amount of impact on the surrounding area and still create additional living space for two merging families.

Recommended Condition(s)

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

1. That the proposed additions shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 16, 2008 by the Department of Community Development, for the variance herein, showing the twenty-five (25) foot impervious surface setback reduced to a minimum of a sixteen (16) foot impervious surface setback and showing the forty (40) foot minimum rear yard setback reduced to a minimum of a thirty-three (33) foot rear yard setback where necessary to accommodate the portions of the encroachments only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.

3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.
12. The exterior construction material, color, and design of the proposed pool house shall be similar to the maximum possible extent to the existing structure.

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



Variance Petition No. V08-025

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 12, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Julia Dowda	Joel Bowman	Joel Bowman

PROPERTY INFORMATION

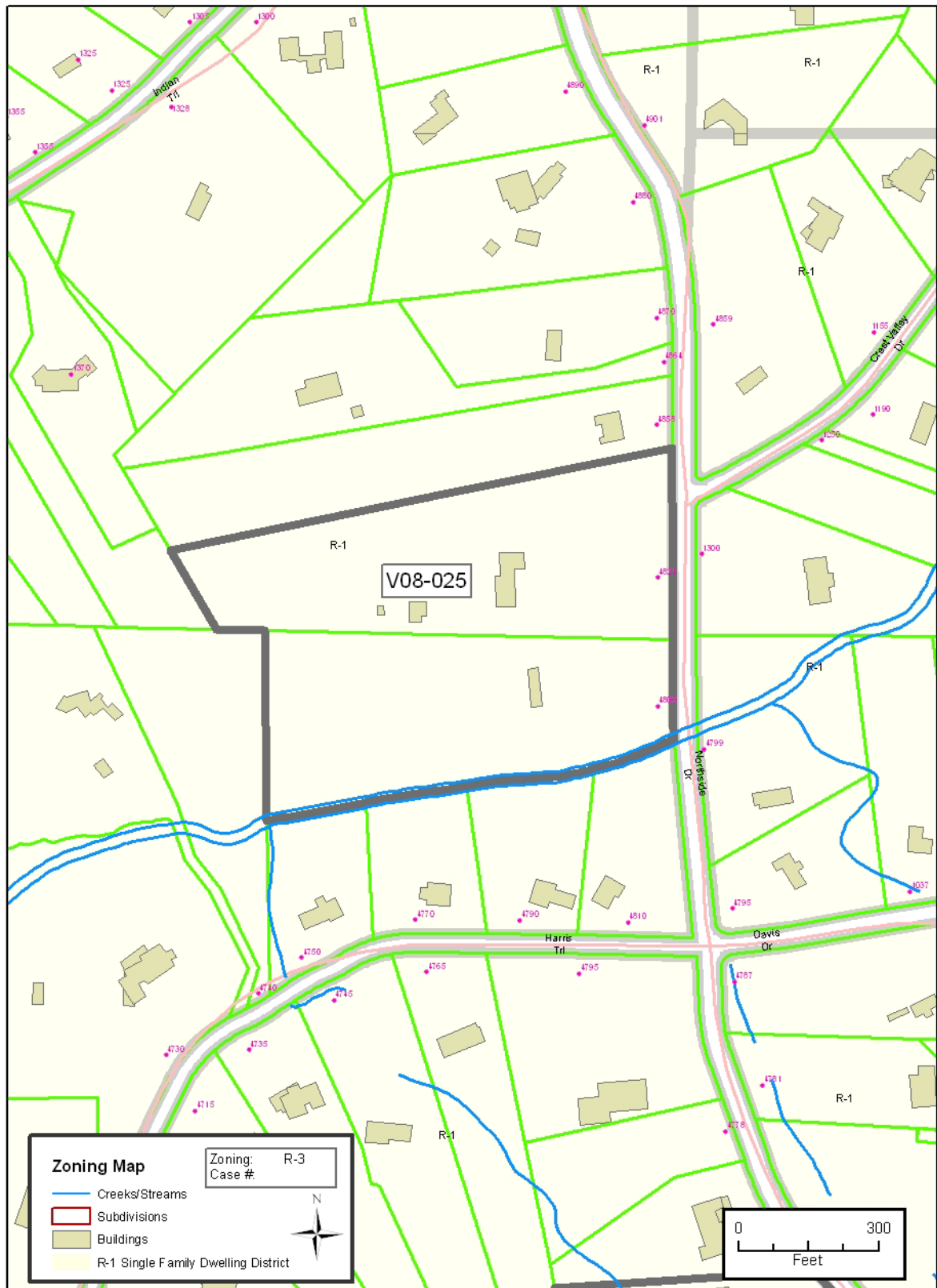
Address, Land Lots, and District	4800 & 4824 Northside Drive Land Lots 202 & 203, District 17
Council District	6
Frontage and Area	A total of 521 feet of frontage along the west side of Northside Drive. The subject properties have a total area of approximately 13.00 acres.
Existing Zoning and Use	The lot is zoned R-1 (Single-family Dwelling District). The properties are developed with single-family residences.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-0.5 Residential (0 to 0.5 units per acre)

INTENT

The applicant is seeking a primary variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a)(i) and (ii) (new section 109-225.a 1 and 2), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of undisturbed natural buffer plus 25 feet of impervious surface setback) to zero (0) feet for both the required buffer and impervious setback to allow for the redevelopment of the subject properties and to re-pipe an area by the existing and proposed driveways where the stream flows.

Parcel Map

4800 & 4824 Northside Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 12, 2008

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

CASE NUMBER: V08-025

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

REQUEST:

The applicant is requesting relief from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a)(i) and (ii) (new section 109-225.a 1 and 2), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) to zero (0) feet to allow for the redevelopment of the subject properties and to re-pipe an area by the existing and proposed driveways where the stream flows.

ANALYSIS:

The applicant has submitted a site plan indicating the subject properties, 4824 Northside Drive (northern property indicated as tract 1) and 4800 Northside Drive (southern property indicated as tract 2), to be wooded and to have irregular shapes, varying slopes, two streams (one running north/south & one running east /west), and a 100 year flood plain to the south. Gas line/pipe line easements are located approximately between the subject properties and extend in an east-west direction. The aforementioned easements are perpendicular to and bisect the stream that runs north/south. The current asphalt driveways of both properties are located within the gas line/pipe line easements and each has separate pipes under them where they cross the stream. The pipes allow the stream to flow under each driveway (Please note, perpendicular stream crossings by driveways are allowed by right.). Additionally, the site plan shows the existing house on tract 2 to be encroaching into the stream buffer and shows an existing driveway on tract 1 to be encroaching into the stream buffer.

Staff notes that due to the inclusion of re-piping a stream in the scope of this petition, the applicant has requested a Buffer Variance from the State and approval from the Army Corps of Engineers. To date, Staff is unaware of any approvals of the aforementioned requests.

The applicant intends to redevelop the properties, relocate the asphalt driveway outside of the gas line/pipe line easements, and replace 47 feet of existing 12"-15" stream piping with 85 feet of new 24" concrete stream piping. Staff notes that the actual footprints of the new proposed residences appear to not encroach into the stream buffer.

The applicant states the existing pipes (2 qty.) are in poor condition and are located within the existing Colonial Gas line easement. The existing pipes will be replaced with a longer and larger single pipe. Relief if granted would reduce sediment and erosion of the subject area and rehabilitate an area located within a Colonial Gas Easement that in its present state is considered a public safety concern. The variance, if granted, would allow the intended user to restore the subject area and property to a state more fitting and in harmony with the surrounding neighborhood.

The applicant states that the purpose and intent of the appeal is as follows:

- The existing pipes within the stream area and Colonial Pipeline easement are currently under distress and are collapsing. At the request of the Colonial Pipeline representatives, the erosion between the drainage pipes and where the pipes spill out within the Gas Easement has created a public safety concern. The amount of soil coverage located over the existing gas lines has been reduced to hazardous conditions. Colonial Gas have given approval for this area to be rehabilitated through the removal of existing driveways and for the removal and approval of additional piping necessary to improve and restore the gas easement conditions. This variance request has illustrated this. New driveways will be proposed outside of the Gas easement and one pipe, upsized to handle more water flow, will be provided under the proposed driveways and through the Gas Easement.
- In the process of removing the driveways and proposing additional driveways the applicant is illustrating a new driveway located on Tract 1, to remain inside the buffer. This driveway has been proposed with a reduction of 30% of the amount of existing pavement or impervious pavement within the buffer. Remaining area that was once impervious area will be planted with indigenous groundcover.
- The proposed removal of impervious material on Tract 2 incorporates the removal of the existing house, which in portion exists within the buffer as well as the existing driveway. A new driveway will be proposed as will a reduction in impervious material of approximately 16.6%.
- The variance request will allow the applicant to create conditions more suited within the community. The proposed plans illustrate future house locations with a long estate driveway locating the houses to the rear of the property in appropriate proximity from Northside Drive. The variance conditions created will be very much in keeping with the surrounding housing and estate properties.
- The proposed variance and house locations illustrated are the direct result of the applicants desire to be in harmony with the neighborhood and the result of site hardships. Additional hardships relative to the variance request, other than the Gas Pipeline and drainage pipes described above include: the limits of floodplain to the south on Tract 2 and the steep heavily wooded topography located to the north on Tract 1. The plans have selected the most easily developed house locations relative to the variance and the alternative of completing major site work/grading and existing tree removal.
- The plans also illustrate the use of "Rain Garden" areas to handle water flowing from impervious surfaces within the estate property. These systems will be designed to filter impurities before they reach the ground water or stream areas.

The applicant states that through the granting of the variance requests, the applicant and owner can develop an estate site in perfect fitting with the community and neighborhood as well as provide a solution for a public safety and health concern as regards to the existing Colonial Gas lines and the stream area.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	50 feet	50 feet	meets
Min. Interior Side Yard Setback:	25 feet	25 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	0 feet	For the re-piping in this application only.

Department Comments

The staff held a Focus Meeting on May 7, 2008 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The current asphalt driveways of both properties are located within the gas line/pipe line easements and each has separate pipes under them where they cross the stream. The pipes allow the stream to flow under each driveway (Please note, perpendicular stream crossings by driveways are allowed by right.). Additionally, the site plan shows the existing house on tract 2 to be encroaching into the stream buffer and shows an existing driveway on tract 1 to be encroaching into the stream buffer.

The applicant intends redevelop the properties, relocate the asphalt driveway outside of the gas line/pipe line easements, and replace 47 feet of existing 12"-15" stream piping with 85 feet of new 24" concrete stream piping. Staff notes that the actual footprints of the new proposed residences appear to not encroach into the stream buffer.

The applicant states the existing pipes (2 qty.) are in poor condition and are located within the existing Colonial Gas line easement. The existing pipes will be replaced with a longer and larger single pipe. Relief if granted would reduce sediment and erosion of the subject area and rehabilitate an area located within a Colonial Gas Easement that in its present state is considered a public safety concern. The variance, if granted, would allow the intended user to restore the subject area and property to a state more fitting and in harmony with the surrounding neighborhood.

The applicant states that existing pipes within the stream area and Colonial Pipeline easement are currently under distress and are collapsing. At the request of the Colonial Pipeline representatives, the erosion between the drainage pipes and where the pipes spill out within the Gas Easement has created a public safety concern. The amount of soil coverage located over the existing gas lines has been reduced to hazardous conditions. Colonial Gas have given approval for this area to be rehabilitated through the removal of existing driveways and for the removal and approval of additional piping necessary to improve and restore the gas easement conditions. This variance request has illustrated this. New driveways will be proposed outside of the Gas easement and one pipe, upsized to handle more water flow, will be provided under the proposed driveways and through the Gas Easement.

The applicant states that in the process of removing the driveways and proposing additional driveways, the applicant is illustrating a new driveway located on Tract 1, to remain inside the buffer. This driveway has been proposed with a reduction of 30% of the amount of existing pavement or impervious pavement within the buffer. Remaining area that was once impervious area will be planted with indigenous groundcover.

The applicant states that the proposed removal of impervious material on Tract 2 incorporates the removal of the existing house, which in portion exists within the buffer as well as the existing driveway. A new driveway will be proposed as will a reduction in impervious material of approximately 16.6%.

The applicant states that the variance request will allow the applicant to create conditions more suited within the community. The proposed plans illustrate future house locations with a long estate driveway locating the houses to the rear of the property in appropriate proximity from Northside Drive. The variance conditions created will be very much in keeping with the surrounding housing and estate properties.

The applicant states that the proposed variance and house locations illustrated are the direct result of the applicants desire to be in harmony with the neighborhood and the result of site hardships. Additional hardships relative to the variance request, other than the Gas Pipeline and drainage pipes described above include: the limits of floodplain to the south on Tract 2 and the steep heavily wooded topography located to the north on Tract 1. The plans have selected the most easily developed house locations relative to the variance and the alternative of completing major site work/grading and existing tree removal.

The applicant states that the plans also illustrate the use of "Rain Garden" areas to handle water flowing from impervious surfaces within the estate property. These systems will be designed to filter impurities before they reach the ground water or stream areas.

The applicant states that through the granting of the variance requests, the applicant and owner can develop an estate site in perfect fitting with the community and neighborhood as well as provide a solution for a public safety and health concern as regards to the existing Colonial Gas lines and the stream area.

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

The applicant has submitted a site plan indicating the subject properties, 4824 Northside Drive (northern property indicated as tract 1) and 4800 Northside Drive (southern property indicated as tract 2), to be wooded and to have irregular shapes, varying slopes, two streams (one running north/south & one running east /west), and a 100 year flood plain to the south. Gas line/pipe line easements are located approximately between the subject properties and extend in an east-west direction. The aforementioned easements are perpendicular to and bisect the stream that runs north/south.

Recommended Condition(s)

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

1. That the proposed redevelopments shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 21, 2008 by the Department of Community Development, for the variances herein, showing the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) reduced to zero (0) feet to allow for the redevelopment of the subject properties and to re-pipe an area the existing and proposed driveways where the stream flows where necessary to accommodate the portions of the encroachments only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. All natural disturbed areas shall be restored to the original state to the maximum possible extent.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plans, topographical map, support signatures, and photographs.



Variance Petition No. V08-026

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 12, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
David Shainker	David Shainker	David Shainker

PROPERTY INFORMATION

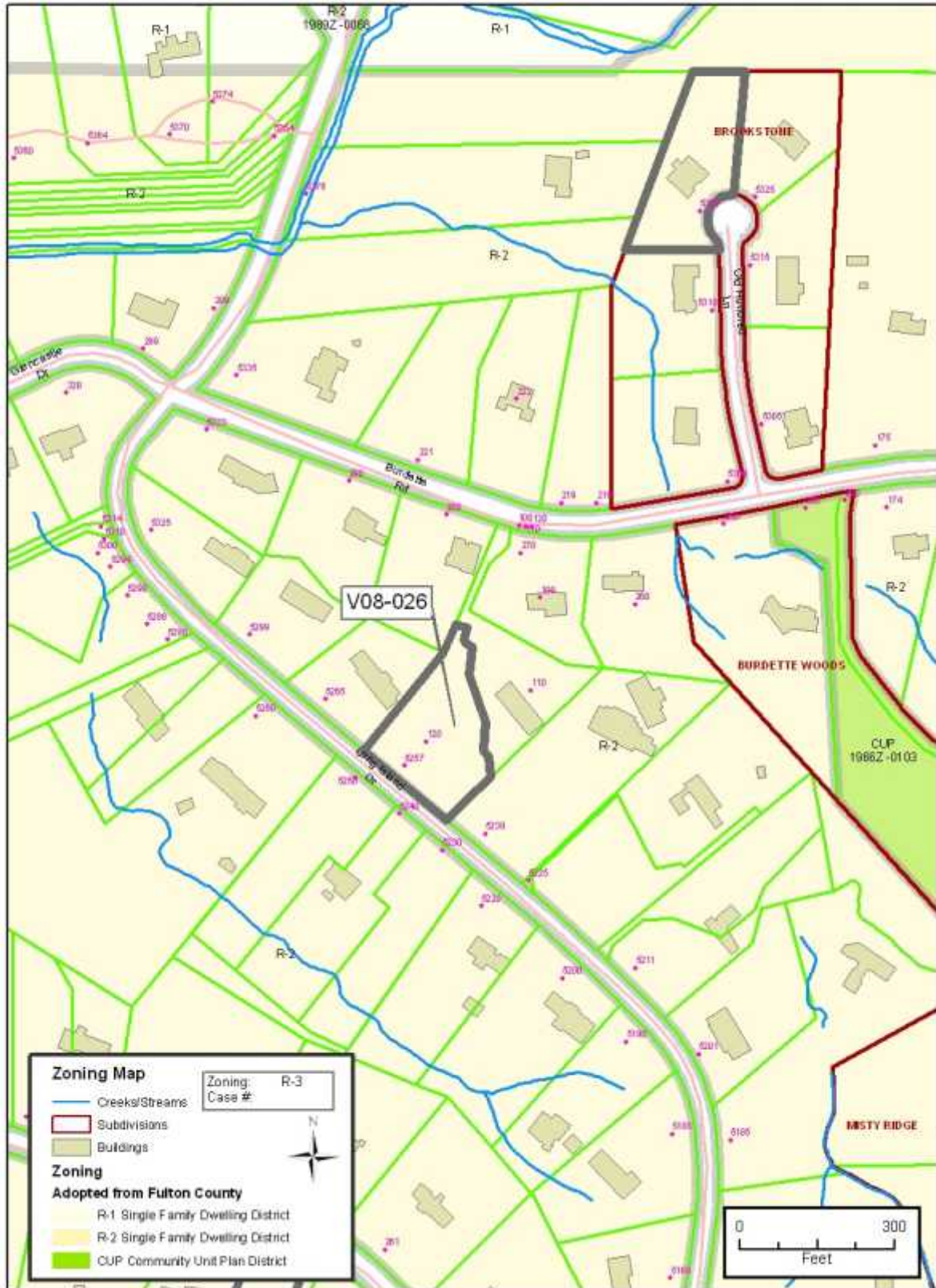
Address, Land Lot, and District	120 Burdette Trail Land Lot 121, District 17
Council District	6
Frontage and Area	200 feet of frontage along the northeast side of Long Island Drive. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is seeking a primary variance from Section 19.3.12.B.1 of the Zoning Ordinance to allow for a swimming pool in a front yard.

Parcel Map

120 Burdette Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 12, 2008

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

CASE NUMBER: V08-026

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

REQUEST:

The applicant is requesting relief from Section 19.3.12.B.1 of the Zoning Ordinance to allow for a swimming pool in a front yard.

ANALYSIS:

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the Long Island Drive right-of-way toward the existing house. A portion of land appears relatively flat just behind the existing house. Under Fulton County, a three lot subdivision was created, in which the property numbered 120 Burdette Trail (the subject property) is a part of. The aforementioned subdivision, including the subject property, is accessed by a private drive known as Burdette Trail. The house on the subject property faces Burdette Trail; however, the lot fronts Long Island Drive.

The applicant states that in 2004, the property was platted via Fulton County with a sixty (60) foot front setback and a ten (10) foot no access easement from Long Island Drive. However, the front of the subject home faces Burdette Trail. The applicant further states that 120 Burdette Trail has an approved eight (8) foot privacy fence along the Long Island Drive border of the property. The proposed private swimming pool has been designed to be not only beyond the typical ten (10) foot setback requirement, but would be an additional fifty (50) feet from Long Island Drive. In other words, the pool would be placed beyond the sixty (60) foot setback. Additionally, all other City of Sandy Springs requirements for private pools will be satisfied.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	Long Island Drive
Min. Rear Yard Setback:	40 feet	40 feet	Burdette Trail
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Pool Setback	10 feet	60 feet	From the front property line behind the house

Department Comments

The staff held a Focus Meeting on May 7, 2008 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

Under Fulton County, a three lot subdivision was created, in which the property numbered 120 Burdette Trail (the subject property) is a part of. The aforementioned subdivision, including the subject property, is accessed by a private drive known as Burdette Trail. The house on the subject property faces Burdette Trail; however, the lot fronts Long Island Drive.

The applicant states that in 2004, the property was platted via Fulton County with a sixty (60) foot front setback and a ten (10) foot no access easement from Long Island Drive. However, the front of the subject home faces Burdette Trail. The applicant further states that 120 Burdette Trail has an approved eight (8) foot privacy fence along the Long Island Drive border of the property. The proposed private swimming pool has been designed to be not only beyond the typical ten (10) foot setback requirement, but would be an additional fifty (50) feet from Long Island Drive. In other words, the pool would be placed beyond the sixty (60) foot setback. Additionally, all other City of Sandy Springs requirements for private pools will be satisfied.

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

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the Long Island Drive right-of-way toward the existing house. A portion of land appears relatively flat just behind the existing house.

Recommended Condition(s)

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

- 1) That the proposed swimming pool, pool deck, and pool equipment shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received April 4, 2008 by the Department of Community Development, showing a swimming pool, pool deck, and pool equipment located in the front yard of a single-family dwelling.
- 2) Visual screening from Long Island Drive shall be maintained as long as a swimming pool remains constructed as proposed.

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



Variance Petition No. V08-027

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 12, 2008

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Christelle Williams, Howard Williams, and Peter Casey	Howard Williams	Howard Williams

PROPERTY INFORMATION

Address, Land Lot, and District	131 & 141 Burdette Road and 70 Chevaux Court Land Lots 121 & 122, District 17
Council District	6
Frontage and Area	90 feet of frontage along the west side of the Chevaux Court cul-de-sac and 75 feet of frontage along the north side of Burdette Road. The subject properties have a total area of approximately 6.8 acres.
Existing Zoning and Use	R-2 (Single-family Dwelling District) under zoning case Z66-025. The properties are developed with single-family residences.
Overlay District	N/A

2027

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

The applicant is requesting eight (8) primary variances:

- 1) Variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road (existing flag lots) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback,
- 2) Variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to twenty-one (21) feet to allow for an existing attached garage at 131 Burdette Road,
- 3) Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to eight (8) feet to allow for an existing rock step structure at 131 Burdette Road,
- 4) Variance from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback required from any property line from ten (10) feet to one (1) foot for 141 Burdette Road,

5) Variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a)(i) and (ii) (new section 109-225.a 1 and 2), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) to a fifty (50) foot undisturbed natural buffer plus a thirteen (13) foot impervious surface setback at 131 Burdette Road to allow for an existing structure (play area) and to a minimum of an eleven (11) foot undisturbed natural buffer at 70 Chevaux Court to allow for existing structures (gazebo, pool & equipment, pool deck, tennis court, walkways, and house),

6) Variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to a minimum of 13.5 feet for 70 Chevaux Court to allow for existing structures (gazebo and tennis court),

7) Variance from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width required (only at the beginning of the buildable area) from 150 feet to 146 feet for 141 Burdette Road, and

8) Variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to eleven (11) feet for 131 Burdette Road to allow the construction of a proposed guest house/garage.

All variances are to allow for the reconfiguration of internal lot lines of two (2) legal nonconforming flag lots (131 & 141 Burdette Road) and a conforming lot (70 Chevaux Court) and to allow for a proposed guest house.

Parcel Map

141, 131 Burdette Road & 70 Chevaux



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

CASE NUMBER: V08-027

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

REQUEST:

The applicant is requesting relief from:

- 1) Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road (existing flag lots) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback,
- 2) Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to twenty-one (21) feet to allow for an existing attached garage at 131 Burdette Road,
- 3) Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to eight (8) feet to allow for an existing rock step structure at 131 Burdette Road,
- 4) Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback required from any property line from ten (10) feet to one (1) foot for 141 Burdette Road,
- 5) Section 14.6.5.a. i and ii (new section 109-225.a 1 and 2) of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback to thirteen (13) feet at 131 Burdette Road to allow for an existing structure (play area) and to reduce the fifty (50) foot undisturbed natural buffer to a minimum of eleven (11) feet at 70 Chevaux Court to allow for existing structures (gazebo, pool & equipment, pool deck, tennis court, walkways, and house),
- 6) Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to a minimum of 13.5 feet for 70 Chevaux Court to allow for existing structures (gazebo and tennis court),
- 7) Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width required (only at the beginning of the buildable area) from 150 feet to 146 feet for 141 Burdette Road, and
- 8) Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to eleven (11) feet for 131 Burdette Road to allow the construction of a proposed guest house/garage.

BACKGROUND:

On June 14, 2007, the Board of Zoning Appeals approved, with conditions, variance application V07-014 for 70 Chevaux Court. The aforementioned application included variances to allow an existing waterfall and foot bridge to encroach into the required stream buffer.

In 2007 petition V07-059 was filed by Dr. Howard Williams and heard by the Board of Zoning Appeals (BZA). Like this variance petition (application V08-027), V07-059 also involved the reconfiguration of internal lot lines of two (2) legal nonconforming flag lots (131 & 141 Burdette Road) and a conforming lot (70 Chevaux Court). V07-059 was deferred once at the October 11, 2007 BZA meeting to allow the applicant to meet with concerned neighbors in an attempt to resolve issues and to work with Staff to find solutions. The deferral was to the BZA meeting scheduled for November 8, 2007. It was apparent at the November 8, 2007 BZA meeting that the aforementioned issues were not resolved and the aforementioned solutions were not presented; therefore, the applicant requested to withdraw the application, and the BZA approved a withdrawal.

ANALYSIS:

Property numbered 141 Burdette Road is owned by Mr. Peter Casey, property numbered 131 Burdette Road is owned by Christelle Williams, and property numbered 70 Chevaux Court is owned by Dr. Howard Williams. The applicant states that over the years, land transactions, involving the three subject properties, have occurred. The aforementioned transactions are recognized by deed; however, because the platting process was never utilized, the land ownership recognized by deed is not recognized by the City as the same lots-of-record. In hopes of re-platting the properties as lots-of-record to match the ownership by deed, the applicant has currently brought forth proposed configurations of the three (3) subject lots. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance; therefore, due to the fact that the subject properties have non-conforming issues, the listed variances numbered 1 - 7 would be required to address existing conditions of certain structures and to address existing conditions of the subject lot configurations as they are deeded and to be platted accordingly. The listed variance number 8 involves a proposed guest house/garage.

The applicant has included in this V08-027 application a new site plan as a solution to the concern over previous application's (V07-059) proposed lot configurations and has included private agreements reached with the concerned neighbors living in both the Paddocks North Subdivision and the Burdette Forest Subdivision.

The applicant has submitted a proposed site plan and photographs indicating the subject properties are irregularly shaped and sloped. The site plan also indicates a stream located within lots proposed to be 70 Chevaux Court and 131 Burdette Road, primarily running east to west along the most northern portion of the lots.

The applicant states his property at 131 Burdette Road currently has a three car garage which is atypical for a house that large. The applicant further states that his neighbor at 141 Burdette has less square footage; however, has a four-car garage. Additionally, the applicant states that all the new homes being built behind him have less square footage than his house and are being built with four-car garages. The applicant states that the need for additional garage space is becoming imminent since he has children who will be driving within the next few years.

The applicant states that because he owns both properties numbered 131 Burdette Road and 70 Chevaux Court, he could deed an additional portion of land, sufficient enough to meet the required rear yard setback for 131 Burdette Road to allow for the proposed guest house. However, after meeting with the concerned neighbors living in the Paddocks North Subdivision, they preferred that additional land not be deeded from 70 Chevaux Court to 131 Burdette. The aforementioned concerned neighbors would support this application if the subject lots remain as currently deeded; therefore, the number 8 variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to eleven (11) feet for 131 Burdette Road to allow the construction of a proposed guest house/garage is necessary.

The applicant states that he wishes to have the three different properties in compliance, legally recorded, and documented appropriately with the City of Sandy Springs. The applicant states that he has worked diligently with design professionals and Staff to file appropriately for the variances that would allow for the subject three lots to be reconfigured as proposed and to allow for the proposed guest house/garage.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	21 feet/Existing	Along 131 Burdette Rd. variance applied.
Min. Rear Yard Setback:	40 feet	11 feet/Proposed 13.5 feet/Existing	Along 131 Burdette Rd. variance applied Along 131 Burdette Rd. variance applied
Min. Interior Side Yard Setback:	15 feet	8 feet/Existing	Along 131 Burdette Rd. variance applied
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Pool Equipment Setback	10 feet	1 foot/Existing	Along 141 Burdette Rd. variance applied
Stream Buffer	75 feet	13 feet/Existing 11 feet/Existing	Along 131 Burdette Rd. variance applied Along 70 Chevaux Ct. variance applied
Min. Lot Width	150 feet	146 feet/Per Deed	Along 141 Burdette Rd. variance applied

Department Comments

The staff held a Focus Meeting on May 7, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant has provided a new site plan as a solution to the concern over the previous application's (V07-059) proposed lot configurations and has included private agreements reached with the concerned neighbors living in both the Paddocks North Subdivision and the Burdette Forest Subdivision.

The applicant states his property at 131 Burdette Road currently has a three car garage which is atypical for a house that large. The applicant further states that his neighbor at 141 Burdette has less square footage; however, has a four-car garage. Additionally, the applicant states that all the new homes being built behind him have less square footage than his house and are being built with four-car garages. The applicant states that the need for additional garage space is becoming imminent since he has children who will be driving within the next few years.

The applicant states that because he owns both properties numbered 131 Burdette Road and 70 Chevaux Court, he could deed an additional portion of land, sufficient enough to meet the required rear yard setback for 131 Burdette Road to allow for the proposed guest house. However, after meeting with the concerned neighbors living in the Paddocks North Subdivision, they preferred that additional land not be deeded from 70 Chevaux Court to 131 Burdette. The aforementioned concerned neighbors would support this application if the subject lots remain as currently deeded; therefore, the number 8 variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to eleven (11) feet for 131 Burdette Road to allow the construction of a proposed guest house/garage is necessary.

The applicant states that he wishes to have the three different properties in compliance, legally recorded, and documented appropriately with the City of Sandy Springs. The applicant states that he has worked diligently with design professionals and Staff to file appropriately for the variances that would allow for the subject three lots to be reconfigured as proposed and to allow for the proposed guest house/garage.

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

The applicant has submitted a proposed site plan and photographs indicating the subject properties are irregularly shaped and sloped. The site plan also indicates a stream located within lots proposed to be 70 Chevaux Court and 131 Burdette Road, primarily running east to west along the most northern portion of the lots.

Recommended Condition(s)

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

1. That the three subject lots be configured and existing nonconforming structures remain in accordance with the Proposed Site Plan, provided by the applicant dated received August 29, 2008 by the Department of Community Development, showing a: minimum lot width of 131 & 141 Burdette Road to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, minimum 21 foot front yard setback for an existing attached garage at 131 Burdette Road, minimum 8 foot east side yard setback for an existing rock step structure at 131 Burdette Road, minimum 146 foot lot width (only at the beginning of the buildable area) for 141 Burdette Road, minimum 1 foot pool equipment setback for 141 Burdette Road, reduction of the twenty-five (25) foot impervious surface setback to thirteen (13) feet at 131 Burdette Road to allow for an existing structure (play area) and a reduction of the fifty (50) foot undisturbed natural buffer to a minimum of eleven (11) feet at 70 Chevaux Court to allow for existing structures (gazebo, pool & equipment, pool deck, tennis court, walkways, and house), minimum 13.5 foot rear yard setback for 70 Chevaux Court to allow for existing structures (gazebo and tennis court), and a 11 foot rear yard setback for 131 Burdette Road to allow construction of a proposed guest house/garage.

2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.
4. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. Additional landscaping will be provided to screen the proposed garage/guest house from the view of homes addressed on Chevaux Court as approved by the City Arborist.

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



Variance Petition No. V08-032

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 12, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Joel Eisenberg	Joel Eisenberg	Joel Eisenberg

PROPERTY INFORMATION

Address, Land Lot, and District	625 West Northway Lane Land Lots 40, District 17
Council District	5
Frontage and Area	100 feet of frontage along the south side of West Northway Lane. The subject property has a total area of approximately 0.63 acres.
Existing Zoning and Use	R-3 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a)(i) and (ii), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback).

Parcel Map

625 West Northway Lane





Variance Petition No. V08-016

HEARING & MEETING DATES

Design Review Board

April 8, 2008

May 13, 2008

May 27, 2008

Board of Zoning Appeals Hearing

June 12, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

The Prado, LLC

Petitioner

The Prado, LLC

Representative

Denyse Signs

PROPERTY INFORMATION

Address, Land Lot, and District.

5600 Roswell Road (SR 9)
Land Lot 91, District 17

Council District

6

Frontage and Area

1,415 feet of frontage along the west side of Roswell Road (SR 9) and 1,460 feet of frontage along the south side of Lake Placid Drive. The subject property has a total area of 30.44 acres.

Existing Zoning and Use

C-1 (Community Business District) conditional under Z05-0050 and ZM07-05, currently developed with a retail shopping center.

Overlay District

Urban District.

2027

Comprehensive Future Land Use Map Designation

Living-Working Community (LWC).

INTENT

The applicant is seeking five (5) primary variances from the Zoning Ordinance for various businesses, buildings & overall development in the Prado: 1) Variance from Section 33.18., to allow for signs (internal free standing signs) that are not identified as permitted signs under the commercial and the overlay districts, 2) Variance from Section 33.18.G, to allow for signs to be located on utility poles, 3) Variance from Section 33.18.H, to allow for signs to extend vertically above the roof line of a building, 4) Variance from Section 33.18.P, of the Zoning Ordinance to allow for projecting signs (perpendicular to the wall to which is attached), and 5) Variance from Section 33.26.H.2.a, to allow for wall signs on walls that do not have street frontage.

The applicant variances requests from the Zoning Ordinance are as follows: **(See attached table)**

a. Home Depot variances

- (1) To allow for one (1) wall sign above the roof line on the East Elevation of the building (Section 33.18H., Prohibited Signs and Devices).
- (2) To allow for a second wall sign on a non-street facing wall East elevation of the building (Section 33.26H.2.a Wall Signs).

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on June 12, 2008

b. Staples variances

- (1) To allow for a wall sign above the roof line on the North Elevation of the building (Section 33.18H., Prohibited Signs and Devices).
- (2) To allow for non-street facing wall sign on the North elevation of the building (Section 33.26H.2.a, Wall Signs).

c. Publix variances

- (1) To allow for non-street facing wall sign (on the West elevation of the building, Section 33.26H.2.a, Wall Signs).
- (2) To allow for a second wall sign (on the West elevation, Section 33.26H.2.a, Wall Signs).

d. Circuit City variances

- (1) To allow for a wall sign above the roof line on the North elevation of the building (Section 33.18H., Prohibited Signs and Devices).
- (2) To allow for two (2) non-street facing wall signs (one on the North elevation and one on West elevation of the building, Section 33.26H.2.a, Wall Signs).

e. Overall Development variances

- (1) To allow for internal signs (Section 33.18.A., Prohibited Signs and Devices; Sign Type 7 and 7.1- indicating direction).
- (2) To allow for internal signs (Section 33.18G., Prohibited Signs and Devices; Sign Type 11- indicating direction -pole mounted).
- (3) To allow for projecting signs (Section 33.18.P., Prohibited Signs and Devices; Sign Type 9 and 9.1- located on parking deck).

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the April 8, 2008 Design Review Board meeting. The Board recommended approval (5-0, Lichtenstein, Porter, Landeck, Richard and Westmoreland for; Gregory and Mobley absent) as follows:

Variances Approval:

1. To allow a second wall sign on a non-street facing wall East elevation of the building. Item a. (2) for Home Depot.
2. To allow non-street facing sign on the North elevation of the building. Item c. (1) Staple.
3. To allow for a wall sign above the roof line on the North elevation of the building. Item b. (2) Staple.
4. To allow non-street facing wall sign on the West elevation of the building. Item c. (1) for Publix.
5. To allow a second wall sign on the West elevation. Item c. (2) for Publix.

Overall development variances

6. To allow internal signs; (Signs Type 7 and 7.1- indicating direction) Item e. (1).
 7. To allow projecting signs; (Signs Type 11- indicating direction- pole mounted) Item e. (2).
 8. To allow internal signs (Signs Type 9 and 9.1- located on parking deck) Item e. (3).
- As presented by the staff with attachments.

Deferrals

1. Deferral of request of variance for wall signs above roof line of Home Depot, item a.(1) in Staff

Report;

2. Deferral of request of variance for wall sign above roof line of Circuit City, item d. (1). and
3. Deferral of request of variance for two (2) non-street facing wall signs for Circuit City, item d. (2).

Items from 1 through 3 were deferred until the DRB meeting on May 13, 2008. The board recommended that the applicant meet with the Sandy Springs Council of Neighborhoods to develop a compromise regarding the proposal.

Recommended conditions:

- A. Poles will be of green color to match the streetscape.
- B. The brackets of the blade signs attached to the building must match the façade of the building they are attached to, with dark green edging. No beige color edging is permitted.
- C. Freestanding and directional signs shall be of green color to match the light poles.
- D. Lettering on Project ID signs, "THE PRADO SANDY SPRINGS" must have font size increased to identify the actual project and make the name more obvious. This applies to the Project ID sign as well as directional and other similar signs.

The applicant, following the recommendations of the Board, met with Sandy Springs Council of Neighborhoods and developed a compromise. The applicant agreed to the recommended conditions A, B, C and D.

The case was presented to the Board at the May 13, 2008 Design Review Board meeting for the second time. The Board recommended approval (6-0, Lichtenstein, Porter, Gregory, Landeck, Richard and Westmoreland, for; Mobley absent) as follows:

Deferral #1, request of variance for wall signs above roof line of Home Depot, item a. (1) in Staff Report.

The approval of the "above roofline" signage on the tower was contingent upon presentation to the Board of materials, colors samples, trellis material, and an agreement signed by the Council of Neighborhoods supporting it.

Deferral #2, request of variance for wall sign above roof line of Circuit City, item d. (1). **Approved as presented.**

Deferral #3, request of variance for two (2) non-street facing wall signs for Circuit City, item d. (2). **Approved as presented.**

At the May 27, 2008 Design Review Board meeting the applicant presented to the Board samples of materials and colors to be used throughout the project, and a copy of the agreement signed by the Sandy Springs Council of Neighborhoods in which the representative of the Sandy Springs Council of Neighborhoods supported the approval of the Home Depot tower signage on the East elevation of the tower, conditioned the incorporation of a trellis feature as shown on exhibit 1, landscape treatment and raised curb area for display of a piece of art with a suitable architectural treatment at the west end of the "Main Street" entrance to The Prado.

5600 Roswell Road



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V08-016

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

REQUEST:

The applicant is seeking five (5) primary variances from the Zoning Ordinance to various businesses, buildings & overall development in the Prado: 1) Variance from Section 33.18., to allow for signs (internal free standing signs) that are not identified as permitted signs under the commercial and the overlay districts, 2) Variance from Section 33.18.G, to allow for signs to be located on utility poles, 3) Variance from Section 33.18.H, to allow for signs to extend vertically above the roof line of a building, 4) Variance from Section 33.18.P, of the Zoning Ordinance to allow for projecting signs (perpendicular to the wall to which is attached), and 5) Variance from Section 33.26.H.2.a, to allow for wall signs on walls that do not have street frontage.

Staff Analysis:

The applicant has indicated the purpose of these variances are to provide signage visibility for the tenants, otherwise signs would be completely obscured by the parking deck which is located in the middle of the development. Providing proper visibility for businesses from all points and entrances is necessary for their sustainability.

The project is approximately 360,000 square feet with four (4) vertically intergraded levels in the shopping center. The applicant has stated the variance requests are justified due to the hardship created by the unique design and topography of the site.

The applicant has indicated: that the **Home Depot** building is located at the lowest finished floor level of the project. It is almost 50 feet lower than the finished floor of the adjacent Target building and the parking deck which sits immediately in front of it. The traditional front elevation is entirely obscured from the public right-of-way (Roswell Road) by a four (4) story parking deck and Shop Building A, both of which are proposed twenty (20) feet taller than the main roof line. The Applicant requests that the typical signage used by this retailer on the front of the store be allowed as a second wall sign on the east elevation in order to direct customers entering the store from the parking deck to the main entry and Garden Center. These additional signs do not exceed the allowable 180 sf area and can only be viewed from vantage points internal to the project site. Since the building sits approximately 15 feet below the finished grade of "Main Street" at the Roswell Road entrance, the applicant requests a variance to allow a sign above the roofline to allow for visibility typically afforded under the ordinance to a business facing the street. Signage on the north elevation will also be placed at this height to complement the panel facing east.

The applicant's original request for Home depot was:

- A wall sign above the roofline of the building on the north elevation 725.8 square feet of sign area, exceeding the maximum allowance of 180 square feet by 545.8 square feet.
- A wall sign on the east elevation of the building at 540 square feet of sign area, exceeding the maximum allowance of 180 square feet by 360 square feet.

Following the staff recommendations, the applicant has amended his request as follows:

- No sign above the roofline of the building on the north elevation.
- Proposed wall sign on the East elevation of the building at 144 square feet of sign area.

The applicant's building elevation contains a total of 15,184.14 square feet of wall area. Per Section 26.H.2. *Wall Signs*, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 180 square feet.

The **Staples** building is uniquely located to face inward to the project so that this sign location is perpendicular to the adjoining public road frontage (Roswell Rd.) and from most vantage points from outside the project, it is obscured from the public right-of-way by new and existing buildings within the project. The building is approximately 150 feet from Roswell Road and is even with the grade at the new signalized intersection. The traditional signage on the front facade allows visibility for this business from its main parking area to provide a visual cue for pedestrians to locate the entrance of the building.

The location of this building on this site presents a unique challenge since the store entry is actually on the opposite side of the building from the elevation facing the street. The requested signage on the west elevation assists customers with locating the entrance once they emerge from the main parking area for this store within the parking deck.

The applicant's original request for **Staples** was:

- A wall sign above the roofline of the building on the north elevation at 171.8 square feet of sign area, exceeding the maximum allowance of 5% allowance by 18.4 square feet.
- A wall sign on the east elevation of the building at 68.5 square feet of sign area.

Following the staff recommendations, the applicant has amended his request as follows:

- Proposed wall sign above the roofline of the building on the north elevation of the building at 125 square feet of sign area
- No sign on the east elevation of the building.

The applicant's north building elevation contains a total of 3,082.4 square feet of wall area. Per Section 26.H.2., *Wall Signs*, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 155 square feet.

The **Circuit City** building is also uniquely sited to face inward to the project so that the sign location on the north elevation is perpendicular to the adjoining public road frontage (Roswell Rd.). The Applicant is requesting a variance to include signage on the north elevation to allow for visibility from its main parking field in front of the store to provide a visual cue as to the location of the entrance. This signage also helps pedestrians and motorists alike, to locate this business once they enter this vertically integrated site. The aggregate size of all three (3) signs on the north elevation does not exceed 180 sf. The sign on the west elevation of the building identifies another component of the store operations and is needed by customers to aid in locating service area for the business. (e.g. car stereo installations).

The applicant's original request for **Circuit City** was:

- A wall sign above the roofline of the building on the north elevation at 256.0 square feet of sign area exceeding the maximum allowance of 180 square feet, by 76.0 square feet.
- A wall sign on the east elevation of the building at 196.0 square feet of sign area, exceeding the maximum allowance of 180 square feet, by 16.0 square feet.
- A wall sign on the west elevation of the building at 104.5 square feet of sign area.

Following the staff recommendations, the applicant has amended his request as follows:

- Proposed a wall sign above the roofline of the building on the north elevation at 173.22 square feet of sign area.
- Proposed wall sign on the west elevation of the building at 24 square feet of sign area.
- No sign on the east elevation of the building.

The applicant's north building elevation contains a total of 3,515.4 square feet of wall area. Per Section 26.H.2., *Wall Signs*, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 175.77 square feet maximum.

The **Publix** building location on this site presents unique challenge since the store entry is actually on the opposite side of the building from the elevation facing the street. The requested signage on the west elevation assists customers with locating the entrance once they emerge from the main parking field for this store within the parking deck.

The applicant's original request for **Publix** was:

- A wall sign on the north elevation of the building at 83.0 square feet of sign area.
- A wall sign on the east elevation of the building at 262.0 square feet of sign area, exceeding the maximum allowance of 180 square feet, by 82.0 square feet.
- A wall sign on the west elevation of the building at 104.5 square feet of sign area.

Following the staff recommendations, the applicant has amended his request as follows:

- Proposed wall sign on the west elevation of the building at 20.8 square feet of sign area.
- No sign on the north elevation of the building.
- Proposed wall sign on the east elevation of the building at 175 square feet of sign area. This sign is allowed per the Zoning Ordinance.

The applicant's west building elevation contains a total of 8,194.27 square feet of wall area. Per Section 26.H.2., *Wall Signs*, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 180 square feet maximum.

For **Projecting signs**, these signs will be used to identify the businesses located on the P3 level of the parking deck. Since these businesses are within the parking deck, they do not have any signage visible from the Public Right of Way which is typically afforded to other businesses and retail establishments under the ordinance. These types of signs, which are very typical in commercial/retail projects of this size and complexity, are critical to ensuring the overall success of the project. The way finding and directional signs, working in concert with the signs/logos of the businesses located at this project, ensure safe and efficient pedestrian and vehicular movement which aids in reducing vehicular congestion and confusion that can, and most likely will, occur in this challenging environment

The applicant is proposing to install 48.25 square foot, 41.125 square foot and 8.84 square foot projecting signs on the parking deck. These signs are identified in the report as signs type 9.

Internal free standing signs, these types of signs, which are very typical in commercial/retail projects of the size and complexity, are critical to ensuring the overall success of the project. The way finding and directional signs, working in concert with the signs/logos of the businesses located at this project, ensure safe and efficient pedestrian and vehicular movement which aids in reducing vehicular congestion and confusion that can, and most likely will, occur in this challenging environment.

These signs are identified in the report as follows:

- Signs type 11. Proposed sign area is 8.84 square feet.
- Signs type 7. Proposed sign area is 10.2 square feet, overall height of 5'-10".
- Signs type 7.1. Proposed sign area is 3.87 square feet, overall height of 3'.

Department Comments

The staff held a Focus Meeting on May 7, 2008 at which time the following departmental /divisional comments were provided:

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

Standards for Consideration

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

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

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

Hardship / Statement of Justification

The applicant has indicated that the unique site layout, quantity of new and existing businesses and the vertical nature of this project, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness and to improve the levels of pedestrian and vehicular safety outside of and within the project boundaries.

The Applicant believes that there is sufficient reason to approve the requested variances as allowed by Section 12.D, items 1 and 2 of the Sandy Springs Sign Ordinance. The Applicant offers support of the request for additional signage, outlined above, as follows:

Noted in the specific variance requests noted above, the topography of the project site, as well as the unique site layout, creates distinctive characteristics for this project which are not, nor could not have been contemplated, in a sign ordinance written to be applied to a typical commercial development. These distinctive characteristics include, but are not limited to, a project site that has a 115 foot elevation difference from the SE corner to the NW corner, existing and new buildings sited on the unique topography of the site which partially, and in some cases entirely, block the visibility of the retailers from the existing public right-of-way, as well as from vantage points within the project itself and buildings which are sited to face internally to the project and not to the public right of way which would be the norm. The following are specific examples of these effects on the project. All of these factors result in diminished visibility of the various retailers and create a need for compensatory signage.

The development standard seems clearly to be written with an emphasis on defining appropriate signage for smaller scale retail establishments for whom the 5% area limitation results in a well proportioned ratio of signage to building area. However, the application of this standard to larger retailers, such as those included in this project, results in both a limitation in the ratio of signage to building area which is far more restrictive than on other retailers, and in an overall limitation of signage which is much less than that which is well established to be commercially reasonable throughout the metropolitan area.

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the stores located within the project and would be in harmony with the intent of the zoning ordinances.

Recommended Conditions:

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

1. That the wall sign located above the roofline on the East elevation of the building for Home Depot shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 2), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.

2. That the second wall sign located on a non-street facing wall on the East elevation of the building for Home Depot shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 2), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
3. That the wall sign located above the roofline on the North elevation of the building for Staples shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 3), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
4. That the non-street facing wall sign located on the North elevation of the building for Staples shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 3), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
5. That the non-street facing wall sign located on the West elevation of the building for Publix shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 4), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
6. That the second wall sign located on a non-street facing wall on the West elevation of the building for Publix shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 4), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
7. That the wall sign located above the roofline on the North elevation of the building for Circuit City shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 5), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
8. That the non-street facing wall sign located on the North elevation of the building for Circuit City shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 6), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
9. That the non-street facing wall sign located on the West elevation of the building for Circuit City shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 6), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
10. That the free standing internal signs type 7, indicating direction shall not exceed 10.2 square feet of sign area and five (5) feet ten (10) inches height, pursuant to the sign design detail (Exhibit 7), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
11. That the drive-thru directional free standing sign type 7.1, shall not exceed four square feet of sign area and three (3) feet height, pursuant to the sign design detail (Exhibit 8), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.

12. That the pole mounted internal signs type 11, indicating direction shall not exceed 8.84 square feet of sign area, pursuant to the sign design detail (Exhibit 9), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
13. That the projecting signs type 9, indicating direction shall not exceed 48.25 square feet of sign area, pursuant to the sign design detail (Exhibit 10), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
14. That the projecting signs type 9.1, indicating direction shall not exceed 41.125 square feet of sign area, pursuant to the sign design detail (Exhibit 11`), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.

The Design Review Board recommended additional conditions (15 through 19).

15. Orange, aqua color and striped design canopies/awnings are omitted.

On May 27, 2008, during the regular DRB meeting the board voted to delete “stripped canopies/awnings” from the condition. In other words, striped awnings are permitted.

16. Poles will be of green color to match the streetscape.
17. The brackets of the blade signs attached to the building must match the façade of the building they are attached to, with dark green edging. No beige color edging is permitted.
18. Freestanding and directional signs shall be of green color to match the light poles.
19. Lettering on Project ID signs, “THE PRADO SANDY SPRINGS” must have font size increased to identify the actual project and make the name more obvious. This applies to the Project ID sign as well as directional and other similar signs.

ATTACHMENTS: Proposed signs site plan, proposed signs detail, and letter of appeals.



Variance Petition No. V08-023

HEARING & MEETING DATES

Design Review Board

April 22, 2008

Board of Zoning Appeals Hearing

June 12, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Foxcroft Condominium Assoc.
Inc.

Petitioner

Anne Tigler

Representative

David Hill

PROPERTY INFORMATION

Address, Land Lot, and District.

6851 Roswell Road (SR 9).
Land Lot 73, District 17

Council District

4

Frontage and Area

695.67 feet of frontage along the east side of Roswell Road (SR 9). The subject property has a total area of 9.7 acres (423,403 square feet).

Existing Zoning and Use

A-O (Apartment Office District) conditional under Fulton County 1967Z - 0027, currently developed with condominium homes.

Overlay District

Suburban District.

2027

Comprehensive Future Land Use Map Designation

R8-12 Residential (8 to 12 Units per acre).

INTENT

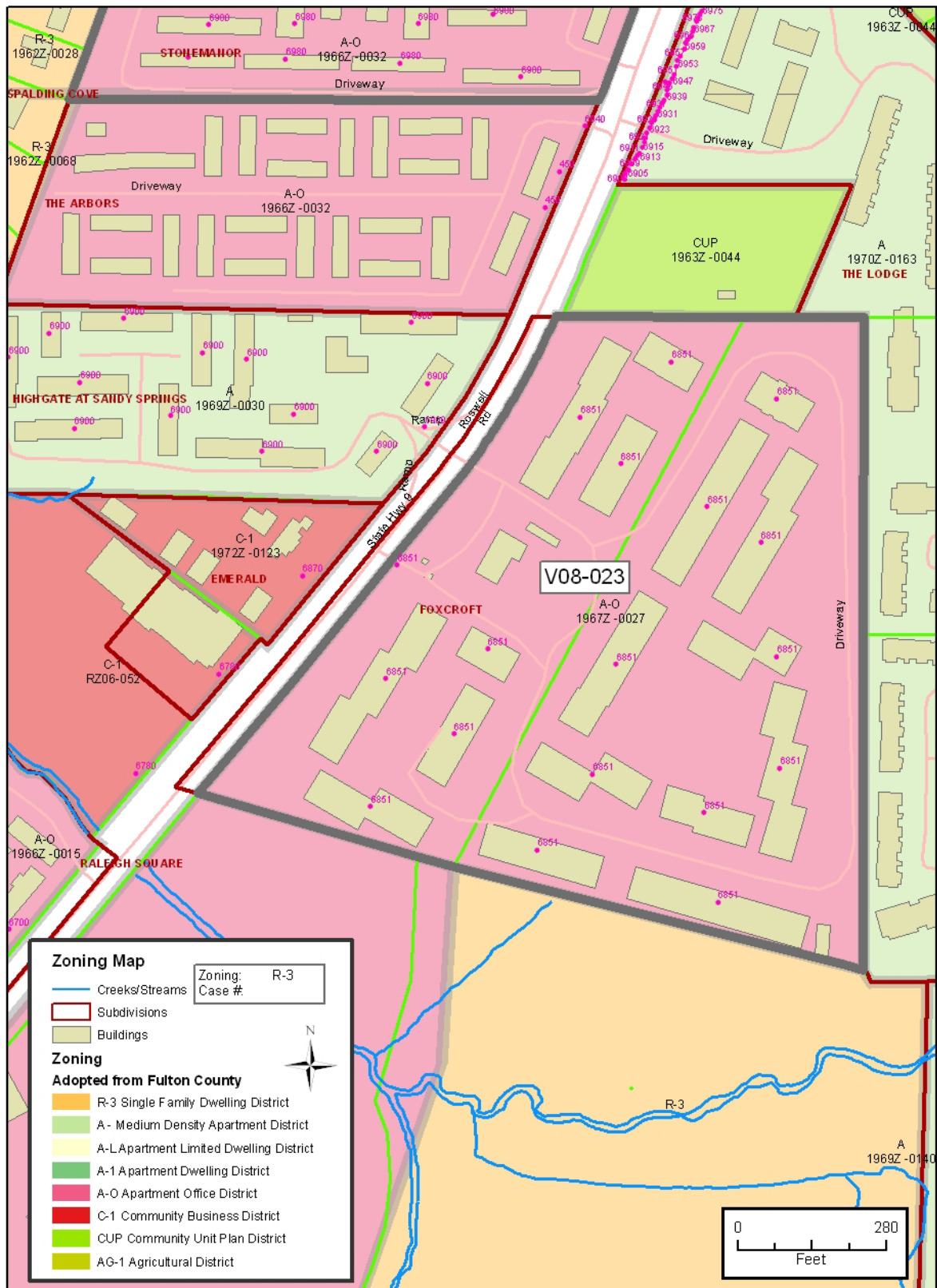
The applicant is seeking a primary variance from Section 33.22.C of the Zoning Ordinance to reduce the required 10 foot minimum sign setback from the right-of way to 0 feet.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the April 22, 2008 DRB meeting. The motion was APPROVED (6-0, Lichtenstein, Porter, Landeck, Mobley, Richard and Westmoreland, for; Gregory absent) with the following condition:

1. The entrance closest to the sign must be maintained as an entrance only.

6851 Roswell Road



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V08-017

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

REQUEST:

The applicant is seeking a variance from Section 33.22.C of the Zoning Ordinance to reduce the required 10 foot minimum sign setback from the right-of way to 0 feet.

BACKGROUND:

The application was heard at the April 22, 2008 DRB meeting. The motion was APPROVED (6-0, Lichtenstein, Porter, Landeck, Mobley, Richard and Westmoreland, for; Gregory absent) with the following condition:

1. The entrance closest to the sign must be maintained as an entrance only.

ANALYSIS:

The subject site is located at 6851 Roswell Road (SR 9), situated on the east side of Roswell Road. The property is zoned A-O (Apartment Office District) under Fulton County zoning case Z67-027 and is located within the Suburban District of the Sandy Springs Overlay District.

The staff of the Planning and Zoning Division reviewed the sign permit application to replace an existing freestanding sign with a brick sign structure to identify the Foxcroft Condominium. The applicant proposes to up-grade the existing sign structure to continue the trend seen in nearby subdivisions signs. It was determined that a variance was needed to allow the sign at the proposed location, as the sign will encroach into the minimum sign setback from the right-of way. The proposed sign location is at zero (0) feet setback from the right of way.

Article 33.26.C.1 *Apartment and Townhouse Residential* allow one maximum thirty-two (32) square foot free standing sign per multifamily property or two single-faced monument signs not to exceed 16 square feet each, for each side of the development's entrance. The proposed sign area is thirty-two (32) sq ft at a height of seven (7) feet, which meets the minimum requirements.

The applicant has indicated the primary reason for the petition is for visibility. The current sign is located on the south end of the property but is only one sided, visible to drivers traveling northbound. The applicant would like to move the sign closer to the road to have a double sided sign, visible to northbound and southbound traffic. Locating this sign further back from the road and entry way will increase a dangerous entry/exit condition.

The applicant states that it is important for a driver to properly identify the location of each business. According to the applicant allowing each business to maintain individual ground signs is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. In addition, the applicant has indicated that the ten (10) foot setback from the right-of-way is presumably designed to protect drivers and pedestrians from signs too close to an active roadway with the chance of being hit by an off-course automobile or forcing a pedestrian too close to the curbside as they walk. Currently, the existing sign sits back 17.33 feet from the back of the curb. The applicant's request is to move the sign up to ten (10) feet from the curb to allow for visibility beyond the existing power pole.

The sign structure is made of brick and stucco, featuring a double sided sign panel externally illuminated.

Department Comments

The staff held a Focus Meeting on May 7, 2008 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ Granting this variance would create a safety and liability hazard for the City. Any fixed object in the clear zone is a safety hazard. The required clear zone at this location is 20'. Public Works recommend that no sign be allowed closer than 20' from the face of curb. If this variance is granted, we would request that the applicant be conditioned to signed and recorded indemnification agreement for the sign.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant's purpose is to present an identification of its premises, communicating to the citizens the location of the Foxcroft Condominium office. The applicant finds that this upgrade will enhance the visual experience on Roswell Rd, and provide better motor-vehicle safety by clearly marking the entry into their community.

Recommended Conditions:.

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

1. That the freestanding sign shall be located not less than zero (0) feet from the right-of-way, pursuant to the site plan submitted by the applicant, and dated received April 1, 2008 by the Department of Community Development.
2. That the entrance closest to the freestanding sign must be maintained as an entrance only
3. That the freestanding sign shall not be approved with a changeable copy face.
4. That the freestanding sign should include the property address.
5. That the freestanding sign shall be conditioned to a signed and approved indemnification agreement with the City.

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