



Variance Petition No. 201401171

HEARING & MEETING DATES

Planning Commission
May 15, 2004

Board of Appeals Hearing
June 12, 2004
July 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Sandy Springs Christian Church, Inc.	Sandy Springs Christian Church, Inc.	W. Bryant McDaniel

PROPERTY INFORMATION

Address, Land Lot(s), and District	301 Johnson Ferry Road Land Lots 125 and 126, District 17
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Council District	3
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Frontage	Approximately 850 feet of frontage along Johnson Ferry Road.
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Area	The subject property has a total area of 5.2 acres (226,512 square feet).
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Existing Zoning and Use	R-1 and R-3 (Single - Family Dwelling District) currently developed with a Church.
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Overlay District	Suburban District
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2027 Comprehensive Plan Future Land Use Map Designation	R1-2 Residential (1-2 Units per Acre)
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INTENT

The applicant is seeking relief from the Sandy Springs Zoning Ordinance, to install two (2) Identification signs for the church on Johnson Ferry Road. The applicant's request is as follows:

1. Variance from Section 33.22.C.
To reduce the required ten (10) foot minimum sign setback from the right-of-way to five (5) feet. (Sign #1).
2. Variance from Section 33.23.C.
To allow for an ID monument type sign along the Johnson Ferry road frontage with a LED changeable copy display (sign#1)
3. Section 33.26.B.1.c.
To allow for sign #1 to be internally illuminated;
4. Section 33.26. H.1.b.
To allow for a second ID monument sign along the Johnson Ferry road frontage where only one is allowed (sign #2).

BOARD OF APPEALS ACTION

The subject application was deferred at the June 12, 2014 Board of Appeals (BOA) meeting for thirty (30) days to allow the applicant time to re-evaluate the size of the proposed signs.

Following the June 12, 2014 Board of Appeals hearing, staff met with the applicant to discuss the BOA recommendation. Subsequently, the applicant has submitted drawings of the signs as follows:

Sign # 1

"Option A" (Desirable by the applicant)

A two-sided monument sign near the northern entrance of the property;

Eight (8) feet tall at its highest point.

Approximately fifty-one (51) square feet in area. (64 square feet is allowed).

"Option B"

A two-sided monument sign near the northern entrance of the property;

7'-5" tall at its highest point.

Approximately 40.5 square feet in area. (64 square feet is allowed).

Both options with:

Electronic message display board (EMD),

Internally illuminated and

A five (5) foot set-back from the right-of-way.

Sign # 2: A second sign (that identifies the church) near the River Valley entrance.
5'-10" tall at its highest point (Prior request: 6' tall).
Approximately 25.5 square feet in area (Prior request: 44 sqft).

The applicant offers as a note of information: The existing sign prior to the road improvement project was a fifty (50) square feet reader board sign. The temporary reader board sign installed during the road improvement project was thirty-five (35) square feet in area.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

- 201401171- 1) APPROVAL CONDITIONAL
- 2) APPROVAL CONDITIONAL
- 3) APPROVAL CONDITIONAL
- 4) APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION

The application was heard at the May 15, 2014 PLANNING COMMISSION meeting. The Board recommendations are (4-1) as follows:

Approval of Variances:

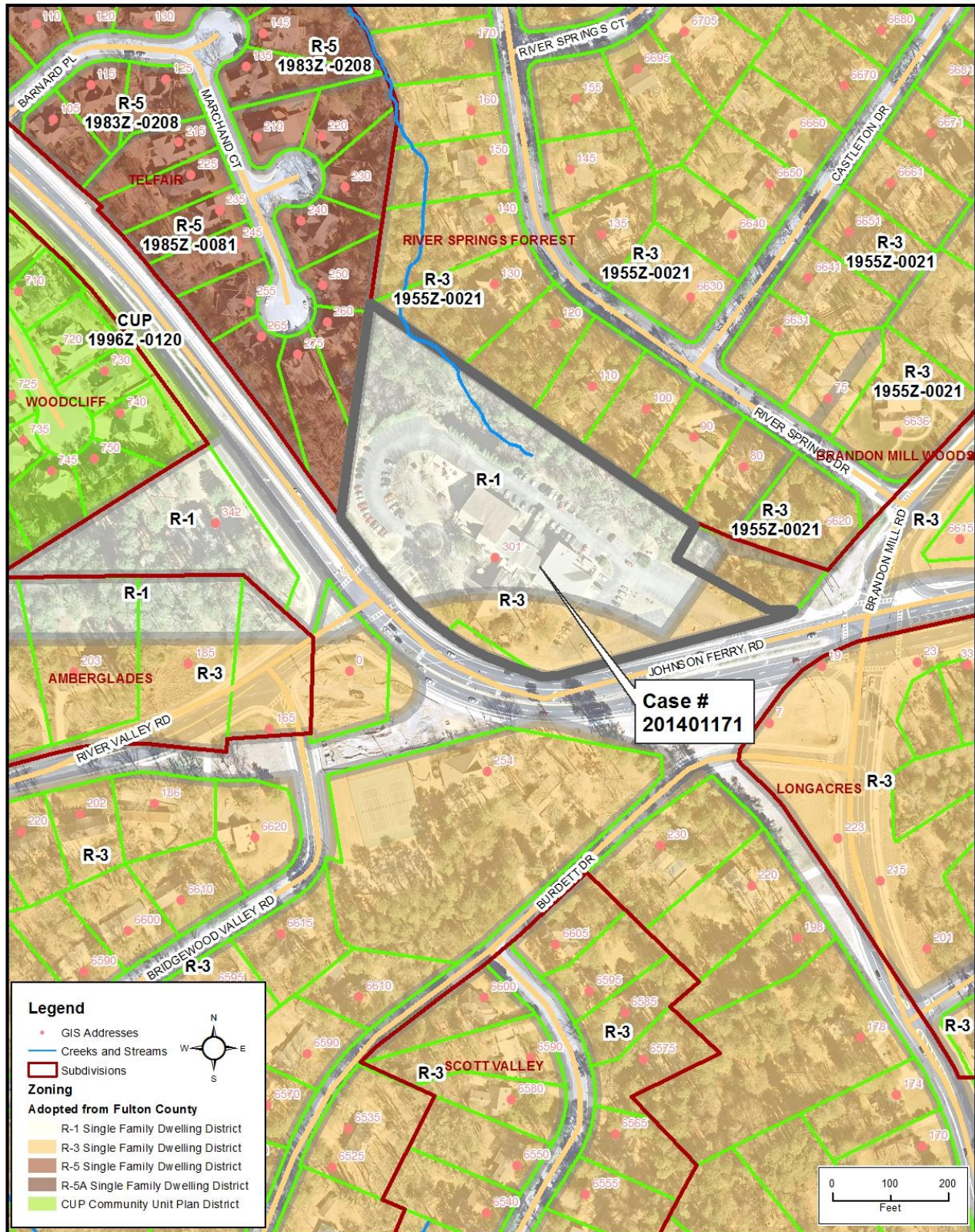
- 1) Section 33.22.C. To reduce the required ten (10) foot minimum sign setback from the right-of-way to five (5) feet. (Sign #1).
- 4) Section 33.26. H.1.b. To allow for a second ID monument sign along the Johnson Ferry road frontage where only one is allowed (sign #2).

Denial of Variances:

- 2) Section 33.23.C. To allow for an ID monument type sign along the Johnson Ferry road frontage with a LED changeable copy display (sign#1).
- 3) 33.26.B.1.C of the Zoning Ordinance to allow monument sign to be internally illuminated.

Parcel Map

301 Johnson Ferry Road NW



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

CASE NUMBER: 201401171

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

Staff Analysis:

The subject property is the Sandy Springs Christian Church located at 301 Johnson Ferry Road. The Church is seeking approval for a long term signage solution now that the road widening project along Johnson Ferry and Abernathy Roads has been completed and construction easements are no longer in effect.

“With the recently completed road construction project, our road frontage - and entrances - changed from two roads to one; the Church property now has approximately 850 feet of frontage that falls entirely along Johnson Ferry Road. We now seek to remove the temporary sign and erect permanent signage near both entrances to the church. While both entrances are on Johnson Ferry Road, neither sign would be visible from the other entrance due to the sharp curve in the road and the topography. The entrances are about 650 feet apart”.

The applicant’s proposed signs are as follows:

Sign # 1: A two-sided monument sign near the northern entrance of the property;
Eight (8) feet tall at its highest point.
Approximately fifty-two (52) square feet in area. (64 square feet is allowed)
Electronic message display board (EMD),
Internally illuminated and
A five (5) foot set-back from the right-of-way.

Sign # 2: A second sign (that identifies the church) near the River Valley entrance.
Six (6) feet tall at its highest point
Approximately 45.4 square feet in area.

The applicant offers the following in support of the application:

- 1) A five foot set-back from the right-of-way for sign #1. “The normal 10 foot set-back for the sign would put it about 30 feet from the curb which would severely diminish visibility due to the topography and distance from traffic across a divided four lane road”.
- 2) Electronic message display board (EMD) for sign #1 “to communicate information on upcoming activities and events at the Church and at The Day School”.
- 3) Internal illumination for sign #1 “for better visibility at night”.
- 4) Additional sign (sign #2).” This would provide identification of the Church from the River Valley entrance via a rock/stucco monument sign at the right side of the entrance”.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 10, 2014

The Sandy Springs Zoning Ordinance provides:

Section 33.22.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. However, the Director is authorized by this Zoning Ordinance to consider an administrative variance to the sign setback requirements subject to the limitations of Section 12, Variance, subsection d. Standards, of this ordinance. 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.

Section 33.23. C. Changeable Copy Signs

For any signs on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Such changeable copy signs cannot flash, and if located within one hundred fifty (150) feet of a road right of way, may not change more than once per twenty-four (24) hours. The changeable copy portion of an allowed sign shall not exceed 75% of the overall sign area. No LED lighting shall be permitted as part of a changeable copy display. No changeable copy display shall scroll or simulate movement in any manner. Changeable copy displays shall remain constant in lighting, color, and all other changeable variables allowed by technology.

Section 33.26.B.1.c. Single Family Residential, CUP and NUP Districts

Monument signs shall have a maximum height of six (6) feet, not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

Section 33.26. H.1.b. Sandy Springs Overlay District

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 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 d.). Except for gas stations, changeable copy shall not be permitted.

History

In 2007, the Sandy Springs Christian Church sold a very small piece of property to the GDOT and granted a temporary easement for the road construction project. In 2008 the church was asked to move the free standing sign (See exhibit 1) that had been located in front of the church since 1986, to

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 10, 2014

allow the completion of a survey work. The sign was removed and placed nearby to have visibility from the near intersection, Johnson Ferry Road and Abernathy Road. The sign was stolen, leaving the church without any identification. The Church then came in front of the BOA in 2009 seeking approval of a "temporary sign" that would serve the Church during the road construction project. The petition was approved and a sign with the following characteristics was installed (See exhibit 2):

- Changeable copy, to communicate information on upcoming events at the church and the day school.
- Thirty-five (35) square feet of sign area, to achieve more visibility as the sign will be located approximately twenty-five (25) feet back from the right-of-way during phase two.
- Seven (7) feet height so that the signage will be more visible with easement setback and grade.
- Five (5) feet from the right-of-way during phase one, to gain visibility as otherwise the sign visibility would have been obstructed by the vegetation.

No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

1. **Variance from Section 33.22.C.** To reduce the required ten (10) foot minimum sign setback from the right-of-way to five (5) feet. (Sign #1).

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 applicant states that the normal 10 foot set-back for the sign would put it about 30 feet from the curb which would severely diminish visibility due to the topography and distance from traffic across a divided four lane road" and the vegetation of the adjacent lot. Staff found that the natural features of the lot presents challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

2. **Variance from Section 33.23.C.** To allow for an ID monument type sign along the Johnson Ferry road frontage with a LED changeable copy display (sign#1)

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.

3. **Variance from Section 33.26.B.1.c.** To allow for sign #1 to be internally illuminated;

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.

4. **Variance from Section 33.26.H.1.b.** To allow for a second ID monument sign along the Johnson Ferry road frontage where only one is allowed (sign #2).

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 site layout, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. There is approximately 650 feet separation between the entrances; and approximately four hundred (400) feet of curvature on the road between entrance 1 and entrance 2 which dictate to have a sign identifying each entrance for the visitors arriving from the east or the west. Staff is of the opinion that the topography of the lot present challenges to justify the approval of this variance. Therefore, based on this reason the 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:

When approaching the site traveling eastbound along Johnson Ferry Road, none of the existing building are accessible from the road unless the entrances are used. A similar situation exists for a motorist traveling westbound on Johnson Ferry Road. Therefore a motorist traveling eastbound or westbound does not have sufficient time to identify the intended location and adequately to determine access locations if there is a single sign located at either entrance or in the middle of the property frontage; the presence of vegetation limits the placement and visibility of the signage. Staff is of the opinion that the natural features of the lot on which the sign is to be located and of the land immediately adjacent to the lot present challenges to justify the approval of this variance. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on May 7, 2014 at which time the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Recommendation

The applicant's purpose is to present an identification of its premises, communicating to the citizens the location of the Sandy Springs Christian Church. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance. 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 Church. The internally illuminated proposed ground signs at the proposed locations will not have a negative impact on the surrounding properties as there are other signs internally illuminated. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

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

- 1) To allow for an ID monument type sign (sign #1) to be located at five (5) feet from the right-of-way along the Johnson Ferry road frontage pursuant to the sign location, submitted by the applicant, and dated received April 1, 2014 by the Department of Community Development.

- 2) To allow for an ID monument type sign (sign #1) along the Johnson Ferry road frontage with a LED technology as part of a changeable copy display pursuant to the sign detail, submitted by the applicant, and dated received April 1, 2014 by the Department of Community Development.
- 3) To allow for an ID monument type sign (sign #1) to be internally illuminated pursuant to the sign detail, submitted by the applicant, and dated received April 1, 2014 by the Department of Community Development.
- 4) To allow for a second ID monument type sign (sign #2) along the Johnson Ferry road frontage pursuant to the sign location, submitted by the applicant, and dated received April 1, 2014 by the Department of Community Development.
- 5) That (sign #2) shall not exceed forty five (45) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received April 1, 2014 by the Department of Community Development.
- 6) The Changeable copy display shall remain constant in lighting, color, and all other changeable variables allowed by technology, pursuant to the sign design provided by the applicant dated received April 1, 2014, by the Department of Community Development.

Attachments

Letter of Appeal, Property Survey, Sign Detail and Photographs.



Variance Petition No. 201401191

HEARING & MEETING DATES

Board of Appeals Hearing
June 12, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mohamad Reza Azari	Drew Clough	Masoud Zahedi

PROPERTY INFORMATION

Address, Land Lot(s), and District	633 Esfun Trace Land Lot 36, 17 th District
Council District	3
Frontage	Approximately 70 feet of frontage along Esfun Trace.
Area	Approximately .23 acres (10,121 square feet)
Existing Zoning	R-5A (Single Family Dwelling District) pursuant to Fulton County case Z04-0075
Existing Use	Currently undeveloped
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 3 to 5 units per acre

INTENT

The applicant is proposing to reduce the front yard setback and required drainage easement for the construction of a single-family residence. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.9.3.G.1 to reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence.
2. Variance from Section 103-96.a of the Development Regulations to reduce the required ten (10) foot drainage easement to eight and two-tenths (8.2) feet and eight and nine-tenths (8.9) feet for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401191 – 1) APPROVAL CONDITIONAL
2) DENIAL

Standards for Consideration

VARIANCE #1

Variance from Section 6.9.3.G.1 to reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. Based on the shallowness of the lot, the applicant is requesting to move the house towards the street to accommodate a single family residence and the necessary HVAC units and outdoor living spaces. Additionally, this lot is at the end of the street and the requested reduction in the setback is minimal, both factors helping to preserve the character of the neighborhood. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The property changes in topography as you move away from the street, sloping downwards towards an existing drainage easement. This easement, in combination with the narrowness of the lot, limits the functional developable area of the lot. The applicant is requesting a reduction in the front yard setback as there are no other options for development due to the size of the lot and the recorded drainage easements. Based on these considerations, staff is of the opinion that this condition has been satisfied.

VARIANCE #2

Variance from Section 103-96.a of the Development Regulations to reduce the required ten (10) foot drainage easement to eight and two-tenths (8.2) feet and eight and nine-tenths (8.9) feet for the construction of a single family residence.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

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

Finding:

The purpose and intent of a drainage easement is to create a structure free zone for the maintenance or replacement of the underground drainage structure. In this case, a drainage pipe. To place a building foundation inside the easement would remove the intent of having the easement. The future home owner would be at risk of foundation damage if that storm pipe were ever in need of repair or replacement. The easement width is needed for the excavation and the equipment. Without proper width the home or home's foundation could be damaged. The easement, along with the building setbacks, provide the lot the buildable envelope. The developer could adjust the home plan to fit within the envelope and not encroach into a needed easement with the foundation of the home. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or

topography, would create an unnecessary hardship for the owner while causing no detriment to the public;
or,

Finding:

Not applicable.

Department Comments

Focus Meeting held on Wednesday May 7, 2014, and no comments were provided from the following departments: Arborist, Fire, Code Enforcement, Building and Permitting or Site Development. Transportation provided the following:

<i>Transportation Services</i>	Esfun Trace is classified a minor street. Public works notes that the ability to maintain the drainage structure would be compromised by the reduction in the drainage easement.
<i>Land Development</i>	The purpose and intent of a drainage easement is to create a structure free zone for the maintenance or replacement of the underground drainage structure. In this case, a drainage pipe. To place a building foundation inside the easement would remove the intent of having the easement. The future home owner would be at risk of foundation damage if that storm pipe were ever in need of repair or replacement. The easement width is needed for the excavation and the equipment. Without proper width the home or home's foundation could be damaged. The easement, along with the building setbacks, provide the lot the buildable envelope. The developer should adjust the home plan to fit within the envelope and not encroach into a needed easement with the foundation of the home.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of the first variance request, to reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence, and **DENIAL** of the second variance request, to reduce the required ten (10) foot drainage easement to eight and two-tenths (8.2) feet and eight and nine-tenths (8.9) feet for the construction of a single family residence.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request in its entirety, staff recommends the following conditions:

1. To reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence, as shown on the site plan dated received April 28, 2014 by the Department of Community Development.
2. To reduce the required ten (10) foot drainage easement to eight and two-tenths (8.2) feet and eight and nine-tenths (8.9) feet for the construction of a single family residence, as shown on the site plan dated received April 28, 2014 by the Department of Community Development, subject to the following:
 - a. Certified engineered drawings showing that the installation and location of the foundation is not at risk of damaging the existing storm pipe.
 - b. Applicant shall rerecord the plat for the subdivision showing the updated easements.

ATTACHMENTS:

Parcel Map

Revised Letter of Appeal – Dated received May 5, 2014

Letter of Support from Neighbor – Dated received April 2, 2014

Site Plan – Dated received April 28, 2014

Photographs

633 Esfun Trace



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on June 12, 2014.



Variance Petition No. 201401193

HEARING & MEETING DATES

Board of Appeals Hearing
June 12, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Masoud and Marzieh Zahedi	Drew Clough	Masoud Zahedi

PROPERTY INFORMATION

Address, Land Lot(s), and District	623 Esfun Trace Land Lot 36, 17 th District
Council District	3
Frontage	Approximately 50 feet of frontage along Esfun Trace.
Area	Approximately .15 acres (6,534 square feet)
Existing Zoning	R-5A (Single Family Dwelling District) pursuant to Fulton County case Z04-0075
Existing Use	Currently undeveloped
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 3 to 5 units per acre

INTENT

The applicant is proposing to reduce the front and side setback for the construction of a single-family residence. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.9.3.G.1 to reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence.
2. Variance from Section 6.9.3.G.2 of the Zoning Ordinance to reduce the seven (7) foot side yard setback to five feet six inches (5.5 feet) for the construction of a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401193 – 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL

Standards for Consideration

VARIANCE #1

Variance from Section 6.9.3.G.1 to reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to maintain the character of the neighborhood and to keep accessory site features out of the minimum yard, so as to prevent them from being intrusive or causing a nuisance to neighboring property owners. In order to maintain the character of the neighborhood the applicant is proposing to install the HVAC units in the back of the house however, this is made difficult due to the existing topography, sanitary sewer and drainage easements. The requested front yard setback reduction would allow the applicant to stay out of both the sanitary sewer and drainage easements, while maintaining the character of the neighborhood by placing the HVAC units at the rear of the property. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The property has a change in topography of fourteen (14) feet from the northern property line to the southern property line. The lot also has a twenty (20) foot sanitary sewer easement and drainage easement crossing the southern portion of the property for approximately fifty-five (55) feet. Due to the topographical challenges of the existing lot the applicant is limited in the possible locations of the HVAC units. Based on these considerations, staff is of the opinion that this condition has been satisfied.

VARIANCE #2

Variance from Section 6.9.3.G.2 of the Zoning Ordinance to reduce the seven (7) foot side yard setback to five feet six inches (5.5 feet) for the construction of a single family residence.

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the ordinance is to preserve the character of the neighborhood and ensure that development occurs in a meaningful and consistent manner. The proposed side setback reduction would allow the applicant to build a house that is in keeping with the character of the homes that have already been constructed. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

Not applicable.

Department Comments

Focus Meeting held on Wednesday May 7, 2014, and no comments were provided from the following departments: Arborist, Fire, Code Enforcement, Building and Permitting or Site Development. Transportation provided the following:

<i>Transportation Services</i>	Esfun Trace is classified a minor street.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of the first variance request, to reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence, and **APPROVAL CONDITIONAL** of the second variance request, to reduce the seven (7) foot side yard setback to five feet six inches (5.5 feet) for the construction of a single family residence.

Recommended Condition(s)

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

1. To reduce the required twenty (20) foot front yard setback to eighteen (18) feet for the construction of a single family residence, as shown on the site plan dated received April 28, 2014 by the Department of Community Development.
2. To reduce the seven (7) foot side yard setback to five feet six inches (5.5 feet) for the construction of a single family residence, as shown on the site plan dated received April 28, 2014 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received April 2, 2014

Revised Letter of Appeal – Dated received May 5, 2014

Revised Site Plan – Dated received May 29, 2014

Photographs

623 Esfun Trace





Variance Petition No. 201401241

HEARING & MEETING DATES

Board of Appeals Hearing

June 12, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Congregation Or Hadash, Inc.	Congregation Or Hadash, Inc.	Fred B. Wachter

PROPERTY INFORMATION

Address, Land Lot(s), and District	7460 Trowbridge Road Land Lot 32, 17 District
Council District	4
Frontage	Approximately 385 feet of frontage along the southern side of Trowbridge Road
Area	The subject property has a total area of 2.66 acres (115,869.6 square feet).
Existing Zoning and Use	C-2 (Commercial District) conditional under zoning case Z75-003. The subject parcel is currently developed with a building for a church.
Overlay District	NA
2027 Comprehensive Plan Future Land Use Map Designation	Commercial (C)

INTENT

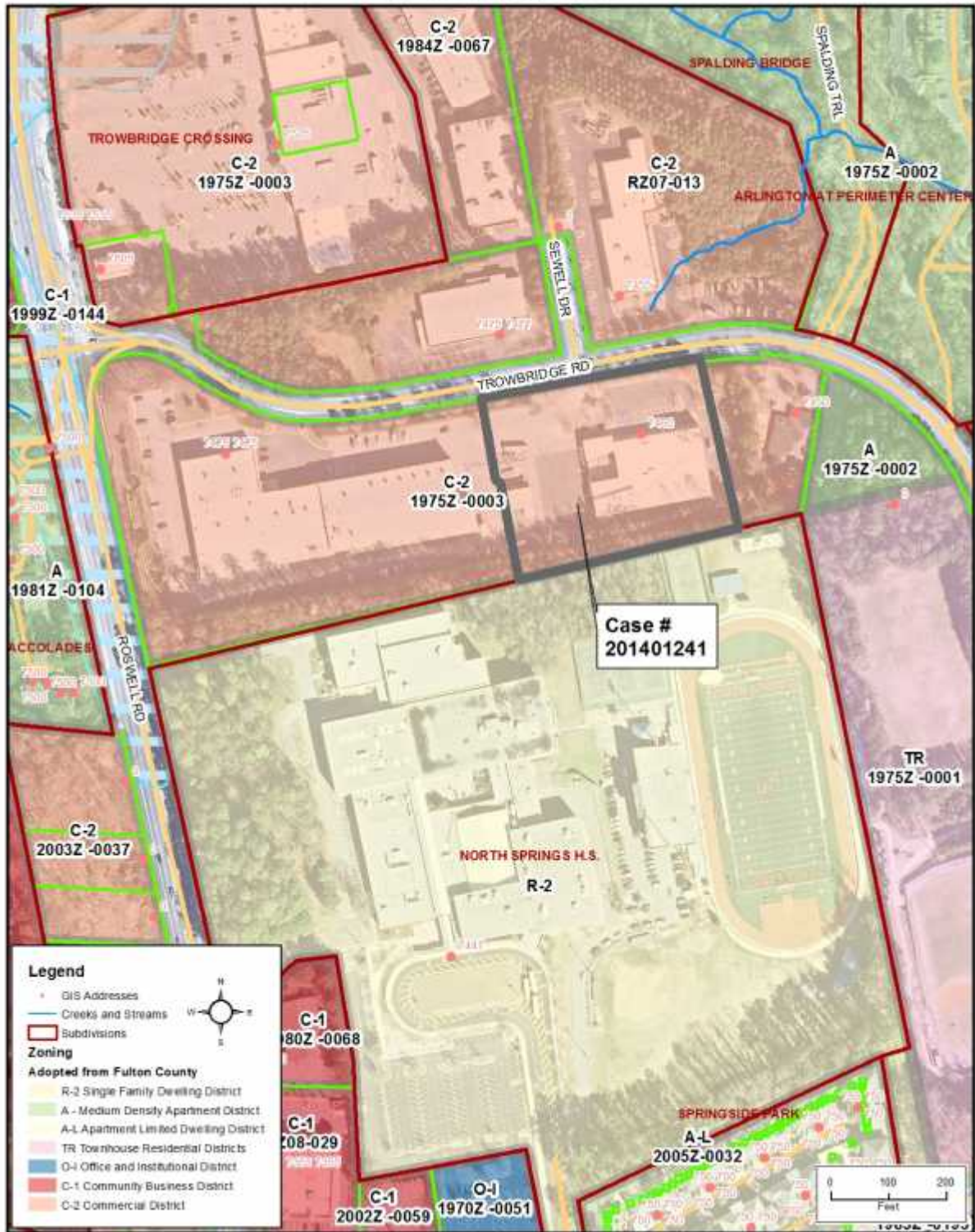
The applicant is seeking a primary variance from Section 33.22.C. of the Sandy Springs Zoning Ordinance to reduce the sign setback from the right of way from ten (10) feet to one (1) foot along the Trowbridge Road frontage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401241-1) APPROVAL CONDITIONAL

Parcel Map

7460 Trowbridge Road



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

CASE NUMBER: 201401241

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

Staff Analysis:

The subject property was formerly the site of the Tom Jumper Chevrolet automobile painting facility. As opposed to demolishing the existing building, it was preserved and renovated for the current use, a place of worship "Congregation Or Hadash".

The applicant states "As we have resided in our building, we have learned that it is difficult for others to find our facility. As such, we desired to place an identifying sign on our property". In 2013 Congregation Or Hadash applied for a sign permit to identify their location. The sign permit was approved as the sign met all the zoning requirements.

However, "after we learned where the sign would have to be located, on the east side of our driveway, ten (10) feet from the forty (40) foot proposed right of way, we had to come up with an alternative location. The road frontage of our property is lined with beautiful oak trees which are much closer to the road than our sign would have been located and would have made it impossible for anyone to see the sign".

The applicant is seeking a primary variance from the Zoning Ordinance to allow for the ID monument to be placed one (1) foot from the forty (40) foot proposed right of way instead of the required ten (10) feet. The proposed ID monument measures approximately (4) feet height, eighteen (18) square feet of sign area.

The Sandy Springs Zoning Ordinance provides:

Section 33.22.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) 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. However, the Director is authorized by this Zoning Ordinance to consider an administrative variance to the sign setback requirements subject to the limitations of Section 12, Variance, subsection d. Standards, of this ordinance. 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.

History

No Code Enforcement issues have been reported.

Standards for Consideration

Zoning Ordinance

Section 33.22.C.

- 1) To reduce the sign setback from the right of way from ten (10) feet to one (1) foot along the Trowbridge Road frontage.

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:

There is approximately five (5) feet of difference in ground elevation between the road and the parking lot, in addition to the curvature of the road which makes it difficult to have a visible sign identifying the entrance for the visitors arriving from the east or the west. Staff is of the opinion that the topography of the lot and the unique layout of the building present challenges to justify the approval of this variance. Therefore, based on this reason the 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:

The property has a forty (40) foot required right-of-way that is approximately twenty seven (27) feet from behind the back of the curb. Having the sign located at ten (10) feet from the right-of-way will place the sign at a distance of approximately thirty seven (37) feet from the back of the curb and in addition to the existing foliage of the road frontage the placement and visibility of the signage is limited.

Staff is of the opinion that the natural features of the lot on which the sign is to be located and of the land immediately adjacent to the lot present challenges to justify the approval of this variance. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on May 7, 2014, at which time the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

Recommendation

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs. The location of this sign at one (1) foot from the right-of-way will be farther back from the road than any other business on that road, due to the dedicated right-of-way required from the property.

Staff is of opinion that the characteristics of this development preclude the applicant from having a sign that is completely in compliance with the standards. 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 visibility for the Congregation Or Hadash and would be in harmony with the intent of the zoning ordinance which is "To convey their message through signs".

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

1. To allow an Identification monument sign along Trowbridge Road property frontage to be located one (1) foot off the right-of-way pursuant to the sign location, submitted by the applicant, and dated received April 10, 2014 by the Department of Community Development.

Attachments

Letter of Appeal, Property Survey, Sign Detail and Photographs.