



Variance Petition No. V10-015

HEARING & MEETING DATES

Board of Appeals Hearing

July 8, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jay & Beth Johnson	Jay & Beth Johnson	Jay & Beth Johnson

PROPERTY INFORMATION

Address, Land Lot(s), and District	5870 Pine Brook Road Land Lot 37, District 17
Council District	5
Frontage	105.1 feet of frontage along the west side Pine Brook Road.
Area	The subject property has a total area of approximately 0.47 acres.
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R2-3 Residential (2-3 units per acre)
INTENT	

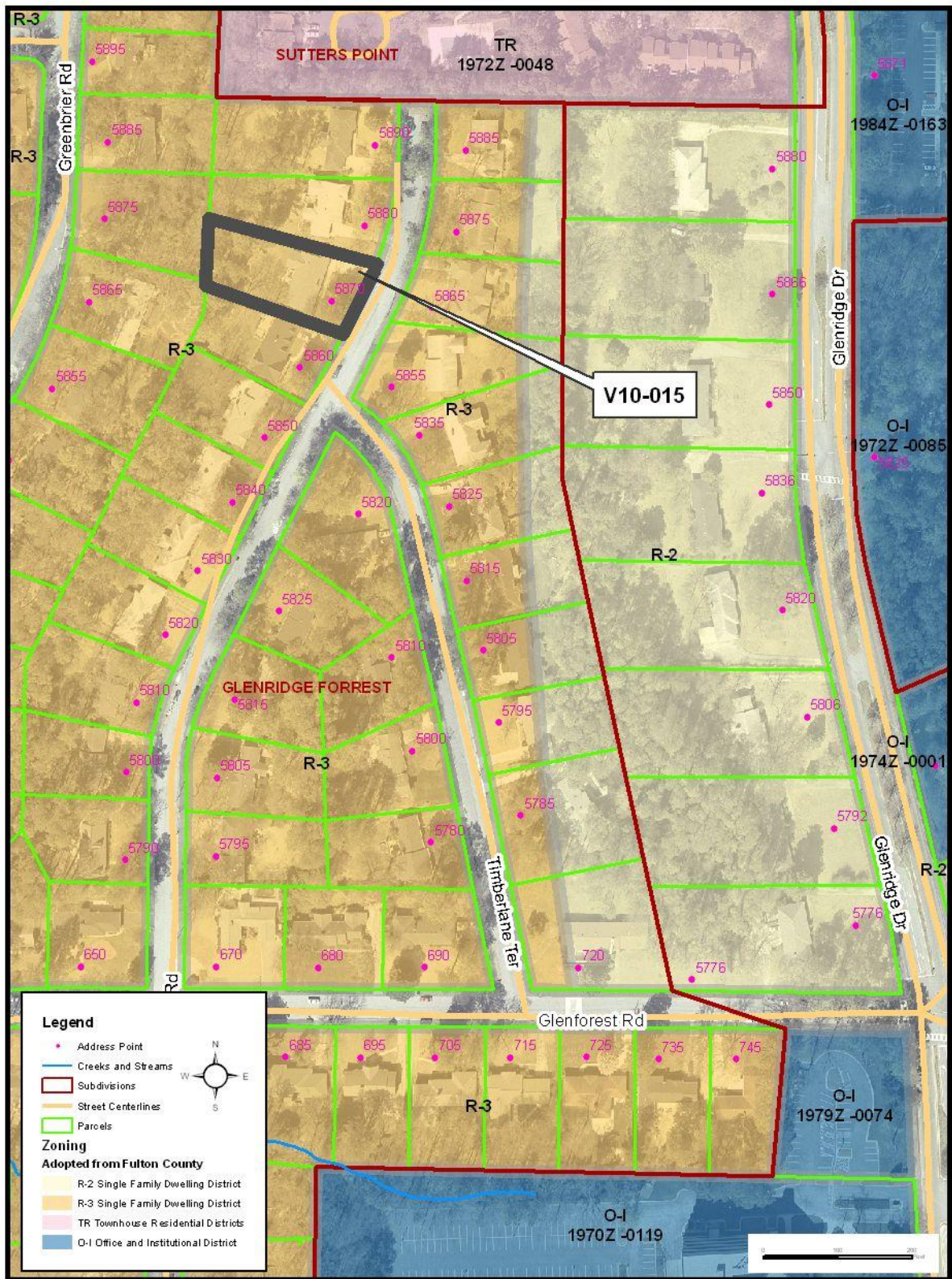
The applicant is proposing an enclosure and expansion to the existing carport which currently encroaches into the required ten (10) foot side yard setback. The applicant is requesting one (1) primary variance:

Variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required side yard setback from ten (10) feet to eight (8) feet four (4) inches to allow for an enclosure and expansion of the existing carport.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V10-015 - 1) APPROVAL CONDITIONAL

Parcel Map

5870 Pine Brook Road



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

CASE NUMBER: V10-015

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

Findings of Fact

The applicant is proposing an enclosure and expansion to the existing carport which currently encroaches into the required ten (10) foot side yard setback. The applicant is requesting one (1) primary variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required side yard setback from ten (10) feet to eight (8) feet four (4) inches to allow for an enclosure and expansion to the existing carport.

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have 105.1 feet of frontage along the west side of Pine Brook Road. The property is trapezoidal in shape. The site is relatively flat with trees along the rear property line. The site plan shows the existing house located towards the front of the lot angled along the fifty (50) foot front setback. The proposed expansion of the carport would not encroach into the front setback. The existing carport currently encroaches into the side setback. The enclosure and expansion will be consistent with the existing encroachments.

The surrounding lots in the immediate vicinity are zoned R-3 (Single Family Dwelling District) the same as the subject parcel. The subdivision to the west is zoned R-2 (Single Family Dwelling District). Other houses in the area have similar side yard encroachment.

Standards for Consideration

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent properties (with an (*) asterisk on the 2006 parcel map exhibit 2) appear to have encroachments into the side yard setback. Also, the existing carport currently encroaches eight (8) feet four (4) inches into the side yard setback. The proposed carport will not intrude on light, air or other environmental aspects of the surrounding properties. The intent of the Zoning Ordinance is to promote

health and general welfare. Therefore, staff is of the opinion this condition has been satisfied.

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

Finding:

The subject parcel is similar to other residential properties in the City. However, the property does not exhibit extraordinary and exceptional conditions related to its shape size or topography. The subject parcel is trapezoidal in shape and relatively flat. The size of the lot is 0.47 acres. The shape, size and topography of the lot do not create an extraordinary and exceptional condition resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting on June 2, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	Refer to Sandy Spring Fire ordinance Sec. 22-34. Sprinkler protection requirements. (5) All new one-family and two-family dwellings with a fire separation distance of less than 20 feet from another dwelling structure, or closer than ten feet to the property line, must be sprinkled with an approved automatic fire protection system in accordance with NFPA 13D as adopted by the office of the insurance and safety fire commissioner in the kitchen and fuel fired equipment rooms.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

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

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received June 8, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required ten (10) foot minimum side yard setback to eight (8) feet four (4) inches to allow for an enclosure and expansion to the existing carport, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal dated received June 8, 2010 (exhibit 1)

Site plan dated received June 8, 2010

Existing site plan dated received June 8, 2010

Parcel Map (exhibit 2)

Photographs of enclosed carports dated received June 9, 2010

Photographs of the site.



Variance Petition No. V10-016

HEARING & MEETING DATES

Board of Appeals Hearings

July 8, 2010

August 12, 2010

September 15, 2010

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
St. Andrews Presbyterian Church, Incorporated	Tabula Rasa, The Language Academy	Ellen W. Smith, Esq.

PROPERTY INFORMATION

Address, Land Lot, and District	5855 Riverside Drive Land Lot 133, District 17
Council District	6
Frontage	405.29 feet of frontage along the east side of Riverside Drive and approximately 1144.86 feet of frontage along I-285.
Area	The subject property has a total area of 10.1428 acres.
Existing Zoning and Use	R-1 (Single Family Dwelling District), currently developed with a church with a Special School
Overlay District	NA
Interim 2025 Comprehensive Future Land Use Map Designation	Community Facility (CF)

INTENT

The applicant is requesting a primary variance from Section 33.26.B.1.a of the Zoning Ordinance to allow an additional monument sign (private school) on a single-family residential lot occupied by an institutional use.

BOARD OF APPEALS ACTION

The subject application was deferred at the July 8, 2010 Board of Appeals (BOA) meeting for thirty (30) days to allow the applicant time to work with the church and with Staff and discuss alternatives to the 3 signs.

At the August 12, 2010 Board of Appeals (BOA) hearing the board deferred the case for 30 days to allow the applicant ample time to discuss the request.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**V10-016-1. WITHDRAWAL**

Following the August 12, 2010 Board of Appeals hearing, staff met with the applicant to discuss the request. Subsequently, the applicant has submitted a request to withdraw of the application without prejudice to the BOA. The applicant intends to continue to pursue the right to locate signage on the property.

Parcel

5855 Riverside Drive



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

CASE NUMBER:

V10-016

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

Findings of Fact:

The property is an approximately 10.1428 acre parcel located on the east side of Riverside Drive (approximately 405.29 feet of frontage), at the south intersection with I-285 (approximately 1144.86 feet of frontage). The subject property is zoned R-1 (Single Family Dwelling District); is currently developed with a 25,000 square foot church building at the center of the subject property; 10,000 square foot portion of the existing building is used for a foreign language school ("The Academy") for children with a preschool/kindergarten component and with a large portion unimproved and wooded.

The property is home to the St. Andrews Presbyterian church and since 2007 to "The Academy". The Academy is a private foreign language school offering full immersion language programs to children with an associated day care component.

The church has two (2) existing identification signs on the property: Sign #1 as identified on the site plan is a double faced church sign with a changeable copy area. This sign measures approximately 26.85 square feet on each side. Sign #2 is located in the middle of the driveway and it measures approximately 9.31square feet on each side. The Academy does not have a sign on the property. The subject of this variance is to allow a sign that identify "The Academy".

The subject property has two street frontages, therefore allowed to have two signs, one on each street. Staff notices that both signs are located along Riverside Drive. Also, there are some concerns that the existing sign at the entrance of the property may be a legal non conforming sign, as it is located within the ten (10) foot setback requirement as a result of the right of way given by the church to allow the widening of Riverside Drive. Due to the non conforming status of the sign, the church does not want to expand the non conforming status by adding to the existing sign, to allow the academy to be identified. The applicant also explained that to incorporate additional sign area to the existing sign, the existing landscape and mature tree located within the island will have to be removed. Given that the church is the primary use of the property, the church prefers the existing sign to remain as the church identification. The applicant has indicated they have found it difficult to achieve reasonable identification; therefore, the purpose for the variance request is to provide signage visibility for the school at 5855 Riverside Dr.

The Sandy Springs Zoning Ordinance provides in Section 33.26.B.1.a:

B. Single Family Residential, CUP AND NUP Districts

1. Monument Signs

- a. *One (1) maximum thirty-two (32) square foot, monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage.*
- b. *One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage. Subdivisions with more than one (1) identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of sixteen (16) square feet on one (1) side of the entrance to each section.*
- c. *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.*

The applicant states that without the appropriate signage it is difficult to locate “The Academy” since the building is located approximately 300 feet from the curb, behind a berm, a tree line and a parking lot. The applicant also indicates that the entry signage is more for safety than marketing; without identification sign it will be complicated for emergency vehicles or emergency assistance to find the school.

To resolve the school’s concern, the applicant proposes to add a sign at the entrance. Staff determined that a variance was needed to allow an identification sign for “The Academy” on the Riverside Road frontage, as there are two existing signs identifying the church. Section 33.26.B.1.a of the Zoning Ordinance allows properties which lots have up to 500 feet of frontage, one (1) maximum thirty-two (32) square foot freestanding sign per street frontage. The applicant proposes a six (6) square foot monument sign four (4) feet height.

Standards for Consideration

Zoning Ordinance

Variance from Section 33.26.B.1. a. to allow for an additional monument sign where only one is permitted.

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 property has a berm along the Riverside property line that screens the church building and the Academy for the most part of the street visibility. The applicants has indicated that having a sign is important to inform the general public of the location of “The Academy”, and to alert traffic prior to passing by and having to turn around on the neighboring streets. The lot presents topographical challenges to justify the approval of this variance. Therefore, this criterion is applicable.

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:

Mature vegetation along the I-285 street frontage and the tree lines along the Riverside Drive coupled with the topographical challenges of the lot limit the area of the property where a sign can be appropriately and effectively located. The natural features of the lot present challenges to justify the approval of the variance. Therefore, this criterion is applicable.

Department Comments

The staff held a Focus Meeting on June 2, 2010 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ No Comments
	Sandy Springs De- velopment Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Archi- tect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Depart- ment of Transporta- tion	▪ No Comments

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. 5855 Riverside Drive has two Identification signs that alert traffic of the location of the church. When approaching the site traveling northbound or south-

bound along Riverside Drive, none of the existing signs provide information about the school. Therefore a motorist traveling on either direction has sufficient time to identify the business and adequately determine access locations. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance and the public will be well served having the ability to reasonably identify the location of "The Academy".

The proposed sign allows the applicant to serve all intents and purposes of the sign ordinance, which is to encourage the effective use of signs as a means of communication.

The subject application was deferred at the July 8, 2010 Board of Appeals (BOA) meeting for thirty (30) days to allow the applicant time to work with the church and with Staff and discuss alternatives to the 3 signs.

At the August 12, 2010 Board of Appeals (BOA) hearing the board deferred the case for 30 days to allow the applicant ample time to discuss the request.

Following the August 12, 2010 Board of Appeals hearing, staff met with the applicant to discuss the request. Subsequently, the applicant has submitted a request to withdraw of the application without prejudice to the BOA. The applicant intends to continue to pursue the right to locate signage on the property.

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

1. To allow an additional Identification monument sign along the Riverside Drive street frontage for the school. The sign shall not exceed six (6) square feet of sign area; four (4) feet in height pursuant to the sign detail, submitted by the applicant, and dated received May 4, 2010 by the Department of Community Development.

ATTACHMENTS: Site Plans, Photos, Detail Drawings, Letters of Appeal, Letters of Opposition and Deferral Request Letter.