



Variance Petition No. V09-020

HEARING & MEETING DATES

Board of Appeals Hearing

July 9, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Georgia Alabama Commercial	Tracy Billings	Avie Terris

PROPERTY INFORMATION

Address, Land	6180 Roswell Road
Lot(s), and District	Land Lot(s) 89, District 17

Council District	3
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Frontage and Area	Approximately 283 feet of frontage along the south side of Mount Vernon Highway and 144 feet of frontage along the west side of Roswell Road (SR9). The subject property has a total area of 0.97 acres.
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Existing Zoning and Use	C-1 (Community Business District), currently operating as a Service Station/ Convenience Store.
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Overlay District	Main Street District
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2027

Comprehensive Future Land Use Map Designation	Living-Working Community (LWC)
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INTENT

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

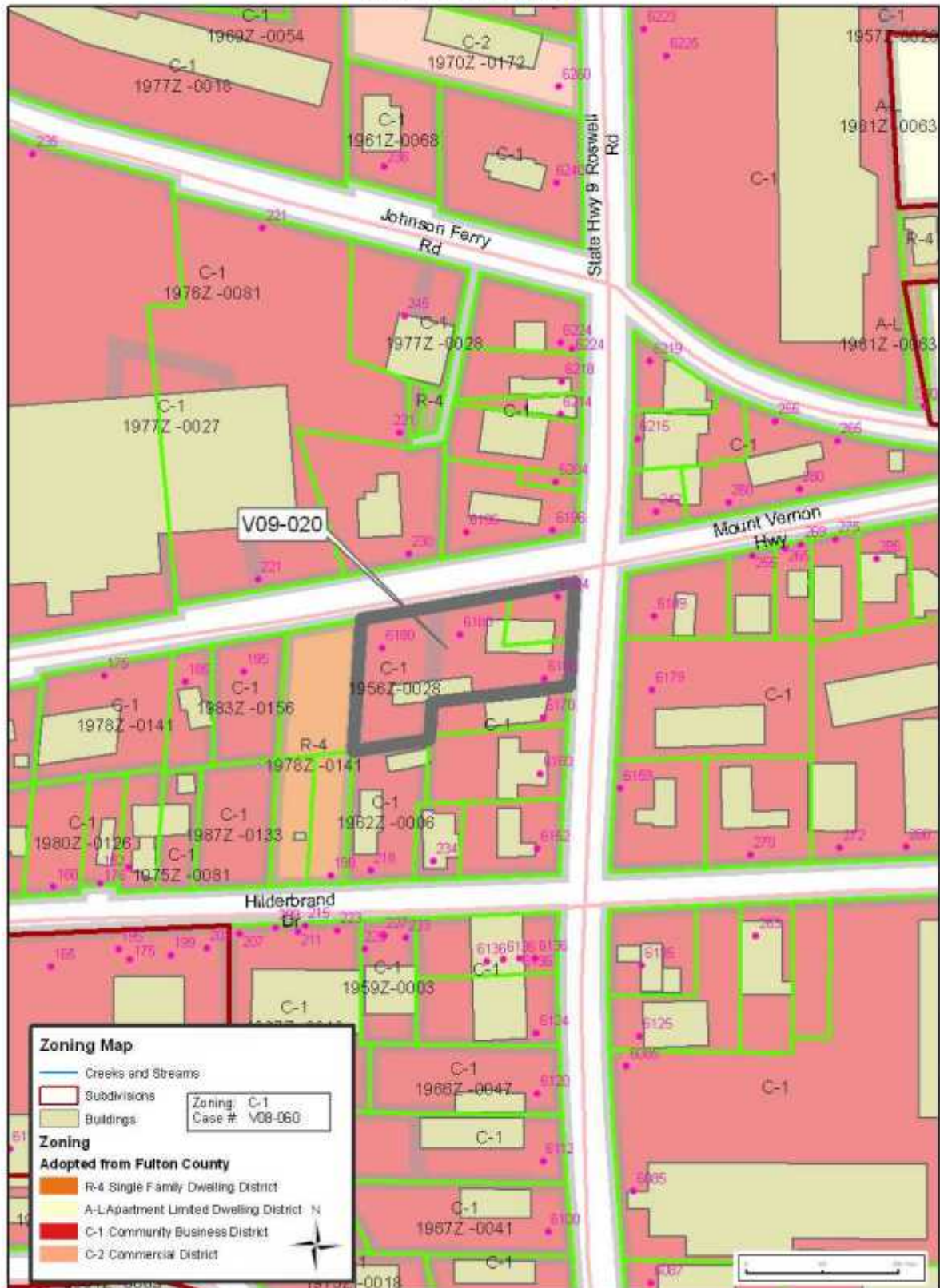
1) Variance from Section 12B.7.B.b to allow for an Automotive Repair Garage use in the Main Street District and

2) Variance from Section 12B.7.B.c to allow for an Automotive & Light Truck Sales/Leasing use in the Main Street District of the Overlay Districts. **ADMINISTRATIVELY WITHDRAWN.**

Please note the above mentioned variance request number 2 is **ADMINISTRATIVELY WITHDRAWN** because not only are Automotive & Light Truck Sales/Leasing uses prohibited in the Main Street District, they are also prohibited on properties zoned C-1, which is the zoning of the subject property. The subject property would have to be rezoned to C-2 to allow for Automotive & Light Truck Sales/Leasing uses.

Parcel Map

6180 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 9, 2009

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

CASE NUMBER: V09-020

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

REQUEST:

The applicant is seeking a primary variance from Section 12B.7.B.b to allow an Automotive Repair Garage use in the Main Street District of the Overlay Districts.

BACKGROUND:

The subject property is zoned C-1 (Community Business District) and is located in the Main Street District. Normally, as a matter of right, Automotive Repair Garages are permitted in C-1 Districts and, at one point; the property was in fact being used as a service station/convenience store having an attached garage utilized for auto repair. In 2007, the Zoning Ordinance was amended to prohibit certain uses, including Automotive Repair Garages, for properties located in the Main Street District of the Overlay Districts. Prior to the aforementioned 2007 amendment, the Automotive Repair portion of the business ceased to operate and when the owner tried to re-open the automotive repair garage, he was denied a business license because his property is located in the Main Street District where Automotive Repair Garages are prohibited. Currently, the applicant wishes to re-establish the auto repair garage portion of the business.

ANALYSIS:

The applicant has provided site plans and photographs indicating the subject property to be irregular in shape and sloping southward, from the Mount Vernon Highway right-of-way. Evergreen trees are located at the south west corner and along the western property line of the subject property.

Staff notes the following existing businesses in the immediate vicinity:

) North:	Waffle House and Master Dry Cleaners
) East:	Enterprise Rental Car, Dekalb Tire/Michelin Performance Center, and an Auto Detailing Shop
) South:	Northridge Tool Rental
) West:	Georgia Power Station

The applicant states the following:

This property is a four-bay auto repair building with auto lifts attached to the convenience store. Once the Main Street Overlay was amended, it made the building obsolete and un-leasable. It has been vacant since 2006. All prospects have been some type of automotive related business; due to the restrictions, they have not been able to get a license to open.

To be able to use this building at all, it would have to be for automotive repair use.
Thank you considering this matter.

Department Comments

The staff held a Focus Meeting on June 3, 2009 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

Staff notes the following existing businesses in the immediate vicinity:

- | | | |
|---|--------|---|
|) | North: | Waffle House and Master Dry Cleaners |
|) | East: | Enterprise Rental Car, Dekalb Tire/Michelin Performance Center,
and an Auto Detailing Shop |
|) | South: | Northridge Tool Rental |
|) | West: | Georgia Power Station |

Additionally, Staff notes Evergreen trees are located at the south west corner and along the western property line of the subject property.

The applicant states the following:

This property is a four-bay auto repair building with auto lifts attached to the convenience store. Once the Main Street Overlay was amended, it made the building obsolete and un-leasable. It has been vacant since 2006. All prospects have been some type of automotive related business; due to the restrictions, they have not been able to get a license to open.

To be able to use this building at all, it would have to be for automotive repair use. Thank you considering this matter.

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

The applicant has provided site plans and photographs indicating the subject property to be irregular in shape and sloping southward, from the Mount Vernon Highway right-of-way.

Recommended Condition(s)

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

- 1) The permitted uses on the subject property shall include an Automotive Repair Garage and the portion of the development utilized for auto repair shall remain in accordance with the site plan, provided by the applicant dated received May 5, 2009 by the Department of Community Development, for the variance herein.

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



Variance Petition No. V09-021

HEARING & MEETING DATES

Board of Appeals Hearing

July 9, 2009

August 13, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Nancy and Gary Fayard	Nancy and Gary Fayard	Bill Grant

PROPERTY INFORMATION

Address, Land	1985 Old Dominion Road
Lot(s), and District	Land Lot 342, District 6
Council District	1
Frontage and Area	194.44 feet of frontage along the east side of Spalding Drive and 195.19 feet along the south side of Old Dominion Road. The subject property has a total area of approximately 1.19 acres.
Existing Zoning and Use	The lot is zoned R-2(Single-family Dwelling District) under Fulton County zoning case Z77-0007. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1Residential (0-1 units per acre)

INTENT

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

- 1) Variance from Section 6.2.3.D to reduce the rear yard setback from forty (40) feet to twenty (20) feet to allow for a detached garage and
- 2) Variance from Section 6.2.3.I. to allow an accessory structure (pool house) to be located within a front yard.

At the July 9, 2009 BOA meeting the Board deferred the application to the August 13, 2009 BOA meeting to discuss the following concerns with the neighbor:

1. No overnight stays in pool house- This restriction is acceptable. There is no intention to have anyone sleeping in the pool pavilion.
2. No kitchen additions- There is no intention to include a kitchen in the pavilion however, this is to be used for family gatherings and entertainment. It will have a gas

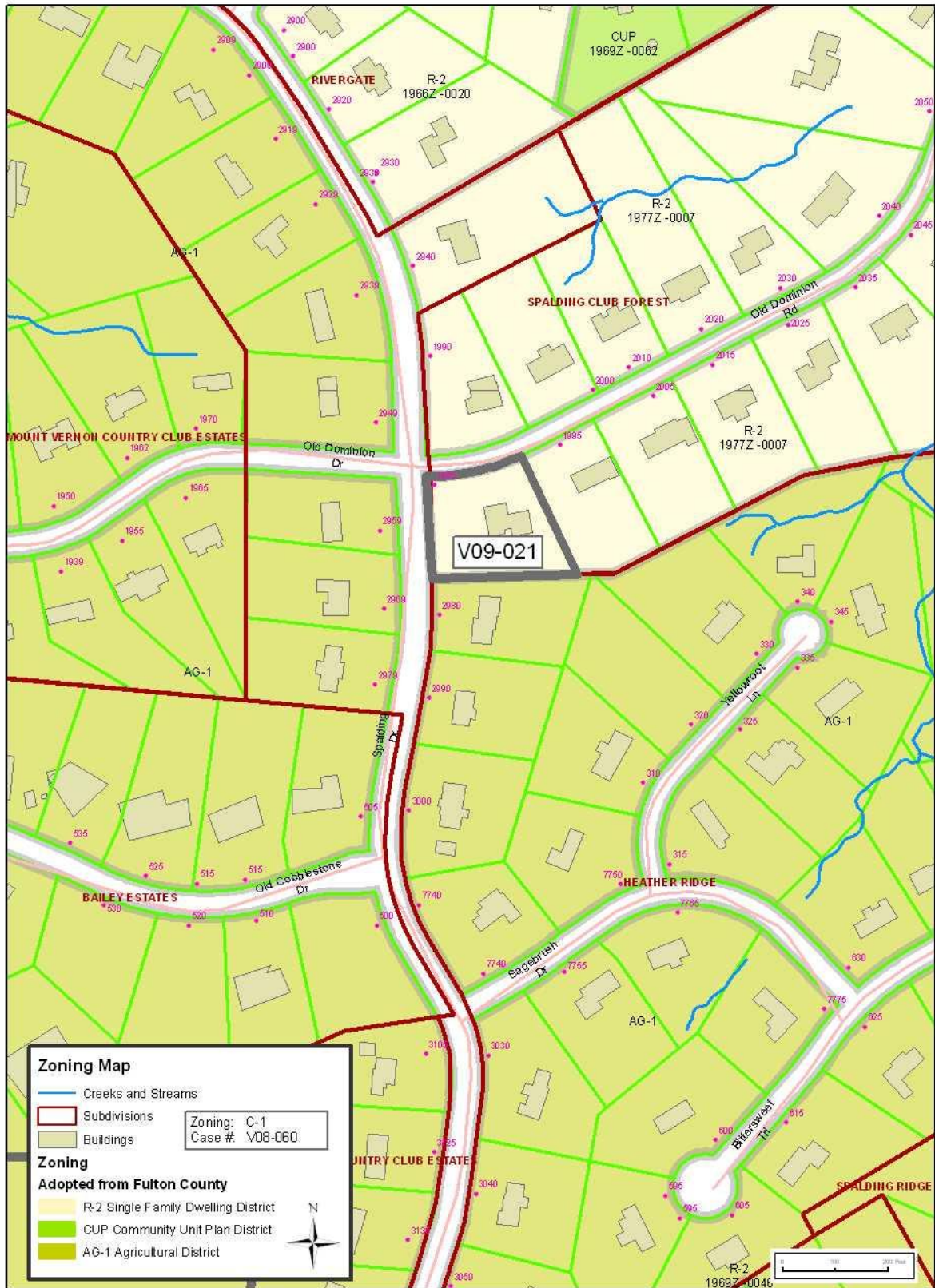
Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 13, 2009

grill, dishwasher, beverage refrigerator, under counter refrigerator and ice maker.

3. Screening pool house from neighboring properties- There is total screening today. There is no visibility from any side to the pool house location.
4. Pool equipment location in pool house- Understand that the swimming pool is not part of this variance. The location of the proposed swimming pool and it's equipment conforms to the current zoning ordinances.
5. Elevations of the garage and pool house- The garage floor will be approximately 6" above the existing driveway per code. The pool house floor will be the same elevation as the floor of the main house. The peak of both structures will be significantly lower than the main house.

Parcel Map

1985 Old Dominion Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 13, 2009

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

CASE NUMBER: V09-021

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

REQUEST:

The applicant is requesting relief from Section 6.2.3.D of the Zoning Ordinance to reduce the rear yard setback from 40 feet to 20 feet to allow for a detached garage and a variance from Section 6.2.3.I. to allow an accessory structure (pool house) to be located within a front yard.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have two (2) street frontages, 194.44 feet along Spalding Drive and 195.19 feet along Old Dominion Road. The property is currently developed with a single-family residence. The existing house orients towards Old Dominion Road. The site plan also shows the proposed detached structure (pool house) located in the front yard and the proposed garage encroaching approximately twenty (20) feet into the required forty (40) rear yard setback.

Staff notes the definition of front yards states the front yard of a corner lot shall be applied to the street frontage which abuts the lot for the shortest distance. Therefore, the front yard is adjacent to Spalding Drive and the side yard is adjacent to Old Dominion Road. The Zoning Ordinance requires accessory structures to be located in the rear or side yards only but not be located within a minimum yard.

Staff notes the surrounding lots in the immediate vicinity are zoned R-2 and AG-1. The adjacent houses are oriented with the front yards along Old Dominion Road. The abutting property to the east is oriented so that the side yard setback is adjacent to the rear yard setback of the applicant's property. The side yard setback required is 15 feet.

The applicant states the following:

1. The proposed pool house will be located sixty (60) feet from Spalding Drive outside of the required front yard setback and sixteen (16) feet from the southern property line outside the fifteen (15) foot side setback. The location of the pool house was chosen to reduce noise pollution from Spalding Drive, and avoid tree and canopy loss. The applicant is also proposing to construct a garage that will encroach twenty (20) feet into the required forty (40) foot rear yard setback. Ordinarily, this area would be considered a side yard. The garage would meet the traditional side yard setback requirement of fifteen (15) feet.

Hardship

- The atypical yard requirements resulting from the fact that the subject property is a corner lot, the pool house technically is considered an accessory use located in a front yard and the garage is considered to be in the rear yard creating a larger setback requirement. Also the house is orientated with the front of the house facing Old Dominion Road.

Harmony

- All the surrounding properties are oriented with the lot frontage facing Old Dominion Road.
- This would avoid tree and canopy loss.

Department Comments

The staff held a Focus Meeting on June 3, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments. There is a feature off the rear of the property that would not require a buffer.
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

Staff notes the surrounding lots in the immediate vicinity are zoned R-2 and AG-1. The adjacent houses are oriented with the front yards along Old Dominion Road. The abutting property to the east, side yard setback (15 feet) is adjacent to the rear yard setback of the applicant's property. There is also a buffer separating the properties.

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

The applicant has provided a site plan indicating the subject property to have two (2) street frontages, 194.44 feet along Spalding Drive and 195.19 feet along Old Dominion Road. Because the shortest property frontage is along Spalding Drive the area adjacent to Spalding Drive becomes the front yard. The difference in length between Spalding Drive and Old Dominion Road is less than one (1) foot. This also makes the eastern property line become the rear yard.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received May 14, 2009 by the Department of Community Development, for the variance(s) herein, showing the accessory structure (pool house) located in the front yard and showing a reduction in the required forty (40) foot minimum rear yard setback to twenty (20) feet, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS: Letter of appeal, site plan, elevation of pool house, photographs, Response letter to Board's concerns, and letters of support.



Variance Petition No. V09-022

HEARING & MEETING DATES

Board of Appeals Hearing

July 9, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Bryan & Lauren Kaplan	Lauren Kaplan	Lauren Kaplan

PROPERTY INFORMATION

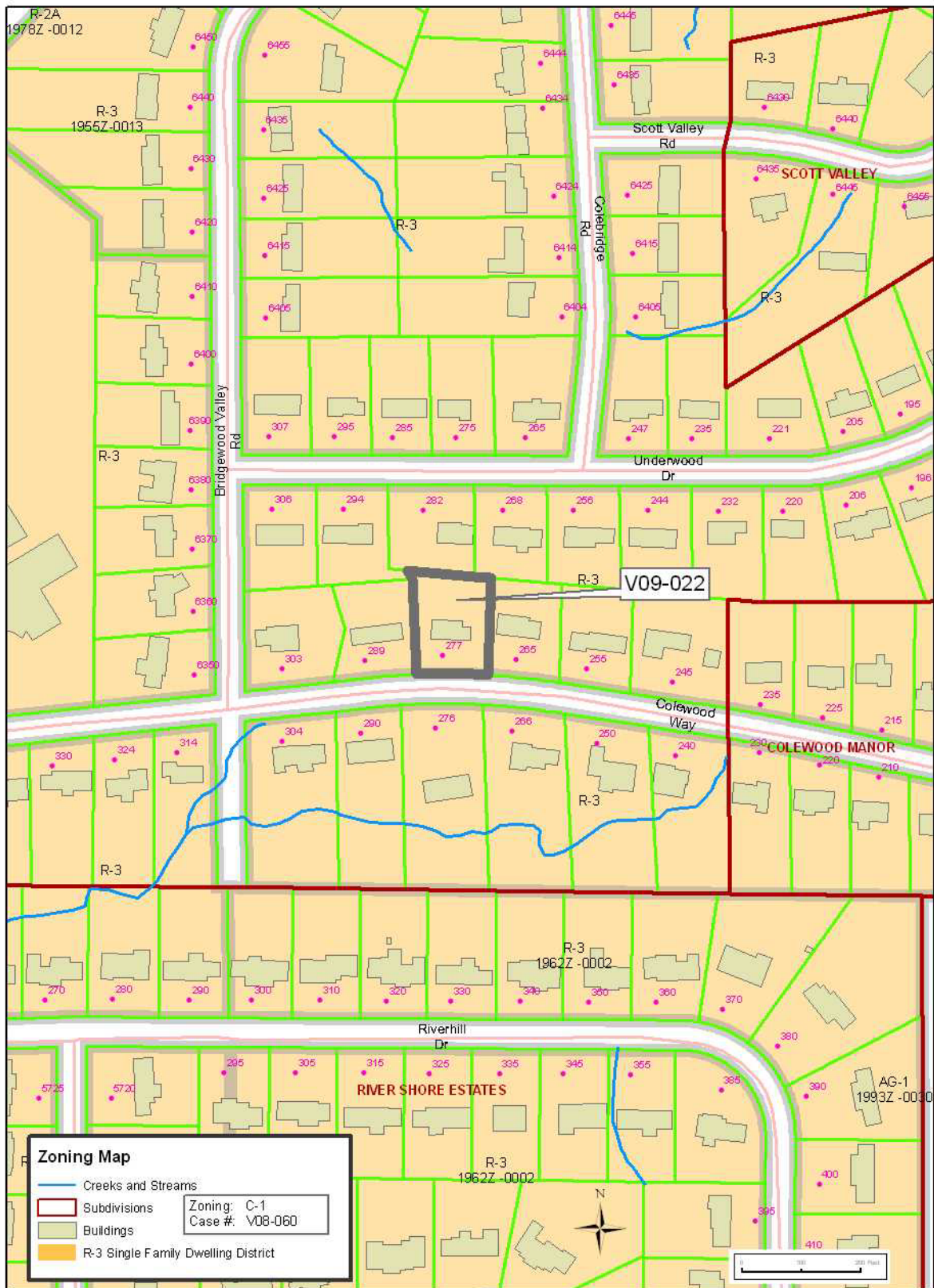
Address, Land	277 Colewood Way
Lot(s), and District	Land Lot(s) 125 , District 17
Council District	3
Frontage and Area	120 feet of frontage along the north side of Colewood Way. The subject property has a total area of approximately .496 acres.
Existing Zoning and Use	The lot is zoned R-3 (Single-family Dwelling District). The Property is developed with a single-family home.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
INTENT	

The applicant is seeking a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot stream buffer to forty (40) feet to allow for existing and proposed fence five (5) foot tall.

A Notice of Violation was issued to the applicant because they constructed the fence without a permit. In order to keep the fence, the applicant is now required to get a variance to the Stream Buffer Protection Ordinance and get a fence permit reflecting what has been constructed and proposed.

Parcel Map

277 Colewood Way



CITY OF SANDY SPRINGS

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 9, 2009

**DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V09-022

STAFF CONTACT: Dennis Payne, City Planner 770-206-1529
E-mail: dennis.payne@sandyspringsga.org

ANALYSIS:

The applicant is seeking a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot stream buffer to forty (40) feet to allow for sections of an existing fence and installed a new section to be located 40 feet from top of bank.

The applicant has provided detailed site plans showing the proposed fence encroach into the twenty-five (25) foot impervious surface setback, and fifty (50) undisturbed natural buffer. The applicant proposes to remove a portion of the fence located only sixteen (16) feet from the point of wrested vegetation.

The applicant states the following as hardship points:

1. The entire backyard is almost completely encompassed within the 75 foot setback zone. If a fence cannot be maintained within this zone, then a fence cannot be maintained at all on the property.
2. If we are not permitted to maintain the fence, then our backyard will become unsafe for the following reasons: (1) wild coyotes; (2) raw sewage; and (3) safety issues with the 6-plus foot drop-off along the creek bank.
3. We have already spent several thousands of dollars in reliance upon a fence contractor to appropriately install a fence. If we are unable to maintain our fence in its current position, will we endure a financial hardship to have the fence dug up and then moved closer to our house. This will also cause a far greater disturbance to the land than the initial installation, due to the tension wire which prevents our dog from digging out, and new holes must be dug to re-install each of the fence posts.

Department Comments

The staff held a Focus Meeting on June 3, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	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 states that both the design and placement of their fence are in harmony with the other backyards in the neighborhood. The applicant has also spoken to their neighbors and they are in support of the current placement of their fence. Their fence is substantially similar to those already found in the neighborhood. First, their neighbor directly behind their home located at 282 Underwood Drive, Sandy Springs, GA maintains a three foot high white picket fence that is directly along the creek bank. Their neighbor to the northeast of their home maintains a metal chain link fence that is four feet high.

The applicant states that their fence on their property is a 5 foot tall black vinyl coated chain link fence. The fence cannot be seen from the front of their house, and it is less noticeable than surrounding neighbor fences. The fence color was chosen as it was the most inconspicuous color and blends well with the surroundings. They chose a 5 foot fence in an effort to prevent wondering dogs and coyotes from entering their property.

In mitigation of the height and encroachment, they anticipate growing cross vine, a local species, along the fence to further camouflage it.

Maintaining their fence in its current location will create the most harmony with the land and existing creek barrier. Each time the fence is altered the land is disturbed to a greater extent because additional holes must be dug to remove and replace fence posts and tension wire. Removal of their fence may cause erosion. If their fence remains in its current location, they intend, with the permission of the City of Sandy Springs, to remove a dead tree that appears to be greater than forty-eight inches in circumference. Once this dead tree is removed, they intend to plant three to four river birch along our fence to prevent erosion, and these trees are marked on the current site plan.

Recommended Condition(s)

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

- 1) The proposed removal and proposed chain link fence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 12, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a forty (40) foot undisturbed buffer, where necessary to accommodate the portions of the encroachments only. The area of land disturbance shall be limited to no more than 5.9 square feet within the fifty (50) foot undisturbed natural buffer.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, and patios shall be constructed of pervious material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
- 4) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.

- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
- 9) Stream 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 applicant shall provide a revised drainage and erosion plan showing the proposed fence set back no less than forty (40) feet from the wretched vegetation of the subject stream and showing plantings as approved by the City Arborist.

ATTACHMENTS: Letter of appeal, site plans, letters of support,
and Photographs.



Variance Petition No. V09-024

HEARING & MEETING DATES

Board of Appeals Hearing
July 9, 2009

APPLICANT/PETITIONER INFORMATION

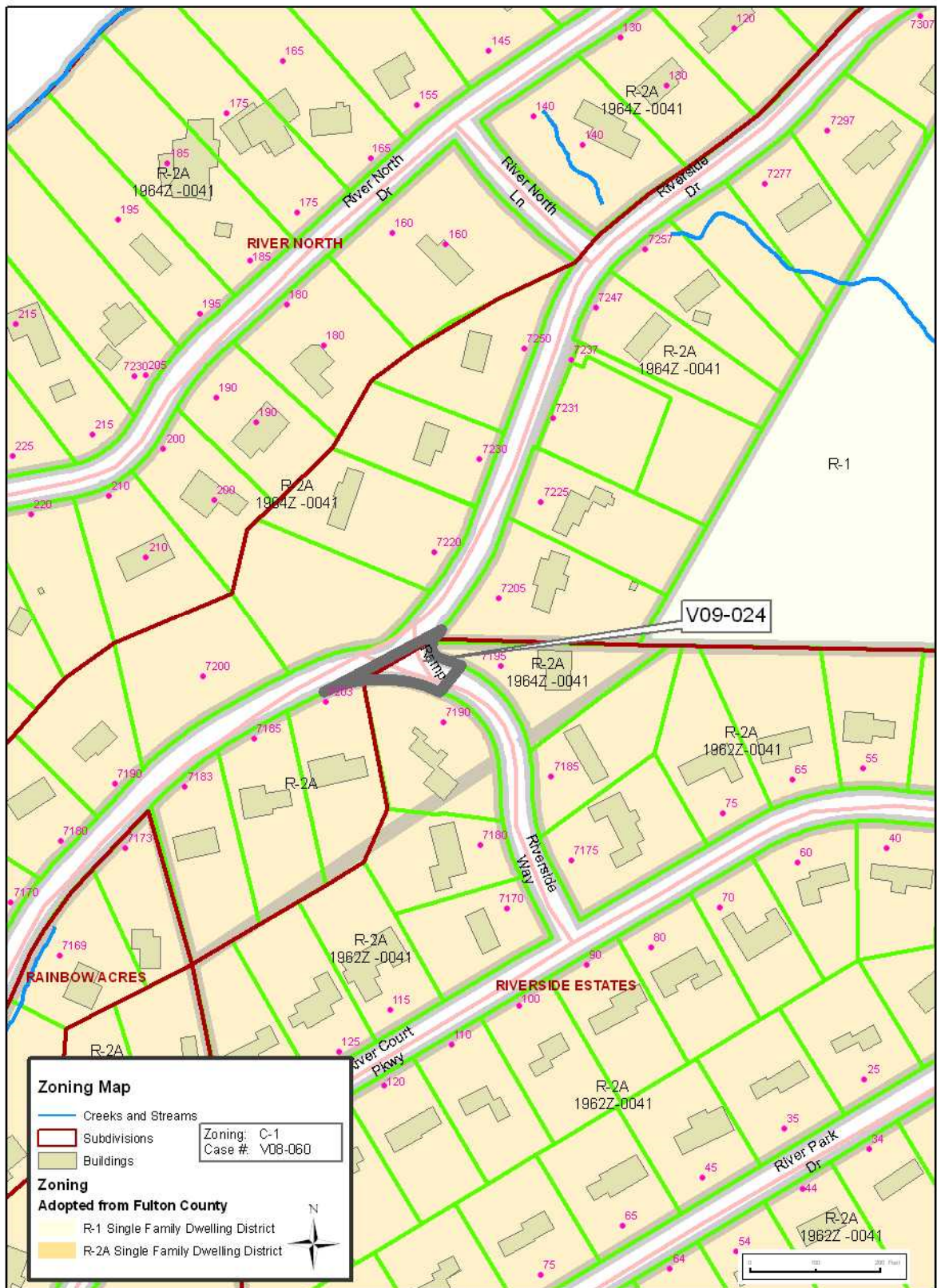
Property Owner	Petitioner	Representative
City of Sandy Springs	North Riverside Neighborhood Association	Cheryl Barlow

PROPERTY INFORMATION

Address, Land Lot(s), and District(s)	7160 and 7180 Brandon Mill Road Land Lot 86, District 17
Council District	3
Frontage	Approximately 300 feet of frontage along Brandon Mill Road (for both parcels).
Existing Zoning and Use	R-2
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential (0 - 1 units per acre)
INTENT	

The applicant is seeking a primary variance from Article 33.22.B of the Zoning Ordinance to allow for a monument sign to be located in the right-of-way and closer than twenty (20) feet to an intersection of two (2) rights-of-way. If the variance is approved, the applicant intends to construct an entry monument sign in the right-of-way between Riverside Parkway and Riverside Drive.

Riverside Estates Entry Sign



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 9, 2009

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

CASE NUMBER: V09-024

STAFF CONTACT: Chris Miller, Deputy Director 770-206-1509
E-mail: chris.miller@sandyspringsga.org

REQUEST:

The applicant is seeking a primary variance from 33.22.B of the Zoning Ordinance to allow for a monument sign to be located in the right-of-way and closer than twenty (20) feet to an intersection of two (2) rights-of-way. A companion variance is also being processed by the City (V09-026) to enable two free-standing columns to reduce the required ten (10) foot minimum sign setback from the right-of-way to zero (0) feet.

The subject variance is being requested to locate neighborhood entrance sign within the triangle formed by the intersection of Riverside Parkway and Riverside Drive. Due to its proposed location, the entire sign (5' tall and 10' wide) would be located inside the right-of-way.

Staff Analysis:

Riverside Estates is an established neighborhood initially developed in the 1960's. The applicant is representing the North Riverside Homeowner Association and is requesting a series of variances to provide for new entry signage for the neighborhood. According to the applicant, "[t]he signs that currently mark our entrances are forty years old. The wrought iron posts are severely rusted and the wood signs are faded and mildewed to the point of being unrecognizable. These signs are an unstable eyesore and must be replaced". Furthermore, the applicant also indicates, "[t]he state of our entrance signs significantly *[emphasis added]* hurts our property values. Our neighborhood values are severely lagging (by as much as \$75,000.00) to comparable houses in Sandy Springs. We have been told by multiple realtors that it is due to the state of entrances."

Department Comments

The staff held a Focus Meeting by email on June 17, 2009 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments

TRANSPORTATION	Public Works Dept., Transportation Planner	• To meet AASHTO clear zone standards, any sign must be located no closer to the back of curb of Riverside Drive than 18' and no closer to the back of curb of Riverside Way than 10'. • The applicant's variance to sign location should be conditioned to a signed and approved indemnification agreement with the City.
	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;*

Because of the limited visibility of signage due to the curves and hills, the entrance sign would not be visible when placed more than 18 feet from the right of way curb. We have met with Cristina Nelson, Chris Miller and Mark Moore at the site. 18 feet is an allowable clear zone distance if a motorist were to run the roadway.

Our entrance walls will adhere to the strictest break-away standards. Our stone mason attended our site meeting with city officials to ensure that the structures will be completely crash worthy.

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;*

Our current signs have been located in the triangular right of way for more than 40 years. There simply is no other place to put them. Due to the curvature and hilly topography of Riverside Drive, the right-of-way provides the only location for clear visibility of the entrance signs. Even if visibility were not an issue, and the signs could be seen from the street curbs, both sides are marked by hills, ravines, and tree banks making sign placement impossible without major expense for tree removal and grading.

Almost 5 years ago, Fulton County reconfigured this triangle right of way to prohibit left turns due to limited visibility. This new configuration prevents left turns from being made in or out of this neighborhood entrance. Clear entrance signs are imperative

because if the turn into our neighborhood is missed, drivers must turn around twice on busy Riverside Drive to get back into the neighborhood.

Recommended Condition(s)

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

- 1) The subject columns shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2009 by the Department of Community Development, for the variance herein.
- 2) To meet AASHTO clear zone standards, any sign must be located no closer to the back of curb of Riverside Drive than 18' and no closer to the back of curb of Riverside Way than 10'.
- 3) The applicant's variance to sign location should be conditioned to a signed and approved indemnification agreement with the City.

ATTACHMENTS: Letter of appeal, site plans, elevation/section drawings, photographs, and a letter of opposition.



Variance Petition No. V09-026

HEARING & MEETING DATES

Board of Appeals Hearing
July 9, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner

Kasey Partus

Bonnie Johnson

Petitioner

North Riverside

Neighborhood Association

Representative

Cheryl Barlow

PROPERTY INFORMATION

Address, Land**Lot(s), and****District(s)**

7160 and 7180 Brandon Mill Road
Land Lot 86, District 17

Council District

3

Frontage

Approximately 300 feet of frontage along Brandon Mill Road (for both parcels).

**Existing Zoning
and Use**

R-2

Overlay District

N/A

2027**Comprehensive****Future Land Use****Map Designation**

Residential (0 – 1 units per acre)

INTENT

The applicant is seeking a primary variance from Article 33.22.C of the Zoning Ordinance to reduce the required ten (10) foot minimum sign setback from the right-of-way to zero (0) feet. The variance is being requested to locate neighborhood entrance signs at the northwest and southwest corner of Brandon Mill Road and River Court Parkway.

Parcel Map

Riverside Estates Entry Sign



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

CASE NUMBER: V09-026

STAFF CONTACT: Chris Miller, Deputy Director 770-206-1509
E-mail: chris.miller@sandyspringsga.org

REQUEST:

The applicant is seeking a primary variance from Article 33.22.C of the Zoning Ordinance to allow subdivision entrance signage to be setback zero (0) feet from the right-of-way. A companion variance is also being processed by the City (V09-024) to enable a free-standing monument entrance sign to be located inside the right-way at the intersection of Riverside Way and Riverside Parkway. The subject variance is being requested to locate neighborhood entrance signs on both the northwest and southwest corner of Brandon Mill Road and River Court Parkway. Based upon the requested design, the entrance signs (if approved) would have a maximum height of five (5) feet and be setback zero (0) feet from the back of right-of-way.

Staff Analysis:

Riverside Estates is an established neighborhood initially developed in the 1960's. The applicant is representing the North Riverside Homeowner Association and is requesting a series of variances to provide for new entry signage for the neighborhood. Specifically, a companion variance (V09-024) is also being processed by the City which would enable the homeowners association to erect a subdivision monument sign at the intersection of Riverside Drive and Riverside Way. The subject variance is being requested to allow for the installation of columns at the northwest and southwest corner of River Court Parkway and Brandon Mill Road.

According to the applicant, "[t]he signs that currently mark our entrances are forty years old. The wrought iron posts are severely rusted and the wood signs are faded and mildewed to the point of being unrecognizable. These signs are an unstable eyesore and must be replaced". Furthermore, the applicant also indicates, "[t]he state of our entrance signs significantly *[emphasis added]* hurts our property values. Our neighborhood values are severely lagging (by as much as \$75,000.00) to comparable houses in Sandy Springs. We have been told by multiple realtors that it is due to the state of entrances."

Department Comments

The staff held a Focus Meeting by email on June 17, 2009 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	•The proposed sign columns are located outside of the required clear zone and right of way; therefore, Public Works has no objection.
	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;*

Due to the lack of land and our desire not to impede on the adjacent property owners, the only entrance sign structures that will fit at the space are columns. Due to the prominent tree canopy and vegetation along Brandon Mill Rd., placing the columns 20 feet back makes them difficult to see. They are much more visible at 12 feet.

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;*

On the side of 7180 Brandon Mill Rd., there is a sharp drop and tree bank that prevents the columns from being placed any farther back than 12 feet.

On the side of 7160 Brandon Mill Rd., placing the column 20 feet back interferes with the shallow root structure of an significant existing Magnolia tree. It is likely placing the column on the tree roots will compromise the health and life of the tree. Additionally, putting the sign 20 feet back severely *[emphasis added]* impedes on the adjacent property by sitting well into their front yard. 20 feet back is an awkward distance appearing like a monument was placed in a yard instead of serving as an entrance sign. 12 feet is a much more reasonable distance for an existing neighborhood lot.

Recommended Condition(s)

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

- 1) The subject columns shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2009 by the Department of Community Development, for the variance herein.
- 2) The proposed columns shall not be closer than two (2) feet from the back of right-of-way.

ATTACHMENTS: Letter of appeal, site plans, elevation/section drawings, photographs, and a letter of opposition.



Variance Petition No. V09-015

HEARING & MEETING DATES

Design Review Board
May 12, 2009

Board of Appeals Hearing
June 11, 2009
July 9, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
HEG Real Estate Venture LTD	Fantastic Visuals, LLC	Alan I. Berger

PROPERTY INFORMATION

Address, Land Lot, and District.	7855 Roswell Road (SR 9) Suite E Land Lot 30, District 17
Council District	4
Frontage and Area	Approximately 178 feet of frontage along the east side of Roswell Road (SR 9). The subject property has a total area of 1.179 acres (51,357.24 square feet).
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County zoning case 1986Z-098, currently developed with a shopping center.
Overlay District	Suburban District.
2027 Comprehensive Future Land Use Map Designation	R12-20 Residential (12-20 Units per Acre).

INTENT

The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow for a sign to exceed the 5% permitted square footage of the applicable wall area.

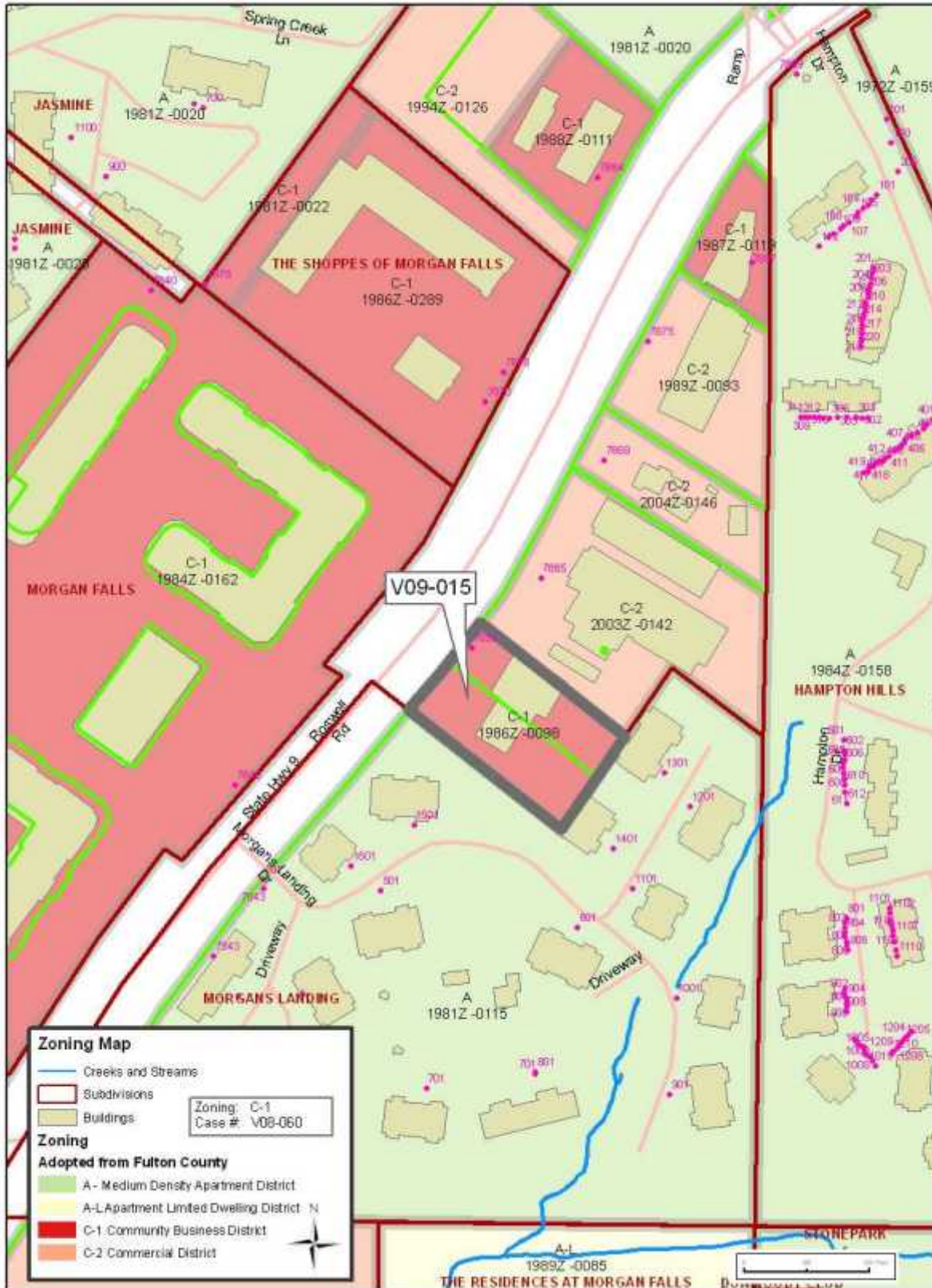
At the June 9, 2009 BOA meeting the Board deferred the application to the July 9, 2009 BOA meeting due to the applicant's absence at the meeting.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the May 12, 2009 DRB meeting. The request was recommended for APPROVAL (3-0, Gregory, Landeck, and Richard for; Porter not voting; Mobley and Westmoreland absent) as presented without conditions.

Parcel Map

7855 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 9, 2009

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-015

STAFF CONTACT: Chris Miller, AICP, Deputy Director 770-206-1509
E-mail: chris.miller@sandyspringsga.org

REQUEST:

The applicant is seeking a primary variance Section 33.26.H.2.a of the Zoning Ordinance to allow for a sign to exceed the 5% permitted square footage of the applicable wall area.

Staff Analysis:

The applicant is requesting relief from Section 33.26.H.2.a of Sandy Springs Zoning Ordinance, that states *"Wall signs are permitted on street-facing walls (including windows and doors)...Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade"*. The code allows for a sign with a total square footage of 17.5 square feet which represents 5% of the total facade area (351.75 square feet). The applicant is seeking to replace the existing thirty-one (31) square foot sign with a new sign of the same size and design.

This petition involves the Inserction Adult Fantasy Store located at 7855 Roswell Road (SR 9) (hereinafter "Inserction") and its nonconforming sign. On or about, June 2008, Inserction made changes to its non-conforming sign. The City issued a notice of violation to the store on July 8, 2008 citing a sign face change without a permit, window signs covering more than the allowable 25% of window area, and opaque windows. Per request of the applicant, on July 29, 2008, a 30 day extension was granted to allow for corrective action. The applicant corrected the violations related to the two windows violations. The applicant was informed that since they modified the sign from its original configuration, it constituted a face change which meant they now needed a permit for a new sign which is smaller than the original grandfathered sign. An appeal of this determination by the Director was denied by Board of Appeals on November 13, 2008. Subsequent to the denial of the appeal, the manager for the subject property was cited by Officer Ferrell from the City's Code Enforcement Division for altering a sign without a permit and having a sign which exceeded the City's maximum area provisions for wall signs. To address these violations, the applicant is now requesting a variance to allow the wall sign to remain thus re-establishing the sign's non-conforming grandfather status.

Department Comments

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

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

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 stated the sign change request only constitutes newer lighting to replace an old sign with the same dimensions.

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

Recommended Conditions:

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

1. Allow a new wall sign to be erected at 7855 with a maximum area of 31.2 square feet.
2. The proposed wall sign shall be consistent with the plans submitted to the City dated April 7, 2009.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking two primary variances from the Zoning Ordinance: 1. Variance from Section 33.26.H.2.a of the Zoning Ordinance to allow for a sign to exceed the 5% permitted square footage of the applicable wall area	The Design Review Board recommended APPROVAL.	1. Allow a new wall sign to be erected at 7855 with a maximum area of 31.2 square feet. 2. The proposed wall sign shall be consistent with the plans submitted to the City dated April 7, 2009.	



Variance Petition No. V09-016

HEARING & MEETING DATES

Design Review Board
May 12, 2009

Board of Appeals Hearing
June 11, 2009
July 9, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Belle Isle Square Assc, LLC	The Chastain School	Tom Wakefield

PROPERTY INFORMATION

Address, Land Lot, and District.	4967 Roswell Road (SR 9) Land Lots 93, District 17
Council District	5
Frontage and Area	Approximately 701 feet of frontage along the east side of Roswell Road (SR 9) and 277 feet of frontage along the south side of Belle Isle Road. The subject property has a total area of 6.369 acres (277,433.64 square feet).
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County zoning case 1972Z-122, currently developed with a shopping center.
Overlay District	Village District.
2027 Comprehensive Future Land Use Map Designation	Living Working Community (LWC)

INTENT

The applicant is seeking three primary variances from the Zoning Ordinance:

- 1) Variance from Section 33.3 to allow for a sign with a base less than one-third (1/3) the width of the sign face.
- 2) Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 0 feet.
- 3) Variance from Section 33.26.H.1.b to allow for a second freestanding sign where only one is allowed on a property with more than 500 linear feet and up to 1,000 linear feet of frontage.

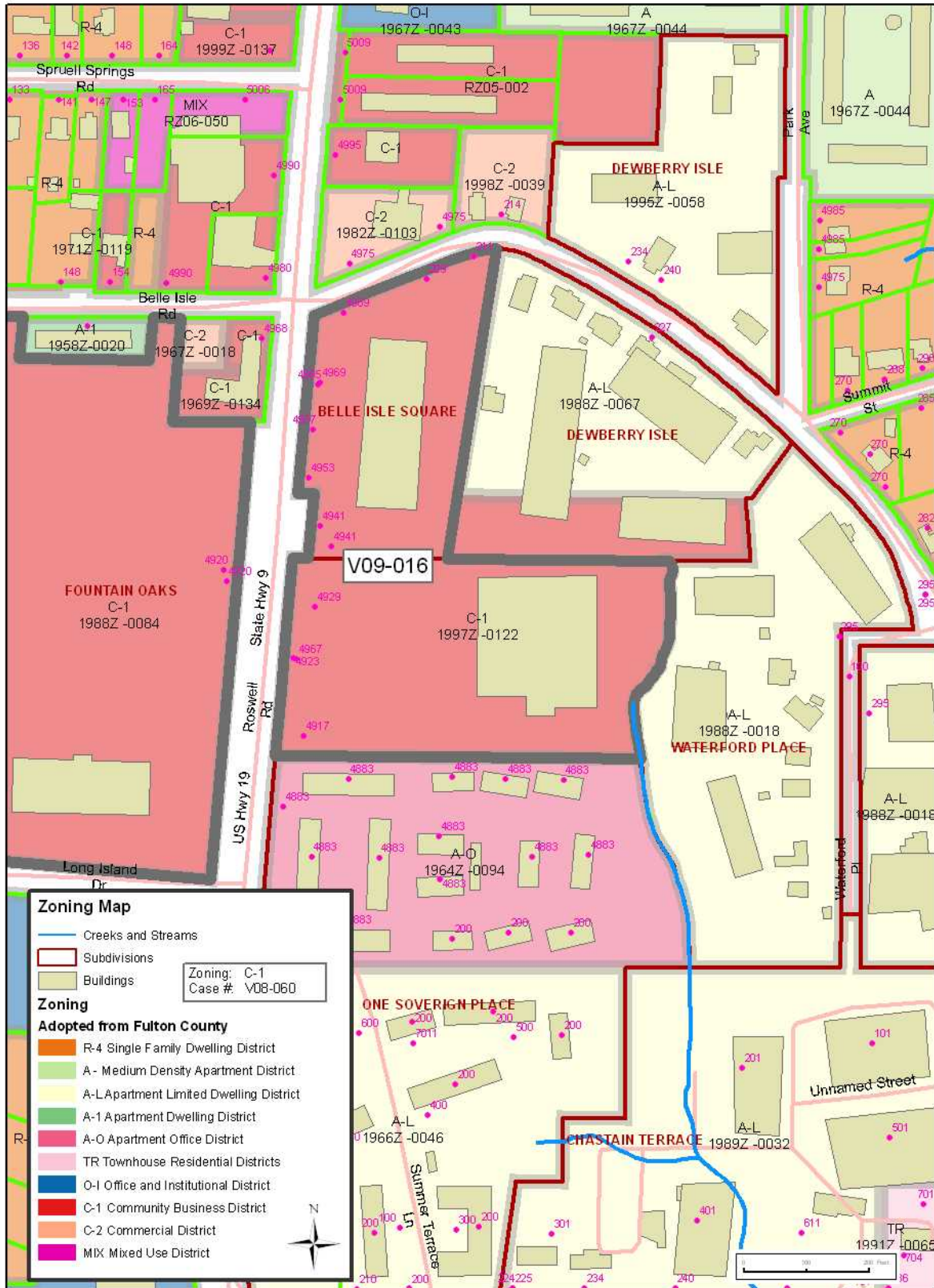
The application was heard at the June 11, 2009 Board of Appeals meeting. The Board deferred the application to the July 9, 2009 meeting for the applicant to seek approval from the property owner to be allowed to have a larger sign area on the existing freestanding sign. In addition, the board requested for staff to research the legality of the existing sign.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the May 12, 2009 DRB meeting. The request was recommended for APPROVAL (3-0, Gregory, Landeck, and Richard for; Porter not voting; Mobley and Westmoreland absent) as presented without conditions.

Parcel Map

4967 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 9, 2009

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V09-016

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is seeking three primary variances as follows: Section 33.3 to allow for a sign with a base less than one-third (1/3) the width of the sign face; Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 0 feet.; and, Section 33.26.H.1.b to allow for a second freestanding sign where only one is allowed on a property with more than 500 linear feet and up to 1,000 linear feet of frontage.

Staff Analysis:

The applicant is requesting relief from three sections of the Sandy Springs Zoning Ordinance as detailed above. When taken together, these three variances would enable the applicant to construct a second free-standing non-monument sign setback less than 10' from the Roswell Road right-of-way.

The applicant is proposing to construct a new twenty-five (25) square foot free-standing sign with a height of eight (8) feet as measured from the normal grade of Roswell Road. The applicant states the "building on 4967 Roswell Road sits 300 feet away from and 30-35 feet below the grade of Roswell Road making on the top of the building visible from a car on Roswell Road". The applicant would like to install a second free-standing sign which, according to the applicant, is more visible from Roswell Road making it easier for emergency service personnel and customers to locate the school from the road.

According to the applicant the, "property line sits just inside the GDOT guard rail from which the property drops off eight feet from street grade at a 45 degree angle. This topography challenge, combined with landscape buffer and guard rail, means only the top portion of the proposed sign will be visible from the roadway. After considering these factors and the Village Street Overlay requirements, the sign was designed to fit on the slope and engineered for the wind load of this location.

The application was heard at the June 11, 2009 Board of Appeals meeting. The Board deferred the application to the July 9, 2009 meeting for the applicant to seek approval from the property owner to be allowed to have a larger sign area on the existing freestanding sign. In addition, the board requested for staff to research the legality of the existing sign.

Staff findings:

1. The existing sign is a non-conforming sign. (Design and height)
2. The sign structure was recently altered from its original design. (See exhibits 1 and 2)
3. No permit was issued.

Per Article XXXIII, Section 20: NONCONFORMING SIGNS.

A. *Maintained (amended 04/15/08, RZ08-004, Ord. 2008-04-16)*

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted provided that said replacement does not constitute a material change to the sign. All nonconforming signs shall be maintained in good repair.

B. *Repairs; Material Change (amended 04/21/09, TA09-002, Ord. 2009-04-19)*

Minor repairs and maintenance of nonconforming signs shall be permitted; provided however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this Article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this paragraph. The replacement of an existing sign face utilizing LED technology is expressly prohibited.

Based on this information staff opinion is that structural changes were made to the sign as shown on exhibits 1 and 2; therefore, the sign is to be brought to compliance with the current standard.

The Code Enforcement division has been provided with the above information for action.

At the time of this report the Code Enforcement Division has issued a Notice of Violation. (See exhibit 3).

Department Comments

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

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation Planner	• This sign is located well outside of the required clear zone at this location; therefore, Public Works has no comment.
	Georgia Department of Transportation	▪ N/A - Sign not within the right-of-way.

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 by granting the variance the City will "improve economic viability of this parcel for any business in this building therefore promoting local business opportunities in a large box retail building that, due to the visibility, is undesirable for many retailers who could occupy a 36,000 square feet building. Given current economic conditions and the changing space requirements of major retail tenants, appropriate street signage will improve this property's appeal and opportunity to be a valuable contributor to our community's business tax base".

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

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of*

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

According to the applicant, "street signage will significantly improve the visibility of businesses located in the building at 4967 Roswell Road. Topography, geographic location, access and visibility are the primary ingredients of a successful retail property but the unique topography of this parcel should warrant an additional sign".

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

The property has a guard rail coterminous with the existing property/right-of-way line along Roswell Road. The proposed sign will be located behind and above the guard to ensure visibility to passing motorists.

Recommended Conditions:

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

1. The sign and sign installation shall be consistent with: the design drawings received on April 16, 2009 by the City, the site plan received on April 7, 2009 by the City, and the letter from Kristen A. Ware dated April 30, 2009.
2. Allow the identification sign setback from the right-of-way to be reduced to zero (0) feet.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking two primary variances from the Zoning Ordinance: 1. Variance from Section 33.3 to allow for a sign with a base less than one-third (1/3) the width of the sign face. 2. Variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 0 feet. 3. Variance from Section 33.26.H.1.b to allow for a second freestanding sign where only one is allowed on a property with more than 500 linear feet and up to 1,000 linear feet of frontage.	The Design Review Board recommended APPROVAL.	1. The sign shall be consistent with the design drawings received on April 16, 2009 by the City and the letter from Kristen A. Ware dated April 30, 2009. 2. Allow the identification sign setback from the right-of-way to be reduced to zero (0) feet.	No Comments.



Variance Petition No. V09-019

HEARING & MEETING DATES

Design Review Board
June 9, 2009

Board of Appeals Hearing
July 9, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
8725 LLC

Petitioner
8725 LLC

Representative
David Cappotts

PROPERTY INFORMATION

Address, Land Lot,
and District. 8725 Roswell Road (SR 9)
Land Lot 368, District 06

Council District 2

Frontage and Area Approximately 360 feet of frontage along the easterly side of Roswell Road (SR 9) (not including the three outparcels) and 480 feet of frontage along the westerly side of Dunwoody Place. The subject property has a total area of 11.73 acres (511,006.0 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County zoning case 1991Z -035, currently developed with a shopping center.

Overlay District Suburban District.

2027

Comprehensive
Future Land Use
Map Designation Commercial.

INTENT

The applicant is requesting relief from the Sandy Springs Zoning Ordinance to modify three (3) existing non-conforming free standing signs.

The applicant variance request is as follows:

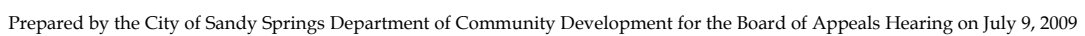
- 1) Section 33.26.H.1.a *Signs, Sandy Springs Overlay District.*
 - a) To increase the maximum permitted square footage for 2 monument signs from 32 square feet to 116 square feet. (Roswell Road & Dunwoody Place).
 - b) To increase the maximum height permitted for 2 monument signs from 6 feet to 15 feet on a lot which has up to 500 linear feet of frontages (Roswell Road & Dunwoody Place).

At the July 9, 2009 Board of Appeals hearing the applicant requested thirty (30) days deferral to incorporate in the variance request the third sign as recommended by the Design review Board. The request was recommended for APPROVAL (7-0, King, Coan, Frostbaun, Hill, Moller, Reale and Capinella for) to be heard at the August 13, 2009 hearing.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the June 9, 2009 DRB meeting. The request was recommended for APPROVAL (3-0, Gregory, Porter, and Richard for; Landeck, Mobley, and Westmoreland absent; Lichtenstein not voting). Subject to the applicant applying for a variance for the third sign along Roswell Road (SR-9) to resemble the two proposed signs with brick base

8725 Roswell Road



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-019

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

REQUEST:

The applicant is requesting relief from the Sandy Springs Zoning Ordinance to modify two (2) existing non conforming free standing signs.

Staff Analysis:

The subject property is located at the intersection of Roswell Road (SR 9) and Dunwoody Place and is comprised of approximately 11.73 acres. The property was rezoned in the early 1991 and approved to have a maximum of six (6) outparcels. Currently the property has four (4) outparcels; each outparcel is identified with a freestanding sign. In addition the shopping center has two (2) freestanding signs that identify the major tenant.

The applicant proposes to reface the two (2) signs that identify the major tenant, one sign is on Dunwoody Place and one sign is on Roswell Road. The two signs are identical and the applicant proposes the same updates to both: to reduce the height from 20' to 15' and by enclosure of the exposed steel frame the applicant is intending to increase the sign area to add tenant panels. The applicant proposes to keep the existing Publix box and replace the smaller two boxes with a 9'x 8' cabinet that can accommodate up to eleven tenants per sign face. The applicant stated these modifications will improve the current signs, bringing them closer to the present code, and adding the must needed additional visibility for the tenants in the center.

The property has two street frontages; approximately 480 feet along Dunwoody Place and 360 feet along Roswell Road, not including the outparcels.

Article 33.26.H.1 provides:

- a. *One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of six (6) feet. Except for gas stations, changeable copy shall not be permitted.*
- b. *One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.*

- c. *One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.*
- d. *Notwithstanding the foregoing, monument signs on Roswell Road, Hammond Drive or Abernathy Road may be ten (10) feet in height.*

The applicant states: the existing signs are outdated, poorly designed and very ineffective and most important the current signs only offer exposure for three tenants. With the new design the shopping center can accommodate twenty-nine retailers.

Department Comments

The staff held a Focus Meeting on June 3, 2009 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ 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 it is important for a driver to distinctively recognize the location of each business. Allowing each business to maintain individual ground signage is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. The applicant finds that the proposed sign

will be in harmony with the intent of the ordinance. The applicant's purpose is to present an identification of its premises, communicating to the public the location of their businesses.

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

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

The property has a landscape strip along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic. Because of the extremely congested nature of Roswell Road and the existing foliage along the street frontage, the applicant finds it imperative to offer these tenants street visibility.

Recommended Conditions:

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

1. The sign area of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 116 square feet each pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development.
2. The maximum height of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 15 feet pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development.
3. The applicant to upgrade the freestanding sign on Roswell Road, located at the most northern entrance to the plaza, to resemble the two proposed signs subject of these variances.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
1. Section 33.26.H.1.a <i>Signs, Sandy Springs Overlay District.</i> a) To increase the maximum permitted square footage for 2 monument signs from 32 square feet to 116 square feet. (Roswell Road & Dunwoody Place). b) To increase the maximum height permitted for 2 monument signs from 6 feet to 15 feet on a lot which has up to 500 linear feet of frontages (Roswell Road & Dunwoody Place).	The application was heard at the Jun 9, 2009 DRB meeting. The request was recommended for APPROVAL (3-0, Gregory, Porter, and Richard for; Landeck, Mobley, and Westmoreland absent; Lichtenstein not voting). Subject to the applicant applying for a variance for the third sign along Roswell Road (SR-9) to resemble the two proposed signs with brick base, same header and address on the base.	1.The sign area of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 116 square feet each pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development. 2.The maximum height of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 15 feet pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development. 3.The applicant to upgrade the freestanding sign located on Roswell Road at the most northern entrance the plaza, to resemble the two propose signs subject of the variances.	



Variance Petition No. V09-023

HEARING & MEETING DATES

Design Review Board

June 9, 2009

June 23, 2009

Board of Appeals Hearing

July 9, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
BREI Holdings- Sandy Springs, LP	BREI Holdings-Sandy Springs, LP	Jason Bruce

PROPERTY INFORMATION

Address, Land Lot, and District.	6780 Roswell Road (SR 9) Land Lot 73, District 17
Council District	3
Frontage and Area	Approximately 492 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 7.30 acres.
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County zoning case RZ06 -052, currently been developed with a self storage facility and a shopping center.
Overlay District	Suburban District.
2027 Comprehensive Future Land Use Map Designation	Residential 8 to 12 units per acre (R8-12).

INTENT

The applicant is seeking relief from the Sandy Springs Zoning Ordinance, to install additional signs for the self storage facility. The applicant request is as follows:

1. Variance from Section 33.26.H.1.a.
 - a) To allow for two (2) monument signs on a lot with less than 500 lineal feet of frontage.
 - b) To allow for two (2) monument signs to exceed the maximum height permitted from six (6) feet to 6'-8".
2. Variance from Section 33.26.H.2.b.
 - a) To allow for a third wall sign on a wall that does not have street frontage.

DESIGN REVIEW BOARD RECOMMENDATION

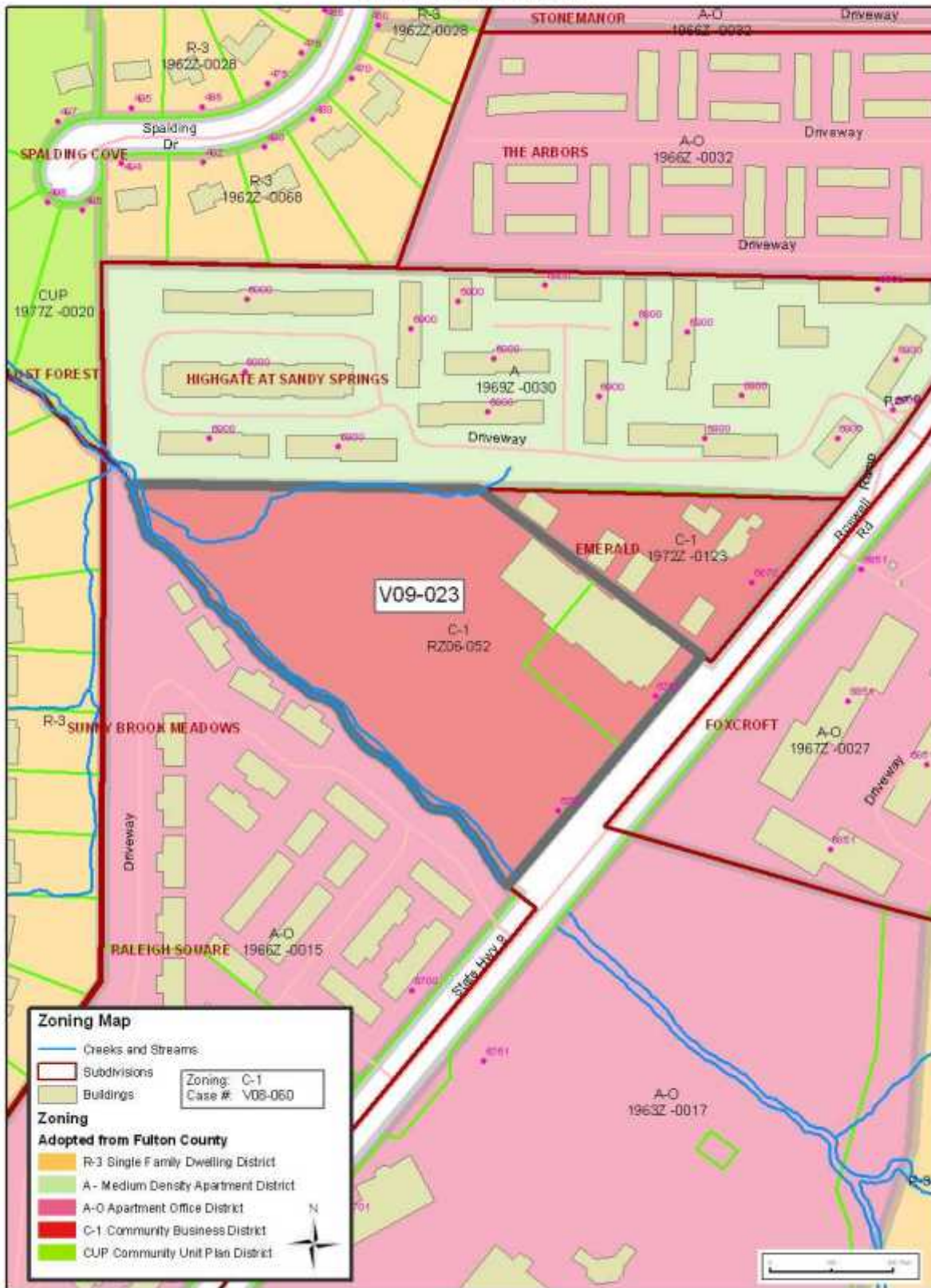
The application was heard at the Jun 9, 2009 DRB meeting. The request was recommended as follows: for APPROVAL to allow a third wall sign on the north elevation of building C and for DEFERAL (3-0, Gregory, Porter, and Richard for; Landeck, Mobley, and Westmoreland absent; Lichtenstein not voting) to the June 23, 2009 meeting for the applicant to seek approval from Georgia Department of Transportation to allow one double sided monument sign in the island at the entrance.

At the June 23, 2009 DRB meeting the applicant presented to the Board a recommendation from GDOT to locate the sign other than the island, due to sight distance and safety.

The request was recommended for APPROVAL (4-0, Gregory, Porter, Landeck, and Mobley for; Richard and Westmoreland absent; Lichtenstein not voting) with the following conditions: The sign design to be as presented and brick shall match the brick of the building.

Parcel Map

6780 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 9, 2009

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-023

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REQUEST:

The applicant is seeking two primary variances from Section 33.26.H.1.a. and Section 33.26.H.2.b. of the Zoning Ordinance, to install additional signs for the self storage facility.

Staff Analysis:

This development is composed of buildings A, B, C and D. The self storage facility is located in buildings A and B, approximately three-hundred (300) feet from Roswell Road Right-of-way. The office/retail uses are located in buildings C and D which are abutting Roswell Road Right-of-way.

The applicant states the retail buildings (C and D) block the visibility of the self storage facility. Therefore, they are requesting a wall sign on the north elevation of building C, to advertise the self storage facility. This is in addition to two (2) wall signs previously permitted on the east and west elevation of building C.

Additionally, the applicant is requesting the placement of two (2) identification monuments signs at the entrance to the development, stating the need for the identification of the shopping center and the name of the self storage facility. The proposed signs are 20 sqft of sign area and 6'-8" tall, exceeding the allowable height on a property with less than 500 linear feet of frontage by eight (8) inches.

The proposed signs are made out of brick to match the brick of the buildings, with reverse channel halo lit letters and an internally lit cabinet.

Department Comments

The staff held a Focus Meeting on June 3, 2009 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ The proposed signs are located outside of the required clear zone; therefore, Public Works has no objection. ▪ The Design Review Board recommended placing a single monument sign within the channelized turn island of the entrance. Public Works strongly disagrees and would not permit such a sign if requested. The proposal would put a fixed object within the clear path of vehicular traffic and would act as a barrier to sight approaching the intersection with Roswell Road. It is our understanding that the Georgia Department of Transportation has also denied the request for a monument sign in the entrance.
	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 finds that the proposed sign will be in harmony with the intent of the ordinance. The applicant's purpose is to present an identification of its premises, communicating to the public the location of their businesses.

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

Recommended Conditions:

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

1. Allow two (2) identification monument signs not to exceed twenty (20) square feet each of sign area, pursuant to the sign detail submitted by the applicant, and dated received May 21, 2009 by the Department of Community Development.
2. The maximum height of the identification monument signs shall not exceed 6'- 8" from finished grade, pursuant to the sign detail submitted by the applicant, and dated received May 21, 2009 by the Department of Community Development.
3. The identification monument signs to be made of the same brick used in the buildings and display the street number assigned to the parcel.
4. Allow a wall sign on the north elevation of building "C", not exceeding 5% of the applicable wall.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking variances from the Zoning Ordinance: 1. Variance from Section 33.26.H.1.a. a) To allow for two (2) monument signs on a lot with less than 500 lineal feet of frontage. b) To allow for two (2) monument signs to exceed the maximum height permitted from six (6) feet to 6'-8". 2. Variance from Section 33.26.H.2.b. a) To allow for a third wall sign on a wall that does not have street frontage.	The Design Review Board recommended APPROVAL subject to the sign elevations presented to the Board and conditioned for the ground signs to be made out of brick, matching the brick color of the buildings.	1. Allow two (2) identification monument signs not exceeding twenty (20) square feet each of sign area pursuant to the sign detail submitted by the applicant, and dated received May 21, 2009 by the Department of Community Development. 2. The maximum height of the identification monument signs shall not exceed 6'- 8" from finished grade, pursuant to the sign detail submitted by the applicant, and dated received May 21, 2009 by the Department of Community Development. 3. Allow a wall sign on the north elevation of building "C", not exceeding 5% of the applicable wall.	▪ The proposed signs are located outside of the required clear zone; therefore, Public Works has no objection.