



Variance Petition No. V08-028

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Mitchell Acker

Petitioner
Mitchell Acker

Representative
Kelly A. Howe

PROPERTY INFORMATION

Address, Land Lot, and District 7600 Ball Mill Road
Land Lot 352, District 6

Council District 1

Frontage and Area 170 feet of frontage along the east side of Ball Mill Road and 275 feet of frontage along the north side of Marlborough Drive. The subject property has a total area of approximately 1.20 acres.

Existing Zoning and Use The lot is zoned R-2 (Single-family Dwelling District) under zoning case Z71-026. The property is developed with a single-family residence.

Overlay District N/A

Interim 2027

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

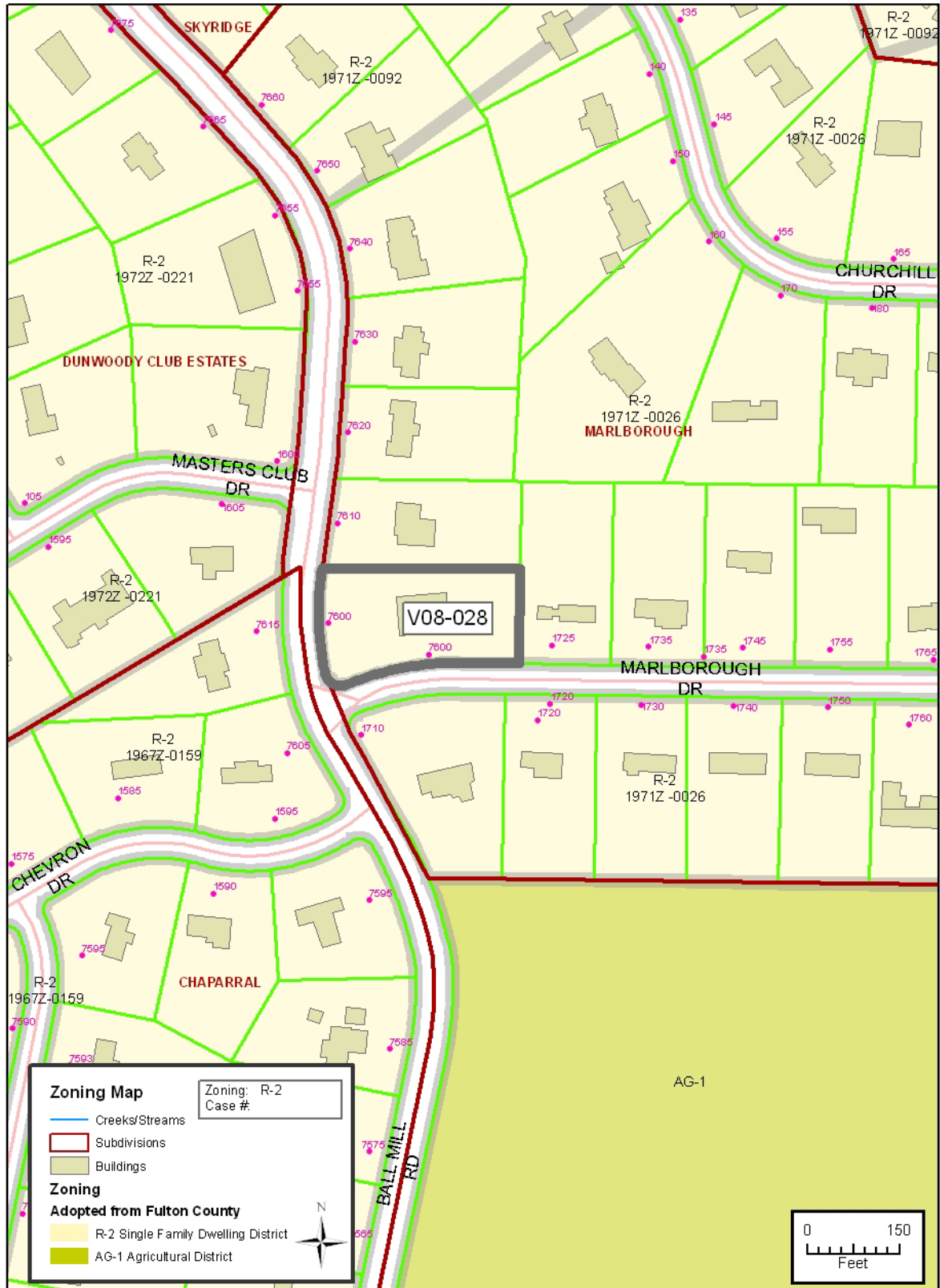
INTENT

The applicant is requesting two (2) primary variances to allow for a basketball court.

- 1) Variance from Section 6.2.3.D to reduce the required forty (40) foot minimum rear yard setback to 11.8 feet; and
- 2) Variance from Section 19.3.8.B.1 to allow for a basketball court to be located within the required minimum rear yard setback.

Parcel Map

7600 Ball Mill Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on July 10, 2008

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

CASE NUMBER: V08-028

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

REQUEST:

The applicant is requesting relief from Section 6.2.3.D to reduce the required forty (40) foot minimum rear yard setback to 11.8 feet to allow for a basketball court and from Section 19.3.8.B.1 to allow for a basketball court to be located within the required minimum rear yard setback.

ANALYSIS:

The applicant has submitted a site plan and topographical map indicating the subject property to be a corner lot, roughly rectangular in shape, and sloping northward, down from Marlborough Drive. The topographical map and photographs indicate a level portion in the rear yard where the applicant intends to locate the proposed half-basketball court. The site plan and photographs also indicate a six (6) foot wood privacy fence is currently located adjacent to the eastern rear property line.

Although the surface of the proposed half-court is proposed to be 11.8 feet from the rear property line, Staff notes the actual basketball goal is proposed to be approximately thirty (30) feet from the rear property line.

The applicant states the intent is to put the proposed basketball court where a play-structure once was located. Additionally, the former play area where the play-structure once was located is flat ground and the existing timbers, located around its perimeter, would be utilized when installing the proposed basketball court. The applicant further states the flat condition of the former play area is ideal for utilization as a hoop court.

The applicant states the proposed court would be inside the six (6) foot privacy fence and would be twenty-eight (28) feet by thirty-eight (38) feet. Additionally, the applicant states the proposed location of the court is the most logical place in the back yard, because space is limited either by existing structures or grade changes. Installation of the proposed half-basketball court at any other location in the back yard would cause much more land disturbance than where it is now proposed.

The applicant further states the adjacent homeowner is supportive of the variance request and will be providing a letter of support. Staff notes the adjacent homeowner is not identified in this request, and, to date, no letter of support has been received by the City.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	40 feet	11.8 feet	variance requested
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	30 feet	30 feet	meets

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

The applicant states the intent is to put the proposed basketball court where a play-structure once was located. Additionally, the former play area where the play-structure once was located is flat ground and the existing timbers, located around its perimeter, would be utilized when installing the proposed basketball court. The applicant further states the flat condition of the former play area is ideal for utilization as a hoop court. The proposed site plan and photographs document the above statements.

The site plan and photographs indicate a six (6) foot wood privacy fence is currently located adjacent to the eastern rear property line. The applicant states the proposed court would be inside the six (6) foot privacy fence and would be twenty (28) feet by thirty-eight (38) feet. Additionally, the applicant states the proposed location of the court is the most logical place in the back yard, because space is limited by existing structures. Installation of the proposed half-basketball at any other location in the back yard would cause much more land disturbance than where it is now proposed.

The applicant further states the adjacent homeowner is supportive of the variance request and will be providing a letter of support. Staff notes the adjacent homeowner is not identified in this request, and, to date, no letter of support has been received by the City.

Although the surface of the proposed half-court is proposed to be 11.8 feet from the rear property line, Staff notes the actual basketball goal is proposed to be approximately thirty (30) feet from the rear property line.

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

The applicant has submitted a site plan and topographical map indicating the subject property to be a corner lot, roughly rectangular in shape, and sloping northward, down from Marlborough Drive. The topographical map and photographs indicate a level portion in the rear yard where the applicant intends to locate the proposed half-basketball court.

Additionally, the applicant states the proposed location of the court is the most logical place in the back yard, because space is limited by existing grade changes.

Recommended Condition(s)

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

- 1) The proposed half-basketball court shall be constructed in accordance with the proposed site plan, provided by the applicant for this variance petition, dated received May 5, 2008 by the Department of Community Development, for the variances herein , showing the rear yard setback reduced to not less than 11.8 feet where necessary to accommodate the portion of the encroachment only.
- 2) Metal netting shall not be used as a part of the proposed basketball goal.

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



Variance Petition No. V08-029

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008 (cancelled)

August 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Greg Crawford

Petitioner

Greg Crawford

Representative

Greg Crawford

PROPERTY INFORMATION

Address, Land Lot, and District 6098 River Chase Circle
Land Lot 206, District 17

Council District 3

Frontage and Area 120 feet of frontage along the south side of River Chase Circle. The subject property has a total area of approximately 1.32 acres.

Existing Zoning and Use The lot is zoned R-2A (Single-family Dwelling District) under zoning case Z69-052. The property is developed with a single-family residence.

Overlay District N/A

Interim 2027

Comprehensive

Future Land Use

Map Designation

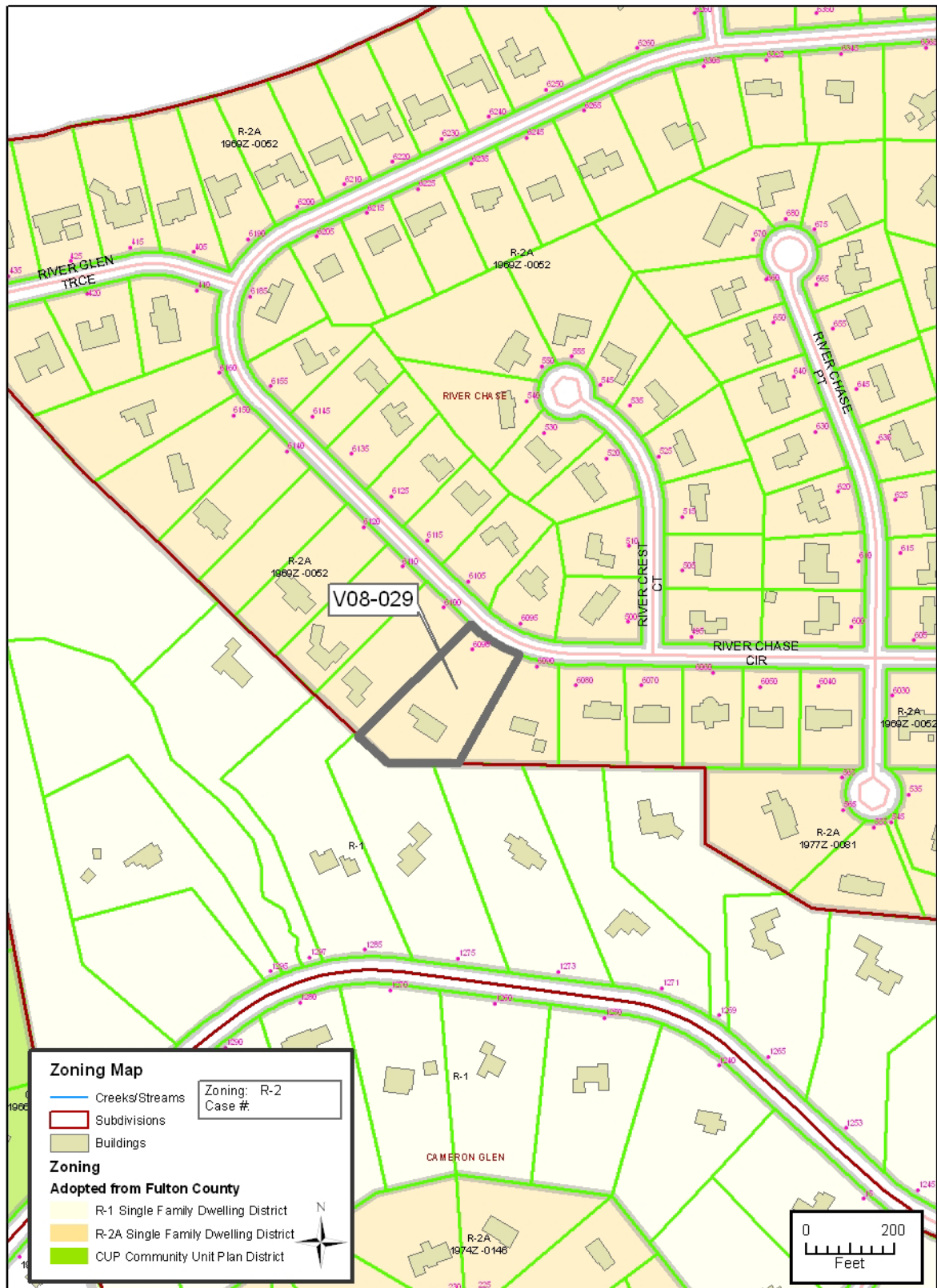
R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 6.3.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to ten (10) feet to allow for a detached garage.

Parcel Map

6098 River Chase Circle



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

CASE NUMBER: V08-029

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

REQUEST:

The applicant is requesting relief from Section 6.3.3.D of the Zoning Ordinance to reduce the required forty (40) foot minimum rear yard setback to ten (10) feet to allow for a detached garage.

ANALYSIS:

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping up from the River Chase Circle right-of-way toward the existing house. The existing house is located on what appears to be a relatively flat portion of the property, closer to the western side property line than the eastern side property line, and located approximately 150 feet from the required sixty (60) foot front setback line. The existing house also appears skewed in relation to the rear property line(s). The site plan also shows three (3) easements within the property, one (1) along the rear of the property and two (2) adjacent to the frontage of the property.

Staff notes, if this petition is approved, the applicant would have to work with Staff to officially eliminate the rear drainage easement as a matter of record because the proposed garage would be located within it.

The applicant states there is a hardship in building the proposed garage without the requested variance due to the topography of the property being rigorous terrain with numerous hills with steep inclines and declines. The applicant states there is very little flat surface on the property; the house, patio and top of driveway encompass the only level area on the property. The proposed garage would be located at the end of the drive and next to the house, an area which is also flat.

The applicant states the construction of the garage would not require the removal on any trees. If the garage were to be built anywhere else, it would require cutting down trees, modifying the existing wildlife elements, and could create drainage problems for some of the adjacent properties.

The applicant states the garage would resemble a Tudor style carriage house and would maintain the aesthetic characteristics of the neighborhood; if it were to be constructed in a place other than as proposed, it would seem out of place and not add value to the property and neighborhood.

The applicant has provided letters of support from adjoining neighbors.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	40 feet	10 feet	variance requested
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ The drainage easement shown on the site plan is platted typically across the rear of lots along the perimeter of the River Chase Subdivision. On this lot, the drainage easement does not convey runoff from one end of the lot to the other. Applicant will need to revise the plat for this lot to remove or reduce the drainage easement on the lot. The drainage easement on this lot is not necessary.
	Arborist/Landscape Architect	▪ Proposed expansion will not impact any protected boundary trees.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states the construction of the garage would not require the removal on any trees. If the garage were to be built anywhere else, it would require cutting down trees, modifying the existing wildlife elements, and could create drainage problems for some of the adjacent properties.

The applicant states the garage would resemble a Tudor style carriage house and would maintain the aesthetic characteristics of the neighborhood; if it were to be constructed in a place other than as proposed, it would seem out of place and not add value to the property and neighborhood.

The applicant has provided letters of support from adjoining neighbors.

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

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping up from the River Chase Circle right-of-way toward the existing house. The existing house is located on what appears to be a relatively flat portion of the property, closer to the western side property line than the eastern side property line, and located approximately 150 feet from the required sixty (60) foot front setback line. The existing house also appears skewed in relation to the rear property line(s). The site plan also shows three (3) easements within the property, one (1) along the rear of the property and two (2) adjacent to the frontage of the property.

The applicant states there is a hardship in building the proposed garage without the requested variance due to the topography of the property being rigorous terrain with numerous hills with steep inclines and declines. The applicant states there is very little flat surface on the property; the house, patio and top of driveway encompass the only level area on the property. The proposed garage would be located at the end of the drive and next to the house, an area which is also flat.

Recommended Condition(s)

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

- 1) The proposed garage shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 5, 2008 by the Department of Community Development, for the variance herein , showing the rear yard setback reduced to not less than ten (10) feet where necessary to accommodate the portion of the encroachment only.
- 2) The exterior construction material, color, and design of the proposed garage shall be similar to the maximum possible extent to the existing structure.
- 3) Prior to construction, an approval letter from the holder of the rear drainage easement shall be submitted to the Community Development Department, and the removal of the drainage easement shall occur.

ATTACHMENTS: Letter of appeal, site plan, letters of support, elevation drawings, floor plan, and photographs.



Variance Petition No. V08-030

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008 (cancelled)

August 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Dale Dyer

Petitioner

Atlanta Pools

Representative

Kristin Kliemt

PROPERTY INFORMATION

Address, Land Lot, and District

5780 Long Grove Drive
Land Lot 123, District 17

Council District

3

Frontage and Area

80 feet of frontage along the east side of Long Grove Drive and 85 feet of frontage along the east side of Long Island Drive. The subject property has a total area of approximately 0.24 acres.

Existing Zoning and Use

The lot is zoned R-4 (Single-family Dwelling District) under zoning case Z82-0135. The property is developed with a single-family residence.

Overlay District

N/A

Interim 2027

Comprehensive Future Land Use Map Designation

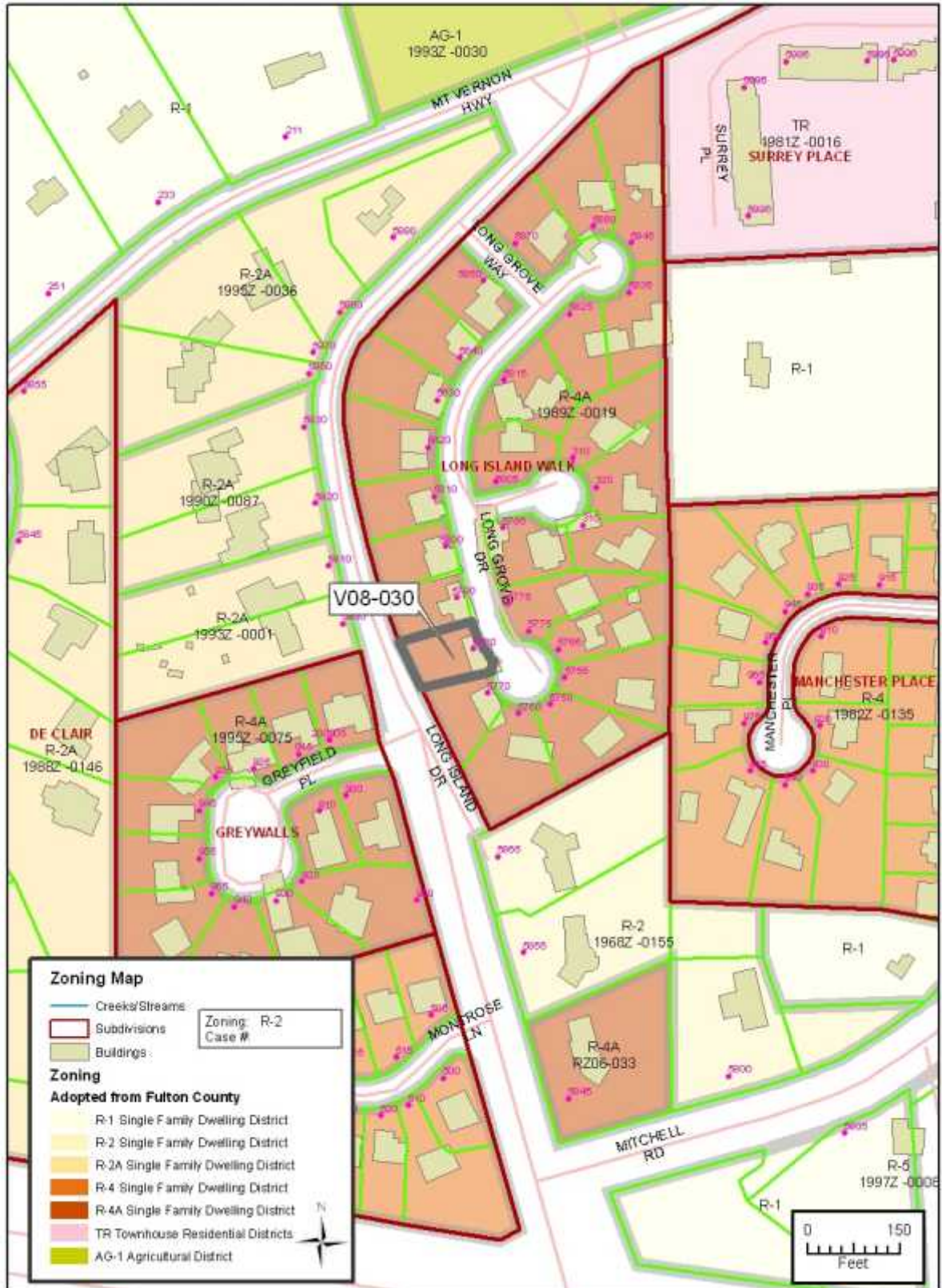
R2-3 Residential (2 to 3 units per acre)

INTENT

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

Parcel Map

5780 Long Grove Drive



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

CASE NUMBER: V08-030

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

REQUEST:

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

ANALYSIS:

The applicant has submitted a site plan and photographs indicating the subject property to be a thru-lot having two frontages (Long Grove Drive & Long Island Drive), roughly rectangular in shape, and sloping from the Long Island Drive right-of-way toward the existing house. A ten (10) foot no access easement is located inside the property line that adjoins Long Island Drive. A portion of land appears relatively flat just behind the existing house. The house on the subject property is part of the Long Island Walk Subdivision, faces Long Grove Drive, and is situated forward on the lot, adjacent to the thirty-five (35) foot minimum yard setback from Long Grove Drive.

Staff notes due to the subject property being a thru-lot, technically, two minimum front yard setbacks are required from both rights-of-way (Long Grove Drive & Long Island Drive). In this case, the Zoning Ordinance allows pools, pool equipment and their decks to be a minimum of ten (10) feet from all property lines. The swimming pool and deck is proposed to be located forty-five (45) feet from the property line in back of the house, or the Long Island Drive right-of-way. A privacy fence and landscaping exist behind the house, along Long Island Drive.

The applicant states this lot is unique; having the front and back yards alongside of roads. The proposed pool can only be positioned behind the house because there is no room along either side of the house.

The applicant states the required pool fence and landscaping would be done tastefully and will coincide with the rest of the neighborhood.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	35 feet	35 feet	Long Island Drive
Min. Rear Yard Setback:	35 feet	35 feet	Long Grove Drive
Min. Interior Side Yard Setback:	7 feet	6.4 feet	Grandfathered
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Pool Setback	10 feet	45 feet	From the front property line behind the house

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

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

Standards for Consideration

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

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

Staff notes due to the subject property being a thru-lot, technically, two minimum front yard setbacks are required from both rights-of-way (Long Grove Drive & Long Island Drive). In this case, the Zoning Ordinance allows pools, pool equipment and their decks to be a minimum of ten (10) feet from all property lines. The swimming pool and deck is proposed to be located forty-five (45) feet from the property line in back of the house, or the Long Island Drive right-of-way. A privacy fence and landscaping exist behind the house, along Long Island Drive.

The applicant states the required pool fence and landscaping would be done tastefully and will coincide with the rest of the neighborhood.

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

The applicant has submitted a site plan and photographs indicating the subject property to be a thru-lot having two frontages (Long Grove Drive & Long Island Drive), roughly rectangular in shape, and sloping from the Long Island Drive right-of-way toward the existing house. A ten (10) foot no access easement is located inside the property line that adjoins Long Island Drive. A portion of land appears relatively flat just behind the existing house. The house on the subject property is part of the Long Island Walk Subdivision, faces Long Grove Drive, and is situated forward on the lot, adjacent to the thirty-five (35) foot minimum yard setback from Long Grove Drive.

The applicant states this lot is unique; having the front and back yards alongside of roads. The proposed pool can only be positioned behind the house because there is no room along either side of the house.

Recommended Condition(s)

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

- 1) That the proposed swimming pool and pool deck shall be constructed in accordance with the proposed site plan, provided by the applicant, dated received May 5, 2008 by the Department of Community Development, for the variance herein, showing a swimming pool and pool deck located in the front yard of a single-family dwelling.
- 2) Visual screening from Long Island Drive shall be maintained as long as a swimming pool remains constructed as proposed.
- 3) 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.

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



Variance Petition No. V08-031

HEARING & MEETING DATES

Design Review Board

May 27, 2008

Board of Zoning Appeals Hearing

August 14, 2008
July 10, 2008 (cancelled)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
JHH Properties/ American Tower Corp.	Group EMF, Inc./MetroPCS	Sean Cash

PROPERTY INFORMATION

Address, Land Lot, and District	700 Dalrymple Road Land Lot 32, District 17
Council District	4
Frontage and Area	165 feet of frontage along the north side of Dalrymple Road. The subject property has a total area of approximately 1.03 acres.
Existing Zoning and Use	The lot is zoned C-1 (Community Business District) under zoning case Z02-059. The property is developed with a commercial building.
Overlay District	Suburban District
Interim 2027 Comprehensive Future Land Use Map Designation	Office

INTENT

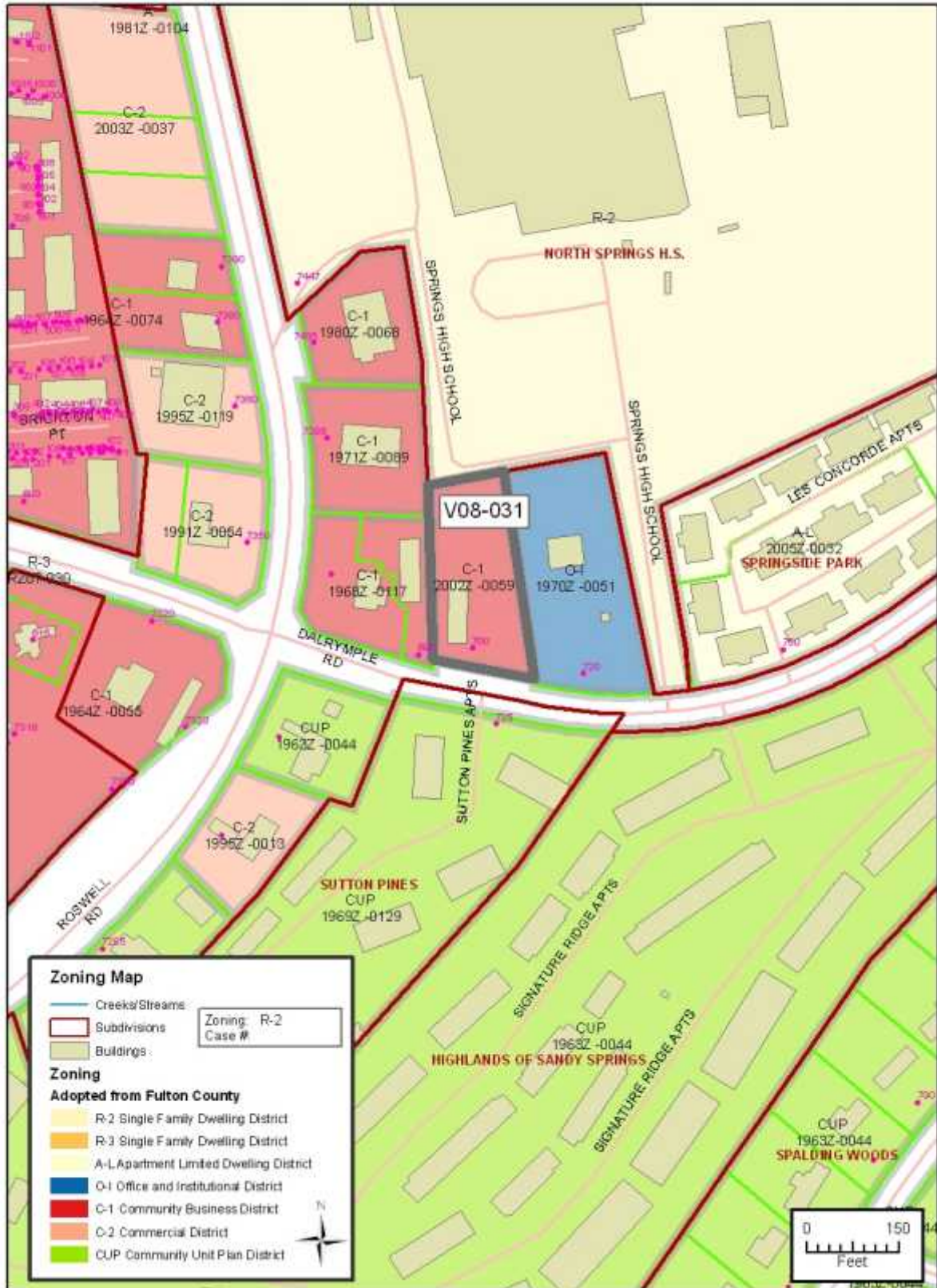
The applicant is seeking a primary variance from Section 19.3.1(2).B.1 of the Zoning Ordinance to allow for a cell tower and accessory structures to be setback from a residential zoning district at a distance smaller than the proposed height of the tower.

DESIGN REVIEW BOARD RECOMMENDATION

At the May 27, 2008 Design Review Board (DRB) meeting, there were six (6) members present. When case V08-031 (increase cell tower height/co-location @ 700 Dalrymple Road) was heard, the result from the seconded motion for approval was a tie vote, three (3) for and three (3) against. At the aforementioned meeting, there was some confusion as to the result of a tie vote being denial or not. After consulting with the City Attorney, the determination was that a tie vote constitutes a denial.

Parcel Map

700 Dalrymple Road



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

CASE NUMBER: V08-031

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

BACKGROUND:

A wireless telecommunication tower/facility, owned by American Tower Corporation, exists and is operating on a leased portion of land on property known as 700 Dalrymple Road. The existing tower has an overall height, including antenna, of 164 feet and the tower and accessory structures are set back from properties having residential zoning a minimum distance of approximately 139 feet.

Section 19.3.1(2)B.1 of the Zoning Ordinance requires towers/accessory structures to be set back a distance equal to the height of the tower from all property lines of any residential district. Because the existing tower/accessory structures predate the formation of the City of Sandy Springs and do not comply with the aforementioned zoning regulation, it is considered "Grandfathered".

At the May 27, 2008 Design Review Board (DRB) meeting, there were six (6) members present. When case V08-031 (increase cell tower height/co-location @ 700 Dalrymple Road) was heard, the result from the seconded motion for approval was a tie vote, three (3) for and three (3) against. At the aforementioned meeting, there was some confusion as to the result of a tie vote being denial or not. After consulting with the City Attorney, the determination was a tie vote constitutes a denial.

REQUEST:

The applicant intends to co-locate additional antennas on the subject tower for MetroPCS and to install necessary ground equipment. The applicant states the co-location would only be efficient if the tower height were increased to accept the new antennas; therefore, as a part of the co-location, the applicant is proposing to add sixteen (16) feet of overall height to the subject tower, making it 180 feet in height. Because the applicant is proposing to increase the height of a structure that is "Grandfathered" in terms of the required setback, a variance from Section 19.3.1(2)B.1 of the Zoning Ordinance requiring towers/accessory structures to be set back a distance equal to the height of the tower from all property lines of any residential district is needed. In this case, the intended increase in tower height to 180 feet would require the tower/accessory structure(s) to be set back a distance of 180 feet from all property lines of any residential district. The applicant is proposing to maintain the existing minimum setback distance of approximately 139 feet from all property lines of any residential district.

ANALYSIS:

The existing subject tower has an overall height, including antenna, of 164 feet. The applicant intends to co-locate six (6) additional antennas on the subject tower for MetroPCS and to install necessary ground equipment. The applicant states the co-location would only be efficient if the tower height were increased to accept the new antennas; therefore, as a part of the co-location, the applicant is proposing to add sixteen (16) feet of height to the subject tower, making it have an overall height, including antennas, of 180 feet. Three (3) sectors, equidistant from each other around the proposed new section of tower, are intended to accept six (6) new antennas that would be flush mounted. Each proposed antenna is rectangular in shape and measures less than one (1) foot wide by approximately six (6) feet high. The proposed equipment and metal enclosures would be installed on a seven (7) foot by eleven (11) foot concrete pad and is approximately five (5) feet in height. Because the applicant is proposing to increase the height of a "Grandfathered", a variance from Section 19.3.1(2)B.1 of the Zoning Ordinance requiring towers/accessory structures to be set back a distance equal to the height of the tower from all property lines of any residential district is needed. In this case, the intended increase in tower height to 180 feet would require the tower/accessory structure(s) to be set back a distance of 180 feet from all property lines of any residential district. The applicant is proposing to maintain the existing minimum setback distance of approximately 139 feet from all property lines of any residential district.

The applicant has provided engineering data that indicates the tower would be structurally sound at the proposed height of approximately 180 feet. However, at Staff's request, the applicant provided calculations using the correct wind speed of 30 mph when used in combination with the ice load (The calculations originally used 23 mph and the load is based on the square of the velocity) and provided calculations of the bearing pressure under the foundation instead of a comparison of new loads to original design loads. A City Building Plan Reviewer has evaluated the aforementioned calculations and believes them to be acceptable. Additionally, the Building Plan Reviewer reviewed geotechnical engineering evaluations and reports that were available from the original design and believes them to be acceptable.

The applicant states that the levels of service on traffic and public utilities would not significantly increase and that the community would benefit from the increased safe, reliable and uninterrupted PCS service for use by the general public, emergency services personnel and others in this portion of Sandy Springs.

Staff notes the minimum setback distance of approximately 139 feet from all property lines of any residential district is from a property, to the north of the subject property, zoned R-2 (Single family Dwelling District) having North Springs High School located on it. Additionally, the applicant indicates nine (9) additional loblolly pine trees (6' in height at time of planting) to be installed around the leased area that contains the tower and equipment. The additional trees would be added to bolster the existing landscape screening as approved by the City Arborist.

Abutting Property Land Uses/Zoning:

North: Property zoned R-2 (Single family Dwelling District).

East: Property zoned O-I (Office and Institutional District) under zoning case Z70-051.

South: Properties zoned CUP (Community Unit Plan District) under zoning case Z69-129.

West: Properties zoned C-1 (Community Business District) under zoning cases Z71-089 and Z68-117

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	N/A	N/A	N/A
Min. Rear Yard Setback Equal to Proposed Tower Height :	180 feet (proposed height of tower)	139 feet (existing)	R-2 property to the north (North Springs High School)
Min. Interior Side Yard Setback:	N/A	N/A	N/A
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ The buffer needs to be planted along the north side of the location as well as additional planting to “beef up” the current plantings.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ Amended engineering data and calculations provided by the applicant are acceptable.
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The existing tower has an overall height, including antenna, of 164 feet and the tower and accessory structures are set back from properties having residential zoning a minimum distance of approximately 139 feet.

Section 19.3.1(2)B.1 of the Zoning Ordinance requires towers/accessory structures to be set back a distance equal to the height of the tower from all property lines of any residential district. Because the existing tower/accessory structures predate the formation of the City of Sandy Springs and do not comply with the aforementioned zoning regulation, it is considered "Grandfathered".

The applicant states the co-location would only be efficient if the tower height were increased to accept the new antennas; therefore, as a part of the co-location, the applicant is proposing to add sixteen (16) feet of overall height to the subject tower, making it 180 feet in height. Because the applicant is proposing to increase the height of a structure that is "Grandfathered" in terms of the required setback, a variance from Section 19.3.1(2)B.1 of the Zoning Ordinance requiring towers/accessory structures to be set back a distance equal to the height of the tower from all property lines of any residential district is needed. In this case, the intended increase in tower height to 180 feet would require the tower/accessory structure(s) to be set back a distance of 180 feet from all property lines of any residential district. The applicant is proposing to maintain the existing minimum setback distance of approximately 139 feet from all property lines of any residential district.

The applicant intends to co-locate six (6) additional antennas on the subject tower for MetroPCS and to install necessary ground equipment. The applicant states the co-location would only be efficient if the tower height were increased to accept the new antennas; therefore, as a part of the co-location, the applicant is proposing to add sixteen (16) feet of height to the subject tower, making it have an overall height, including antennas, of 180 feet. Three (3) sectors, equidistant from each other around the proposed new section of tower, are intended to accept six (6) new antennas that would be flush mounted. Each proposed antenna is rectangular in shape and measures less than one (1) foot wide by approximately six (6) feet high. The proposed equipment and metal enclosures would be installed on a seven (7) foot by eleven (11) foot concrete pad and is approximately five (5) feet in height. Because the applicant is proposing to increase the height of a "Grandfathered", a variance from Section 19.3.1(2)B.1 of the Zoning Ordinance requiring towers/accessory structures to be set back a distance equal to the height of the tower from all property lines of any residential district is needed. In this case, the intended increase in tower height to 180 feet would require the tower/accessory structure(s) to be set back a distance of 180 feet from all property lines of any residential district. The applicant is proposing to maintain the existing minimum setback distance of approximately 139 feet from all property lines of any residential district.

The applicant has provided engineering data that indicates the tower would be structurally sound at the proposed height of approximately 180 feet. However, at Staff's request, the applicant provided calculations using the correct wind speed of 30 mph when used in combination with the ice load (The calculations originally used 23 mph and the load is based on the square of the velocity) and provided calculations of the bearing pressure under the foundation instead of a comparison of new loads to original design loads. A City Building Plan Reviewer has evaluated the aforementioned calculations and believes them to be acceptable. Additionally, the Building Plan Reviewer reviewed geotechnical engineering evaluations and reports that were available from the original design and believes them to be acceptable.

The applicant states that the levels of service on traffic and public utilities would not significantly increase and that the community would benefit from the increased safe, reliable and uninterrupted PCS service for use by the general public, emergency services personnel and others in this portion of Sandy Springs.

Staff notes the minimum setback distance of approximately 139 feet from all property lines of any residential district is from a property, to the north of the subject property, zoned R-2 (Single family Dwelling District) having North Springs High School located on it. Additionally, the applicant indicates nine (9) additional loblolly pine trees (6' in height at time of planting) to be installed around the leased area that contains the tower and equipment. The additional trees would be added to bolster the existing landscape screening as approved by the City Arborist.

Recommended Condition(s)

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

- 1) That the proposed height addition/co-location to the existing cell tower and associated equipment shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 5, 2008 by the Department of Community Development, for the variance herein, showing a cell tower having 180 feet in overall height and showing the minimum setback distance for the tower and accessory structures of approximately 139 feet from all property lines of any residential district.
- 2) A landscape screening/buffering plan shall be submitted to the City for approval by the City Arborist.

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



Variance Petition No. V08-034

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008 (cancelled)

August 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Ronald Mann

Petitioner

Ronald Mann

Representative

Ronald Mann

PROPERTY INFORMATION

Address, Land Lot, and District 7965 Monticello Drive
Land Lot 351, District 6

Council District 1

Frontage and Area 162 feet of frontage along the west side of Monticello Drive. The subject property has a total area of approximately 1.00 acres.

Existing Zoning and Use The lot is zoned AG-1 (Agricultural District). The property is developed with a single-family residence.

Overlay District N/A

Interim 2027

Comprehensive

Future Land Use

Map Designation

R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty (30) foot undisturbed natural buffer for the proposed northern side addition to the existing house and to a minimum of a fifty (50) foot undisturbed natural buffer plus a three (3) foot impervious surface setback for the southern addition to the middle of the existing house.

7965 Monticello Drive



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

CASE NUMBER: V08-034

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty (30) foot undisturbed natural buffer for the proposed northern side addition and to a minimum of a fifty (50) foot undisturbed natural buffer plus a three (3) foot impervious surface setback for the southern addition to the middle of the house.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to be roughly rectangular in shape. Each side property line (north and south) has a stream, running east-west, adjacent to it. The centerline of a third stream, running north-south, is the subject property's rear western property line. Additionally, each side property line is within a drainage easement. The current house encroaches into the required stream buffers of the two (2) streams that are adjacent to the side property lines.

Staff notes the three (3) seventy-five (75) foot stream buffers located on the subject property limit the buildable area.

The applicant states a hardship is caused by existing property conditions. Additionally, the applicant states the previous side culverts on the north and south sides of the property were non-buffer areas prior to the incorporation of the City of Sandy Springs. They were previously considered twenty (20) foot Drainage Easements only.

The applicant states the hardship is caused by the subject property being bounded by an active creek to the west and two drainage culverts to the north and south, creating a situation where nearly the entire one (1) acre property, including the current house, is engulfed on three sides by the seventy-five (75) foot stream buffer.

The applicant states the intent is to update the existing home with a second floor extension to the master bath, which would necessitate disturbing a thirteen (13) foot by sixteen (16) foot area (208 sq. ft.) within the fifty (50) foot undisturbed natural buffer on the northern stream to build a twelve (12) foot by fifteen (15) foot footing for the addition. The applicant further states the intent is also add a thirty (30) foot by thirty-six (36) foot addition to the rear of the house to replace a thirty (30) foot by twelve (12) foot patio area which would disturb an additional 720 square feet within the twenty-five (25) impervious surface setback.

The applicant states three homes in the direct area have been completely demolished and new large homes have been put in their place. The applicant intends to update and enlarge the home to preserve and increase both aesthetics and property value of the subject property.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meet
Min. Rear Yard Setback:	50 feet	50 feet	meets
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	Min. 30 feet	From wrested vegetation of northern stream. Variance requested.

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ FEMA FIRM Panel shows shaded zone X flood zone covering practically entire lot. A shaded zone X is an unstudied area that may contain 100 year flood zone. A 2007 study by Travis Pruitt and Associates for 7955 Monticello Drive indicates that over 300 acres may drain through 7965 Monticello Dr. A drainage/flood study by a Georgia Professional Engineer will be required for 7965 Monticello Dr for the purpose of determining the 100 year base flood elevation within 7965 Monticello Dr. The results of the study will reveal the relationship between the 100 year flood limits and 100 year flood elevation and the proposed building addition on 7965 Monticello Dr. The results of the study may reveal that additional variances relating to the flood ordinance will be required.
	Arborist/Landscape Architect	▪ Lot is surrounded by streams. Standard stream buffer comments.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The current house encroaches into the required stream buffers of the two (2) streams that are adjacent to the side property lines.

The applicant states the intent is to update the existing home with a second floor extension to the master bath, which would necessitate disturbing a thirteen (13) foot by sixteen (16) foot area (208 sq. ft.) within the fifty (50) foot undisturbed natural buffer on the northern stream to build a twelve (12) foot by fifteen (15) foot footing for the addition. The applicant further states the intent is also add a thirty (30) foot by thirty-six (36) foot addition to the rear of the house to replace a thirty (30) foot by twelve (12) foot patio area which would disturb an additional 720 square feet within the twenty-five (25) impervious surface setback.

The applicant states three homes in the direct area have been completely demolished and new large homes have been put in their place. The applicant intends to update and enlarge the home to preserve and increase both aesthetics and property value of the subject property.

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

The applicant has submitted a site plan indicating the subject property to be roughly rectangular in shape. Each side property line (north and south) has a stream, running east-west, adjacent to it. The centerline of a third stream, running north-south, is the subject property's rear western property line. Additionally, each side property line is within a drainage easement.

Staff notes the three (3) seventy-five (75) foot stream buffers located on the subject property limit the buildable area.

The applicant states a hardship is caused by existing property conditions. Additionally, the applicant states the previous side culverts on the north and south sides of the property were non-buffer areas prior to the incorporation of the City of Sandy Springs. They were previously considered twenty (20) foot Drainage Easements only.

The applicant states the hardship is caused by the subject property being bounded by an active creek to the west and two drainage culverts to the north and south, creating a situation where nearly the entire one (1) acre property, including the current house, is engulfed on three sides by the seventy-five (75) foot stream buffer.

Recommended Condition(s)

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

- 1) That the proposed additions shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 7, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a thirty (30) foot undisturbed natural buffer for the proposed northern side addition and reduced to a minimum of a fifty (50) foot undisturbed natural buffer plus a three (3) foot impervious surface setback for the southern addition to the middle of the house where necessary to accommodate the portions of the encroachments only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious 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) 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.
- 11) The exterior construction material, color, and design of the proposed additions shall be similar to the maximum possible extent to the existing structure.

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



Variance Petition No. V08-035

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008 (cancelled)
August 14, 2008 (deferred)
September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Chris & Cathy Kapsimallis	Brad Renken	Brad Renken

PROPERTY INFORMATION

Address, Land Lot, and District	130 Blenheim Place Land Lot 351, District 6
Council District	1
Frontage and Area	180 feet of frontage along the east side of Blenheim Place. The subject property has a total area of approximately 1.08 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District) under zoning case Z71-092. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

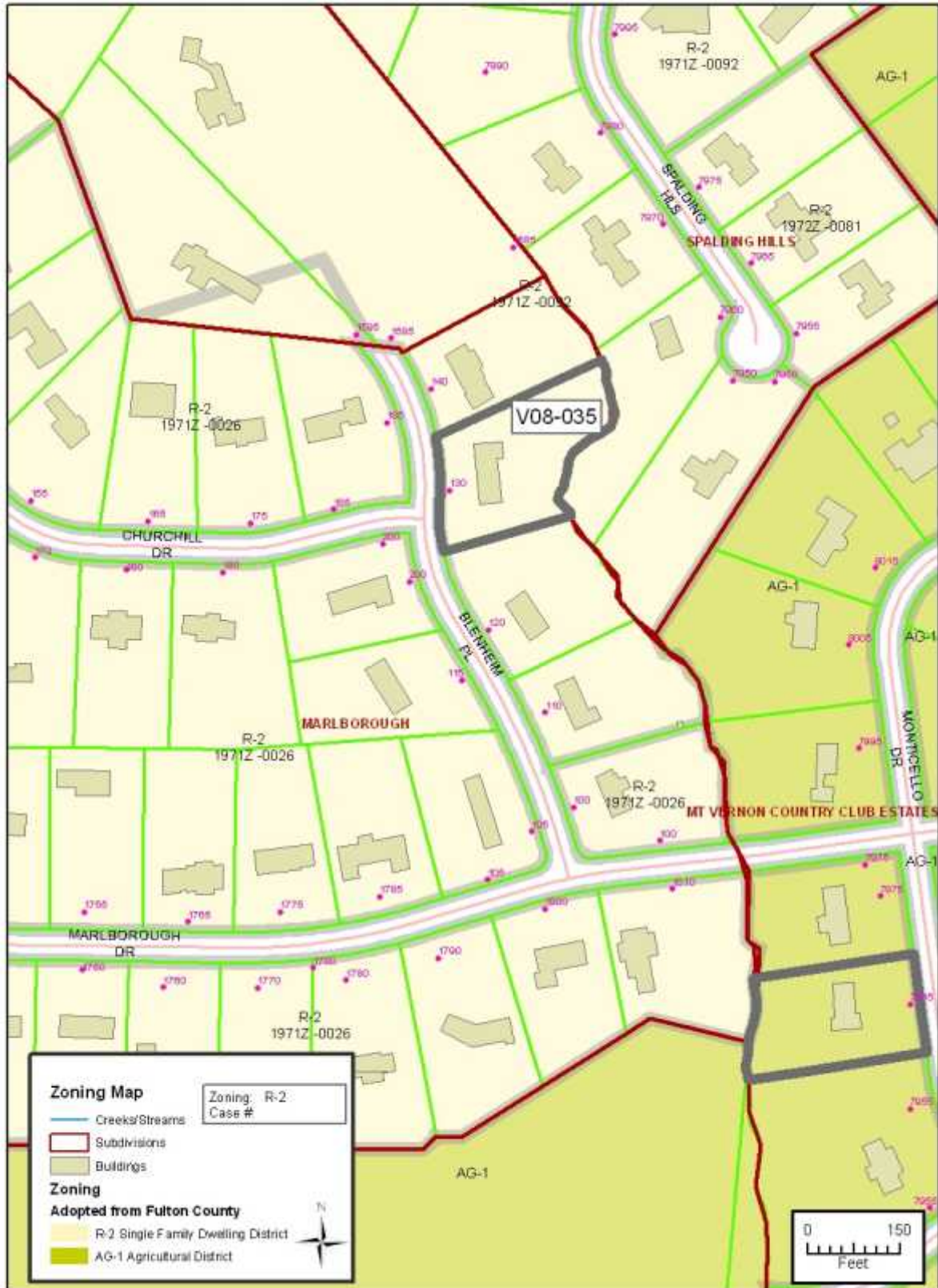
INTENT

The applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer to allow for the construction of a swimming pool, pool deck, and fire pit.

The applicant has provided revised plans showing a reduction in the original requested six (6) foot encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool to only be within the twenty-five (25) foot impervious surface setback and not be within the fifty (50) foot undisturbed natural buffer.

Parcel Map

130 Blenheim Place



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

CASE NUMBER: V08-035

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer to allow for the construction of a swimming pool, pool deck, and fire pit.

ANALYSIS:

The applicant has provided revised plans showing a reduction in the original requested six (6) foot encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool to only be within the twenty-five (25) foot impervious surface setback and not be within the fifty (50) foot undisturbed natural buffer.

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the existing house toward the back of the property. The centerline of a stream, running south-north, is the subject property's rear eastern property line. Additionally, the southern side property line and rear property line (stream centerline) are within drainage easements. Existing structures encroach into the required stream buffer of the stream adjacent to the rear property line. The existing house is abutting the required sixty (60) foot front setback and the required fifteen (15) foot northern side setback.

The revised site plan provided by the applicant indicates:

- 300 square feet of total existing encroachment of the driveway and the gazebo into the stream buffer.
- 1,152 square feet of proposed encroachment into the impervious surface setback for the hardscape and pool/spa.
- 50 square feet of proposed land disturbance within the undisturbed natural buffer for installing the pool/spa.

The applicant states the approval of a variance in this instance would allow the homeowner reasonable and conservative development of their property and would be warranted on the basis of hardship and the fact that the proposed project would maintain harmony with the intent of the Zoning Ordinance. Specifically, the homeowners are subject to hardship due to the irregular shape and the unusual topography of the lot. Even though the house was originally constructed as close as possible to the front building setback, only a very small niche of usable area exists behind the house where a pool can be reasonably constructed. A useable portion of

the side property exists; however, it would be extremely undesirable to the homeowner as well as the neighbors due to its very public relationship to Blenheim Place Rd.

The applicant believes this project would maintain harmony with as well as the intent of the Zoning Ordinance. All affected neighbors have been made aware of the specifics of this request and have given their approval. They have, in several instances, voiced concern over placing the pool in the side yard. The applicant states careful steps are being taken in the development of a landscaping plan to manage water flow and quality as it may be affected by the pool project. Staff has received the aforementioned support letters and landscape plan. This project would also improve the homeowner's property value as many other neighbors own or have built swimming pools in the immediate area. The homeowner is also willing to further this concept of harmony by addressing additional existing downspout and runoff areas from the house.

Additionally, the applicant has indicated original pool designs had greater encroachment than currently proposed. The attached original designs site plans document the above statement.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	40 feet	40 feet	meets
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	50 feet	Variance requested
Pool Setback	10 feet	70 feet 77 feet 54 feet	North side South side East rear

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ FEMA FIRM Panel shows shaded zone X flood zone covering rear half of lot. A shaded zone X is an unstudied area that may contain 100 year flood zone. The proposed pool may or may not be within this area. If the proposed pool is within this area, it will need to be configured so that there is no net fill within the shaded zone X area and so that no additional restriction to conveying flow through the cross-section of the shaded zone X area will result. If the proposed pool is within this area, rather than construct the pool as mentioned above, the applicant may provide a drainage/flood study by a Georgia Professional Engineer for 130 Blenheim Pl for the purpose of determining the 100 year base flood elevation within 130 Blenheim Pl. The results of the study will reveal the relationship between the 100yr flood limits and 100 year flood elevation and the proposed pool; thereby, revealing if Sandy Springs flood ordinances apply to the pool construction. A 2007 study by Travis Pruitt and Associates for 7955 Monticello Drive provides information that indicates that over 300 acres drains through the creek at the rear of 130 Blenheim Place.
	Arborist/Landscape Architect	▪ Standard stream buffer comments.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on September 11, 2008

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;*

Existing structures encroach into the required stream buffer of the stream that is adjacent to the rear property line. The applicant states the approval of a variance in this instance would allow the homeowner reasonable and conservative development of their property. A useable portion of the side property exists; however, it would be extremely undesirable to the homeowner as well as the neighbors due to its very public relationship to Blenheim Place Rd.

All affected neighbors have been made aware of the specifics of this request and have given their approval. They have, in several instances, voiced concern over placing the pool in the side yard. The applicant states careful steps are being taken in the development of a landscaping plan to manage water flow and quality as it may be affected by the pool project. Staff has received the aforementioned support letters and landscape plan. This project would also improve the homeowner's property value as many other neighbors own or have built swimming pools in the immediate area. The homeowner is also willing to further this concept of harmony by addressing additional existing downspout and runoff areas from the house.

Additionally, the applicant has indicated original pool designs had greater encroachment than currently proposed. The attached original designs site plans document the above statement.

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

The applicant has submitted a site plan and photographs indicating the subject property to be wooded, irregular in shape, and sloping from the existing house toward the back of the property. The centerline of a stream, running south-north, is the subject property's rear eastern property line. Additionally, the southern side property line and rear property line (stream centerline) are within drainage easements. Existing structures encroach into the required stream buffer of the stream adjacent to the rear property line. The existing house is abutting the required sixty (60) foot front setback and the required fifteen (15) foot northern side setback.

The applicant states the homeowners are subjected to hardship due to the irregular shape and the unusual topography of the lot. Even though the house was originally constructed as close as possible to the front building setback, only a very small niche of usable area exists behind the house where a pool can be reasonably constructed.

Recommended Condition(s)

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

- 1) That the proposed swimming pool, pool deck, and fire pit shall be constructed in accordance with the revised proposed site plan, provided by the applicant dated received August 28, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a fifty (50) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious 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 pool set back no less than fifty (50) from the wrested vegetation of the subject stream and showing plantings as approved by the City Arborist.

ATTACHMENTS: Letter of appeal, site plans, supporting documents, letters of support, and photographs.



Variance Petition No. V08-040

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 10, 2008 (cancelled)
August 14, 2008 (deferred)
September 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Dr. and Mrs. Grimes	Dr. and Mrs. Grimes	Maria Stedry

PROPERTY INFORMATION

Address, Land Lot, and District	315 Ivy Brooke Court Land Lot 122, District 17
Council District	6
Frontage and Area	60 feet of frontage along the northwest side of the Ivy Brooke Court cul-de-sac. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	The lot is zoned R-2A (Single-family Dwelling District) under zoning case Z87-0157. The property is developed with a single-family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

The applicant is requesting four (4) primary variances:

- 1) Variance from Section 4.24.12.A.2 of the Zoning Ordinance to allow a reduction in the flood storage capacity,
- 2) Variance from Section 109-89.a.2 of the Floodplain Management Ordinance to reduce the base flood or future conditions regulatory flood storage capacity,
- 3) Variance from Section 109-91.1 of the Floodplain Management Ordinance to allow for encroachment into the floodway, including earthen fill, and
- 4) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty (30) foot undisturbed

natural buffer. All variance to allow for pool, pool deck, and retaining walls on a single-family property.

The City placed a stop work order on the subject property and issued a notice of violation for constructing without a required building permit and within a stream buffer.

The applicant has provided revised plans showing a reduction in the original requested 571 square feet of pool and deck encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool and deck to encroach 277 square feet into the fifty (50) foot undisturbed natural buffer.

315 Ivy Brooke Court



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

CASE NUMBER: V08-040

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

BACKGROUND:

The City placed a stop work order on the subject property and issued a notice of violation for constructing without a required building permit and within a stream buffer.

The applicant has provided revised plans showing a reduction in the original requested 571 square feet of pool and deck encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool and deck to encroach 277 square feet into the fifty (50) foot undisturbed natural buffer.

REQUEST:

The applicant is requesting relief from:

- 1) Section 4.24.12.A.2 of the Zoning Ordinance to allow a reduction in the flood storage capacity,
- 2) Section 109-89.a.2 of the Floodplain Management Ordinance to reduce the base flood or future conditions regulatory flood storage capacity,
- 3) Section 109-91.1 of the Floodplain Management Ordinance to allow for encroachment into the floodway, including earthen fill, and
- 4) Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a thirty (30) foot undisturbed natural buffer. All variance are to allow for the completion of construction of a pool, pool deck, and retaining walls.

Staff notes the perimeter fence was installed at or near the time the house was constructed and would be utilized as the required pool fence. Regarding the aforementioned fence and its location within the Stream Buffer, Staff has determined the fence and its maintenance are considered "Grandfathered". The applicant states any new fencing as a part of the proposed construction would occur outside of the seventy-five (75) foot stream buffer and are not part of this application.

ANALYSIS:

Staff notes a major portion of the subject property, including the subject construction, is within a Special Flood Hazard Area. The area is identified as a Zone AE, which is considered a 100 year flood plain. If the pool development encroaches into the floodway, Sec 109-91 requires an affirmative conditional letter of map revision (CLOMR) issued by FEMA and a no-rise certification by the city BEFORE issuance of permit. Additionally, to be consistent with applicable ordinances (Sec 109-89.a.1; 109-89.b.4; 109-90 and Zoning Ordinance 4.24.12.A), the applicant is required to provide engineering studies and certifications by a Professional Engineer that the base flood elevation does not rise outside of the property limits due to the development in the floodplain and that the development does not create hazardous or erosion producing velocities.

The applicant has submitted a site plan and photographs indicating the subject property to be irregular in shape. Easements are located around the front and sides of the property lines. The centerline of a stream, running northeast to southwest, is the subject property's rear property line. The current residence on the subject property is located within the required stream buffer and is abutting the required sixty (60) foot front setback.

The revised proposed site plan provided by the applicant indicates:

- 277 square feet of encroachment of the pool and pool deck into the fifty (50) foot undisturbed natural buffer.
- 151 square feet of proposed encroachment into the fifty (50) foot undisturbed natural buffer the retaining wall indicated as "B".

The applicant states the following:

Please note the residence was built 12 years ago, before the Code of the City of Sandy Springs was adopted.

The saline swimming pool will be constructed as per the drawing prepared by Classic Pools, a copy of which is enclosed. The pool deck will be constructed with a pervious pavers system.

It is necessary to request this primary variance because of the property's shape, topography and location on a circular cul-de-sac. These conditions existed at the time of the adoption of the Code of the City of Sandy Springs and prevent the consideration of any other location of the swimming pool and related improvements on the property. Unless the requested buffer variance is granted, the applicant could not fully enjoy the residence. Denial of this request would create an extreme hardship. No action has been taken that created, or contributed to the conditions creating such hardship. The applicant, with help from pool professionals, have carefully considered any other possible design which would be less intrusive into the buffer zone; however, as can be seen from the enclosed drawings, no better alternative exists.

The swimming pool was located as close to the house as possible with the pool deck beginning just outside the back basement door, the only exit from the rear of the house. Rather than locate the center of the swimming pool at the door, the far end of the swimming pool is located at the door with the remainder placed so that it is as far from the creek as possible. The decision was made to move the swimming pool laterally (southwestward) on the lot, away from the center of the yard.

The impact of the swimming pool on the stream has been thoughtfully minimized. The swimming pool was placed on a higher plane (7 feet) than the wretched vegetation and is surrounded by a retaining wall to create a buffer. Additional landscaping and vegetation will be installed at the perimeter of the yard inside the existing fence to provide additional protection. A drainage system for the swimming pool deck will be installed with the outflow directed away from the stream.

The stream runs at angle to the rear of the property backyard. At the closet corner to the swimming pool, the distance is 35 feet to wretched vegetation of the stream, at the furthest corner from the swimming pool; the distance is 62 feet to wretched vegetation. The angle moves the stream further from the swimming pool as it flows.

The applicant believes the proposed improvements on the property are in full harmony with the purpose of the zoning ordinance of the City of Sandy Springs. There are several swimming pools on the neighboring properties. The proposed improvements will improve the quality of life of the applicant's family, especially the three children and will lead to an increase in the value of my property and, therefore, an increase in the values of properties in the neighborhood generally. In addition, as can be seen on the enclosed landscaping plan, the proposed re-vegetation of the buffer area will be in compliance with the River, Tributary and State Waters Buffer Re-vegetation Standards revised in January, 2000, and will improve the quality of water in the stream that is in question.

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	60 feet	meets
Min. Rear Yard Setback:	40 feet	40 feet	meets
Min. Interior Side Yard Setback:	15 feet	15 feet	meets
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	30 feet	Variance requested
Pool Setback	10 feet	35 feet plus (pool deck)	From the front property line (centerline of stream) behind the house

Department Comments

The staff held a Focus Meeting on June 4, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ A major portion of the subject property, including the subject construction, is within a Special Flood Hazard Area. The area is identified as a Zone AE, which is considered a 100 year flood plain. ▪ If the pool development encroaches into the floodway, Sec 109-91 requires an affirmative conditional letter of map revision (CLOMR) issued by FEMA and a no-rise certification by the city BEFORE issuance of permit. ▪ To be consistent with applicable ordinances (Sec 109-89.a.1; 109-89.b.4; 109-90 and Zoning Ordinance 4.24.12.A) the applicant is required to provide engineering studies and certifications by a Professional Engineer that the base flood elevation does not rise outside of the property limits due to the development in the floodplain and that the development does not create hazardous or erosion producing velocities.
	Arborist/Landscape Architect	▪ Standard stream buffer comments
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant has provided revised plans showing a reduction in the original requested 571 square feet of pool and deck encroachment into the fifty (50) foot undisturbed natural buffer. The applicant now intends the proposed pool and deck to encroach 277 square feet into the fifty (50) foot undisturbed natural buffer.

The current residence on the subject property is located within the required stream buffer. The applicant states the residence was built 12 years ago, before the Code of the City of Sandy Springs was adopted.

The applicant, with help from pool professionals, states he has carefully considered any other possible design which would be less intrusive into the buffer zone; however, as can be seen from the enclosed drawings, no better alternative exists.

The applicant states the swimming pool was located as close to the house as possible with the pool deck beginning just outside the back basement door, the only exit from the rear of the house. Rather than locate the center of the swimming pool at the door, the far end of the swimming pool is located at the door with the remainder placed so that it is as far from the creek as possible. The decision was made to move the swimming pool laterally (southwestward) on the lot, away from the center of the yard.

The applicant states the impact of the swimming pool on the stream has been thoughtfully minimized. The swimming pool was placed on a higher plane (7 feet) than the wrested vegetation and is surrounded by a retaining wall to create a buffer. Additional landscaping and vegetation will be installed at the perimeter of the yard inside the existing fence to provide additional protection. A drainage system for the swimming pool deck will be installed with the outflow directed away from the stream.

The applicant states the stream runs at angle to the rear of the property backyard. At the closet corner to the swimming pool, the distance is 35 feet to wrested vegetation of the stream, at the furthest corner from the swimming pool; the distance is 62 feet to wrested vegetation. The angle moves the stream further from the swimming pool as it flows.

The applicant believes the proposed improvements on the property are in full harmony with the purpose of the zoning ordinance of the City of Sandy Springs. There are several swimming pools on the neighboring properties. The proposed improvements will improve the quality of life of the applicant's family, especially the three children and will lead to an increase in the value of my property and, therefore, an increase in the values of properties in the neighborhood generally. In addition, as can be seen on the

enclosed landscaping plan, the proposed re-vegetation of the buffer area will be in compliance with the River, Tributary and State Waters Buffer Re-vegetation Standards revised in January, 2000, and will improve the quality of water in the stream that is in question.

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

The applicant has submitted a site plan and photographs indicating the subject property to be irregular in shape. Easements are located around the front and sides of the property lines. The centerline of a stream, running northeast to southwest, is the subject property's rear property line. The current residence on the subject property is abutting the required sixty (60) foot front setback.

The applicant states it is necessary to request this primary variance because of the property's shape, topography and location on a circular cul-de-sac. These conditions existed at the time of the adoption of the Code of the City of Sandy Springs and prevent the consideration of any other location of the swimming pool and related improvements on the property. Unless the requested buffer variance is granted, the applicant could not fully enjoy the residence. Denial of this request would create an extreme hardship. No action has been taken that created, or contributed to the conditions creating such hardship.

Recommended Condition(s)

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

- 1) The proposed swimming pool, pool deck, and retaining wall shall be constructed in accordance with the revised proposed site plan, provided by the applicant dated received August 28, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a thirty (30) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only.
- 2) The stream buffer shall be landscaped in accordance with the Stream Revegetation Buffer plan, provided by the applicant dated received June 4, 2008 by the Department of Community Development
- 3) The entire proposed pool deck shall be constructed of pervious material.
- 4) All downspouts and water runoff from the proposed construction shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.

- 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.

ATTACHMENTS: Letters of appeal, site plans, letters of support, supporting documents, and photographs.



Variance Petition No. V08-041

HEARING & MEETING DATES

Design Review Board

April 8, 2008
May 13, 2008
May 27, 2008
June 24, 2008

Board of Zoning Appeals Hearing

July 10, 2008 (Canceled)
August 14, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

The Prado, LLC

Petitioner

The Prado, LLC/ Target

Representative

Denyse Signs

PROPERTY INFORMATION

Address, Land Lot, and District.

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

Council District

6

Frontage and Area

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

Existing Zoning and Use

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

Overlay District

Urban District.

2027

Comprehensive Future Land Use Map Designation

Living-Working Community (LWC).

INTENT

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

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

DESIGN REVIEW BOARD RECOMMENDATION

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

Variance Approval:

- Item (2) in staff report -Target variance. To allow for a second wall sign on a non-street facing wall East elevation of the building (Section 33.26.H.2.a Wall Signs).

Deferral

- Item (1) in staff report -Target variance. Deferral of request of variance for wall signs above roof line of the building (Section 33.18.H.)

Item 1 was deferred till the DRB meeting on May 13, 2008. The board recommended that the applicant meet with the Sandy Springs Council of neighborhoods to develop a compromise regarding the proposal.

The applicant, following the recommendations of the Board, met with Sandy Springs Council of Neighborhoods and developed the following compromise:

- The applicant has amended the application. Only one sign is requested to be above the roof line of the building and is to be on the east elevation.

The case was presented to the Board at the May 13, 2008 Design Review Board meeting for the second time. The carriage Gate community expressed concern about the "Bull's-eye" light. The Board recommended deferral for two weeks (6-0, Lichtenstein, Porter, Gregory, Landeck, Richard and Westmoreland, for; Mobley absent) to allow the applicant and the neighbors to continue developing a compromise.

The applicant was not able to be present at the May 27, 2008 Design Review Board meeting and provided staff with a request to defer the case.

The applicant ultimately agreed to install a back-lit "Bull's-eye" wall sign on the East elevation of the building. At the June 24, 2008 DRB meeting the applicant presented to the Design Review Board an example of the type of internal light to be used in the "Bull's-eye" sign on the East elevation of the building, above the roof line as shown in exhibit 2. The Board recommended approval (6-0, Lichtenstein, Porter, Landeck, Richard, Mobley and Gregory for; Westmoreland absent) as submitted.

Parcel Map

5600 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on August 14, 2008

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V08-041

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

REQUEST:

The applicant is seeking two (2) primary variances from the Zoning Ordinance: 1) variance from Section 33.18.H to allow a sign to extend vertically above the roof line of a building and 2) variance from Section 33.26.H.2.a to allow for an additional wall sign on a wall that does not have street frontage.

Staff Analysis:

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

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

The applicant has indicated: that the **Target** building is uniquely located to face inward to the project so that the sign location on the north elevation is perpendicular to the adjoining public road frontage (Roswell Road). The building entrance is approximately 200 feet from Roswell Road and is even with the grade at the signalized intersection. The Applicant is requesting a variance to include signage on east elevation of the "tower" feature in order to afford this business visibility from the main public right-of-way (Roswell Rd.) that adjoins the store. Since the Staple's building sits in front of the Target building when viewed from the east, the height of the tower allows the signage to be visible above the building. The Target building sits approximately 90 feet above the existing grades along the Lake Placid frontage. When viewed from the north, there are existing trees, the existing Prado building, and the new shops and parking deck sited along the hill in front of the store. This signage also helps pedestrians and motorists alike, to locate this business once they enter this vertically integrated site from all directions. The Target "Bullseyes" are instantly recognizable and will aid in the wayfinding requirements which helps avoid confusion about where to go once a customer enters the site.

The applicant's original request for Target was:

- A wall sign above the roofline of the building on the north elevation at 323.0 square feet of sign area, exceeding the maximum allowance of 180 square feet by 143. 0 square feet.

- A wall sign above the roofline of the building on the east elevation of the building at one-hundred (100) square feet of sign area.

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

- The applicant proposes a wall sign on the north elevation of the building at ninety-nine (99) square feet of sign area. No sign above the roofline of the building on the north elevation.
- A wall sign above the roofline of the building on the east elevation of the building at eighty-one (81) square feet of sign area.

The applicant's North building elevation contains a total of 11,870.0 square feet of wall area. The East building elevation contains a total of 8,331.0 square feet of wall area. Per Section 26.H.2. *Wall Signs*, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or 180 square feet per wall.

Department Comments

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

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

Standards for Consideration

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

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance;*
2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while*

causing no detriment to the public;

Hardship / Statement of Justification

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

The Applicant offers support of the request for additional signage, outlined above, as follows:

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

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

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

Recommended Conditions:

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

1. That the wall sign located above the roofline on the East elevation of the building shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received June 10, 2008 by the Department of Community Development.
2. That the wall sign located on the East elevation of the building shall not exceed eighty-one (81) square feet of sign area, be installed pursuant to the sign detail (Exhibit 1), submitted by the applicant, dated received June 10, 2008 by the Department of Community Development.

3. That the wall sign located on the East elevation of the building shall be back-lit reverse channel letters pursuant to the sign detail (Exhibit 2), submitted by the applicant, and dated received June 10, 2008 by the Department of Community Development.

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