



Variance Petition No. 201401171

HEARING & MEETING DATES

Planning Commission
May 15, 2004

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

APPLICANT/PETITIONER INFORMATION

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

PROPERTY INFORMATION

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

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

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

BOARD OF APPEALS ACTION

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

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

Sign # 1

"Option A" (Desirable by the applicant)

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

Eight (8) feet tall at its highest point.

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

"Option B"

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

7'-5" tall at its highest point.

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

Both options with:

Electronic message display board (EMD),

Internally illuminated and

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

Sign # 2: A second sign (that identifies the church) near the River Valley entrance.

5'-10" tall at its highest point (Prior request: 6' tall).

Approximately 25.5 square feet in area (Prior request: 44 sqft).

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401171- 1) APPROVAL CONDITIONAL

2) APPROVAL CONDITIONAL

3) APPROVAL CONDITIONAL

4) APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION

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

Approval of Variances:

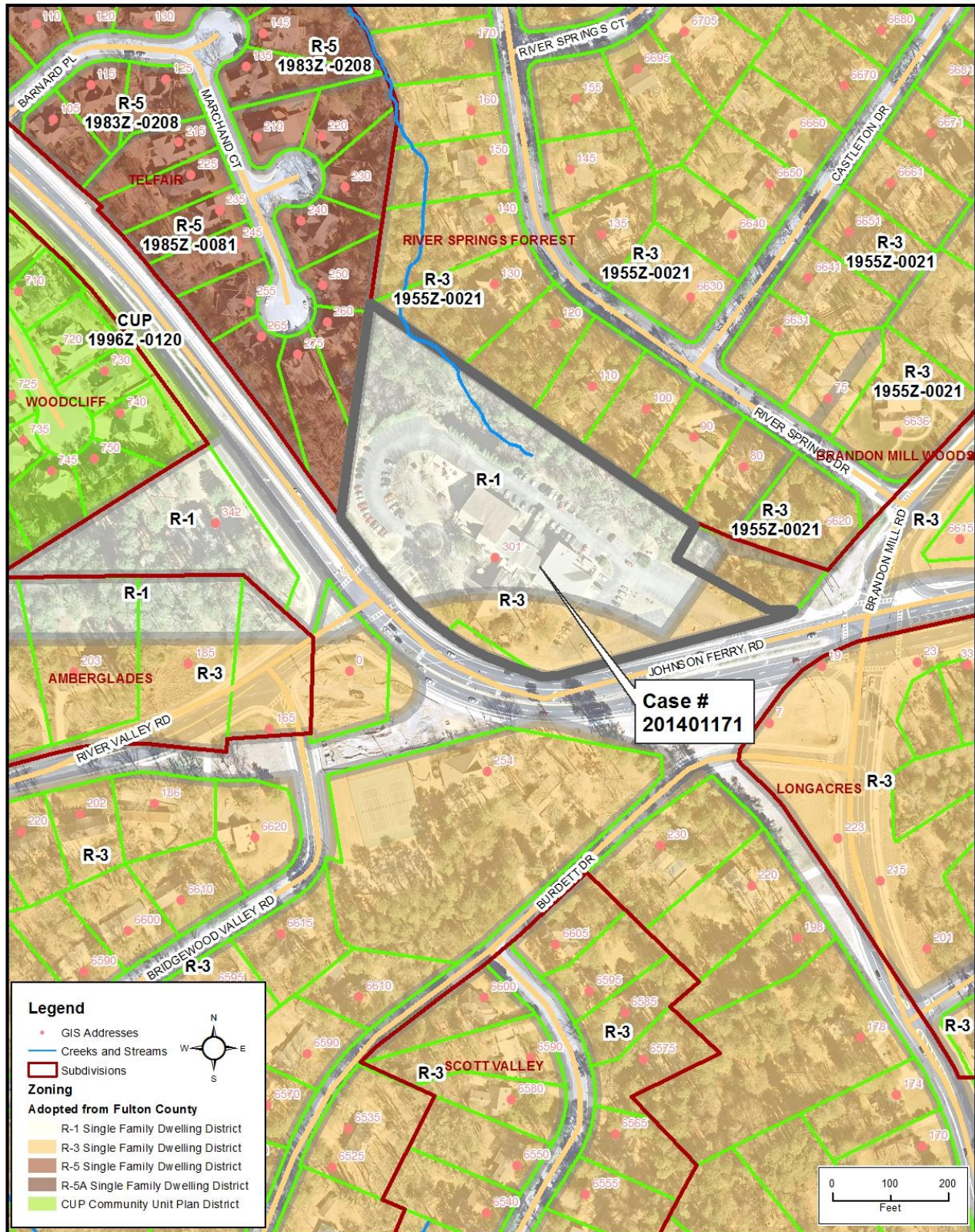
- 1) Section 33.22.C. To reduce the required ten (10) foot minimum sign setback from the right-of-way to five (5) feet. (Sign #1).
- 4) Section 33.26. H.1.b. To allow for a second ID monument sign along the Johnson Ferry road frontage where only one is allowed (sign #2).

Denial of Variances:

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

Parcel Map

301 Johnson Ferry Road NW



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

CASE NUMBER: 201401171

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

Staff Analysis:

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

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

The applicant’s proposed signs are as follows:

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

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

The applicant offers the following in support of the application:

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

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

The Sandy Springs Zoning Ordinance provides:

Section 33.22.C. Setback.

Unless a more restrictive setback is specified in conditions of zoning or otherwise in this Article, all signs shall set back at least ten (10) from the right-of-way or twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. However, the Director is authorized by this Zoning Ordinance to consider an administrative variance to the sign setback requirements subject to the limitations of Section 12, Variance, subsection d. Standards, of this ordinance. In the Overlay Main Street District all signs shall set back at least three (3) feet from the right-of way. Temporary banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.

Section 33.23. C. Changeable Copy Signs

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

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

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

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

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

History

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

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

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

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

No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

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

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

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

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

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

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

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

The lot does not present any topographical challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

The natural features of the lot do not present any challenges to justify the approval of this variance. Therefore, staff is of the opinion this standard has not been satisfied.

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

Section 33.12.D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. *The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.*

Findings:

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

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

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

Department Comments

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

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

Recommendation

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

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

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

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

Attachments

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



Variance Petition No. 201401331

HEARING & MEETING DATES

Board of Appeals Hearing
July 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Pulte Home Corporation	Pulte Home Corporation	Simon Bloom

PROPERTY INFORMATION

Address, Land Lot(s), and District	6030-6116 Glenridge Drive & 596 Lorell Terrace Land Lots 36 & 71, 17 th District
Council District	3
Frontage	Approximately 1,400 feet of frontage on Glenridge Drive, approximately 180 feet of frontage on Lorell Terrace
Area	Approximately 7.39 and .776 acres respectively
Existing Zoning	R-5 (Single Family Dwelling District) Conditional, pursuant to Sandy Springs case RZ07-0015, R-2 and R-3
Existing Use	Residential
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	3 to 5 Residential Units per acre, and 2 to 3 Residential Units per acre

INTENT

A Secondary Variance to appeal the Director of Community Development's April 1, 2014 Determination regarding the proposed detention facility.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401331 – 1) AFFIRM DIRECTOR'S DECISION

BOARD OF APPEALS – JUNE 12, 2014

201401331 – Deferred 30 Days

At the June 12, 2014 Board of Appeals hearing, the Board voted to defer the subject petition to the next meeting agenda to give the applicant time to explore alternatives and reach consensus with all parties. (5-1, Coan, Sandler, E. Johnson, Nodvin, and Moller for; Carpinella against; and A. Johnson absent)

Findings of Fact

Background

A portion of the subject property along Glenridge Drive was rezoned R-5 pursuant to RZ07-0015 for a 28-lot single family subdivision (Austin Place). The plan that was submitted as a part of the rezoning application, and that was considered by City Council in approving the rezoning, showed two storm water detention facilities located on the property.

The plans filed for a Land Disturbance Permit expanded the boundary of the Austin Place development, proposing storm water detention property to the southwest within the Hammond Hills subdivision. On April 1, 2014, the

Director of Community Development informed the applicant via email that the required storm water detention facility to serve the 28-lot Austin Place development must be located on site, not on property that is a part of the Hammond Hills subdivision.

Appeal

Simon Bloom, acting as the Agent for Pulte Home Corporation, filed a Secondary Variance seeking to appeal the decision of the Director as outlined in the Letter of Determination. The arguments outlined in the Letter of Appeal indicate that the petitioner feels the City is wrongfully denying the land disturbance permit.

Conclusion and Requested Action

Pursuant to Section 22.13.11 of the Sandy Springs Zoning Ordinance, the Board is permitted to take the following actions as it relates to this appeal:

22.13.11. BOA DECISION ON SECONDARY VARIANCES/INTERPRETATIONS. The BOA may take the following actions pursuant to a secondary variance and/or an interpretation appeal:

- A. Affirm an order, requirement, or decision, wholly or partly;
- B. Reverse an order, requirement, or decision, wholly or partly;
- C. Clarify an order, requirement, or decision, wholly or partly, by presenting an interpretation of the text in the form of a statement of clarification. Such statement shall not contain substitute language, but shall rely upon language and definitions contained in the Zoning Ordinance, and definitions contained in the most current edition of the Merriam-Webster Collegiate Dictionary.

Staff recommends that the Board of Appeals **AFFIRM** the determination of the Director of Community Development that the storm water detention for the 28-lot Austin Place development must be located within the boundary of the of the property zoned R-5 pursuant to RZ07-0015.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received April 11, 2014
Determination – Dated April 1, 2014
Site Plan – Dated received April 11, 2014
Letters of Opposition
Photographs

6030 - 6116 Glenridge Drive



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



Variance Petition No. 201401619

HEARING & MEETING DATES

Board of Appeals Hearing
July 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Jeffrey Sacks

Petitioner
Jeffrey Sacks

Representative
Jeffrey Sacks

PROPERTY INFORMATION

Address, Land Lot(s), and District	6340 Cotswold Lane Land Lot 35, 17 th District
Council District	3
Frontage	Approximately 55.28 feet of frontage along Cotswold Lane
Area	Approximately .16 acres (6,957 square feet)
Existing Zoning	R-5A (Single Family Dwelling District) pursuant to Fulton County case Z00-0111
Existing Use	Currently developed with a single family residence
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 3 to 5 units per acre

INTENT

The applicant is proposing to reduce the play equipment setback to allow for a swing set. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 4.3.4.B.2 to of the Zoning Ordinance to reduce the ten (10) foot outdoor play equipment setback to seven (7) feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401619 – 1) APPROVAL CONDITIONAL

Standards for Consideration

Variance from Section 4.3.4.B.2 to of the Zoning Ordinance to reduce the ten (10) foot outdoor play equipment setback to seven (7) feet to allow for a swing set.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The setback for play equipment is sometimes more restrictive than the side yard setbacks, depending on the zoning designation. In this case, the side yard setback for a single family residence or accessory structure would be

seven (7) feet, which would allow a shed, arbor, or similar structure, three (3) feet closer to the property line than the required ten (10) foot play equipment setback. Based on these factors, staff feels the intent of the ordinance is being met in that there would still be the required buffer for the district, preserving a fourteen (14) foot buffer between neighboring residences and associated structures. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The lots in this subdivision are very narrow, as is consistent with the zoning designation. As explained above, the more strict ten (10) foot play equipment setback is more stringent than the seven (7) foot side yard setback. And applying the stricter setback imposes an additional hardship for the owner when trying to develop accessory structures and play equipment on the narrow lots. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

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

<i>Code Enforcement</i>	The property owner was issued a Notice of Violation for on April 14, 2014 after a site visit determined that the play equipment did not comply with the required ten (10) foot play equipment setback. The applicant has initiated the variance process at an attempt to resolve the matter ahead of their scheduled court date.
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Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of the first variance request, to reduce the required ten (10) foot play equipment setback to seven (7) feet to allow for a swing set.

Recommended Condition(s)

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

1. To reduce the required ten (10) foot play equipment setback to seven (7) feet to allow for a swing set, as shown on the site plan dated received May 5, 2014.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received May 5, 2014

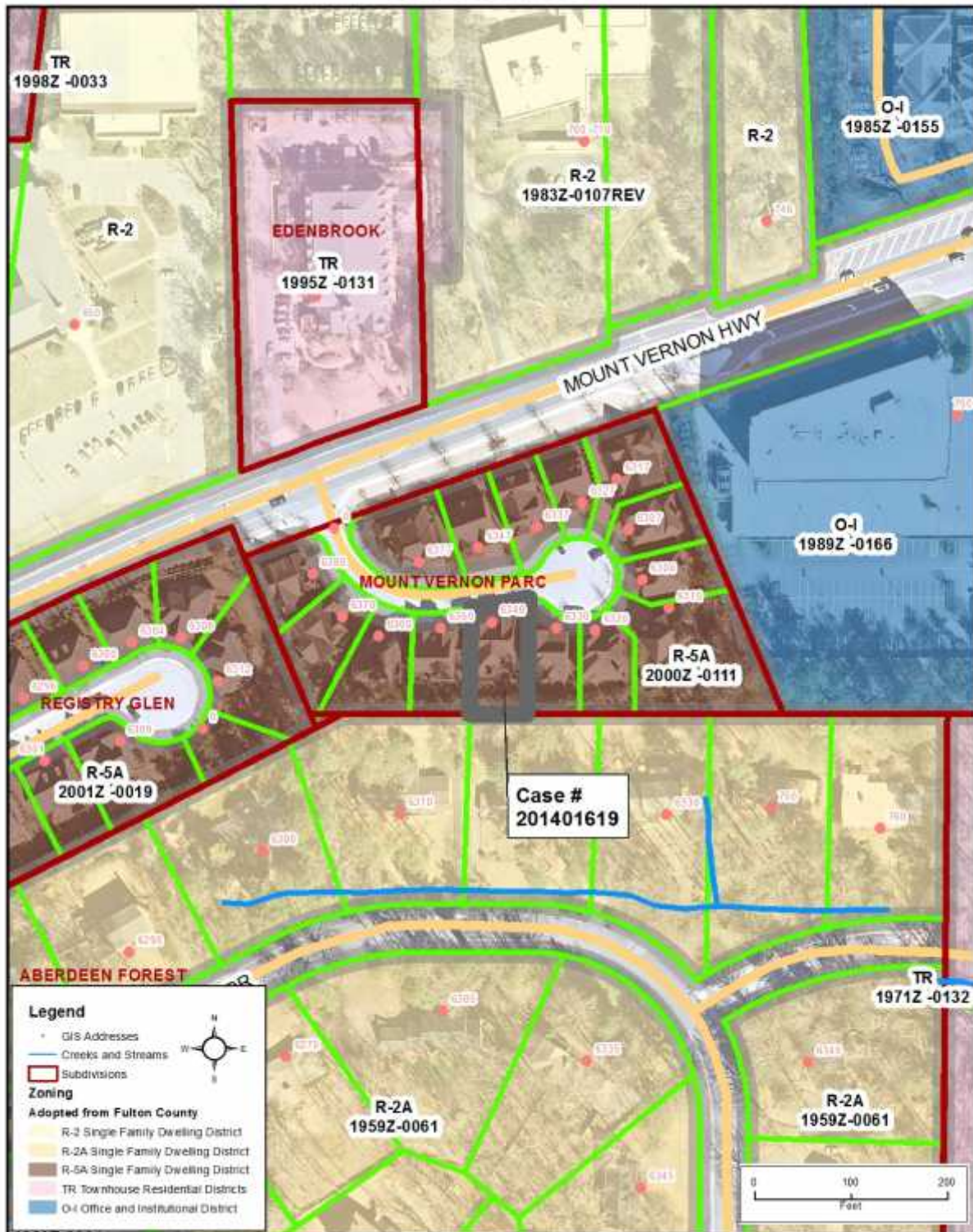
Site Plans – Dated received April 28, 2014

Code Enforcement Information

Letter of Opposition and Supporting Documents – Dated received June 30, 2014 and June 19, 2014

Photographs

6340 Cotswold Ln



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



Variance Petition No. 201401631

HEARING & MEETING DATES

Board of Appeals Hearing
July 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Allison Broms

Petitioner
Allison Broms

Representative
Conrad Arnold

PROPERTY INFORMATION

Address, Land Lot(s), and District 5067 Green Pine Drive & 285 Northland Ridge Trail
Land Lot 40, 17th District

Council District 5

Frontage Approximately 155.92 feet of frontage along Green Pine Drive and approximately 36 feet of frontage alone Northland Ridge Trail.

Area Approximately 1.47 acres

Existing Zoning R-2 (Single Family Dwelling District) and R-3A (Single Family Dwelling District) pursuant to Fulton County case Z88-0053

Existing Use Green Pine Drive is developed with a single family residence, Northland Ridge Trail is currently undeveloped.

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 0 to 1 units per acre, and Residential 1 to 2 units per acre

INTENT

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

1. Variance from Section 10-6 of the Animals Ordinance to reduce the 150 foot animal housing/enclosure setback;
2. Variance from Section 4.8.1 of the Zoning Ordinance to allow horse shelter less than 100 feet from residentially zoned property; and
3. Variance from Section 6.5.3.I of the Zoning Ordinance to allow an accessory structure in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**201401631 – 1) WITHDRAWAL
2) WITHDRAWAL
3) WITHDRAWAL**

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received May 6, 2014
Request for Withdrawal – Dated received June 19, 2014
Site Plan – Dated received May 6, 2014

5067 Green Pine Drive and 285 Northland Ridge Trail





Variance Petition No. 201401632

HEARING & MEETING DATES

Board of Appeals Hearing
July 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mark and Connie Mixon	Southern Outdoor Construction	Josh Keeling

PROPERTY INFORMATION

Address, Land Lot(s), and District	4969 Long Island Drive Land Lot 120, 17 th District
Council District	6
Frontage	Approximately 163 feet of frontage along Long Island Drive.
Area	Approximately .576 acres (27, 829 square feet)
Existing Zoning	R-3 (Single Family Dwelling District) pursuant to Fulton County case Z86-0288
Existing Use	Single family residence
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 2 to 3 units per acre

INTENT

The applicant is proposing to allow a pool, pool equipment, and deck within ten (10) feet of the property line. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 19.3.15.B.1 of the Zoning Ordinance to reduce the required ten (10) foot for a new pool deck and an existing pool.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401632 – 1) APPROVAL CONDITIONAL

Standards for Consideration

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to restrict the location of pools, decks, and pool equipment from the side and rear property lines in order to prevent them from causing a disturbance to neighboring property owners. However, due to a number of structural issues the applicant is proposing to renovate the existing legal non-conforming pool deck. The existing pool was built approximately five (5) feet from the rear

property line and the surrounding deck was built up to the rear property line. The applicant is proposing to match the material and layout of the renovated deck with the existing. Additionally, numerous other homes in the neighborhood have similar encroachment problems with their pools. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The existing lot is regular in shape, and the topography presents few to no challenges. However, the pool and pool equipment were built five (5) feet from the rear property line and are considered legal non-conforming structures. The applicant is not proposing any structural work be done to the pool, therefore, due to its location, there are limited developable options to place the pool deck. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday June 4, 2014, and no comments were provided from the following departments: Arborist, Fire, Code Enforcement, Transportation, Building and Permitting or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of the variance request, to reduce the required ten (10) foot setback for a new pool deck and an existing pool.

Recommended Condition(s)

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

1. To reduce the required ten (10) foot setback for a new pool deck and an existing pool, as shown on the site plan dated received May 6, 2014 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received May 6, 2014
Site Plan – Dated received May 6, 2014
Photographs

4969 Long Island Drive





Variance Petition No. 201401633

HEARING & MEETING DATES

Board of Appeals Hearing
July 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Adam Carlex

Petitioner
James Campbell

Representative
Jim Campbell

PROPERTY INFORMATION

Address, Land Lot(s), and District 930 River Overlook Court
Land Lot 171, 17th District

Council District 3

Frontage Approximately 130 feet of frontage along River Overlook Court and approximately 182 feet of frontage along River Overlook Drive.

Area Approximately .67 acres (29,185 square feet)

Existing Zoning R-2A (Single Family Dwelling District) pursuant to Fulton County case Z62-0086

Existing Use Single family residence

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to reduce the side setback for the construction of a porch. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.3.3.C of the Zoning Ordinance to reduce the fifteen (15) foot side yard setback to twelve (12) feet for the construction of a screened porch.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201401633 – 1) APPROVAL CONDITIONAL

Standards for Consideration

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to keep structures out of the minimum side yard, in order to prevent them from becoming intrusive to neighboring property owners and causing a nuisance. The proposed screened porch would be approximately forty (40) feet from the adjacent neighbor to the side, and would be imposed on the existing porch's footprint, which is within the minimum side yard setback. The proposed

porch would further be shielded from the neighboring property owner by the existing shrubbery, trees, and privacy fence. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The property is rectangular in shape. The site slopes from northwest to the southeast towards the street. However, the size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition has not been satisfied.

Department Comments

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

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of the variance request, to reduce the fifteen (15) foot side yard setback to twelve (12) feet for the construction of a screened porch.

Recommended Condition(s)

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

1. To reduce the fifteen (15) foot side yard setback to twelve (12) feet for the construction of a screened porch, as shown on the site plan dated received May 6, 2014 by the Department of Community Development.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received May 6, 2014

Site Plan – Dated received May 6, 2014

Photographs

930 River Overlook Court



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



Variance Petition No. 201401644

HEARING & MEETING DATES

Board of Appeals Hearing
July 10, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Bill & Joliene Carroll	Bill & Joliene Carroll	Micah Rogers

PROPERTY INFORMATION

Address, Land Lot(s), and District	1685 Chevron Way Land Lot 353, 6 th District
Council District	1
Frontage	Approximately 92.13 feet of frontage along Chevron Way
Area	Approximately 2.52 acres
Existing Zoning	R-2 (Single Family Dwelling District) pursuant to Fulton County case Z66-003
Existing Use	Single family residence and swimming pool
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential 0 to 1 units per acre

INTENT

The applicant is seeking relief from the requirements that accessory structures and swimming pools must be located in side and rear yards, to allow for an existing tennis court located in the front yard to be redeveloped as a swimming pool. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variances from Section 6.2.3.I of the Zoning Ordinance to allow an accessory structure in the front yard; and
2. Variance from Section 19.3.15.B.1 of the Zoning Ordinance to allow for a pool in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**201401191 – 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITOINAL**

Standards for Consideration

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The intent of the Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The proposed location for the accessory structure and swimming pool is on an existing tennis court that is in

disrepair. The location of the pool would not be any more disruptive to the harmony of the development than the existing tennis court, and would in fact improve the harmony through the addition of pervious surfaces and additional landscaping. Also, the view of the house and proposed structures are blocked from the street. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The property is fairly irregularly shaped as it is located on a cul-de-sac. There are also significant changes in topography as the lot moves away from the street and towards the rear of the property. And, finally, the rear portion of the lot is either covered or bound by a stream, with the required buffers showing the existing home as encroaching. Based on all of these considerations, the applicant has no alternative locations for siting the pool and proposed accessory structure. As was mentioned above, the proposed location is currently level due to the existence of the tennis court; little, if any, grading would be required. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday June 4, 2014, and no comments were provided from the following departments: Arborist, Fire, Code Enforcement, Building and Permitting, Land Development, Transportation Services, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL**, of the first variance request, to allow an accessory structure in a front yard, and **APPROVAL CONDITIONAL** of the second variance request, to allow a swimming pool in a front yard, to allow for the installation of a swimming pool and construction of an accessory structure.

Recommended Condition(s)

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

1. To allow an accessory structure to be located in a front yard, as shown on the site plan dated received May 7, 2014 by the Department of Community Development.
2. To allow a swimming pool to be located in a front yard.

ATTACHMENTS:

Parcel Map

Letter of Appeal – Dated received May 7, 2014

Site Plan – Dated received May 7, 2014

Renderings & Concept Plans – Dated received May 7, 2014

Photographs

1685 Chevron Way

