



Variance Petition No. V07-035

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Tim Rice	Tim Rice	William Woodson Galloway

PROPERTY INFORMATION

Subdivision, Land Lot, and District	High Point Manor Subdivision Land Lot(s) 39 & 68, District 17
Council District	5
Frontage and Area	1475 feet of frontage along the northwest side of High Point Road and 980 feet of frontage along the northeast side of Northland Drive. The subject property has a total area of approximately 10.40 acres.
Existing Zoning and Use	NUP (Neighborhood Unit Plan District) under zoning case Z05-087. The property is developed with a single-family residence (lot #20).
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
INTENT	

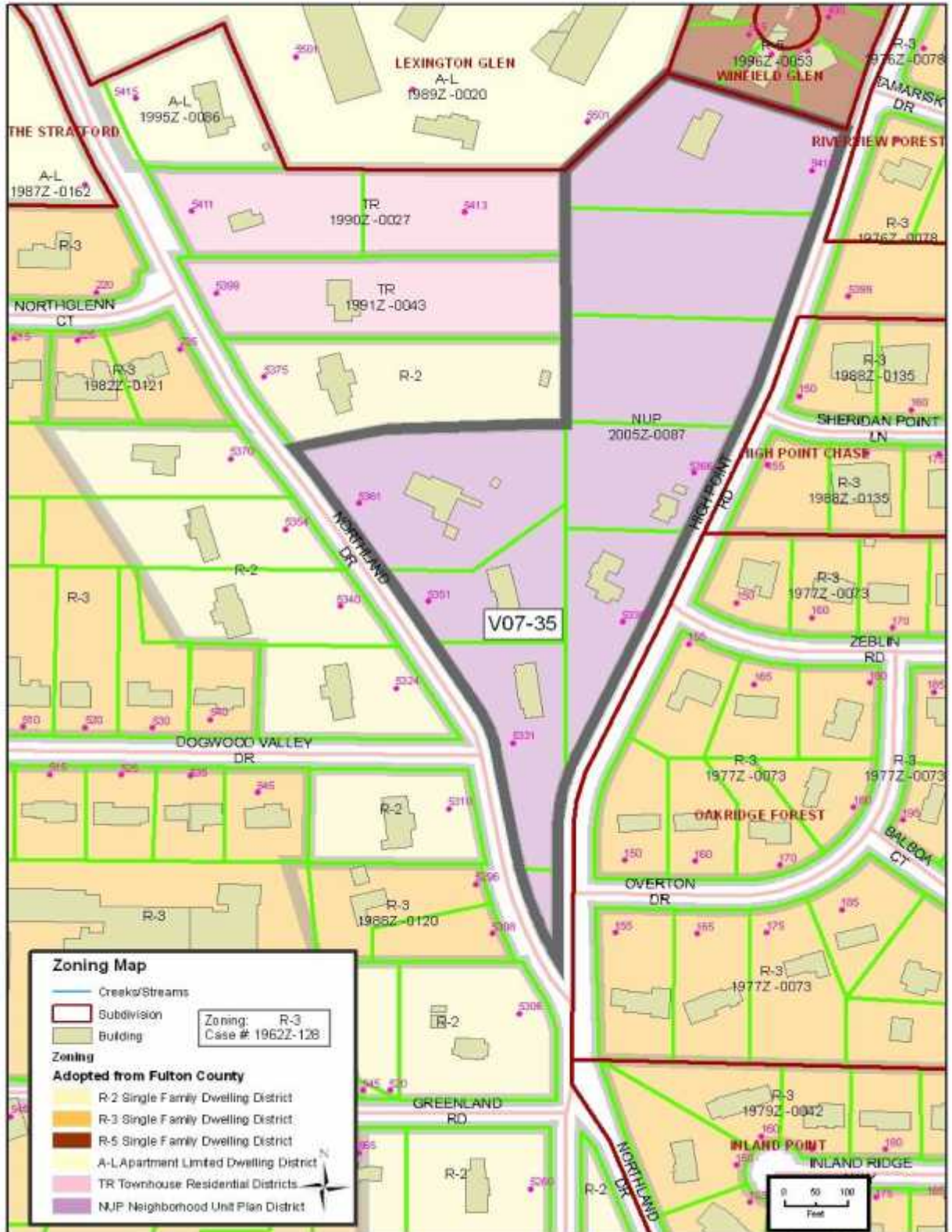
The applicant is requesting three (3) primary variances:

- 1) Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property,
- 2) Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property, and
- 3) Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property.

All variances to allow for the construction of a single-family development.

Parcel Map

High Point Manor Subdivision



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

CASE NUMBER: V07-035

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

ANALYSIS:

The applicant is requesting relief from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property, Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property, and from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property. The required sidewalk improvements are in conjunction with the development of a single-family subdivision.

The zoning and subdivision was originally approved under zoning case Z05-087. A Land Disturbance Permit (LDP) and Plat have been approved for the subject subdivision. Under the approved LDP, the applicant is required to make sidewalk improvements. The applicant has started the sidewalk installation process, but has not completed it. The subject property/subdivision is situated north of the "V" intersection of Northland Drive and High Point Road - the applicant states that a portion of the required sidewalk has recently been installed (without the required two (2) foot landscape strip adjoining the back of curb and gutter) just north of the "V" intersection, starting from an existing fire hydrant and ending adjacent to the private entrance of the subdivision. The applicant states that the variance request is two fold. First, he is asking for relief to allow the aforementioned section of newly installed sidewalk to remain as installed, without the required two (2) foot landscape strip adjoining the back of curb and gutter. And secondly, the applicant is asking for relief to not install a section of the required sidewalk along High Point Road north of the private entrance of the subdivision continuing to the end of the subdivision.

The applicant states that Winefield Glen, the subdivision to the north of the subject property, does not have sidewalks along High Point Road. The applicant also states that due to existing topography, the installation of the sidewalks, as required, would necessitate extensive grading that would result in the destruction of numerous trees. The applicant further states that no public purpose will be served by the installation of these sidewalks. The homes that will be constructed on the property will face an interior street where the developer is required to construct a sidewalk. The occupants of these homes will have no access to a High Point Road sidewalk. The applicant continues by stating that there is a sidewalk on the east side of High Point Road that can handle the low level pedestrian traffic in the area. The applicant finally states that relief, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance which includes preserving natural vegetation and to provide a safe environment for residential areas.

The applicant states that the newly installed sidewalk, not having the required two (2) foot landscape strip adjoining the back of curb and gutter, was installed after consultation with Public Works; to require the applicant to demolish the already installed sidewalk and to reinstall it providing for a two (2) foot landscape strip, would result in unnecessary financial hardship.

Department Comments

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on July 12, 2007

The staff held a Focus Meeting on June 6, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ There are no specimen trees that would be impacted by constructing the sidewalks as required. A portion of the tree damage could be lessened by the installation of a knee wall to mitigate the need for extensive grading to tie back to the slope.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	There are two distinct areas of sidewalk covered by this variance request, and the Public Works' comments will treat them separately: First is the existing sidewalk south of the main project entrance. This sidewalk was placed in error by the developer after discussions with staff regarding the staging of its construction. Rather than replace the incorrect sidewalk, it has been included in this variance request; which, if approved, would cover the construction error. The contractor was told to grade and stake the proposed location of the sidewalk for approval by Public Works and the Arborist. When staff returned to the site to inspect the proposed location, the sidewalk was already constructed. The developer was subsequently instructed to remove the sidewalk and reconstruct with the landscape strip. Second is the portion of frontage along High Point Road north of the main project entrance and deceleration lane. The developer has indicated that the variance request is to avoid disturbing existing trees in the area. After an inspection with the arborist, there are no specimen trees that would be impacted, and the construction of sidewalk in this location conforms to the City's Tree Protection Ordinance. Public Works has indicated the willingness to modify the typical shoulder detail to minimize the grading impact and to protect the maximum number of trees.

Standards for Consideration

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

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

The applicant states that Winefield Glen, the subdivision to the north of the subject property, does not have sidewalks along High Point Road. The applicant also states that due to existing topography, the installation of the sidewalks, as required, would necessitate extensive grading that would result in the destruction of numerous trees. The applicant further states that no public purpose will be served by the installation of these sidewalks. The homes that will be constructed on the property will face an interior street where the developer is required to construct a sidewalk. The occupants of these homes will have no access to a High Point Road sidewalk. The applicant continues by stating that there is a sidewalk on the east side of High Point Road that can handle the low level pedestrian traffic in the area. The applicant finally states that relief, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance which includes preserving natural vegetation and to provide a safe environment for residential areas. The applicant has provided site plans and photographs to document the above statements.

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 states that, due to existing topography, the installation of the sidewalks as required would necessitate extensive grading that would result in the destruction of numerous trees. The applicant has provided site plans and photographs to document the above statement.

The applicant states that the newly installed sidewalk, not having the required two (2) foot landscape strip adjoining the back of curb and gutter, was installed after consultation with Public Works; to require the applicant to demolish the already installed sidewalk and to reinstall it providing for a two (2) foot landscape strip would result in unnecessary financial hardship.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received June 14, 2007 by the Department of Community Development, showing the existing sidewalk improvements along High Point Road to remain without the required two (2) foot landscape strip and no sidewalk improvements along High Point Road on the northern section of the subdivision.

ATTACHMENTS: Letters of appeal, letter of opposition, site plans, photographs, and letters of support



Variance Petition No. V07-039

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Cheek	Mr. and Mrs. Cheek	John Hopkins

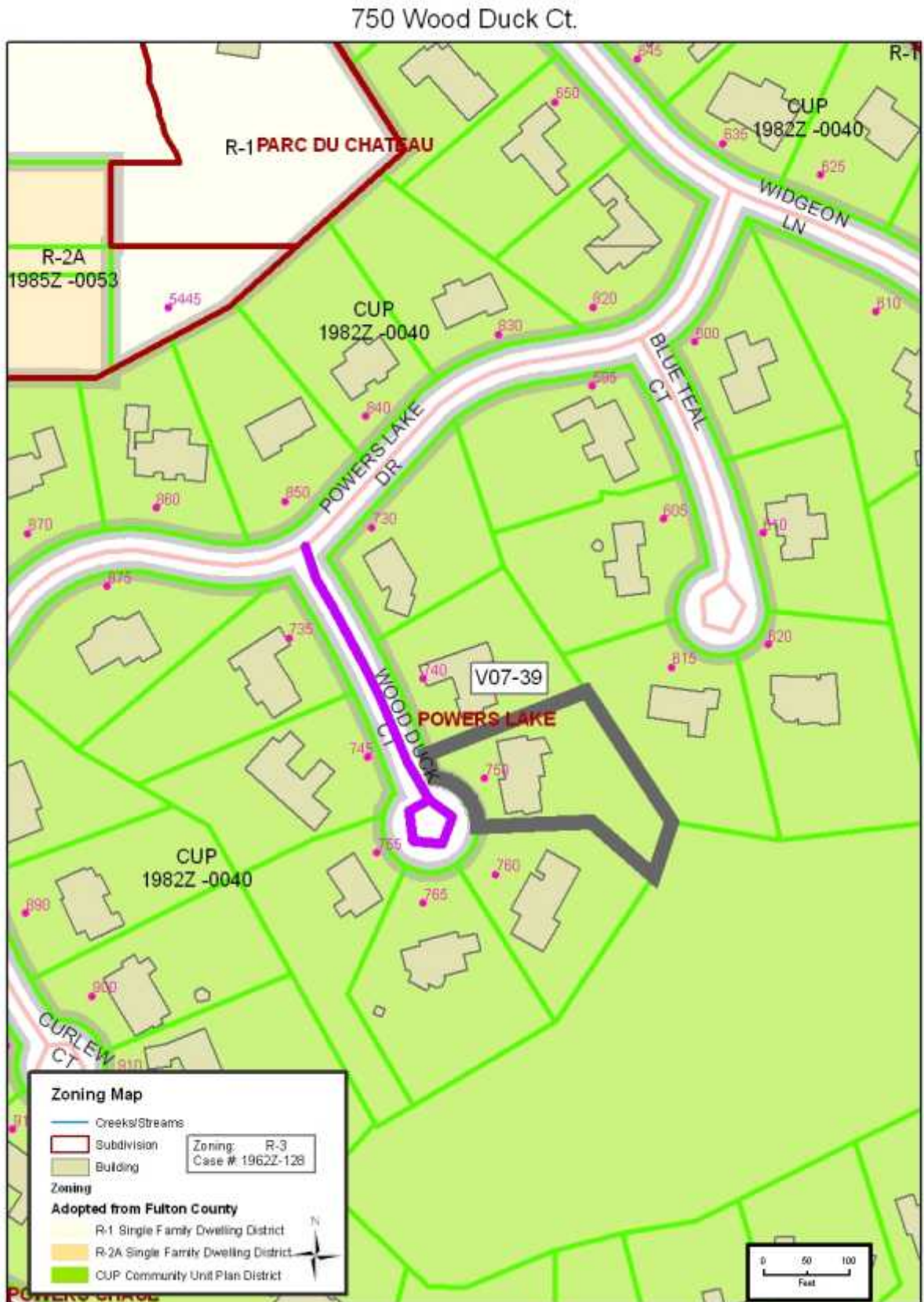
PROPERTY INFORMATION

Address, Land Lot, and District	750 Wood Duck Court Land Lot(s) 164, District 17
Council District	6
Frontage and Area	100 feet of frontage along the east side of the Wood Duck Court cul-de-sac. The subject property has a total area of approximately 0.69 acres.
Existing Zoning and Use	CUP (Community Unit plan District) under zoning case Z82-040. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to twenty (20) feet to allow for a family room addition.

Parcel Map



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on July 12, 2007

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

CASE NUMBER: V07-039

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

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five (25) foot impervious surface setback of the seventy-five (75) foot stream buffer to twenty (20) feet for the construction of a family room addition to a single-family house.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream located along the eastern rear property line. The yard slopes dramatically from the back of the house towards the eastern rear property line. There is an existing sunroom that encroaches seven (7) feet into the twenty-five (25) foot impervious setback with approximately 44 square feet. The aforementioned sunroom is supported by three (3) steel columns.

The applicant states that the current residence has a badly rotting and damaged wood deck off the rear of the house (next to the existing sunroom) that has become a safety hazard. The applicant says he intends to demolish the deck and make needed improvements to the house including a kitchen renovation, a new screened porch, and a family room addition.

The applicant states that the internal layout of the house dictates the location of any kitchen and family room addition to be off the existing kitchen. To take into account the existing layout and flow of the house and to provide for functional improvements having adequate room, the proposed addition must extend about eleven (11) feet past the existing sunroom, thereby creating a five (5) foot encroachment into the twenty-five (25) foot impervious setback. The encroaching corner of the proposed addition will cover less than 25 square feet.

The applicant states that to minimize the impact of the encroachment, the proposed addition would be supported by four (4) square columns at its furthest end and it would be open at the basement level. The proposed addition would only touch the ground in the twenty-five (25) foot impervious setback with one (1) of the supporting columns with less than two (2) square feet of surface.

Department Comments

The staff held a Focus Meeting on June 6, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The existing site plan accurately represents the existing conditions. There are two landmark trees that will be slightly impacted but should survive the construction.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant states that the current residence has a badly rotting and damaged wood deck off the rear of the house that has become a safety hazard. The applicant says he intends to demolish the deck and make needed improvements to the house to include a kitchen renovation, a new screened porch, and a family room addition.

The applicant states that the internal layout of the house dictates the location of any kitchen and family room addition to be off the existing kitchen. To take into account the existing layout and flow of the house and to provide for functional improvements having adequate room, the proposed addition must extend about eleven (11) feet past the existing sunroom, thereby creating a five (5) foot encroachment into the twenty-five (25) foot impervious setback. The encroaching corner of the proposed addition will cover less than 25 square feet.

The applicant states that to minimize the impact of the encroachment, the proposed addition would be supported by four (4) square columns at its furthest end and it would be open at the basement level. The proposed addition would only touch the ground in the twenty-five (25) foot impervious setback with one (1) of the supporting columns with less than two (2) square feet of surface.

A sunroom to the existing house encroaches seven (7) feet into the twenty-five (25) foot impervious setback with approximately 44 square feet. The aforementioned sunroom is supported by three (3) steel columns.

The applicant has provided site plans and photographs to document the above statements.

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 have an irregular shape and a stream located along the eastern rear property line. The yard slopes dramatically from the back of the house towards the eastern rear property line. The applicant has provided site plans and photographs to document the above statements.

Recommended Condition(s)

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

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received May 1, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a twenty (20) foot impervious surface setback to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting 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 has 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.

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



Variance Petition No. V07-040

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Julie Blase	Julie Blase	Dan Hanlon

PROPERTY INFORMATION

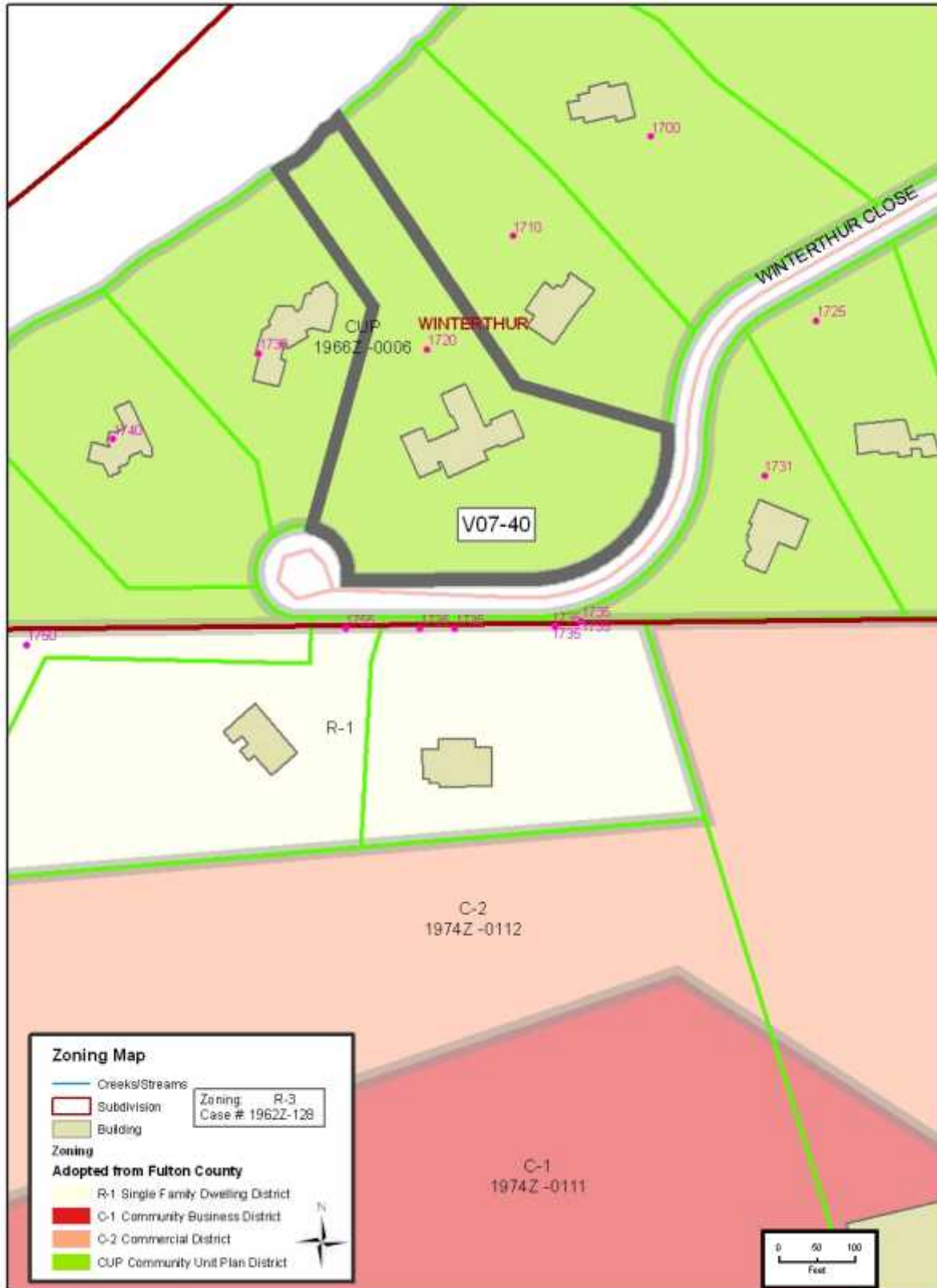
Address, Land Lot, and District	1720 Winterthur Close Land Lot(s) 209, District 17
Council District	3
Frontage and Area	622 feet of frontage along the north side of Winterthur Close. The subject property has a total area of approximately 3.27 acres.
Existing Zoning and Use	CUP (Community Unit plan District) under zoning case Z66-006. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 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 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-six (26) foot undisturbed buffer for the conversion of an existing deck into a covered porch.

Parcel Map

1720 Winterthur Close



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on July 12, 2007

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

CASE NUMBER: V07-040

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

ANALYSIS:

The applicant is requesting relief from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-six (26) foot undisturbed buffer for the conversion of an existing deck into a covered porch (loggia).

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream running southeast to northwest for the entire length of the property. The yard slopes down as it goes towards the Chattahoochee River. The majority of the existing house encroaches into the required fifty (50) foot undisturbed natural buffer with a deck encroaching the most at a distance of 12.6 feet into the twenty-five (25) foot State Buffer. The aforementioned deck is intended to be removed and replaced by the proposed loggia.

The applicant states that the proposed addition was originally designed to have approximately the same dimensions as the wooden deck it was to replace. The aforementioned design would have created an architectural symmetry to the other side (wing) of the existing house; however, the design would have, like the existing deck, encroached into the twenty-five (25) foot State Buffer. The applicant revised the site plan to angle the corners of the proposed loggia - by doing so, the proposed addition would remain out of the twenty-five (25) foot State Buffer. The applicant states that the area of the existing deck to be removed is 1,272 square feet compared to 564 square feet for the proposed loggia.

The applicant's site plan indicates that the proposed addition would require approximately three-hundred (300) square feet of land disturbance to construct. The site plan also indicates that the disturbance would primarily occur in the construction of the loggia's pier support system. Staff has reviewed the plans provided by the applicant and believes the demolition of the existing deck, if approached from outside the twenty-five (25) foot State Buffer, would have no negative consequence to the State Buffer because the demolition would eliminate the current encroachment. Staff also believes the land disturbance for constructing the proposed loggia, as shown on the plans provided, could occur outside the State Buffer if extreme care is taken by the applicant.

The applicant states that the existing deck is very poorly constructed and in a significant state of decline. Several of the pier footings are failing. The aforementioned deck would require replacement if the deck was to remain in its current form.

Department Comments

The staff held a Focus Meeting on June 6, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ Demolition and removal of the portion of the existing deck that encroaches into the state stream buffer shall be accomplished by accessing the encroachment area from within the footprint area of the existing deck.
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The existing site plan accurately represents the existing conditions. The buffer of the stream next to the proposed construction is cover in English ivy. There are two landmark trees that should survive the construction.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The majority of the existing house encroaches into the required fifty (50) foot undisturbed natural buffer with a deck encroaching the most at a distance of 12.6 feet into the twenty-five (25) foot State Buffer. The aforementioned deck is intended to be removed and replaced by the proposed loggia.

The applicant states that the proposed addition was originally designed to have approximately the same dimensions as the wooden deck it was to replace. The aforementioned design would have created an architectural symmetry to the other side (wing) of the existing house; however, the design would have, like the existing deck, encroached into the twenty-five (25) foot State Buffer. The applicant revised the site plan to angle the corners of the proposed loggia – by doing so, the proposed addition would remain out of the twenty-five (25) foot State Buffer. The applicant states that the area of the existing deck to be removed is 1,272 square feet compared to 564 square feet for the proposed loggia.

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 have an irregular shape and a stream running southeast to northwest for the entire length of the property. Photographs show the yard to slope down as it goes towards the Chattahoochee River.

Recommended Condition(s)

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

1. That the proposed loggia be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received May 1, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a twenty-six (26) foot undisturbed buffer to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting 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 has 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.

ATTACHMENTS: Letter of appeal, site plans, and photographs



Variance Petition No. V07-042

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Morris	Mr. and Mrs. Morris	Mr. and Mrs. Morris

PROPERTY INFORMATION

Address, Land Lot, and District	5560 Glen Errol Road Land Lot(s) 134, District 17
Council District	6
Frontage and Area	150 feet of frontage along the west side of Glen Errol Road. The subject property has a total area of approximately 1.00 acre(s).
Existing Zoning and Use	R-2A (Single-family Dwelling District) under zoning case Z79-032. The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)
INTENT	

The applicant is requesting three (3) primary variances:

- 1) Variance from Section 4.3.5 of the Zoning Ordinance to allow for a privately owned structure (fence) to be located on public right-of-way,
- 2) Variance from Section 4.11.D.4 of the Zoning Ordinance to allow relief from the required minimum three-foot landscape strip between a fence and a public right-of-way, and
- 3) Variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot minimum fence setback from the right-of-way to zero (0) feet. All variances are to allow for the construction of a fence on public right-of-way.

Parcel Map

5560 Glen Errol Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on July 12, 2007

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

CASE NUMBER: V07-042

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

ANALYSIS:

The applicant is requesting primary variances from the Zoning Ordinance for relief from Section 4.3.5, Section 4.11.D.4, and from Section 4.11.F. The three (3) variance requests are to allow a proposed fence to be located in the right-of-way.

The applicant has provided site plans and photographs indicating that the subject property is rectangular in shape and sloped towards an area shown to be a drainage easement and retention pond located at the front of the lot. The area shown as a drainage easement and retention pond is known to be platted in that manner.

Photographs show approximately a four (4) to five (5) foot strip of level ground running north south along the width of the lot – this level ground is between the subject lot's front property line and an existing sidewalk and is the area where the applicant proposes to install a fence (note: a utility box is also located in this area). The land slopes from the aforementioned level ground towards an existing drainage easement and retention pond area.

The applicant states that in order to attain the goal of promoting proper health and safety, the proposed location of the fence would be the most suitable place.

Staff notes that an emergency permit to construct the proposed fence has been issued by the City of Sandy Springs. To date, the fence has not been constructed. Additionally, City Staff has permanently closed the opening in the existing inlet structure located in the drainage easement retention pond. The opening was closed to create a safer situation.

Department Comments

The staff held a Focus Meeting on June 6, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ The fence is limit access to an old dilapidated detention pond.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ A fence would constitute a fixed object in the clear zone, and as such is a safety hazard. Additionally, the fence could have a negative impact on our ability to maintain the shoulder and right-of-way in this location. The applicant is proposing a fence at this location to protect a drainage structure on private property. The structure could be secured via measures taken solely on private property.
	Georgia Department of Transportation	▪ No comment

Standards for Consideration

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

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

The applicant states that in order to attain the goal of promoting proper health and safety, the proposed location of the fence would be the most suitable place. The applicant has provided site plans and photographs to 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 provided site plans and photographs indicating that the subject property is rectangular in shape and sloped towards an area at the front of the lot shown to be a drainage easement and retention pond. The area shown as a drainage easement and retention pond is known to be platted in that manner.

Photographs show approximately a four (4) to five (5) foot strip of level ground running north south along the width of the lot – this level ground is between the subject lot's front property line and an existing sidewalk and is the area where the applicant proposes to install a fence (note: a utility box is also located in this area). The land slopes from the aforementioned level ground towards an existing drainage easement and retention pond area.

Recommended Condition(s)

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

1. That the fence be constructed in accordance with the Site Plan, provided by the applicant dated received May 3, 2007 by the Department of Community Development, showing the proposed fence located in the right-of-way.

ATTACHMENTS: Site plan, photographs, and letter of appeal.



Variance Petition No. V07-036

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

July 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Monadnock Barringer Place	Monadnock Barringer Place	Kelly Reece

PROPERTY INFORMATION

Address, Land Lot, and District	6210 Peachtree Dunwoody Land Lot 18, District 17
Council District	5
Frontage and Area	686.81 feet of frontage along the west side of Peachtree Dunwoody Road. The subject property has a total area of 13.3 acres.
Existing Zoning and Use	Mix (Mixed Use District) conditional under Fulton County zoning case Z96-080. The property is currently developed with multi-family and hotel uses.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	LWR (Living-Working Regional)

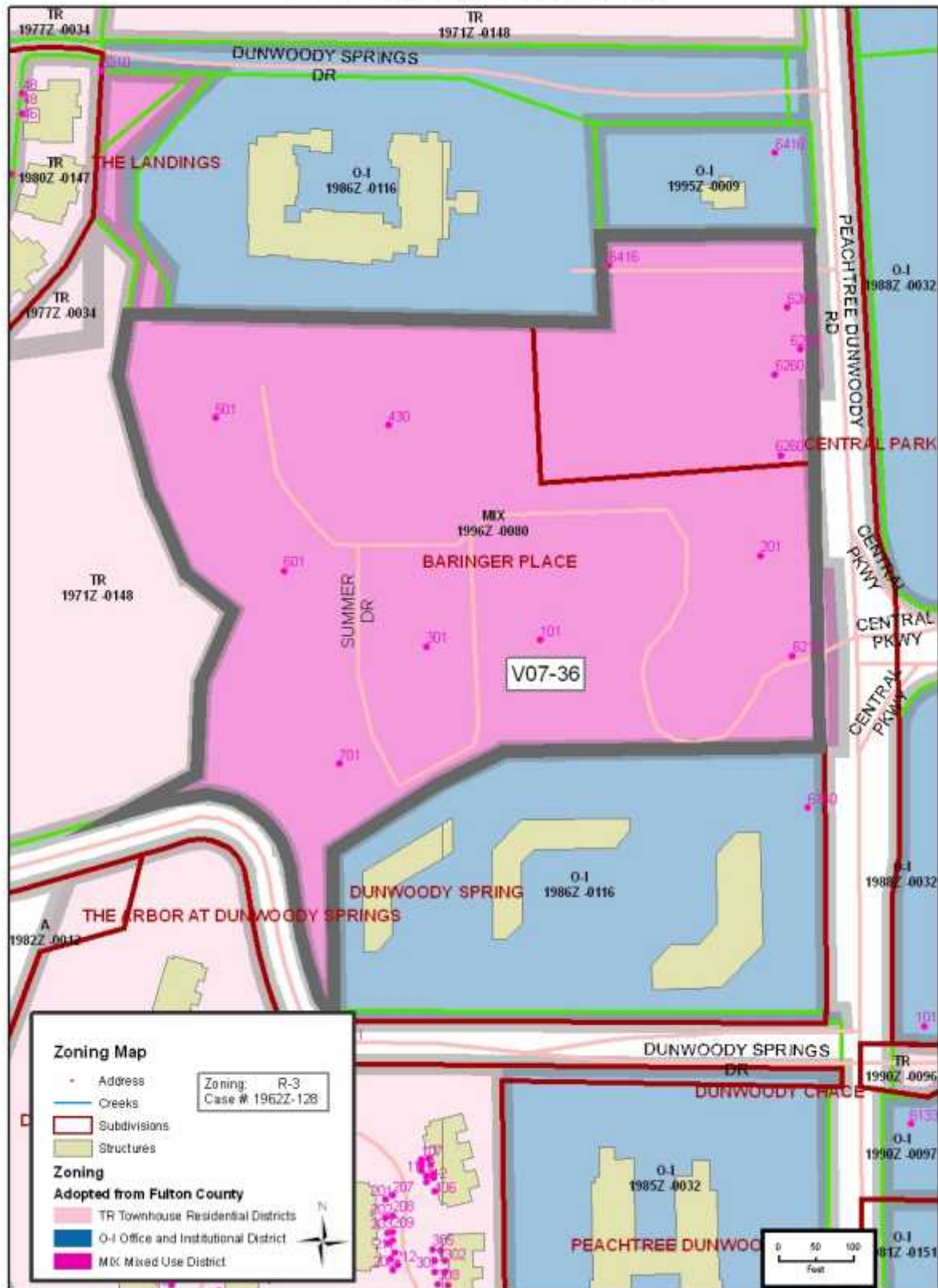
INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance to allow for a second free standing sign along the Peachtree Dunwoody street frontage of the property. 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 three (3) feet and
2. Variance from Section 33.26.E.1.b to allow for a second free standing sign on property that has more than 500 linear feet and up to 1,000 linear feet of frontage.

Parcel Map

6210 Peachtree Dunwoody Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on July 12, 2007

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

CASE NUMBER: V07-036

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

ANALYSIS:

The subject property is located on the west side of Peachtree Dunwoody Road, beginning 1690.0 feet north from the intersection of the westerly side of Peachtree Dunwoody Road, and the northerly side of Hammond Drive. The property is developed with a hotel on the northern side of the lot and apartment homes on the south side of the lot. The subject property appears to be two (2) separate parcels as shown in exhibit 1, However, the property is considered a single parcel with 13.3 acres, zoned Mixed Use as per FC Z96-080. Each business has its own identification monument sign as the Fulton County Zoning Ordinance of 1990 allowed for properties in a Mixed Use District.

The staff reviewed a sign permit application to replace an existing freestanding identification sign along the Peachtree Dunwoody road frontage of the property that identifies the apartment complex. It was determined that a variance was needed to allow the sign, as Article 33.26.E.1.b allows Mixed-Use properties with frontage of more than five hundred (500) linear feet and up to one thousand (1000) linear feet only one (1) maximum sixty-four (64) square foot freestanding sign per street frontage. There is an additional existing sign in the north side of the property along the Peachtree Dunwoody road frontage advertising LaQuinta Inn (as shown in exhibits 2 & 3). In addition, the applicant would like to place the proposed sign in the same location as the existing sign, three (3) feet from the right-of-way, instead of the required ten (10) feet (exhibit 4).

The applicant states that it is important for a driver to distinctively recognize the location of each business, as the separation between the two (2) entrances to the property is approximately of five hundred (500) feet, and there is not internal access between the hotel and the apartment complex. Allowing each business to maintain individual ground signs is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. In addition, the applicant has indicated that the ten (10) foot setback from the right-of-way is presumably designed to protect drivers and pedestrians from signs too close to an active roadway with the chance of being hit by an off-course automobile or forcing a pedestrian too close to the curbside as they walk; the proposed location of the sign at three (3) feet from the right-of-way does not represent any hazard to the moving traffic on Peachtree Dunwoody Road or to the pedestrians, as the sign's proposed location is approximately five (5) feet higher than the street finished grade (as shown in exhibit 5). The petitioner also stated that meeting the required ten (10) foot setback, the visibility of their sign would be severely hampered from the southbound traffic on Peachtree Dunwoody Road by the vegetation and the topographic of the site (as shown in exhibits 6, 7 and 8).

The sign structure is to be made of stones, featuring a double sided sign panel with a Zolatone Camille White background and Pearl gray vinyl graphics (exhibit 9). Staff was not able to find the documents to establish that the previous sign for the Barringer Place had a Fulton County sign permit.

Department Comments

The staff held a Focus Meeting on June 6, 2007, at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ Provide 4" street number signage on all signs as required by the International Fire Code.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ Public Works has no comment on this variance as the sign is located outside of the right of way and clear zone
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

1. *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 stated that the existing monument sign location, which is the proposed location for the new sign, is directly located in front of a wrought iron fence and a vegetated tree area approximately four (4) or five (5) feet above the finished grade of the road (as shown in exhibits 7 and 8). The applicant stated that requiring the sign to be further back would create an unnecessary hardship for the owner, in that it would require the demolition of several structures which are already in existence and have been for several years.

The applicant stated in his letter of appeal that the proposed sign location is the only alternative to display a sign that is visible, and gives the business the exposure needed to attract residents. The applicant indicates that due to variables beyond their control that the proposed location is the most appropriate.

The applicant has provided pictures supporting this application beside the minimum variance submittal.

Recommended Condition(s)

Should the Board choose to approve the application, Staff recommends the following conditions:

1. That the freestanding sign shall be located not less than three (3) feet from the right-of-way, in accordance with the site plan provided by the applicant, dated received June 8, 2007 by the Department of Community Development.
2. That the freestanding sign shall not exceed thirty-two (32) square feet of sign area and seven (7) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received April 27, 2007 by the Department of Community Development.
3. The area around the base of the sign shall be landscaped. Prior to the issuance of a sign permit for the subject sign, a landscape plan for the sign shall be approved by the City of Sandy Springs Arborist.

ATTACHMENTS: Site plan, Photos of existing sign, Letter of appeal.



Variance Petition No. V07-037

HEARING & MEETING DATES

Design Review Board

May 22, 2007

Board of Zoning Appeals Hearing

July 12, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Precision Maintenance, Inc.

Petitioner

George Hall

Representative

Sharon Jaynes

PROPERTY INFORMATION

Address, Land Lot,
and District

6560 Roswell Road (SR 9)
Land Lot 88, District 17

Council District

3

Frontage and Area

250 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of approximately 1.43 acres.

Existing Zoning
and Use

C-1 (Community Business District) conditional under Fulton County zoning case Z77-060. The property is currently developed with two (2) commercial buildings.

Overlay District

Urban District

Interim 2025
Comprehensive
Future Land Use
Map Designation

LWC (Living-Working Community)

INTENT

The applicant is seeking two (2) primary variances from the Zoning Ordinance to allow for a second free standing sign along the Roswell Road (SR 9) street frontage of the property. 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 three (3) feet and
2. Variance from Section 33.26.H.1.a to allow for a second free standing sign on property that has up to and including 500 feet of frontage.

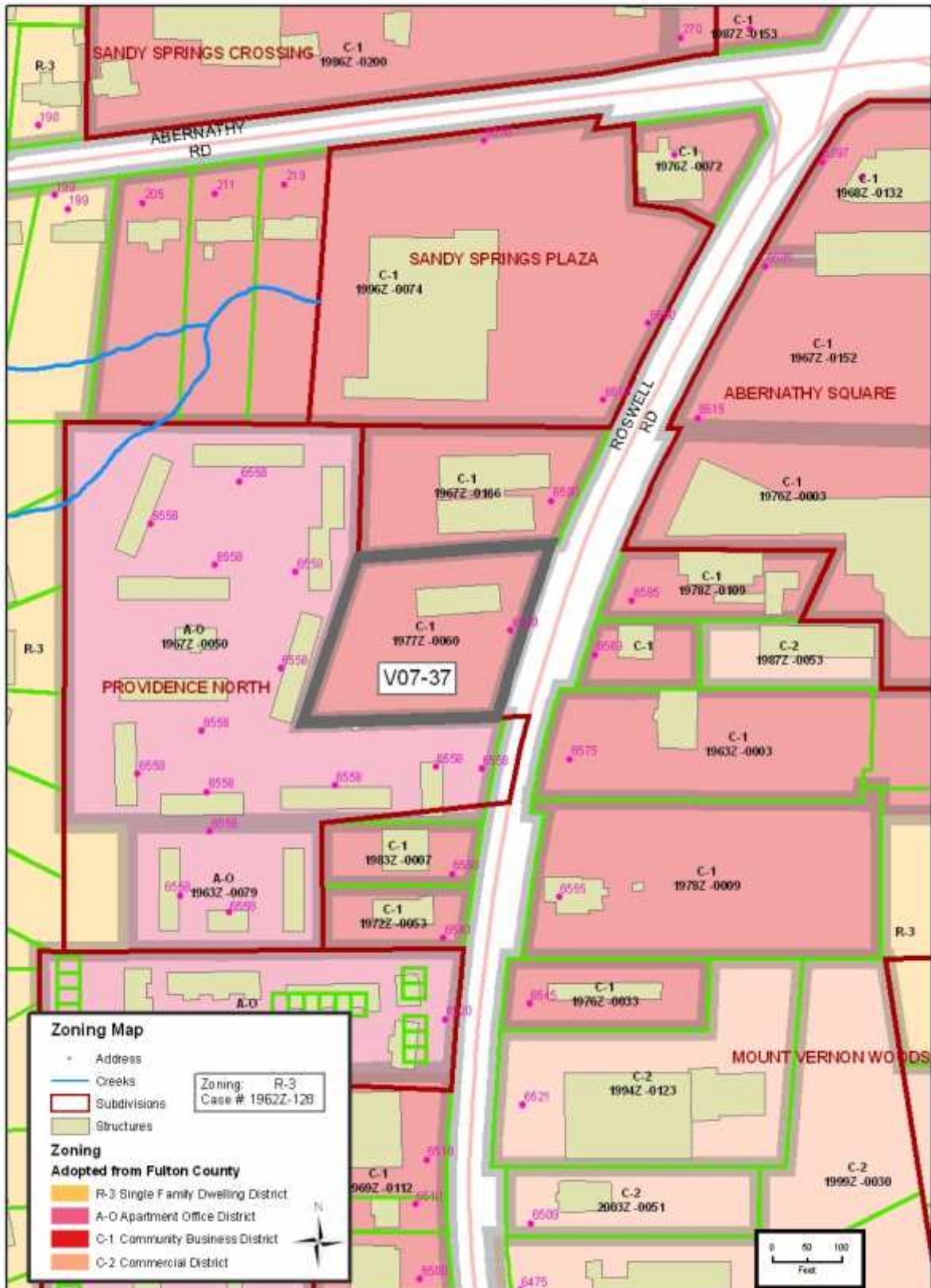
DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the May 22, 2007 DRB meeting. The Board endorsed (6-0) this application as submitted without any conditions and/or requirements.

The Board made the following comment: This is a big improvement to the site.

Parcel Map

6560 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on July 12, 2007

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

CASE NUMBER: V07-037

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

ANALYSIS:

The applicant is seeking two (2) primary variances from the Zoning Ordinance to allow for a second free standing sign along the Roswell Road (SR 9) street frontage of the property. The property is developed with a restaurant (Taco Bell) on the northern side of the lot and an additional commercial building occupied by Midas on the south side of the lot. The property appears to be two (2) separate parcels. However, the property is platted as one single parcel with 1.4 acres (as shown in exhibit 1).

The staff reviewed the application to install a freestanding sign on the south side of the property. It was determined that a variance was needed to allow the sign, as only one freestanding sign is permitted per street frontage. In addition, the applicant would like to place the proposed sign in the same location as the existing sign, three (3) feet from the right-of-way instead of the required ten (10) feet. The property has two (2) existing freestanding signs advertising each business. Article 33.26.H.1 Sandy Springs Overlay District allows commercial properties with frontage up to and including five hundred (500) linear feet, one (1) maximum thirty-two (32) square foot freestanding sign. The applicant states that it is important for a driver to distinctively recognize the location of each business as there is limited access between the two (2) parking areas. Allowing each business to maintain individual ground signs allows drivers to recognize how to navigate the entrance, as the decision to go to one business or the other needs to be made immediately upon entering the lot (as shown in exhibit 2). Allowing the sign to have a three (3) foot setback the sign can be kept at six (6) feet overall height, to remain within the intent of the Sandy Springs Ordinance and to allow for visibility from the passing traffic.

In order to conform to the Sandy Springs Overlay District, the applicant proposes to reduce the sign measurements. The existing nonconforming sign measures one hundred (100) square feet in area and twenty (20) feet in height. The new sign will measure twenty-one (21) square feet in area and six (6) feet in height (as shown in exhibits 3 & 4). The proposed sign will have the base made of the same material as the building.

Department Comments

The staff held a Focus Meeting on June 6, 2007, at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ Provide 4" street number signage on all signs as required by the International Fire Code.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ Public Works has no comment on this variance as the sign is located outside of the right of way and clear zone.
	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's purpose is to present an identification of its premises, communicating to the public the location of his business. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance with the proposed size and height.

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 states that there is a variation in grade between the street finished grade and the grade at the required location of the sign (10 feet from right-of-way) of approximately 2.5 feet as per survey provided by the applicant dated July 16, 1993 and dated received April 27, 2007 by the Department of Community Development. The grade slopes downward into the parcel; placing the sign ten (10) feet back from the right-of-way will cause the applicant to raise the overall height of the sign above the proposed six (6) feet as allowed by code. Allowing the three (3) foot set back from the right-of-way, the applicant intends to maintain the sign at six (6) feet in height and increase the visibility to passing traffic.

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

The applicant has indicated that if Midas has to meet the required ten (10) foot setback from the right-of-way, the visibility of their sign from the northbound traffic on Roswell Road (SR 9) would be severely hampered by the sign located on the adjacent parcel to the south (as shown in exhibits 6 and 7). The adjacent property also has a landscape strip along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic.

Recommended Condition(s)

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

1. That the freestanding sign shall be located not less than three (3) feet from the right-of-way, pursuant to the site plan submitted by the applicant, dated received April 27, 2007 by the Department of Community Development.
2. That the freestanding sign shall not exceed twenty-one (21) square feet of sign area and six (6) feet in height, as shown on the sign design detail submitted by the applicant, dated received April 27, 2007 by the Department of Community Development.
3. The area around the base of the sign shall be landscaped. Prior to the issuance of a sign permit for the subject sign, a landscape plan for the sign shall be approved by the City of Sandy Springs Arborist.

ATTACHMENTS: Site plan, elevation drawing, photographs, and letter of appeal.