



Variance Petition No. V11-024

HEARING & MEETING DATES

Board of Appeals Hearing

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

Carl Bolch

Petitioner

Carl Bolch

Representative

Matt Tollison

PROPERTY INFORMATION

Address, Land 4755 Northside Drive

Lot(s), and District Land Lot 177, District 17

Council District 6

Frontage 555.2 feet of frontage along the east side of Northside Drive. The subject property has a total area of approximately 6.24 acres.

Area 6.24 acres

Existing Zoning and Use The lot is zoned R-1 (Single Family Dwelling District). The property is currently developed with a residence.

Overlay District N/A

2027

Comprehensive Future Land Use R0-0.5 Residential (0-0.5 units per acre)

Map Designation

INTENT

The applicant is proposing to construct a 100-square-foot accessory structure (storage building) in the front yard. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

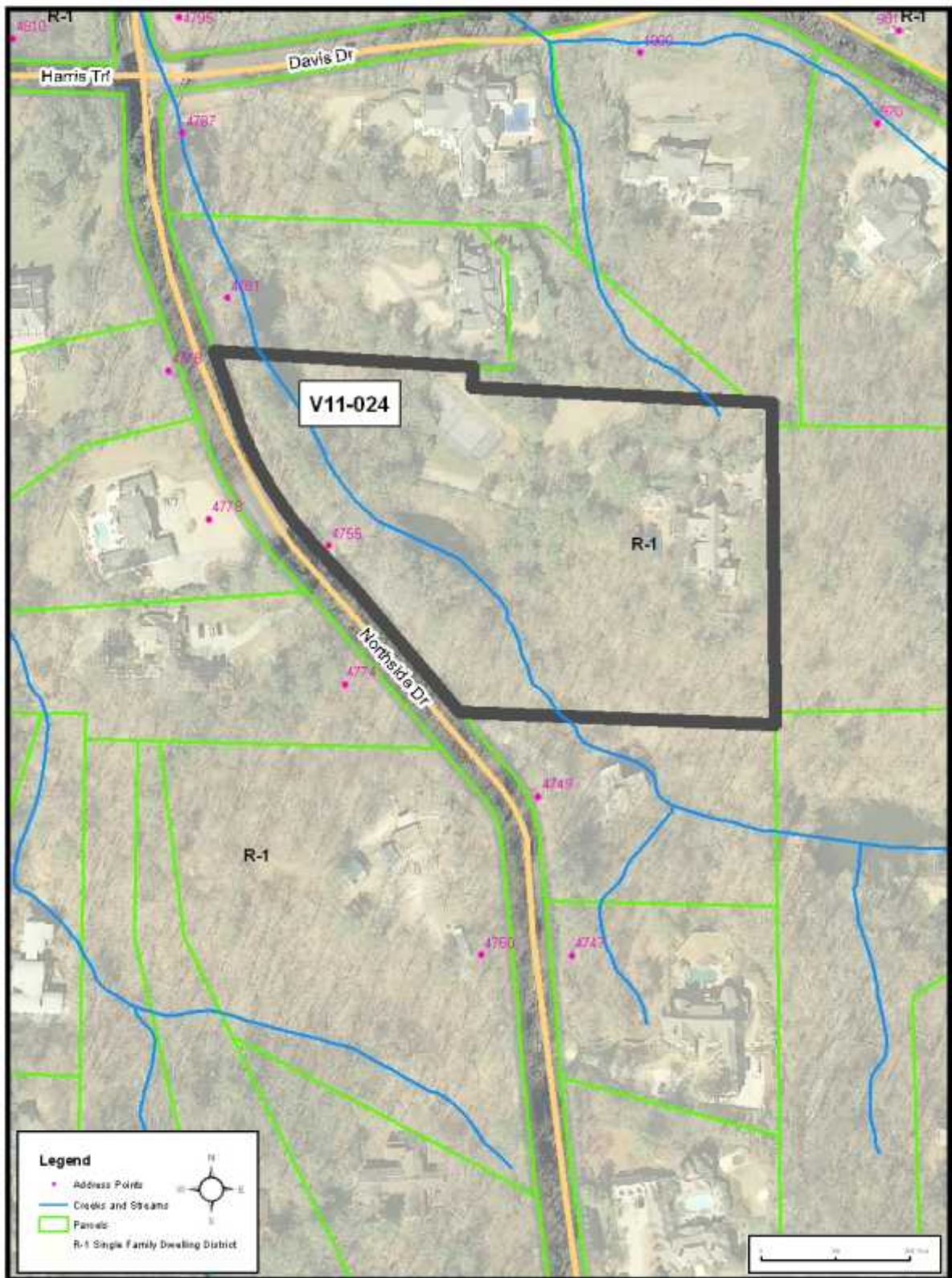
- 1) Variance from Section 6.1.3.i of the Zoning Ordinance to allow for the construction of a storage facility in the front yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-024 - 1) Approval Conditional

Parcel Map

4755 Northside Drive



CITY OF SANDY SPRINGS

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on May 12, 2011

**DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS**

CASE NUMBER: V11-024

STAFF CONTACT: Taylor Baxter, Planning and Zoning 770-206-1514
E-mail: taylor.baxter@sandyspringsga.org

Finding of Fact:

The applicant is requesting one primary variance from Section 6.1.3.i of the Zoning Ordinance to allow for a 100-square-foot storage structure to be constructed in the front yard. The structure would be adjacent to an existing tennis court.

The applicant has submitted a site plan (exhibit A) indicating the subject property to have approximately 555.2 feet of frontage along the east side of Northside Drive. The property is trapezoidal in shape. The site plan shows the existing tennis court in the front yard.

The surrounding lots in the immediate vicinity are zoned R-1 (Single Family Dwelling District) to the north, south, east and west, and the neighboring property to the north includes a dwelling approximately 60 feet from the existing tennis court and approximately 80 feet from the proposed storage structure.

Standards for Consideration

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public. The proposed 100-square-foot addition would be adjacent to an existing tennis court and would be small enough not to require a building permit. The area to the north of the proposed structure toward the nearest neighboring property and to the west toward Northside Drive is wooded to the extent that the structure would be screened from view. Additionally, the proposed structure is in harmony with nearby residences in terms of size and architecture. Therefore, staff is of the opinion this condition has been satisfied.

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

Finding:

The site is trapezoidal in shape and slopes upward from a detention pond in the front (west) yard toward the residence at the rear (east) side of the property. Because detention ponds and their buffers encompass a large portion of the front section of the lot, the house was constructed at the rear of the property. This necessitated accessory structures, including the tennis court, to be constructed in the front yard, as the rear yard is of insufficient size. Therefore because the site's topography prevents accessory structures from being built in the rear yard, and because the front yard is sufficiently large and screened by tree cover to avoid public detriment, staff is of the opinion this condition has been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting on April 6, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Development Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/Arborist	▪ There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

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

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received April 28, 2011 by the Department of Community Development, for the variance herein, showing a 100-square-foot structure adjacent to an existing tennis court in the front yard.

ATTACHMENTS:

Letter of appeal

Site plans (exhibits A and B)

Photographs



Variance Petition No. V11-028

HEARING & MEETING DATES

Board of Appeals Hearing

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
BPH Holdings, LLC	BPH Holding, LLC	Jeff Powers

PROPERTY INFORMATION

Address, Land Lot(s), and District	185 Allen Road Land Lot 90, District 17
Council District	3
Frontage	199.34 feet of frontage along the south side Allen Road.
Area	The subject property has a total area of approximately 0.88 acres.
Existing Zoning and Use	The lot is zoned C-1 (Community Business District) under Fulton County zoning case Z69-0119. The property is currently developed with a vacant building.
Overlay District	Main Street
2027 Comprehensive Future Land Use Map Designation	LWR (Live Work Regional)

INTENT

The applicant is proposing to construct a new 15,300 square foot office building. The applicant is requesting four (4) primary variance:

- 1) Variance from Section 4.23.1 to reduce the required five (5) foot landscape strip to two (2) feet on the east property line.
- 2) Variance from Section 12B.5.B.1 to allow a retaining wall to be located in the 10 foot landscape strip adjacent to the sidewalk.
- 3) Variance from Section 12B.8.F.3.a to reduce the required 60% of the ground level facades transparent glazing.
- 4) 33.26.H.2.a to allow a wall sign on a non-street facing wall.

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the June 14, 2011 Design Review Board meeting. The Board recommended approval (4-0, Porter, Landeck, Ealick-Anderson and Mobley for; Gregory and Richard absent; Lichtenstein not voting). With the following conditions:

- 1) Roof top mechanical equipment shall be screened from public view.
- 2) The retaining wall located in the landscape strip shall have a curving design.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-028 - 1) APPROVAL CONDITIONAL

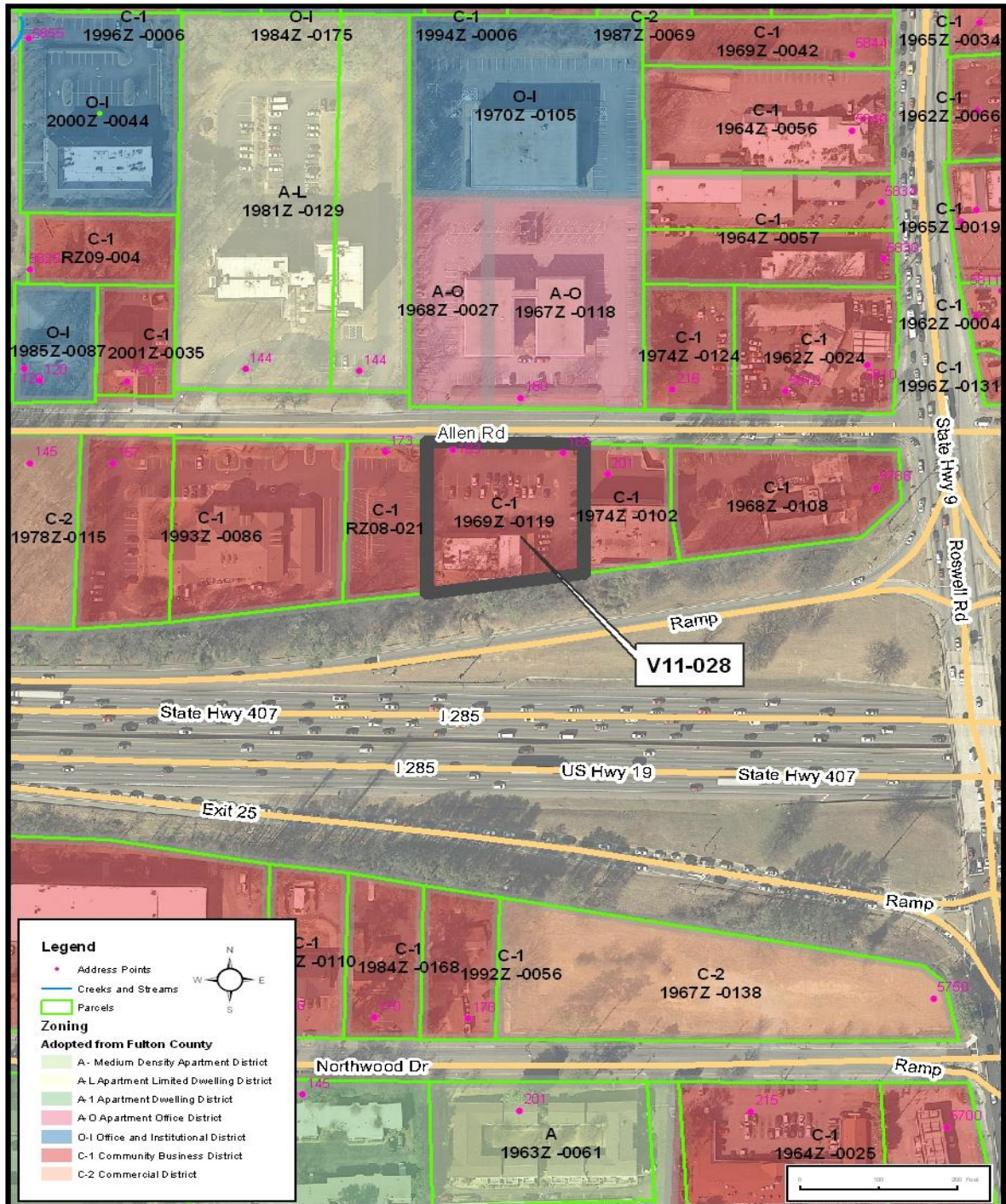
V11-028 - 2) APPROVAL CONDITIONAL

V11-028 - 3) APPROVAL CONDITIONAL

V11-028 - 4) APPROVAL CONDITIONAL

Parcel Map

185 Allen Road



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

CASE NUMBER: V11-013

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

Findings of Fact

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 199.34 feet of frontage along the south side of Allen Road. The property is trapezoidal in shape and has 0.88 acres. The property slopes from north (Allen Road) to south (I-285). The site currently has a 7,222 square foot building. The applicant is proposing to construct a new 15,300 square foot office building.

The surrounding lots in the immediate vicinity are zoned A-O (Apartment Office District) to the north, C-1(Community Business District) to the east and west, and I -285 to the south

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.

1) Variance from Section 4.23.1 to reduce the required five (5) foot landscape strip to two (2) feet on the east property line.

The applicant is requesting to reduce the five (5) foot landscape strip to two (2) feet along the east property line. The area is currently concrete and the building on the adjacent property is located inches from the property line.

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

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the existing parking lot is paved to the adjacent building (Newberger Andes) with no landscape strips or parking islands. The applicant is proposing to install a reduced landscape strip and landscape islands. Therefore, staff is of the opinion this condition has been satisfied.

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

Finding:

The subject parcel does exhibit extraordinary and exceptional conditions related to its topography. 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.

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

Not Applicable.

2) Variance from Section 12B.5.B.1 to allow a retaining wall to be located in the 10 foot landscape strip adjacent to the sidewalk.

The applicant is proposing to install a four (4) foot (at maximum height) retaining wall in the landscape strip along the property frontage to address change in slope from Allen Road. The proposed retaining wall would allow the sidewalk and landscape strip to be level with the street and taper into the site. The retaining wall would not be visible from Allen Road.

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

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the proposed retaining wall (approximately four (4) feet tall maximum) located in the landscape strip along the Allen Road frontage. The wall would not be visible from Allen Road. The retaining wall will level off the sidewalk and landscape strip along the property frontage then drop down to the floor elevation of the proposed building. Additionally, the applicant would be meeting all other streetscape requirements. Therefore, staff is of the opinion this condition has been satisfied.

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

Finding:

The subject parcel does exhibit extraordinary and exceptional conditions related to its topography. The property slopes twelve (12) feet from the northwest corner (Allen Road) to the southeast corner (I-285). Also, installing a four (4) foot retaining wall in the front would eliminate the need for a twelve (12) foot wall in the rear, reducing the amount of grade change on the property. The proposed retaining wall would create a level sidewalk and landscape strip along the front of the property. Additional, topography does 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 been satisfied.

3) Variance from Section 12B.8.F.3.a to reduce the required 60% of the ground level facades transparent glazing.

The applicant is requesting relief from the required 60% transparent glazing on the ground level of the building. The 60% would be met on the elevations most visible to Allen Road (north and east). The reduction would be on the south and west elevation which would be screen by an existing tree lines along I-285 and the western property.

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the two most visible elevations north (Allen Road) has 62% and east has 61% transparent glazing on the ground floor. The South (I-285) has 30% and west has 18% on the ground floor. The south and west elevations are loading and unloading areas of the building and both elevations are significantly screened by existing tree lines. Therefore, staff is of the opinion this condition has been satisfied.

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

Finding:

The subject parcel does exhibit extraordinary and exceptional conditions related to its topography. 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.

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

Not Applicable.

Sign Ordinance

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

Section 33.12.D. Standards

4) 33.26.H.2.a to allow a wall sign on a non-street facing wall.

The applicant is requesting to install a wall sign on a non-street facing wall (east elevation). The zoning ordinance would allow signage on the north (Allen Road) and south (I-285) elevations. Installing a sign on the south elevation would not serve the

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on April 14, 2011

purpose of identifying the location and entrance to the building. The building will have Integra (ICI world Headquarters) and a tenant space. The future tenant sign would be located on the north elevation (Allen Road) over the tenant space. The proposed wall sign for Integra (ICI world Headquarters) would be on the east elevation (parking lot).

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

Findings:

The property slopes twelve (12) feet from the northwest corner (Allen Road) to the southeast corner (I-285). From the right-a-way to the I-285 on ramp the property drops approximately twenty (20) feet. Staff is of the opinion that the topography would reduce the visibility of a sign on the south elevation (allowed by right). The proposed twenty-three (23) square foot sign on the east elevation which would be in compliance with wall sign regulations. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

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 would impact visibility of the sign from the adjoining DOT right-of-way. The sloping topography and the wooded area along I-285 would impede the visibility of the sign. The sign on the south elevation would be allowed by right. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on June 1, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Plan Review Engineer requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ The current location does not allow for tree
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

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

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received May 5, 2011 by the Department of Community Development, for the variance(s) herein, where necessary, to accommodate the portion of the encroachment (s) only.
2. To reduce the required five (5) foot landscape strip to two (2) feet on the east property line.
3. To allow a retaining wall to be located in the 10 foot landscape strip adjacent to the sidewalk on the north property line.
4. To reduce the required 60% of the ground level facades transparent glazing.
5. To allow a wall sign on a non-street facing wall (east elevation).

ATTACHMENTS:

Letter of appeal
Site plan (exhibit 1)
Site plan existing conditions (exhibit 2)
Elevation (exhibit 3)
Revised south and east elevations (exhibit 4)
Landscape plan
Photographs



Variance Petition No. V11-025

HEARING & MEETING DATES

Board of Appeals Hearing

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Scott & Mary Ellen Garrett	Scott & Mary Ellen Garrett	Pete Hendricks

PROPERTY INFORMATION

Address, Land Lot(s), and District	210 Wilderglen Court Land Lot(s) 85 & 128, District 17
Council District	2
Frontage	70.10 feet of frontage along the northwesterly side of Wilderglen Court.
Area	The subject property has a total area of approximately 4 acres.
Existing Zoning and Use	The lot is zoned R-2(Single-family Dwelling District) under Fulton County zoning case Z58-0022. The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1Residential (0-1 units per acre)

INTENT

The applicants propose to subdivide the property into two (2) flag lots and are seeking four (4) primary variances:

- 1) Variance from Section 4.2.10 to allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback.
- 2) Variance from Section 6.2.3.B to reduce the required front yard setback from 60 feet 15 feet for lots 9 and 10.
- 3) Variance from Section 6.2.3.D to reduce the required rear yard setback from 40 feet to 15 feet for proposed lot 9 only.
- 4) Variance from Section 19.3.12.B.1 to allow for an existing pool in the front yard, applicable to lot 10 only.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-025 - 1) APPROVAL CONDITIONAL

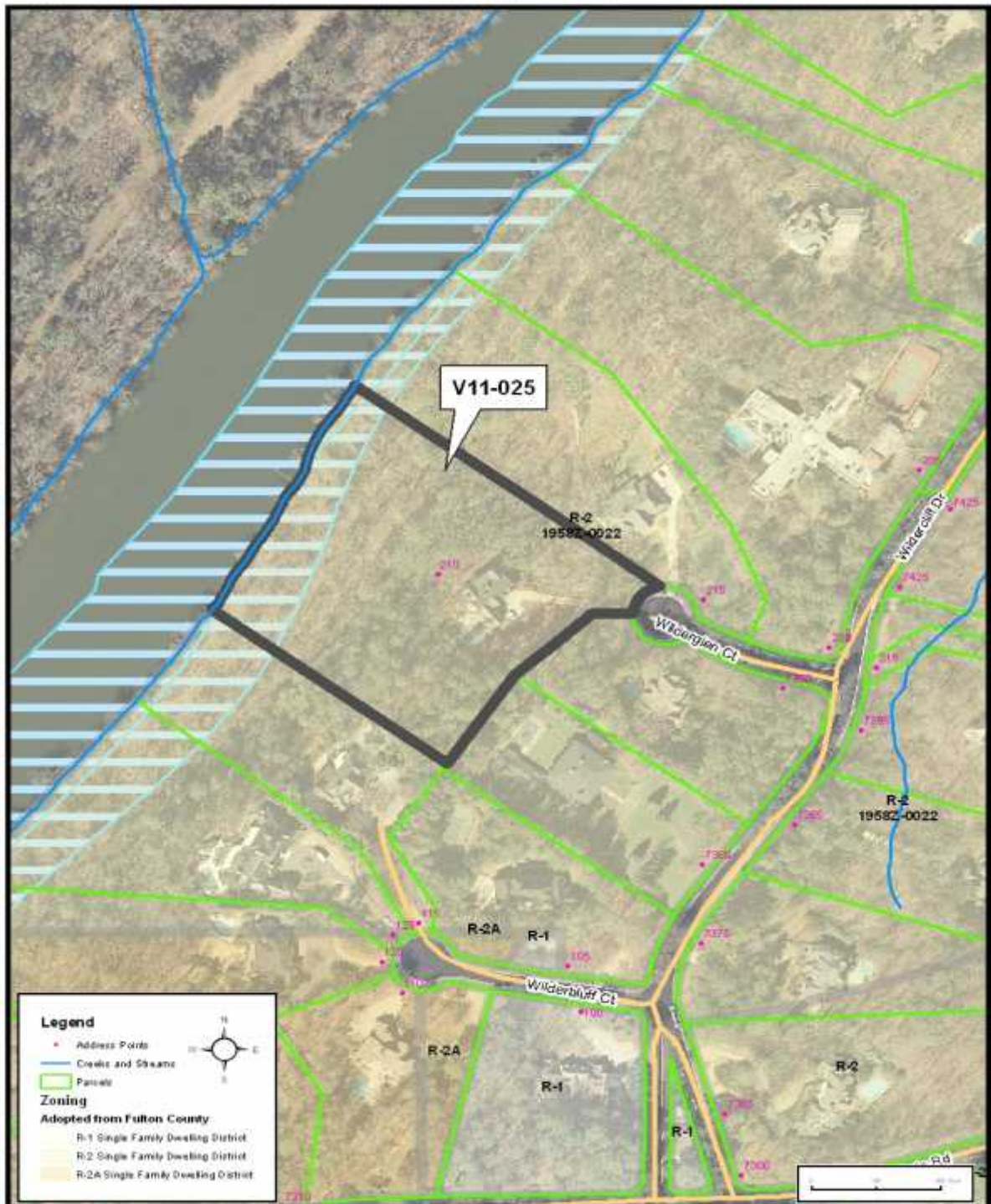
V11-025 - 2) APPROVAL CONDITIONAL

V11-025 - 3) APPROVAL CONDITIONAL

V11-025 - 4) APPROVAL CONDITIONAL

Parcel Map

210 Wilderglen Court



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

CASE NUMBER: V11-025

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

Findings of Fact:

The applicant has provided a site plan (exhibit 1) showing the subject property subdivided into two (2) flag lots. Each lot would have thirty-five (35) feet of frontage along Wilderglen Court. The existing house will remain on the proposed northeast lot. The proposed configuration of the lots would change the location of the front setback line on the lot. The existing house is shown encroaching into the front setback and the existing pool is located in the front yard. The site plan shows a shared driveway and driveway easement for approximately one hundred twenty feet (120) from the right-of-way. The site plan also shows the proposed lots are bordered by the Chattahoochee River to northwest.

The proposed lots do not meet the required lot width of 150 feet. The lot width is required to be achieved at a distance no greater than sum of the required minimum front yard/setback and minimum rear yard/setback. In addition, the minimum lot width shall be maintained through the depth of the buildable area. The required lot width would need to be met at 110 feet and continue through the buildable area.

The zoning ordinance identifies the front yard setback beginning at the point of intersection of the stem and the flag portion of a flag lot running along the property line the most perpendicular to the stem. The applicant is proposing the required sixty (60) foot front setback run parallel to the stem so the proposed lots setbacks will match the setbacks of the existing house on the developed lot.

The surrounding lots in the immediate vicinity are R-2 (Single Family Dwelling District) which is the same zoning as the subject property. The plat shows nine (9) additional flag lots in the Wildercliff Subdivision.

The ARC (Atlanta Regional Commission) river corridor allotment for this proposed property would be approximately 17,731 square feet towards impervious area in category E and F and approximately 30,693 square feet of clearing. This information was derived from a breakdown of category E and Category F (exhibit 4). The City and ARC have reviewed the proposal and have determined there is adequate clearing and impervious allotment to allow construction of a single family residence and driveway.

Standards for Consideration

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

Section 22.3.1. Variance Considerations.

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

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance. Staff notes the original plat (exhibit 3) of the subdivision dated May 21, 1984 shows the subject property subdivided into two (2) flag lots. However, the current plat dated October 3, 2000 shows lots 9 and 10 combined. According to limited warranty deed the lots were combined at the time of purchase by the applicant. Wildercliff Subdivision has approximately nine (9) additional flag lots. The request to change the setbacks would pull the buildable area of the lot away from the properties on Wildercliff Drive. Due to the original configuration of the lots and the nine (9) additional flag lots in the subdivision, staff is of the opinion that the creation of two (2) flag lots is in character of the district and suitable for the proposed use. Therefore, this condition has been satisfied.

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

Finding:

The subject parcel does exhibit extraordinary and exceptional conditions related to its shape and topography. However, the size, shape and topography do not create a hardship in relation to the requested variances. Therefore, staff is of the opinion this condition has not been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting on June 1, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	▪ There are no Engineering requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	▪ There are no Landscape Architect/ Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ There are no Fire Department requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	▪ There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	▪ There are no GDOT requirements that need to be addressed at this time.

Conclusion

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

Recommended Condition(s)

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

1. The proposed lots shall be in accordance with the proposed site plan, provided by the applicant dated received May 2, 2011 by the Department of Community Development, for the variance(s) herein, showing the subdivision of 210 Wilderglen Court into 2 lots.
2. Allow the existing swimming pool in the minimum front yard setback.
3. Reduce the required sixty (60) foot front yard setback to fifteen (15) feet for existing house.
4. Reduce the required sixty (60) foot front yard setback to fifteen (15) feet for proposed second lot.
5. Reduce the required forty (40) foot rear yard setback to fifteen (15) feet for proposed second lot.

ATTACHMENTS:

Letter of appeal
Site plan (Exhibit 1)
Topographic plan
Required setbacks (Exhibit 2)
Tree Survey
Original lot configuration Fulton County Plat (exhibit 3)
Letter with ARC allotments
Email from David Schmid
Photographs
Letters of opposition (3)
Letters of support (19)
Map showing support and opposition



Variance Petition No. V11-029

HEARING & MEETING DATES

Board of Appeals Hearing

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
William Perkins and Joseph and Yolandra Alexander	William Perkins and Joseph and Yolandra Alexander	Ron Gudger

PROPERTY INFORMATION

Address, Land Lot(s), and District	5503 & 5501 Long Island Drive Land Lot 122, District 17
Council District	6
Frontage	Both parcels have approximately 188 feet of frontage along the east side of Long Island Drive.
Area	The subject properties have 4.361 acres on 5501 Long Island Drive and 11.159 acres on 5503 Long Island Drive.
Existing Zoning and Use	5501 Long Island Drive is zoned R-2 (Single-family Dwelling District) and 5503 Long Island Drive is zoned R-1 (Single-family Dwelling District). Both properties are currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1Residential (0-1 units per acre)

INTENT

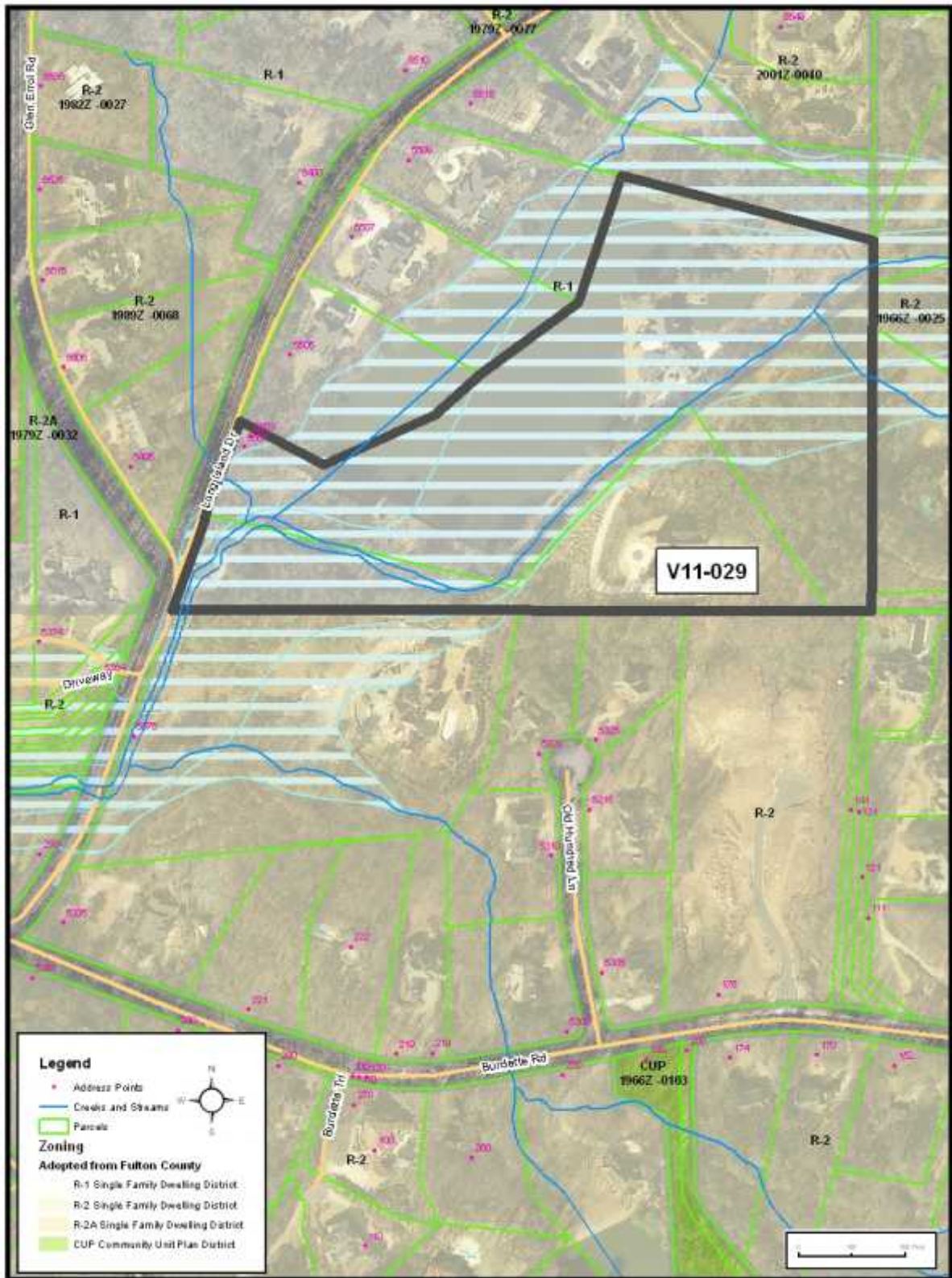
The applicants are proposing to change the angle of the existing rear property line between two (2) existing flag lots and are seeking one (1) primary variance:

1) Variance from Section 4.2.10 to allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V11-029 - 1) APPROVAL CONDITIONAL

Parcel Map

5501 & 5503 Long Island Drive



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

CASE NUMBER: V11-029

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

Findings of Fact:

The applicant has provided a site plan (exhibit 1) showing the subject properties identified as lot 4 and lot 5. Both properties are existing flag lots. The applicant is proposing to change the angle of the rear property line to allow the well which belongs to lot 4 to be included within its property boundaries. The lot sizes will remain the same as the original configuration (Lot 4 11.159 acres and lot 5 4.361 acres).

Staff notes the request to re-plat the properties and to change the rear property line requires the lot be brought into compliance with current regulations. The Zoning Ordinance requires a lot width to be achieved at a distance no greater than sum of the required minimum front yard/setback and minimum rear yard/setback. In addition, the minimum lot width shall be maintained through the depth of the buildable area. The required lot width would need to be met at 110 feet for lot 4 and 100 feet for lot 5 and continue through the buildable area.

The surrounding lots in the immediate vicinity are R-1 (Single Family Dwelling District) to the north and R-2 (Single Family Dwelling District) east, south and west.

Standards for Consideration

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

Section 22.3.1. Variance Considerations.

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

Finding:

Relief from this requirement is in harmony with the intent of the Zoning Ordinance. The intent of the Zoning Ordinance is to promote health and general welfare. The change in angle of the property line would not be a detriment to the public. Additionally, the lots are currently platted as flag lots. Therefore, staff is of the opinion this condition has been satisfied.

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

Finding:

The subject parcel does exhibit extraordinary and exceptional conditions related to its shape and topography. However, the size, shape and topography do not create a hardship in relation to the requested variances. Therefore, staff is of the opinion this condition has not been satisfied.

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

Not Applicable.

Department Comments

The staff held a Focus Meeting on June 1, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	There are no Engineering requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	There are no Landscape Architect/ Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no Fire Department requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

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

Recommended Condition(s)

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

1. The proposed lots shall be in accordance with the proposed site plan, provided by the applicant dated received May 6, 2011 by the Department of Community Development, for the variance(s) herein, showing the subdivision of 5501 Long Island Drive (17-0122-0003-036) and 5503 Long Island Drive (17-0122-0003-035).

ATTACHMENTS:

Letter of appeal
Site plan (Exhibit 1)



Variance Petition No. V11-027

HEARING & MEETING DATES

Board of Appeals Hearing

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Finger-FSC Perimeter, Ltd	Wayne Edy	Wayne Edy

PROPERTY INFORMATION

Address, Land Lot, and District	6355 Peachtree Dunwoody Road Land Lot 19 of the 17 District
Council District	5
Frontage	Approximately 3105 feet of frontage along the East side of Peachtree Dunwoody Road.
Area	The subject property has a total area of 4.7 acres.
Existing Zoning and Use	MIX (Mixed Use District) conditional under Fulton County zoning case Z05-076. The property is currently developed with residential and retail building.
Overlay District	PCID (Perimeter Community Improvement District)
Interim 2025 Comprehensive Future Land Use Map Designation	LWR (Living-Working Regional)

INTENT

The applicant is requesting a primary variance from Section 33.26.E.2 of the Zoning Ordinance to allow a second wall sign on the south elevation of the building for a period of 180 days or until the apartment building achieves 85% occupancy, whichever comes first.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V10-002- 1. APPROVAL CONDITIONAL

Parcel

6355 Peachtree Dunwoody Road



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

CASE NUMBER: V11-027

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

REQUEST:

The applicant is requesting a primary variance from Section 33.26.E.2 of the Zoning Ordinance to allow a second wall sign on the south elevation of the building for a period of 180 days or until the apartment building achieves 85% occupancy, whichever comes first.

ANALYSIS:

The property is currently developed with a mixed use, residential and a retail development. According to the applicant the retail consists of five (5) street level tenant spaces totaling approximately 6,000 square feet. The residential component is comprised of 216 rental units (apartments) ranging from 750 to 1,500 square feet each.

E. Mixed Use District

2. *Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.*

The subject of this variance is to allow the applicant to add a wall sign to the building on the south elevation of the building. The positioning of this building in reference to the street allows the applicant to have one wall sign on either of the walls diagonal to the street. The applicant chose to add a sign on the northwest elevation of the building. A permit for THE wall sign was issued in October of 2010. The applicant states "due to the natural features of the lot this sign location only allows exposure of the building to the southbound traffic on Peachtree Dunwoody Rd. The additional wall sign will make our development visible to cars travelling northbound as well".

The applicant states that "the occupancy rate is at 42% which is well behind our standard lease up rate after 8 months on the market. This wall sign will be temporary for 180 days or until we reach 85% occupancy, whichever comes sooner".

The proposed sign is thirty-two (32) square feet made of a durable material.

Standards for Consideration

Request

1. A primary variance from Section 33.26.E.2 of the Zoning Ordinance to allow a second wall sign on the south elevation of the building for a period of 180 days or until the apartment building achieves 85% occupancy, whichever comes first.

Zoning Ordinance, 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 site has mature trees and shrubbery along the perimeter of the property blocking the visibility of the building from Peachtree Dunwoody from the south for the most part. While the building sign has visibility from the southbound traffic on Peachtree Dunwoody, the sign is obscured by the vegetation from any other angle. A motorist traveling northbound does not have sufficient time to identify the business and adequately determine access locations. Staff is of the opinion that relief from this ordinance requirement will not compromise the public health, safety or welfare because the proposed sign will be out of the right- of- way and the ordinance allows for signs on street facing walls. Based on these reasons the staff is of the opinion this standard has been satisfied.

Department Comments

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 14, 2011

The staff held a Focus Meeting on June 1, 2011 at which 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

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety as it may be affected by distracting signs. Staff recommends approval due to the unique layout of the building and the natural feature of the lot. Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request.

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

1. To allow a temporary wall sign on the south elevation of the building.
2. The temporary wall sign shall not exceed thirty-two (32) square feet of sign area pursuant to the sign detail submitted by the applicant, and dated received May 3, 2011 by the Department of Community Development.

3. To allow the proposed wall sign for a period of 180 days from the approval of this variance or until the occupancy reach 85%, whichever occur first.

ATTACHMENTS: Site Plans, Photos, Detail Drawings, and Letters of Appeal.



Variance Petition No. V11-020

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

June 9, 2011

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
COX Enterprises, Inc.

Petitioner
COX Enterprises, Inc.

Representative
Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District 6205, 6305 and 6325 Peachtree Dunwoody Road
Land Lots 18 and 19, District

Council District 5

Frontage and Area Frontage along Peachtree Dunwoody Road, Central Parkway, and Central Park West. The subject property has a total area of approximately 31.8246 acres (1,386,279.5760 square feet).

Existing Zoning and Use O-I (Office and Institutional District) conditional under Z88-032/U88-020/U88-023, currently developed with office complexes.

Overlay District Perimeter Community Improvement Design

2027 Comprehensive Future Land Use Map Designation Living-Working Regional (LWR)

INTENT

The applicant is seeking primary variances as follows:

- 1) From Section 33.26.D.1.a of the Zoning Ordinance
 - a. To allow an additional monument sign along Central Park Drive; **APPROVED**
 - b. To allow additional monument signs along Central Parkway; **APPROVED**
 - c. To allow monument signs to be internally illuminated; **APPROVED**
- 2) From Section 33.18.Q of the Zoning Ordinance to allow the use of LED technology; **DEFERRED**
- 3) From Section 33.26.D.3 of the Zoning Ordinance to allow internal signs to be legible from the public right-of-way; **APPROVED** and,

- 4) From Section 33.22.C of the Zoning Ordinance to allow internal signs to encroach in to the minimum sign setback and be located at zero (0) feet from the right-of-way.
APPROVED

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11 - 020-1a.) APPROVAL CONDITIONAL
V11 - 020-1b.) APPROVAL CONDITIONAL
V11 - 020-1c.) DENIAL
V11 - 020-2) DENIAL
V11 - 020-3) APPROVAL CONDITIONAL
V11 - 020-4) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION

At the June 9, 2011 hearing the Board of Appeals deferred V11-020-2), to allow the applicant to have the results of the City Council agenda item TA11-002 to be heard at the July 12, 2011 meeting.

Proposed text amendment titled An Ordinance to Amend Section 33.18, Prohibited Signs and Devices, with corresponding mark-up.

Background:

The Mayor and City Council have found that signs using light-emitting diode (LED) technology are not in the best interest of the general health, safety, and welfare of the public. However, the Council has determined that the use of these types of lights for internal illumination of signs does not present a public safety hazard.

Discussion:

The use of these types of lights has been expressly prohibited in the sign ordinance. Therefore, it has been determined that this section of the Zoning Ordinance be amended to clarify the Council's intent.

Parcel Map

6250, 6305, 6325 Peachtree Dunwoody Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 14, 2011

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

CASE NUMBER: V11-020

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

REQUEST:

The applicant is requesting six (6) variances from Sections 33.26.D.1.a, 33.18.Q, 33.26.D.3 and 33.22.C of the Zoning Ordinance for the purpose of clearly providing wayfinding signage in a safe and aesthetically pleasing manner for vehicular and pedestrian passage to and from the Property.

ANALYSIS:

The site is located on the east side of Peachtree Dunwoody Road, at the intersections Central Parkway and Central Park West. The property is zoned O-I (Office and Institutional District) conditional under Z88-032/U88-020/U88-023 & ZM10-004/CV10-005 currently developed with office complexes. The subject property is comprised of approximately 31.8246 acres. It is commonly known as COX Central Park and is the corporate campus of the Applicant.

The property is unique in that it differs from other developments because it is bound by three (3) roads; two (2) of the three roads were initially proposed to be private drives, which would have eliminated the need for many of the variances being requested.

The applicant states "In analyzing these variance requests, it is important to understand that while the number of signs seems to be numerous, by noting the extensive right-of-way frontage of the Property along Peachtree Dunwoody Road and the distance between each of the signs all as set forth on the Site Plan submitted, it is reasonable to conclude that the end result of the spacing and number of signs is most appropriate for a combination of reasons. Additionally, the Property at 31.8246 acres represents one of the largest tracks under a unified development plan both developed and undeveloped in Sandy Springs".

VARIANCE CONSIDERATIONS

Variance 2). To allow the use of LED technology.

The Sandy Springs Zoning Ordinance provides the following:

ARTICLE 33. SIGNS

SECTION 2: PURPOSE AND FINDINGS

B. Findings (Amended 04/21/09, TA 09-02, Ord. 2009-04-19)

6. The City finds that advances in technology utilizing LED components results in signs much brighter in appearance for LED signs than for signs not utilizing LED technology. Studies show, particularly during non-daylight hours, that attention given by drivers to such signs is measurably longer than attention given to non-LED signs. These findings have been reported by such diverse agencies as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Department of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies, the City has determined that use of LED technology on outdoor signage in the City along thoroughfares of various categories is detrimental to the public safety, particularly, but not limited to the Roswell Road Corridor where extreme congestion requires driver distraction be kept to a minimum.

The Sandy Springs Zoning Ordinance provides in Section 33.18.Q

PROHIBITED SIGNS AND DEVICES; The following types of signs are prohibited in the City.

Any sign utilizing LED technology and/or components.

The Mayor and City Council found that signs using light-emitting diode (LED) technology are not in the best interest of the general health, safety, and welfare of the public. The use of these types of signs was not expressly prohibited in the sign ordinance. Therefore, in August 2010 the Mayor and City Council adopted this section of the Ordinance to clarify the Council intent.

The applicant justifies their request by stating “It is our intention to utilize LED Technology as the means for illuminating each Monument Sign in our package for reasons primarily based upon sustainability. LED lighting systems are environmentally friendly for a number of reasons: LED technology contains no Mercury, as they are RoHS compliant, and it also reduces Cox’s overall carbon footprint (as well as the City of Sandy Springs’) with its extended shelf life – typically 50,000 hours for LED compared to 20,000 hours for neon. With this lifespan, LED technology reduces waste and the need for landfill space when no longer in service.

In addition, LED technology requires 6-10 times less power and has improved performance in cold weather compared to neon signs. Its low emittance of heat results in a reduced fire hazard, and also – unlike neon signs – does not release toxic gases such as Argon and Mercury.

Per Section 3 of the City of Sandy Springs Code, please also note that this LED-illuminated sign will not change color, flash, or alternate messages, and the sign will have zero changeable copy. The sign will only have the fabricated shape of the 3 primary letters utilizing the LED components.

With the extended lifespan of the signage, minimal requirement for power, overall sustainability benefits, as well as the lack of scrolling/changeable messages, all the proposed Monument Signs, particularly those located on Peachtree Dunwoody Road, will be consistently reliable as an environmentally friendly, aesthetically appealing illuminated sign if this variance is allowed”.

STANDARDS FOR CONSIDERATION

Request

- 2) From Section 33.18.Q of the Zoning Ordinance to allow the use of LED technology;

Zoning Ordinance, 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.

Based on these findings, Staff recommends **DENIAL.**

Department Comments

The staff held a Focus Meeting on May 4, 2011 at which 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	▪ Public Works will not oppose the sign variance on the condition that all signs are located outside of the driveway sight triangles. Prior to issuance of any related sign permits Public Works requires a plan that shows all actual sign locations as proposed relative to the sight triangles. We would like to keep this in the records in case of any future questions.

RECOMMENDATION:

Staff is of opinion that the characteristics of this large development preclude the applicant from having signs that are all in compliance with the standards. The unique nature of this project creates many challenges for using signage effectively to promote vehicular and pedestrian awareness. 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 Cox Campus and would be in harmony with the intent of the zoning ordinance "To convey their messages through signs".

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends:

V11 - 020- 2. DENIAL

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

- 1) To allow the use of LED technology on signs A.1, A.2, A.3, A.4, & B.1 pursuant to the sign details, submitted by the applicant, and dated received April 5, 2011 by the Department of Community Development.

ATTACHMENTS:

Site Plans, dated received April 5, 2011 by the Department of Community Development.
Detail Drawings, dated received April 5, 2011 by the Department of Community Development
Photos, dated received April 5, 2011 by the Department of Community Development.
Letter of Appeals, dated received April 5, 2011 by the Department of Community Development.



Variance Petition No. V11-009

HEARING & MEETING DATES

Board of Appeals Hearing

May 12, 2011

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

SCI Management

Petitioner

Arlington Memorial
Cemetery

Representative

Alex Brock

PROPERTY INFORMATION

Address, Land Lot(s), and District 201 Mount Vernon Highway
Land Lot 124, District 17

Council District 3

Frontage 1,104.96 feet of frontage along the north side Mount Vernon Highway.

Area The subject property has a total area of approximately 122.26 acres.

Existing Zoning and Use The lot is zoned AG-1 (Agricultural District) under Fulton County zoning case Z93-0030. The property is currently developed with a Cemetery.

Overlay District N/A

2027

Comprehensive Future Land Use Map Designation

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

INTENT

The applicant is proposing to install 375 feet of storm drain pipes to alleviate erosion and flooding on the existing internal road. The applicant is requesting one (1) primary variance from the Stream Buffer Protection Ordinance:

- 1) Variance from Section 109-225 a. 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet to allow for the installation of storm drain pipes.

At the May 12, 2011 Board of Appeals meeting the Board deferred the application to the July 14, 2011 Board of Appeal meeting to give the applicant and the citizen an opportunity to discuss possible alternative designs.

The applicant has requested the application be deferred to the September 8, 2011 meeting to work with the City to develop a comprehensive stormwater management plan for the cemetery.

ENFORCEMENT

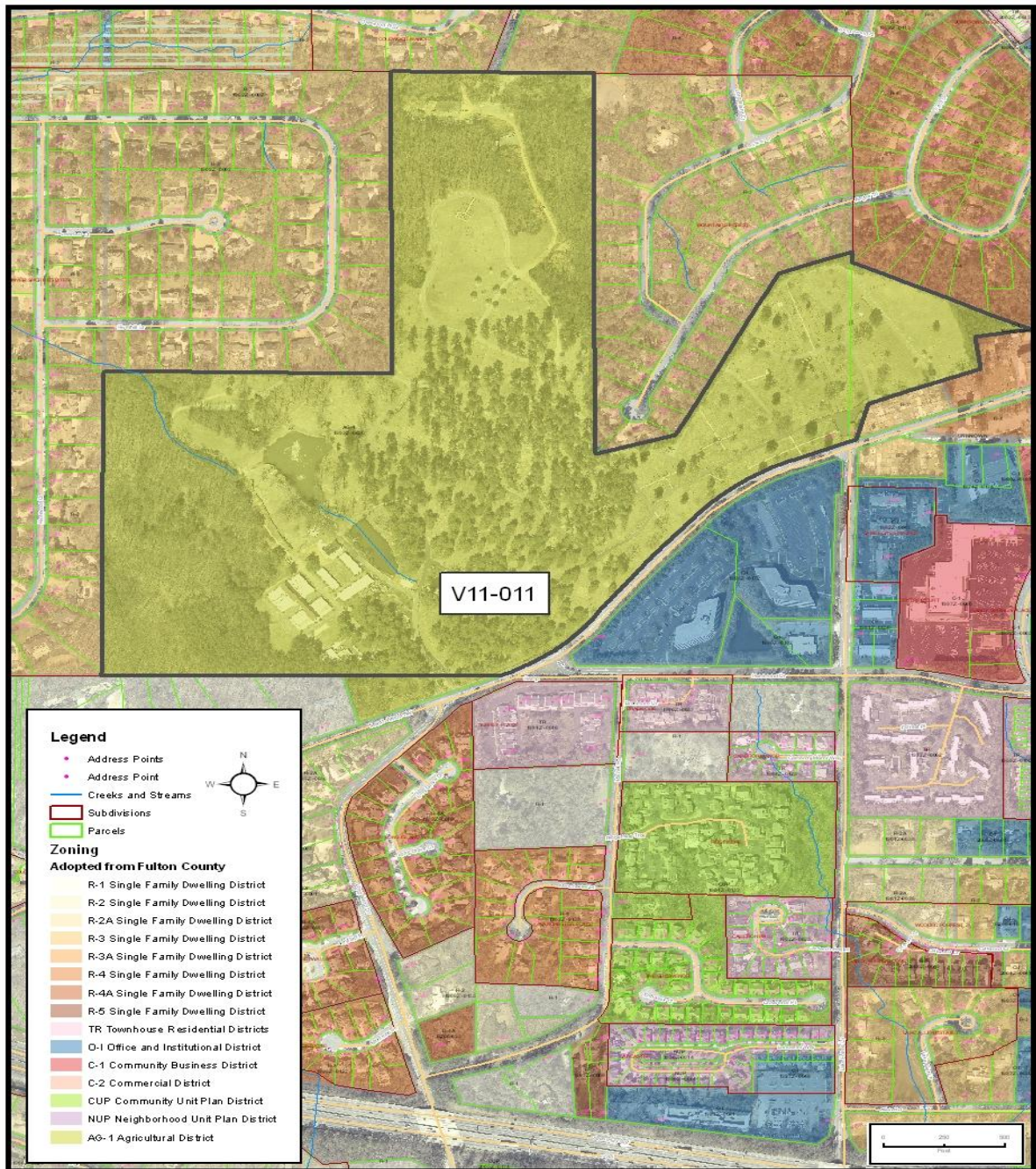
A Stop Work Order was posted on October 8, 2010 on the site for working without a Land Disturbance permit. The Stop Work Order was amended on January 6, 2011 to allow the upper portion of the ditch to be back filled. The site is currently under a stop work notice.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-009- 1) DEFERAL

Parcel Map

201 Mount Vernon Highway NW



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

CASE NUMBER: V11-009

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

Findings of Fact

The applicant is proposing to install 375 feet of storm drain pipes to alleviate erosion and flooding on the existing internal road. The applicant is requesting relief from Section 109-225 a. 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet to allow for the installation of storm drain pipes. Below is a breakdown of each portion of the stream buffer encroachment request.

- 1) The applicant is proposing to remove approximately thirty (30) feet of existing pipe from the fifty (50) foot undisturbed buffer. The remaining portion of the pipe and headwall located in the twenty-five (25) foot undisturbed state buffer would be grout filled and abandoned in-place. (Area 1 on Exhibit 4)
- 2) The proposed new eighteen (18) inch reinforced concrete pipe (RCP) would start at the end of the concrete flume connected to the pedestal drop inlet (PDI) and would run fifty-six (56) feet to the northeast then turn north at the junction box and run another twenty-eight (28) feet to grate drop inlet in the properties interior road. (Area 2 on Exhibit 4)
- 3) Also, four (4) eight (8) inch PVC pipe is proposed to be installed next to an existing culvert. The PVC pipe would be a minimum one (1) foot below the existing culvert invert. A portion of the PVC pipe has already been installed before the Stop Work Order was posted on October 8, 2011. (Area 3 on Exhibit 4)

Standards for Consideration

Zoning Ordinance

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffer covers approximately one eighth (1/8) of the property. The 122.26 acres property has an irregular shape, and slopes from the Mount Vernon Highway towards the two (2) ponds on the western side of the property. The cemetery has a rolling topography. The topography changes from an elevation of 1,100 feet at Mount Vernon Highway to 990 feet to the western property line. The proposed storm water piping is designed to alleviate erosion and flooding of the onsite road. The applicant can not address the erosion or flooding issue without a stream buffer variance. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

Staff notes the stream buffer covers approximately one eighth (1/8) of the property. An extreme hardship is presented when strict adherence to the minimal buffer requirement is followed. The proposed storm water piping is designed to alleviate erosion and flooding of the onsite road. The applicant can not address the erosion or flooding issue without a stream buffer variance. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The 122.26 acres property has an irregular shape, and slopes from the Mount Vernon Highway towards the two (2) ponds on the western side of the property. The cemetery has a rolling topography. The topography changes from an elevation of 1,100 feet at Mount Vernon Highway to 990 feet to the western property line. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. The locations of all streams on the property, including along property boundaries;

Finding:

All streams being effected on the property have been identified on the site plan (exhibit 2). The stream starts a head wall to the west side of the entry drive. The stream runs approximately one hundred (100) feet before entering the first pond. The stream exits the pond and travels approximately one hundred fifty (150) feet before entering the second pond. The stream exits the second lake and travels west six hundred ninety (690) feet before leaving the property.

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

The proposed installation of storm drain pipes would reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet. All buffer and setback intrusions have been identified on the site plan (Exhibit 1 and Exhibit 2).

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

Alternative designs have not been discussed with the staff regarding the proposed installation of storm drain pipes. However, the erosion and flooding issue is located in the stream buffer and there is no other location outside the buffer to install the pipes. The proposed pipes will help alleviate the erosion problem in the stream buffer. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition.

Department Comments

The staff held a Focus Meeting on April 6, 2011 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	There are no building requirements that need to be addressed at this time.
	Sandy Springs Development Plan Review Engineer	Runoff passing through the proposed pipes will drain to the same existing pond on the Arlington campus to which the runoff currently drains. Proposed installation is intended to reduce risk of erosion where overflow from an existing pond currently often washes over an existing drive. No exceptions taken to the proposal.
	Sandy Springs Landscape Architect/ Arborist	There are no Arborist requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	There are no fire requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	There are no Transportation requirements that need to be addressed at this time.
	Georgia Department of Transportation	There are no GDOT requirements that need to be addressed at this time.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109-225 of the Code of the City of Sandy Springs. Based upon this review, staff recommends **DEFERRAL** of the variance(s) request.

Recommended Condition(s)

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

- 1) The subject installation of storm drain pipes shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 29, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed pipe encroachment of forty-eight (48) feet and limits of disturbance of two (2) feet for a total encroachment of fifty (50) feet) to allow for 375 feet of storm drain pipes to be installed, where necessary to accommodate the portion of the encroachment only.

ATTACHMENTS:

Letter of appeal

Deferral request

Overall site plan showing stream buffers (Exhibit 1)

Overall site plan outlining location of proposed disturbance (Exhibit 2)

Zoomed in area of disturbance (Exhibit 3)

Site Plan (exhibit 4)

Photographs



Variance Petition No. V11-023

HEARING & MEETING DATES

Board of Appeals Hearing

July 14, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

Riva Wolkow

Petitioner

Riva Wolkow

Representative

Josh Camp

PROPERTY INFORMATION

Address, Land 216 East Belle Isle Road

Lot(s), and District Land Lot 93, District 17

Council District 5

Frontage 140 feet of frontage along the north side of East Belle Isle Road.

Area The subject property has a total area of 0.51 acres (22,215 square feet).

Existing Zoning and Use C-2 (Commercial District) conditional under zoning case RZ09-013/CV09-021. The subject parcel is currently developed as a Veterinary Clinic.

Overlay District N/A

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

R12-20 (Residential 12 to 20 units per acre)

INTENT

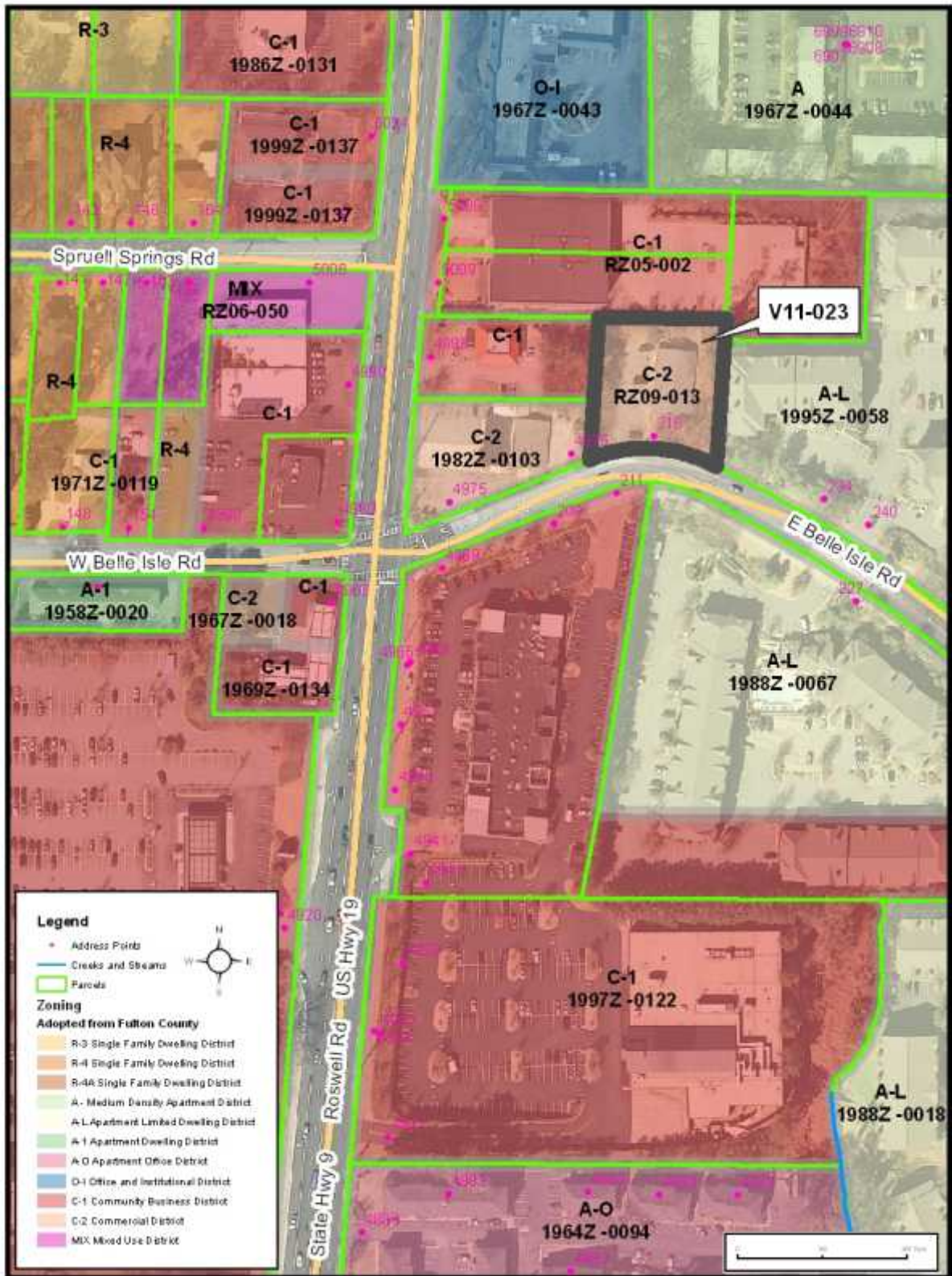
The applicant is seeking a primary variance from Section 33.22.C of the Zoning Ordinance to reduce the minimum sign setback from the right-of-way from ten (10) feet to zero (0) feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-019 #1 - DENIAL

Parcel Map

216 E. Belle Isle Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on July 14, 2011

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

CASE NUMBER: V11-023

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

Background

The subject site is located at 216 E. Belle Isle Road , situated on the north right-of-way of E. Belle Isle Road approximately 232.38 feet from the right- of- way of Roswell Road (SR 9). The property is zoned C-2 (Commercial District) under zoning case RZ09-013.

The staff of the Planning and Zoning Division reviewed the sign permit application to update an existing dilapidated sign with a new face to identify the new name of the business. It was determined that a variance was needed to allow the sign at the proposed location, as the sign encroaches into the minimum sign setback from the right-of way. The proposed sign location is setback zero (0) feet from the right of way.

Article 33, *Signs*, of the Sandy Springs Zoning Ordinance provides:

SECTION 22: SIGN LOCATION.

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. 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 33.26. F: Commercial and Industrial Park Districts

1. *Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).*
 - a. *One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of six (6) feet. Except for gas stations, changeable copy shall not be permitted.*

The proposed sign area is thirty (30) square feett at a height of 5.67 feet, which meets the minimum requirements. The applicant states that the E. Belle Isle Road has undergone many changes such as widening and terminated as a through road to High Point Road, therefore, impacting the location of the existing structure.

Department Comments

The staff held a Focus Meeting on May 4, 2011 at which time the following departmental comments were provided:

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

Standards for Consideration

Zoning Ordinance

1. From Section 33.22.C of the Zoning Ordinance to reduce the required setback from 10 feet to 0 feet.

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.

The current sign location existed prior to incorporation of the city and the applicant argues that the sign was properly permitted under the previous jurisdiction over ten (10) years ago. The applicant states that the E. Belle Isle Road has undergone many changes such as widening and terminated as a through road to High Point Road, therefore, impacting the location of the existing structure.

Recommendation

Staff is of opinion this variance request will not cause a detriment to the public, but will convey information to the general public; would serve the purpose of the sign ordinance, which is to provide an ease identification for the Animal Hospital.

While the purpose of the sign ordinance is to encourage the effective use of signs as a means of communication and to promote economic development, staff has reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance request. However, should the Board choose to approve the application, Staff recommends the following condition(s):

1. To reduce the required sign setback from ten (10) feet to zero (0) feet.
2. To the sign location and detail submitted by the applicant, dated received April 27, 2011 by the Department of Community Development.

Attachments

Site Plans, dated received April 27, 2011 by the Department of Community Development.

Detail Drawings, dated received April 5, 2011 by the Department of Community Development

Photos, dated received April 5, 2011 by the Department of Community Development.

Letter of Appeals, dated received April 5, 2011 by the Department of Community Development.



Variance Petition No. V11-026

HEARING & MEETING DATES

Design Review Board
June 14, 2011

Board of Appeals Hearing
July 14, 2011
August 11, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner

Robert William

Petitioner

Robert William

Representative

Denyse Co./Michael
Norton

PROPERTY INFORMATION

Address, Land 8879 Roswell Road (SR 9)
Lot(s), and District Land Lots 367, District 6th

Council District 2

Frontage Approximately 223.32 feet of frontage along the eastern side of Roswell Road and approximately 398.12 feet of frontage along the southern side of North River Parkway.

Area The subject property has a total area of 1.85 acres.

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County zoning case 77Z-0108, currently developed with a restaurant.

Overlay District Suburban District

2027 Comprehensive Plan Future Land Use Map Designation Living -Working Regional (LWR)

INTENT

The applicant is seeking two primary variances from Section 33.18.H as follows:

- 1) To allow a roof sign on the west elevation of the existing building; and
- 2) To allow a roof sign on the north elevation of the existing building.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-026. 1) - APPROVAL CONDITIONAL

V11-026. 2) - APPROVAL CONDITIONAL

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the June 14, 2011 Design Review Board meeting. The Board recommended **Denial** (4-0, Porter, Landeck, Ealick-Anderson, and Mobley for; Richard and Gregory absent; Lichtenstein not voting.)

BOARD OF APPEALS ACTION

The petition was heard at the July 14, 2011 Board of Appeals hearing. The Board recommended **Deferral** (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) to the August 11, 2011 meeting for the applicant to seek some other options.

The applicant and staff met to consider some other sign location proposals as follows:

1. Wall signs on the street facing walls.
Due to the height and design of the building a wall sign would not be visible from any direction more specifically from Roswell Road, which is the main source of traffic.
2. Ground signs.
The property is allowed two, but due to the street right-of-way encroachment into the property a location of a ground sign facing Roswell Road would not have visibility as the sign would have to be located adjacent to the building and it would be obscured by the vegetation and topography of the lot.
3. Building a parapet.
The applicant proposes to build a parapet facing Roswell Road that when viewed from the North River Parkway will blend in with the existing roof and the north elevation and when viewed from Roswell Road will present the channel letters.

The applicant stated that there are many variables taken into consideration when creating a sign package for a business. One of the most important variables is ensuring easy and safe identification for passing motorists. The applicant indicates that due to variables beyond their control there are not many or easy choices to identify his business.

The applicant states that the proposed sign locations are the only alternatives to display a sign that is visible, and gives the business the exposure necessary to attract customers. The petitioner justifies his petition based on the following:

1. A wall sign below the roof line would not be visible for the moving traffic on Roswell Road.
2. The building is set back from the street in such way that a sign placed on the north and west walls, would have no visibility until a car is directly in front of the property.
3. The building is located very close to the west property line and below the finished grade of the adjacent property. The visibility of the building is impaired by the finished grade and vegetation.
4. The applicant states that no location for a ground sign was found that creates visibility for his business. Trees along the property frontage and the adjacent lot would obstruct the view for cars moving north on Roswell Road.

5. The fabrication of a awning would make it very difficult to place any signage on the awning itself and visibility if any would be limited to those directly in front of the building.

8879 Roswell Road (SR 9)



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

CASE NUMBER: V11-026

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

Background

The site is located at 8879 Roswell Road, situated on the east side of Roswell Road at the intersection with North River Parkway. The property is zoned C-1 (Community Business District) conditional under Fulton County zoning cases 77Z-0108 and is currently developed with a restaurant. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

The Sandy Springs Zoning Ordinance provides:

Sandy Springs Overlay District (amended 04/21/09, TA09-002, Ord. 2009-04-19)

Section 33.26.H.2.a Wall Signs:

Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

This property is allowed two wall signs as the property has frontages on Roswell Road (SR 9) and North River Parkway.

SECTION 33.18: PROHIBITED SIGNS AND DEVICES.

H. Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.

The applicant is requesting relief from Sections 33.18.H of the Zoning Ordinance, to allow for these two wall signs to be installed on the roof of the building. The Applicant is requesting these variances to include signage on the north elevation of the building and west elevation of the building in order to provide this business visibility from the main public right-of-way (Roswell Rd.)

The applicant states that the design of the building makes it impossible to install wall signs visible from the streets. The building façade that faces Roswell Road is barely visible from the northbound and southbound traffic due to the vegetation and topography of the lot. The north

elevation presents difficulties in displaying wall signs on the building as the applicable wall is approximately eight (8) feet height, the roof is very low, in addition to the many windows and doors on that elevation.

The applicant has indicated that the purpose for these variances is mainly to provide signage visibility for the restaurant, as sign installed otherwise would be completely obscured. "It is necessary to provide proper visibility for businesses from all points and entries to be successful".

The North River Tavern has a ground sign that according to the applicant, drivers are not seeing when traveling on Roswell Road.

The applicant's proposed roof signs are in compliance with the size standards.

Standards for Consideration

Request

1. To allow a roof sign on the west elevation of the existing building; and
2. To allow a roof sign on the north elevation of the existing building.

Zoning Ordinance, 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:

This property has a grading variation of approximately twenty (20) feet, between the south property line and the north property line adjacent to the North River Parkway. The unique site layout of this project creates many challenges for using signage effectively to promote vehicular and pedestrian awareness. Because the building sits bellow Roswell Road (SR 9) finished grade a wall sign on the applicable wall is not visible. Staff is of the opinion that the topography of the property creates an extraordinary and exceptional condition pertaining to the property which creates a hardship for the restaurant operator. Therefore, based on these reasons 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:

Because of the vegetation along the south property line, the building design, and the proximity of the building to the street, the ability to capture visibility and identification of

this business is limited. If the proposed signs were placed on the north and west elevations of the building, they would be very difficult to see when driven along Roswell Road (SR 9), in consequence defeating the purpose of the signs.

Staff is of the opinion that the natural features of the lot on which the sign is located and of the land immediately adjacent to the lot impairs the visibility of the sign such that its visibility is impacted. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on June 4, 2011 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

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request.

1. To allow a sign on the roof of the applicable wall on the north elevation of the building pursuant to the sign detail submitted by the applicant, dated received May 3, 2011 by the Department of Community Development.

2. To allow a sign on the roof of the applicable wall on the west elevation of the building pursuant to the sign detail submitted by the applicant, dated received May 3, 2011 by the Department of Community Development.
3. The signs shall not exceed the 5% of the applicable wall of the building for the north and west elevations as submitted by the applicant and dated received May 3, 2011 by the Department of Community Development.

Attachments

Letter of Appeal, Sign Detail, Staff Photographs, Site plan.