



Variance Petition No. 201301751

HEARING & MEETING DATES

Design Review Board

July 9, 2013

Board of Appeals Hearing

August 8, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Georgia - Alabama Commercial Investments, LLC	Chase Bank	Henry Incorporated/Danny Lankford

PROPERTY INFORMATION

Address, Land	6180 Roswell Road
Lot(s), and District	Land Lot 89, District 17 th
Council District	3
Frontage	Approximately 148.16 feet of frontage along Roswell Road and approximately 282.72 feet of frontage along Mount Vernon Highway.
Area	The subject property has a total area of approximately 0.97 acres.
Existing Zoning and Use	The lot is zoned C-1 (Community Business District). The property is currently being developed with a bank.
Overlay District	Main Street District
2027 Comprehensive Future Land Use Map Designation	Live-Work Community (LWC)

INTENT

The applicant is seeking a primary variance from Section 33.26.H.2 of the Zoning Ordinance to allow for a wall sign on a non-street facing wall.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION 201301751- 1) APPROVAL CONDITIONAL

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the July 9, 2013 Design Review Board meeting. The Board recommended Approval (5 - 0, Bartlett, Ealick-Anderson, Landeck, Richard, and Roberts; Mobley absent; Lichtenstein not voting) subject to the following conditions:

1) The proposed signs shall be installed in accordance with the elevations presented, dated received June 24, 2013 by the Department of Community Development. 2) There shall be no monument signs on the subject property.

6180 Roswell Road



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

CASE NUMBER: 201301751

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

Staff Analysis:

The subject site is located at 6180 Roswell Road. The property is zoned C-1 (Community Business District) and is located within the Main Street District of the Sandy Springs Overlay District.

The applicant is proposing to construct a 3,431 square foot building for Chase Bank with a drive through in the rear of the property, located in the south-west quadrant of the intersection of Roswell Road and Mount Vernon Hwy.

The Sandy Springs zoning ordinance provides:

Section 33.26

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

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.*

2. *Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).*

a. *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.*

Because the location of this property at the intersection of Roswell Road and Mount Vernon Hwy. the building is allowed to have wall signs on two (2) frontages, north and east. In addition, the Sandy Springs Zoning Ordinance provides for properties to be permitted monument signs for each street on which the lot has frontage.

This variance request is based on Chase Bank's proposed plans to add a third wall sign. This proposed wall sign is to be located on the west elevation of the building facing the parking lot. The applicant has chosen to add an additional wall sign and not to display any of the two ground signs that the site qualifies for. Therefore, a variance is needed to allow for a wall sign on a non-street facing wall.

The applicant states that a sign at the proposed location will further enhance the visibility of the business from the eastbound traffic on Mount Vernon Hwy. and the visitors to the property.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 8, 2013.

This sign will be located above one of the two entrances to the building and the only sign providing information to the visitor's parking lot.

The applicant's west building elevation contains approximately a total of 864 square feet of wall area. Per Section 26.H.2. Wall Signs, of the Sandy Springs Zoning Ordinance, the applicant is permitted a wall sign up to 5% of the total wall area, or one hundred-eighty (180) square feet. The applicant is proposing to install a 29.74 square foot wall sign. The sign is composed of individual channel letters and internally illuminated.

The applicant states "a sign at the west elevation will complement the other two signs providing exposure to our primary entrance".

SITE HISTORY

There is no history of code enforcement action on the property.

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.H.2 to allow for a wall sign on a non-street facing wall.

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:

Staff is of the opinion that the topography of the lot does not present any challenges to justify the approval of this variance. Therefore, based on this reason the 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:

Staff found that as vehicles travel east-bound on Mount Vernon Hwy the identification of the building is not provided until the visitors are near the intersection and have passed the entrance to the parking lot. This sign located on the west elevation will give the bank the opportunity to identify the main entrance to the building.

Staff is of the opinion that the proximity of the building to the street impairs the visibility of the signs such that the bank's 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 July 1, 2013, at which time the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT DIVISION	Sandy Springs Building Officer Plan Review	▪ Not 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. The proposed wall sign at the proposed location will not have a negative impact on the surrounding properties as tenants on surrounding shopping centers have signs facing the parking lot; instead will provide information to the general public. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

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

1. To allow a wall sign on a non-street facing wall pursuant to the sign design detail submitted by the applicant, dated received June 7, 2013 by the Department of Community Development.

2. The wall sign shall be located on the west elevation of the building pursuant to the site plan submitted by the applicant, dated received May 30, 2013 by the Department of Community Development.
3. That the wall sign shall not exceed 5% of the applicable wall.
4. There shall not be ID Monument signs on the property.

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



Variance Petition No. 201301777

HEARING & MEETING DATES

Board of Appeals Hearing
August 8, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
David & Tracy Duncan

Petitioner
Chris Holden

Representative
Chris Holden

PROPERTY INFORMATION

Address, Land Lot(s), and District 1005 Mount Vernon Highway NW
Land Lot 174, 17th District

Council District 6

Frontage Approximately 192.37 feet of frontage along Mount Vernon Highway NW

Area Approximately 1.49 acres

Existing Zoning R-1 Single Family Dwelling District

Existing Use Residence

Overlay District N/A

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

INTENT

The applicant is proposing to install a sport court and pavilion in the rear yard of their home. The applicant is requesting two (2) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.1.3.D of the Zoning Ordinance to allow for a reduction in the rear yard setback from fifty (50) feet to twenty-five (25) feet to allow for the construction of a pavilion.
2. Variance from Section 19.3.11.B.1 of the Zoning Ordinance to allow a recreation court to be located in a minimum yard.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201301078 – 1) DENIAL
2) DENIAL

Standards for Consideration

1. Variance from Section 6.1.3.D of the Zoning Ordinance to allow for a reduction in the rear yard setback from fifty (50) feet to twenty-five (25) feet to allow for the construction of a pavilion.
2. Variance from Section 19.3.11.B.1 of the Zoning Ordinance to allow a recreation court to be located in a minimum yard.

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:
Not Applicable.

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 applicant presents a hardship argument as it relates to the location of larger trees on the property; however, no arguments related to size, shape, or topography are made. The existing lot is very regular in shape, and the topography presents few to no challenges. There is available buildable area on the lot to accommodate the proposed pavilion. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

3. Variance from Section 19.3.11.B.1 of the Zoning Ordinance to allow a recreation court to be located in a minimum yard.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:
The Zoning Ordinance prohibits recreation courts in minimum yards at an attempt to maintain the character of the community, and promote the wellbeing of all residents. The proposed recreation court is located almost entirely within the minimum yard, and is not in harmony with the intent of the ordinance. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

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

Finding:
The existing lot is very regular in shape, and the topography presents few to no challenges. There is available buildable area on the lot to accommodate the proposed sport court. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

Department Comments

Related materials were distributed to internal departments during the week of July 8, 2013, and no comments were provided by the following departments: Arborist, Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the first variance request to allow for a reduction in the required rear yard setback to allow for the construction of a pavilion, and **DENAIL** of the second variance request to allow for a recreation court to be located in a minimum yard.

Recommended Condition(s)

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

- 1) To reduce the required fifty (50) foot rear yard setback to twenty-five (25) feet to allow for the construction of a pavilion, as shown on the site plan dated received June 4, 2013 by the Department of Community Development.
- 2) To allow a recreation court to be located in a minimum yard, as shown on the site plan dated received June 4, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received June 4, 2013
Site Plan – Dated received June 4, 2013
Photographs

CA 8.1.2013



Variance Petition No. 201301819

HEARING & MEETING DATES		
Design Review Board July 9, 2013		Board of Appeals August 8, 2013
APPLICANT/PETITIONER INFORMATION		
Property Owner	Petitioner	Representative
Marshalls Plaza, LLC	Delgado Boxing	Delgado Boxing/ Paul Delgado
PROPERTY INFORMATION		
Address, Land Lot, and District	6335 Roswell Road (SR 9) Land Lot 88, District 17	
Council District	4	
Frontage	Approximately 450 feet of frontage along the east side of Roswell Road (SR9).	
Area	The subject property has a total area of 7.17 acres (312,377.46 Square Feet).	
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County 59Z-004, currently developed with a shopping center.	
Overlay District	Main Street District	
2027 Comprehensive Future Land Use Map Designation	Live-Work Community (LWC)	
INTENT		
The applicant is requesting a primary variance from Section 33.26.H.2 of the Zoning Ordinance to allow a wall sign on a wall not attached to the exterior wall of the business.		
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION		
201301819-1) APPROVAL CONDITIONAL		

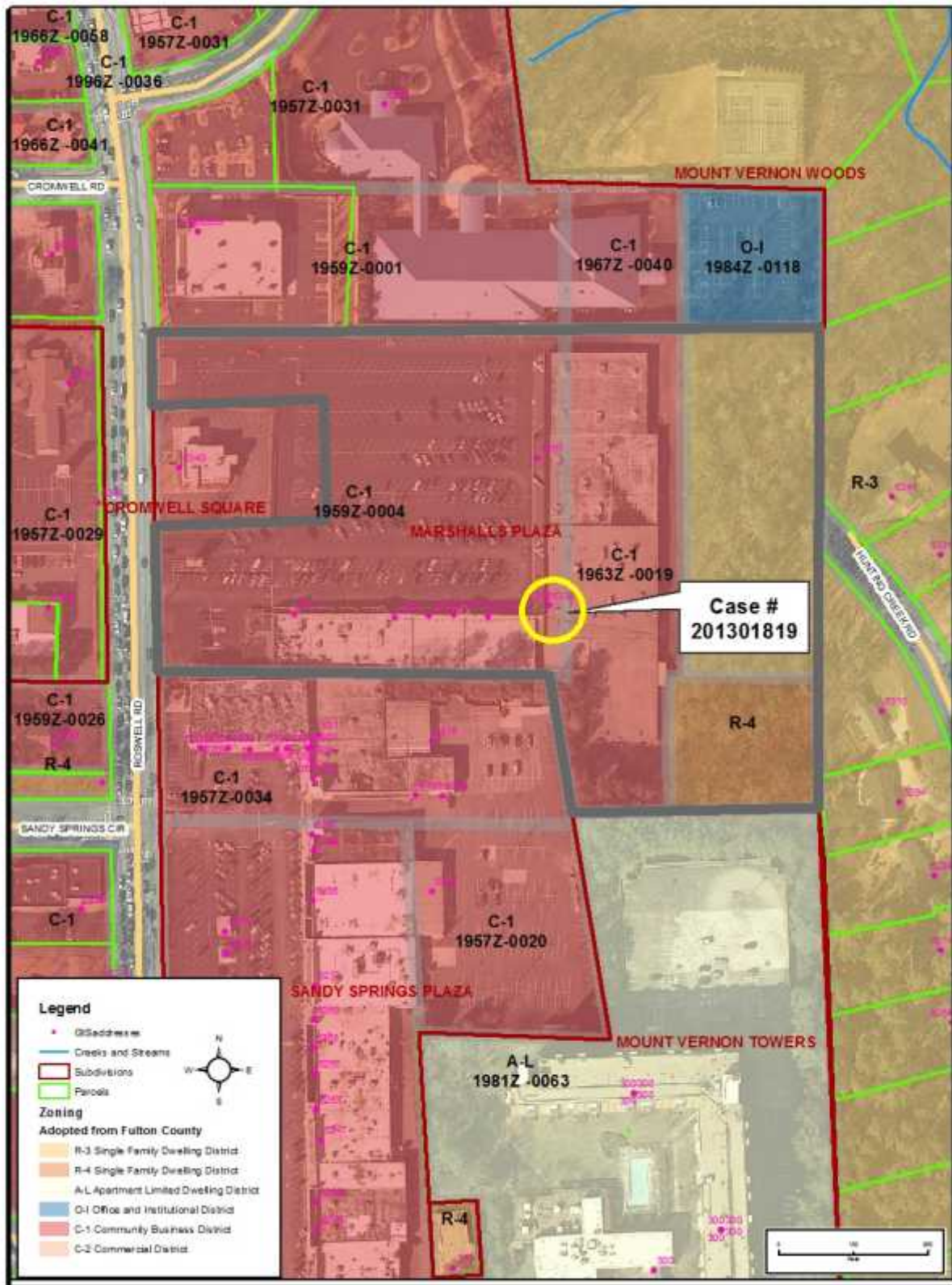
DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the July 9, 2013 Design Review Board meeting. The Board recommended Approval (5 - 0, Bartlett, Ealick-Anderson, Landeck, Richard, and Roberts; Mobley absent; Lichtenstein not voting) subject to the following conditions:

1) The proposed sign shall be installed in accordance with the elevations presented, dated received June 7, 2013 by the Department of Community Development.

Parcel Map

6335 Roswell Road (SR 9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 8, 2013

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: 201301819

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

Staff Analysis:

The site is located at 6335 Roswell Road (SR 9) in the Marshall's Plaza shopping center, on the east side of Roswell Road (SR 9). The property is zoned C-1 (Community Business District) under Fulton County zoning case Z59-0004 and is located within the Main Street District of the Sandy Springs Overlay District.

The applicant is a tenant in the Marshall's Plaza shopping center. His tenant space is located on the corner where the two building intersect and behind suites 6333 and 6335 (as shown on the site plan). While the space has exterior entrance to the building, there is not a wall with frontage to the street.

The Sandy Springs Zoning Ordinance provides:

Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

- a. *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 applicant is proposing to display a wall sign on a wall that is diagonal to the two mentioned suites (6333 and 6335) and is not attached to his tenant space. Therefore, a variance was needed to allow for a wall sign at this location.

The applicant is proposing to install a 27 square foot wall sign. The sign is composed of individual channel letters internally illuminated.

The applicant states that a sign at the proposed location will further provide the visibility of the business from the parking lot and the visitors to the center and will assist in pinpointing their location within the shopping center.

SITE HISTORY

This variance request is intended to address the lack of signage visibility for the traffic when you enter the shopping center.

Standards for Consideration

Zoning Ordinance

- 1) Variance from Section 33.26.H.2 to allow for a wall sign on a non-street facing wall.

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:

Staff is of the opinion that the topography of the lot does not present any challenges to justify the approval of this variance. Therefore, based on this reason the 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:

Staff found that due to the location of this tenant space the applicant does not have choices to identify his business location. The wall sign at the proposed location will not have a negative impact on the surrounding properties. Staff is of the opinion that the features of the lot on which the sign is to be located impairs the visibility of the sign such that the gym 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 July 1, 2013, 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

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. The wall sign at the proposed location will not have a negative impact on the surrounding properties as all the tenants in that shopping center have a sign on the north and west elevations facing the parking lot; instead the sign will provide information to the general public once entering the shopping center. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

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

1. To allow a wall sign on a wall not attached to the tenant space pursuant to the sign design detail submitted by the applicant, dated received June 7, 2013 by the Department of Community Development.

2. The wall sign shall be located on the north-west elevation of the building pursuant to the site plan submitted by the applicant, dated received July 3, 2012 by the Department of Community Development.
3. To allow this sign location to be used for the identified tenant space (6335 B Roswell Road)
4. That the wall sign shall not exceed 27square feet.

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