



Variance Petition No. V11-032

HEARING & MEETING DATES

Design Review Board
July 12, 2011

Board of Appeals Hearing
August 11, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner
8725 LLC

Petitioner
8725 LLC

Representative
Brandon Hilton

PROPERTY INFORMATION

Address, Land Lot,
and District. 8725 Roswell Road (SR 9)
Land Lot 368, District 17

Council District 2

Frontage and Area Approximately 360 feet of frontage along the easterly side of Roswell Road (SR 9) (not including the three outparcels) and 480 feet of frontage along the westerly side of Dunwoody Place. The subject property has a total area of 11.73 acres (511,006.0 square feet).

Existing Zoning and Use C-1 (Community Business District) conditional under Fulton County zoning case 1991Z -035, currently developed with a shopping center.

Overlay District Suburban District.

2027
Comprehensive
Future Land Use
Map Designation Commercial.

INTENT

The applicant is requesting relief from Section 33.18.Q of the Sandy Springs Zoning Ordinance to allow the use of LED technology.

The applicant variance request is as follows:

- 1) To allow wall signs on the building to be internally illuminated with LED technology,
- 2) To allow the identification monument along the Roswell Road (SR 9) street frontage to be internally illuminated with LED technology, and
- 3) To allow the identification monument along the Dunwoody Place frontage to be internally illuminated with LED technology.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

The application was heard at the June 9, 2009 DRB meeting. The request was recommended for APPROVAL (3-0, Gregory, Porter, and Richard for; Landeck, Mobley, and Westmoreland absent; Lichtenstein not voting). Subject to the applicant applying for a variance for the third sign along Roswell Road (SR-9) to resemble the two proposed signs with brick base, same header and address on the base.

Parcel Map

Legend

- Address Points
- Creeks and Streams
- Parcels

Zoning
Adopted from Fulton County

- R-2 Single Family Dwelling District
- A- Medium Density Apartment District
- TR Townhouse Residential District
- O-1 Office and Institutional District
- C-1 Community Business District
- C-2 Commercial District
- CUP Community Unit Plan District
- AG-1 Agricultural District

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 11, 2011

DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-019

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

REQUEST:

The applicant is requesting relief from the Sandy Springs Zoning Ordinance to modify two (2) existing non conforming free standing signs.

Staff Analysis:

The subject property is located at the intersection of Roswell Road (SR 9) and Dunwoody Place and is comprised of approximately 11.73 acres. The property was rezoned in the early 1991 and approved to have a maximum of six (6) outparcels. Currently the property has four (4) outparcels; each outparcel is identified with a freestanding sign. In addition the shopping center has two (2) freestanding signs that identify the major tenant.

The applicant proposes to reface the two (2) signs that identify the major tenant, one sign is on Dunwoody Place and one sign is on Roswell Road. The two signs are identical and the applicant proposes the same updates to both: to reduce the height from 20' to 15' and by enclosure of the exposed steel frame the applicant is intending to increase the sign area to add tenant panels. The applicant proposes to keep the existing Publix box and replace the smaller two boxes with a 9'x 8' cabinet that can accommodate up to eleven tenants per sign face. The applicant stated these modifications will improve the current signs , bringing them closer to the present code, and adding the must needed additional visibility for the tenants in the center.

The property has two street frontages; approximately 480 feet along Dunwoody Place and 360 feet along Roswell Road, not including the outparcels.

Article 33.26.H.1 provides:

- 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.*
- b. *One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.*
- c. *One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.*

- d. *Notwithstanding the foregoing, monument signs on Roswell Road, Hammond Drive or Abernathy Road may be ten (10) feet in height.*

The applicant states: the existing signs are outdated, poorly designed and very ineffective and most important the current signs only offer exposure for three tenants. With the new design the shopping center can accommodate twenty-nine retailers.

Department Comments

The staff held a Focus Meeting on June 3, 2009 at which time the following departmental /divisional comments were provided:

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

Standards for Consideration

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

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

The applicant states that it is important for a driver to distinctively recognize the location of each business. Allowing each business to maintain individual ground signage is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance. The applicant's purpose is to present an identification of its premises, communicating to the public the location of their businesses.

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance.

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

The property has a landscape strip along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic. Because of the extremely congested nature of Roswell Road and the existing foliage along the street frontage, the applicant finds it imperative to offer these tenants street visibility.

Recommended Conditions:

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

1. The sign area of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 116 square feet each pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development.
2. The maximum height of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 15 feet pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development.
3. The applicant to upgrade the freestanding sign on Roswell Road, located at the most northern entrance to the plaza, to resemble the two proposed signs subject of these variances.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
1. Section 33.26.H.1.a <i>Signs, Sandy Springs Overlay District.</i> a) To increase the maximum permitted square footage for 2 monument signs from 32 square feet to 116 square feet. (Roswell Road & Dunwoody Place). b) To increase the maximum height permitted for 2 monument signs from 6 feet to 15 feet on a lot which has up to 500 linear feet of frontages (Roswell Road & Dunwoody Place).	The application was heard at the Jun 9, 2009 DRB meeting. The request was recommended for APPROVAL (3-0, Gregory, Porter, and Richard for; Landeck, Mobley, and Westmoreland absent; Lichtenstein not voting). Subject to the applicant applying for a variance for the third sign along Roswell Road (SR-9) to resemble the two proposed signs with brick base, same header and address on the base.	1.The sign area of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 116 square feet each pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development. 2.The maximum height of the identification signs located on Roswell Road & Dunwoody Place shall not exceed 15 feet pursuant to the sign detail submitted by the applicant, and dated received May 5, 2009 by the Department of Community Development. 3.The applicant to upgrade the freestanding sign located on Roswell Road at the most northern entrance the plaza, to resemble the two propose signs subject of the variances.	



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.



Variance Petition No. V11-030

HEARING & MEETING DATES

Board of Appeals Hearing

August 11, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Kris & Patricia Cooper	Kris & Patricia Cooper	Rocky Mount

PROPERTY INFORMATION

Address, Land Lot(s), and District	130 Hemmingwood Way Land Lot 383, District 18
Council District	1
Frontage	Approximately 35 feet of frontage on the northwest side Hemmingwood Way.
Area	The subject property has a total area of approximately 0.60 acres.
Existing Zoning and Use	The lot is zoned R-3 (Single Family Dwelling District) under Fulton County zoning case Z86-0012. The property is currently developed with a residence.
Overlay District	N/A

2027

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

INTENT

The applicant is proposing to expand a breakfast area which will utilize a portion of the existing deck, which will encroach into the required thirty-five (35) foot rear yard setback. The applicant is requesting one (1) primary variance:

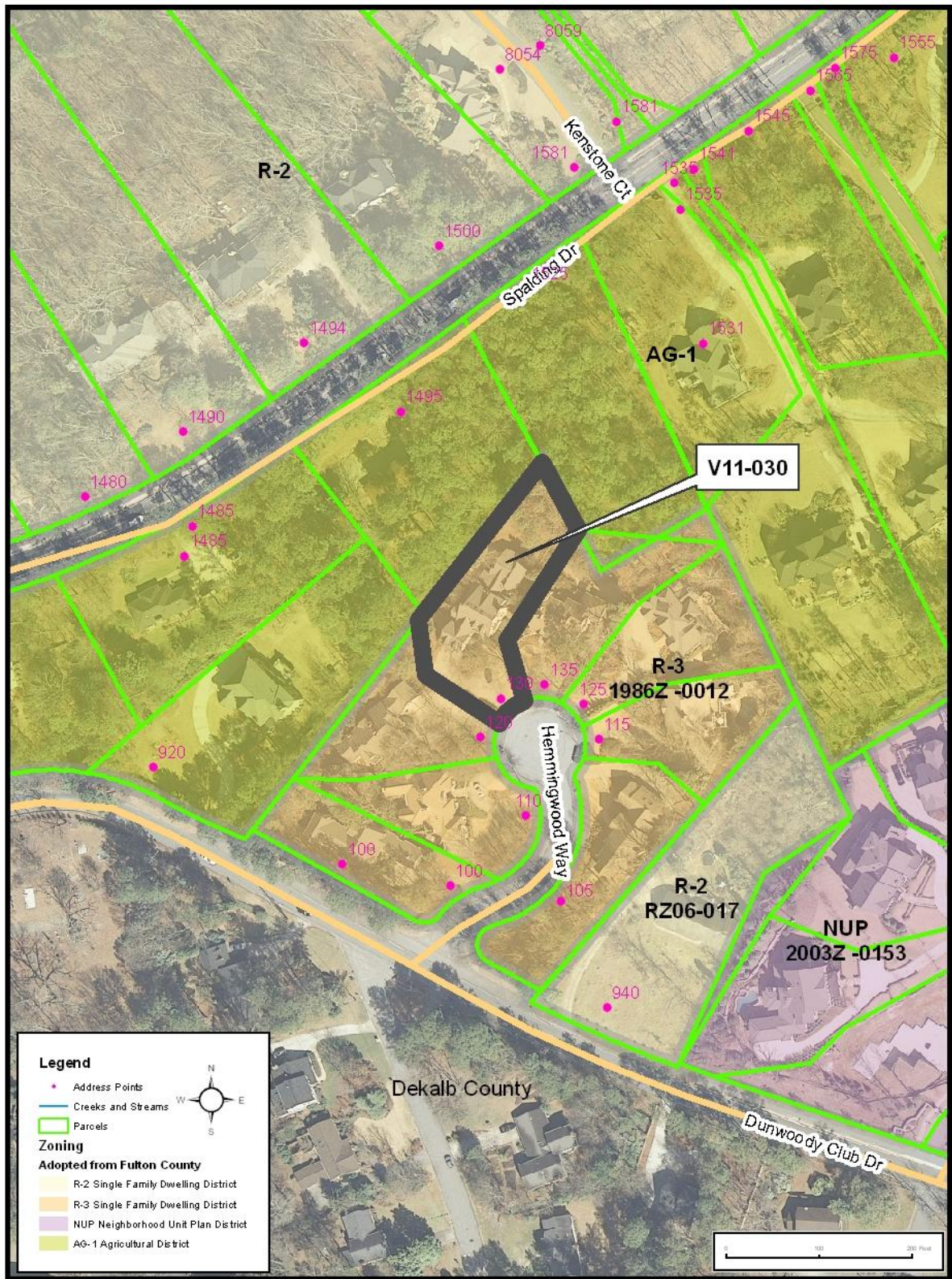
- 1) Variance from Section 6.4.3.D. of the Zoning Ordinance to reduce the required thirty-five (35) foot rear setback to twenty-two (22) feet to allow for the expansion of a breakfast area.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-030- 1) APPROVAL CONDITIONAL

Parcel Map

130 Hemingwood Way



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

CASE NUMBER: V11-030

STAFF CONTACT: Linda Abaray, Senior Planner 770-206-1577
E-mail: Labaray@sandyspringsga.gov

Findings of Fact

The applicant has submitted a site plan (exhibit 1) indicating the subject property to have approximately 35 feet of frontage on the northwest side Hemmingwood Way. The property has an irregular "L" shape. The property has a slight grade change of approximately two (2) feet from the cul-de-sac to the northwest. The site plan also shows a twenty (20) foot drainage easement on the southwest corner of the lot and a ten (10) foot sanitary sewer easement on the south property line. The site plan shows the existing breakfast area and a deck encroaching into the rear setback.

Staff notes that decks, patios, covered and uncovered porches attached to the main dwelling may extend no more than ten (10) feet into a minimum front or rear yard. The existing deck is in compliance with the zoning ordinance. The proposed addition would be approximately one hundred twenty-five (125) feet from the property in the rear (1495 Spalding Drive).

The surrounding lots in the immediate vicinity are AG-1 (Agricultural District) to the north and west; R-3 (Single Family Dwelling District) to the east and south. Other properties in the vicinity appear to have encroachments into setbacks due to the shape of the lots.

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 as adjacent properties have encroachments into the rear yard setback. The proposed addition will be replacing an existing deck which currently encroaches into the rear setback. Additionally, the proposed addition would be approximately one hundred twenty-five (125) feet from the closest structure on the property to the rear. The lot is heavily wooded and the proposed structure would be well screened from neighboring properties. The proposed addition would be a one story

structure similar to the height of the existing breakfast area. 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 is similar to other residential properties in the City. The property has an irregular "L" shape. The shape of the lot, the twenty (20) foot drainage easement and the ten (10) foot sanitary sewer easement restricts the buildable area of the lot. The lot width is met at sixty-five (65) feet from the right-of-way therefore the front setback is sixty-five (65) feet instead of fifty (50) feet. The shape 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.

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 July 13, 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 June 6, 2011 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required thirty-five (35) foot minimum rear yard setback to twenty-two (22) feet to allow an addition (breakfast area), where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS:

Letter of appeal

Site plan (exhibit 1)

Floor plan

Photographs



Variance Petition No. V11-031

HEARING & MEETING DATES

Board of Appeals Hearing

August 11, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Corporate Property Advisors, Inc.	Medica stand-up MRI, LLC	Altair Signs/Lewis Holland

PROPERTY INFORMATION

Address, Land	6590 Powers Ferry Road.
Lot(s), and District	Land Lots 204, 205, 210, 211 of the 17 th District
Council District	6
Frontage	Approximately 3,500 feet of frontage along the south side of Powers Ferry Road and 815.0 feet of frontage along Northside Drive.
Area	The subject property has a total area of 54.11 acres.
Existing Zoning and Use	MIX (Mixed Use District) conditional under zoning case RZ09-005, currently developed with residential uses and low rise buildings used for office/retail and restaurants.
Overlay District	N/A
2027 Comprehensive Plan Future Land Use Map Designation	LWN (Living-Working Neighborhood)

INTENT

The applicant is seeking two (2) primary variances as follows:

1. From Section 33.26.E.1.b of the Zoning Ordinance to allow an additional monument sign along the Powers Ferry Road frontage and
2. From Section 33.22.C. of the Zoning Ordinance to reduce the required sign setback from ten (10) feet to zero (0) feet.

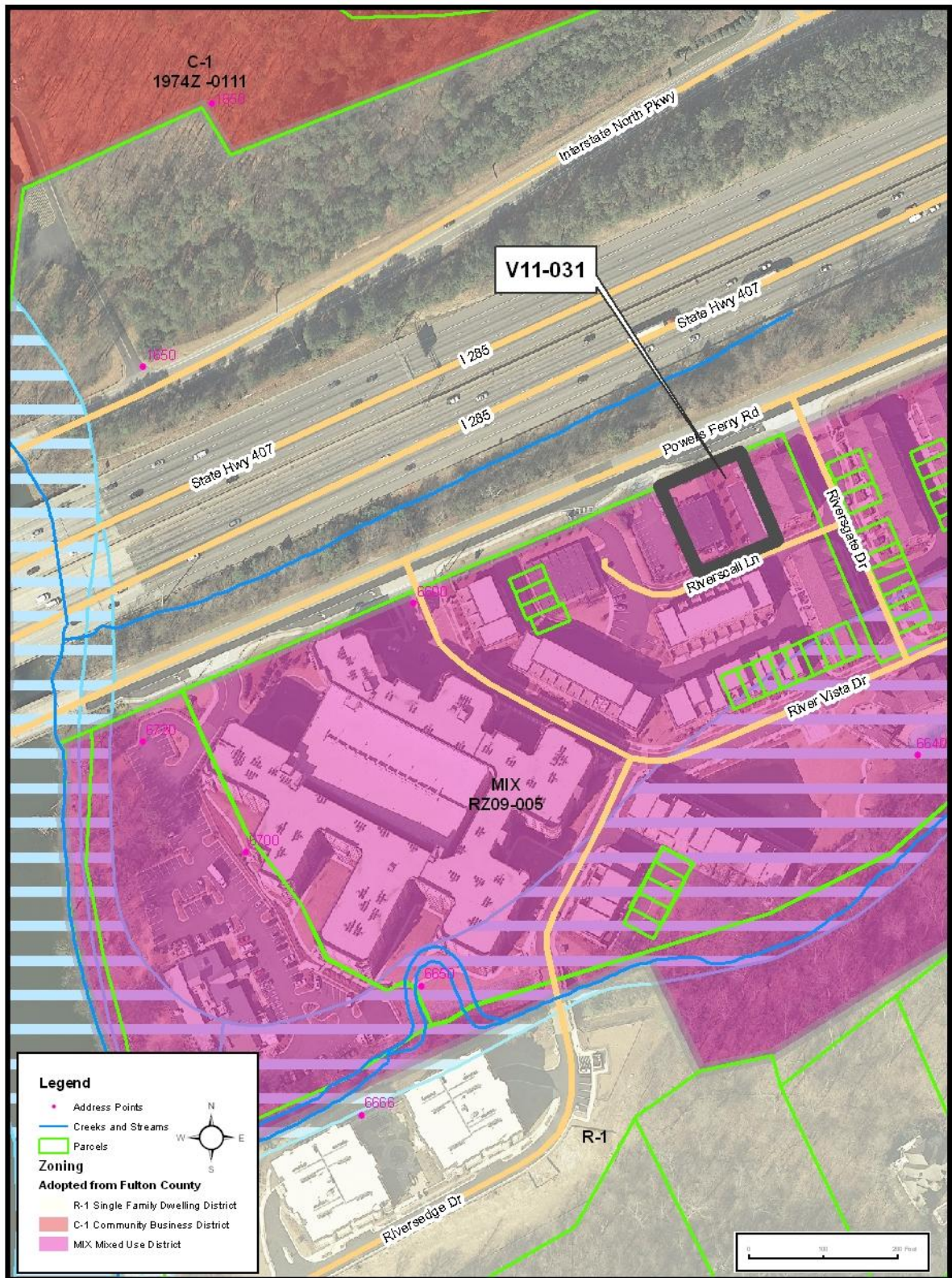
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V11-031-1. APPROVAL CONDITIONAL

V11-031-2. APPROVAL CONDITIONAL

Parcel Map

6590 Powers Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 11, 2011

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

CASE NUMBER: V11-031

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

Background

The subject property is a part of the larger Powers Ferry Landing development which contains approximately fifty-four (54) acres, separated into 6 zones as shown on the zone plan approved as part of zoning case RZ09-005 (Exhibit 1). The subject property falls into Zone 4 of the approved plan. It is developed with office, retail, restaurant, and residential uses under the ownership of five different entities, although it remains zoned as one property. The current zoning of the subject property is MIX (Mixed Use District).

The applicant, Medica Stand-up MRI, LLC is requesting to reface the existing sign. Due to the parcel's inclusion in the larger Powers Ferry Landing development, a variance is required to allow an additional monument sign on a frontage where only one (1) sign is permitted. There are four (4) existing monument signs for other uses in the development along the Powers Ferry Road frontage advertising One River Place condominiums, Peter Chang's Szechwan Cuisine Restaurant, Ray's on the River restaurant, and the CVS pharmacy.

Additionally, the applicant is requesting to reduce the required sign setback from the public right-of-way. Therefore, a variance is required to allow the sign setback to be reduced from ten (10) feet to zero (0) feet.

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

SECTION 26: RESTRICTIONS BASED ON LOCATION.

E. Mixed Use District

1. *Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).*
 - b. *One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*

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.

The applicant proposes to install an identification sign with a routed aluminum face backed with acrylic. The sign is to be thirty-two (32) square feet in area, seven (7) feet height.

Department Comments

The staff held a Focus Meeting on July 6, 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	▪ Public Works does not support the request for the zero-foot setback from the right-of-way. For purposes of safety and welfare, the required setback maintains the clear zone and preserves the right-of-way for future roadway modifications.
	Georgia Department of Transportation	▪ No Comments

STANDARDS FOR CONSIDERATION

Request

The applicant is requesting two (2) concurrent variances as follows:

1. From Section 33.26.E.1.b of the Zoning Ordinance to allow an additional monument sign along the Powers Ferry Road frontage.

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 Ordinance only allows one sign per street frontage per lot. Though the development is made up of multiple parcels, it is zoned under one case and therefore considered a single lot. The entire property has approximately 3,500 linear feet of frontage on the south side of property frontage, along which there are four parcels, each with its own use. Each parcel has its own sign. To add an additional sign along the Powers Ferry frontage for the Medica Stand-up MRI parcel a variance is required. Staff is of opinion that the characteristics of this large development such as: approximately 3,500 linear feet of frontage, four parcels along the same property line, each with its own use, driveway and each parcel with its own sign, preclude the applicant to have a sign that is in compliance with the standards. One sign for the entire development will not provide adequate signage for such a large frontage. One (1) sign for the entire development is not sufficient signage to allow drivers to safely and effectively navigate to the different uses along the large frontage. Staff is of the opinion that the shape and size of the property and the length of the street frontage create an extraordinary and exceptional condition pertaining to the property which creates a hardship for the business owner. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Request

2. 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:

During the site visit, staff found that as vehicles travel westbound on Powers Ferry Road from Northside Drive toward the Chattahoochee River, the curvature of the road and the existing vegetation limit the visibility of the building and proposed sign. 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.

Recommendation

The applicant's purpose is to present an identification of its premises, communicating to the public the location of Medica Stand-up MRI. The applicant finds that the proposed sign will be in harmony with the intent of the ordinance.

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 **APPROVAL CONDITIONAL** of the variance requests, subject to the following condition(s):

1. To allow an additional monument sign along the Powers Ferry Road frontage on mixed use property that has more than 1,000 linear feet of frontage.
2. To reduce the required sign setback from the right-of-way from ten (10) feet to zero (0) feet.
3. To the sign detail submitted by the applicant, dated received June 7, 2011 by the Department of Community Development.

Attachments

Exhibit 1 – Letter of Appeal
Exhibit 2 – Powers Ferry Landing Zone Plan
Exhibit 3 – Property Survey
Exhibit 4 – Photograph of existing Sign
Exhibit 5 – Sign Detail
Staff Photographs



Variance Petition No. V11-033

HEARING & MEETING DATES

Board of Appeals Hearing

August 11, 2011

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Howard Williams	Howard Williams	Bill Caldwell

PROPERTY INFORMATION

Address, Land Lot(s), and District	70 Chevaux Court Land Lot 122, District 17
Council District	6
Frontage	Approximately 107 feet of frontage Chevaux Court
Area	The subject property has a total area of approximately 3.99 acre.
Existing Zoning and Use	The lot is zoned R-2 (Single Family Dwelling District) under Fulton County zoning case Z66-0025
Overlay District	N/A

2027

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

INTENT

The applicant is proposing to allow a four (4) foot boulder retaining wall to remain and expand the existing parking are with pervious pavers within the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback). 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 as shown on the site plan (exhibit 1) to allow a four (4) foot boulder retaining wall and a pervious paver parking area.

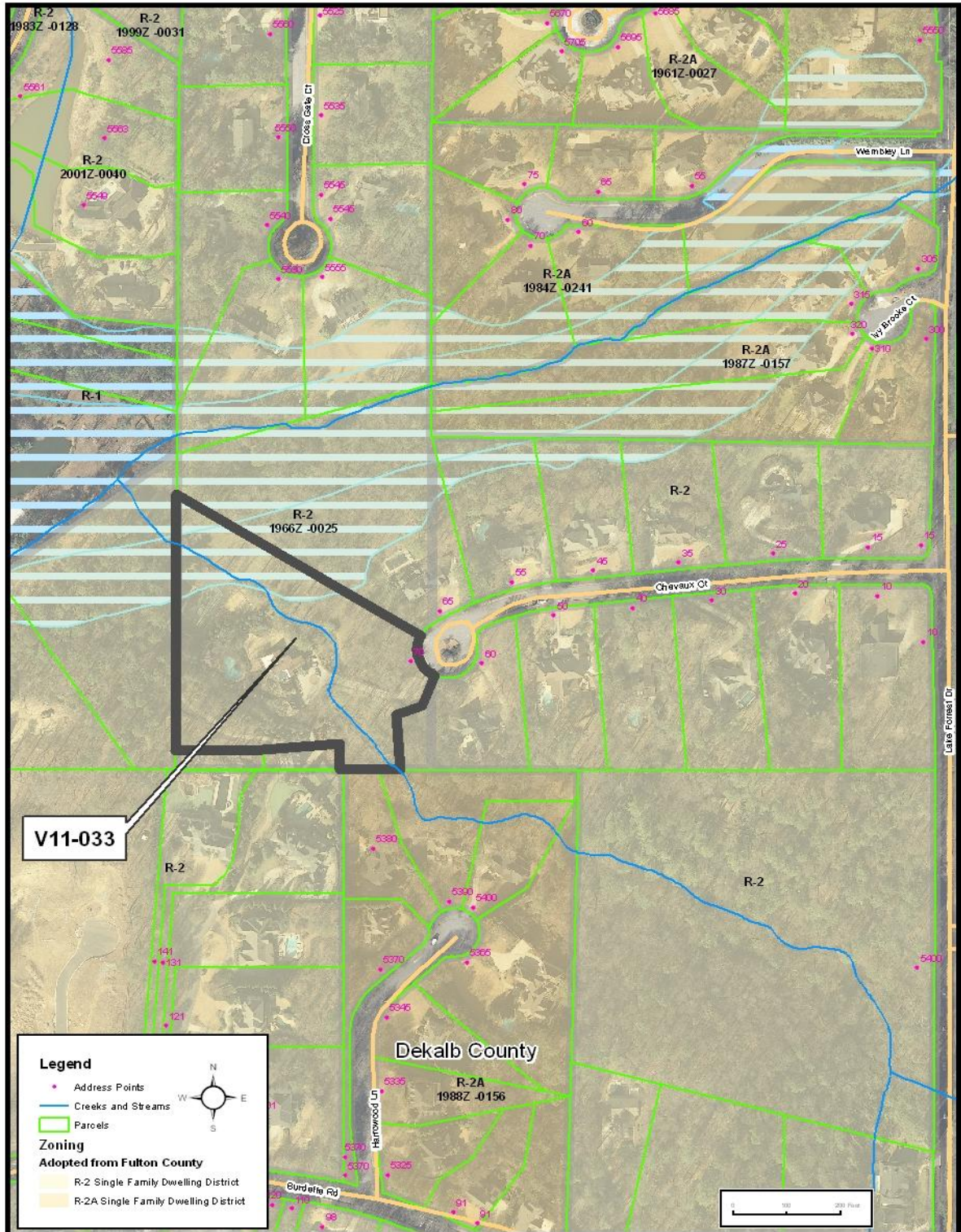
ENFORCEMENT

A Stop Work Order was posted on April 9, 2011 on the site for encroachment into the 75 foot buffer. The applicant received a citation on April 19, 2011 and a court date was set for May 11, 2011. The site is currently under a Stop Work Order.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
V11-033- 1) APPROVAL CONDITIONAL

Parcel Map

70 Chevaux Court



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

CASE NUMBER: V11-033

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 3.99 acre subject property to have 107 feet of frontage along Chevaux Court. A stream runs approximately 670 feet through the center of the site. The stream buffer bisects the property covering approximately three-fourths of the subject property. A twenty (20) foot sanitary sewer easement runs along the north, east and south property lines. The property has a sixty (60) foot change in topography from the southwestern corner to the stream. The site plan also shows the four (4) foot retaining wall (built prior to variance request) and the eight hundred forty (840) square foot proposed pervious paver driveway encroaching into the fifty (50) foot buffer.

Staff notes a retaining wall less than four (4) feet and less than 5,000 square feet of land disturbance would not require a permit outside of a stream buffer.

The surrounding properties are zoned R-2 (Single Family Dwelling District) to the north, east, south and west. The property is also bordered by two (2) R-2A (Single Family Dwelling District) lots to the south. The creek also bisects portions of adjacent properties.

Standards for Consideration

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 bisects the property covering approximately three-fourths of the subject property. A twenty (20) foot sanitary sewer easement runs along the north, east and south property lines. The property has a sixty (60) foot change in topography from the southwestern corner to the stream. 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:

The property has an unusual circumstance when the minimum buffer requirement is strictly applied. Staff notes the stream buffer covers approximately three fourth of the buildable area. The steep topography on the west and stream buffers limits the buildable area of the lot. The retaining wall was installed to help stabilize the eroding slope and redirect the storm water to infiltrate into the soil instead of running across the impervious driveway. The proposed pavers would allow water to be absorbed at the joints. However, the stone themselves would not be pervious. Strict adherence to the buffer requirements would not create an extreme hardship in the construction of an additional driveway. Based on these reasons, staff is of the opinion this condition has been satisfied for the retaining wall only.

(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 property is trapezoidal in shape and has a sixty (60) foot change in topography from the southwestern corner to the stream. The stream buffers cover approximately three fourths of the buildable area of the lot. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its topography.

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

Finding:

All stream buffers on the property have been identified (exhibit 1). A stream runs approximately 670 feet through the center of the site. The stream buffer bisects the property covering approximately three-fourths of the subject property.

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

Findings:

The four (4) foot retaining wall has already been installed in the fifty (50) foot undisturbed buffer and twenty-five (25) foot impervious setback. The proposed eight hundred forty (840) square foot pervious paver driveway also encroaches into the fifty (50) foot buffer and twenty-five (25) foot impervious setback. The proposed encroachments would reduce the stream buffer to twenty-five (25) feet for the proposed encroachments only.

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

Findings:

Alternative designs not been discussed with staff regarding this property. The retaining was installed prior to the submittal of the variance application. However, the proposal helps stabilize the eroding slope and redirect the storm water to infiltrate into the soil instead of running across the impervious driveway. 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 for the retaining walls. The applicant has stabilized the eroding slope and redirected the storm water to infiltrate into the soil instead of running across the impervious driveway. The proposed pavers would allow water to be absorbed at the joint. However, the stone themselves would not be pervious. Therefore construction of an additional driveway area would not be as protective of the natural resources and the environment as the existing conditions.

Department Comments

The staff held a Focus Meeting on July 13, 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	▪ No hardship noted
	Sandy Springs Landscape Architect/ Arborist	▪ If the Board decides to approve the variance application a condition could be added to require replanting of riparian vegetation of the undisturbed buffer where possible.
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 for the retaining wall only.

Recommended Condition(s)

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

- 1) The subject shed shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 7, 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 to allow a four (4) foot retaining wall, where necessary to accommodate the portion of the encroachment only.
- 2) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Letter of appeal
Site plan showing variance request (exhibit 1)
Overall Site Plans (exhibit 2)
Letters of support