



Variance Petition No. V09-021

HEARING & MEETING DATES

Board of Appeals Hearing

July 9, 2009

August 13, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Nancy and Gary Fayard	Nancy and Gary Fayard	Bill Grant

PROPERTY INFORMATION

Address, Land	1985 Old Dominion Road
Lot(s), and District	Land Lot 342, District 6
Council District	1
Frontage and Area	194.44 feet of frontage along the east side of Spalding Drive and 195.19 feet along the south side of Old Dominion Road. The subject property has a total area of approximately 1.19 acres.
Existing Zoning and Use	The lot is zoned R-2(Single-family Dwelling District) under Fulton County zoning case Z77-0007. 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 applicant is requesting two (2) primary variances from the Zoning Ordinance:

- 1) Variance from Section 6.2.3.D to reduce the rear yard setback from forty (40) feet to twenty (20) feet to allow for a detached garage and
- 2) Variance from Section 6.2.3.I. to allow an accessory structure (pool house) to be located within a front yard.

At the July 9, 2009 BOA meeting the Board deferred the application to the August 13, 2009 BOA meeting to discuss the following concerns with the neighbor:

1. No overnight stays in pool house- This restriction is acceptable. There is no intention to have anyone sleeping in the pool pavilion.
2. No kitchen additions- There is no intention to include a kitchen in the pavilion however, this is to be used for family gatherings and entertainment. It will have a gas

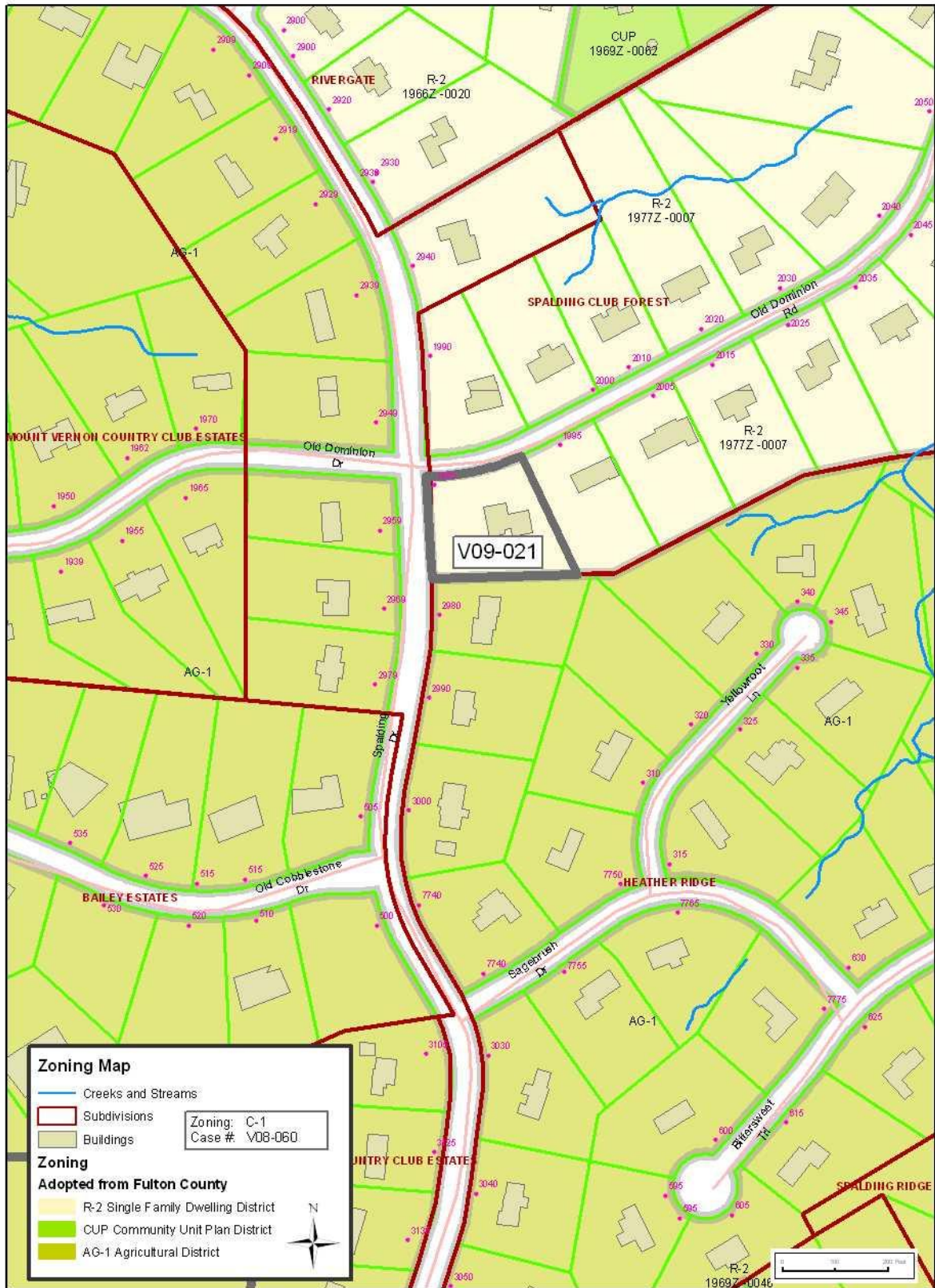
Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 13, 2009

grill, dishwasher, beverage refrigerator, under counter refrigerator and ice maker.

3. Screening pool house from neighboring properties- There is total screening today. There is no visibility from any side to the pool house location.
4. Pool equipment location in pool house- Understand that the swimming pool is not part of this variance. The location of the proposed swimming pool and it's equipment conforms to the current zoning ordinances.
5. Elevations of the garage and pool house- The garage floor will be approximately 6" above the existing driveway per code. The pool house floor will be the same elevation as the floor of the main house. The peak of both structures will be significantly lower than the main house.

Parcel Map

1985 Old Dominion Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 13, 2009

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

CASE NUMBER: V09-021

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

REQUEST:

The applicant is requesting relief from Section 6.2.3.D of the Zoning Ordinance to reduce the rear yard setback from 40 feet to 20 feet to allow for a detached garage and a variance from Section 6.2.3.I. to allow an accessory structure (pool house) to be located within a front yard.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have two (2) street frontages, 194.44 feet along Spalding Drive and 195.19 feet along Old Dominion Road. The property is currently developed with a single-family residence. The existing house orients towards Old Dominion Road. The site plan also shows the proposed detached structure (pool house) located in the front yard and the proposed garage encroaching approximately twenty (20) feet into the required forty (40) rear yard setback.

Staff notes the definition of front yards states the front yard of a corner lot shall be applied to the street frontage which abuts the lot for the shortest distance. Therefore, the front yard is adjacent to Spalding Drive and the side yard is adjacent to Old Dominion Road. The Zoning Ordinance requires accessory structures to be located in the rear or side yards only but not be located within a minimum yard.

Staff notes the surrounding lots in the immediate vicinity are zoned R-2 and AG-1. The adjacent houses are oriented with the front yards along Old Dominion Road. The abutting property to the east is oriented so that the side yard setback is adjacent to the rear yard setback of the applicant's property. The side yard setback required is 15 feet.

The applicant states the following:

1. The proposed pool house will be located sixty (60) feet from Spalding Drive outside of the required front yard setback and sixteen (16) feet from the southern property line outside the fifteen (15) foot side setback. The location of the pool house was chosen to reduce noise pollution from Spalding Drive, and avoid tree and canopy loss. The applicant is also proposing to construct a garage that will encroach twenty (20) feet into the required forty (40) foot rear yard setback. Ordinarily, this area would be considered a side yard. The garage would meet the traditional side yard setback requirement of fifteen (15) feet.

Hardship

- The atypical yard requirements resulting from the fact that the subject property is a corner lot, the pool house technically is considered an accessory use located in a front yard and the garage is considered to be in the rear yard creating a larger setback requirement. Also the house is orientated with the front of the house facing Old Dominion Road.

Harmony

- All the surrounding properties are oriented with the lot frontage facing Old Dominion Road.
- This would avoid tree and canopy loss.

Department Comments

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

BUILDING AND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments. There is a feature off the rear of the property that would not require a buffer.
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., 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;*

Staff notes the surrounding lots in the immediate vicinity are zoned R-2 and AG-1. The adjacent houses are oriented with the front yards along Old Dominion Road. The abutting property to the east, side yard setback (15 feet) is adjacent to the rear yard setback of the applicant's property. There is also a buffer separating the properties.

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

The applicant has provided a site plan indicating the subject property to have two (2) street frontages, 194.44 feet along Spalding Drive and 195.19 feet along Old Dominion Road. Because the shortest property frontage is along Spalding Drive the area adjacent to Spalding Drive becomes the front yard. The difference in length between Spalding Drive and Old Dominion Road is less than one (1) foot. This also makes the eastern property line become the rear yard.

Recommended Condition(s)

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

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received May 14, 2009 by the Department of Community Development, for the variance(s) herein, showing the accessory structure (pool house) located in the front yard and showing a reduction in the required forty (40) foot minimum rear yard setback to twenty (20) feet, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS: Letter of appeal, site plan, elevation of pool house, photographs, Response letter to Board's concerns, and letters of support.



Variance Petition No. V09-025

HEARING & MEETING DATES

Design Review Board
July 14, 009

Board of Appeals Hearing
August 13, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Sandy Soque Properties, LLC	Jay Sadd	Jay Sadd

PROPERTY INFORMATION

Address, Land Lot, and District.	352 Sandy springs Cir. Land Lot 89, District 17
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Council District	3
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Frontage and Area	170.88 feet of frontage along the north side of Sandy springs Cir. The subject property has a total area of 0.603 acres (26,266 square feet).
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Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County 1970Z -0101, currently developed with an office building.
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Overlay District	Urban District.
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Interim 2025 Comprehensive Future Land Use Map Designation	Living-Working Community (LWC).
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INTENT

The applicant is seeking a primary variance from Section 33.22.C of the Zoning Ordinance to reduce the required ten (10) foot minimum sign setback from the right-of-way to 2 feet.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the July 14, 2009 DRB meeting. The request was recommended for APPROVAL (4-0, Richard, Westmoreland, Landeck, and Mobley for; Porter and Gregory absent; Lichtenstein not voting) as submitted.

352 Sandy Springs Circle



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-025

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

REQUEST:

The applicant is seeking a primary variance from the Zoning Ordinance to reduce the required ten (10) foot minimum sign setback from the right-of-way to 2 feet

BACKGROUND:

At the April 10, 2008 hearing, the City of Sandy Springs Board of Zoning Appeals denied variance petition V08-017 for relief from Section 33.22.B of the Sandy Springs Zoning Ordinance to allow a free standing sign to encroach into the right- of- way.

The request was as follows:

- 1) Variance from Section 33.22.B to allow for a sign to be located in the right-of-way.
- 2) Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of-way to 0 feet.
- 3) Variance from Section 33.26.H.1.a to allow for a second freestanding sign where only one is permitted.

UPDATE:

The applicant for V08-017 (Crye Leike) has moved from this location. Currently there is not sign on this property.

ANALYSIS:

The subject property is located on the north side of Sandy Springs Circle approximately 265 feet west of the intersection with Roswell Road. Currently the building is occupied by Slappey and Sadd, LLC. a Law Firm.

This variance is to reduce the sign setback from the right-of-way. The Ordinance provides for all signs to set back at least ten (10) feet from the right-of-way. The applicant proposes to install a monument sign, fourteen (14) feet from the back of the curb rather than ten (10) feet from the right of way, placing the sign approximately two (2) feet from the right of way. As per the applicant, placing the sign ten (10) feet from the right of way would place the sign on the parking lot, which would impede traffic therein. In addition, a sign in the parking lot would not

serve its purpose, as a large oak tree would then block the view of the public traveling westbound on Sandy Springs Circle.

The applicant has explored few other options to find something suitable under the current Sign Ordinance. The options considered did not resolve their sign visibility problem.

Options considered:

- Locating the sign on the west side of the property and south side of the building would be blocked from view by eastbound traffic by a large tree and other vegetation.
- Locating a sign on the southeast portion of the property, while visible from eastbound and westbound, would be very misleading, causing customers to turn into the driveway leading to the adjacent shopping center, and forcing a turn around.
- Signage on the building itself suffers the same lack of visibility from the eastbound traffic.

The petitioner determined to request relief from the provisions of the Sandy Springs Zoning Ordinance to place a sign at the proposed location as this request places the sign in line with the existing Wachovia sign adjacent to their building. The applicant's opinion is that there is no other alternative that ensures easy and safe identification of the premises.

The applicant provides the following:

"I recently met with Mark Moore, a Sandy Springs Traffic Engineer, to ensure safe placement of the sign. Mr. Moore confirmed that neither street nor parking lot visibility would be impeded by this requested variance, and that the variance sought (14 feet from the curb and two (2) feet from the right-of-way) would present no safety issues whatsoever. Nonetheless, applicant agree to enter into an indemnity agreement with the City, upon granting this variance if there are any further concern"

Section 33.26.H.1.a of the Zoning Ordinance allows properties with frontage up to five hundred (500) lineal feet, one (1) maximum thirty two (32) square foot freestanding sign per street frontage.

The applicant proposed sign is an internal illuminated cabinet with vinyl graphics. The applicant is proposing to install an approximately twenty (20) square foot monument sign, six (6) feet high.

Department Comments

The staff held a Focus Meeting on July 1, 2009 at which time the following departmental /divisional comments were provided:

BUILDING AND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ Sign must be set back a minimum of 14' from face of curb. This will locate the sign outside of the required clear zone.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The applicant's purpose is to present an identification of its premises, communicating to the public the location of their business. It is essential that "our business be identified by a suitable sign". The applicant finds that the sign structure will be in harmony with the intent of the ordinance with the proposed size and height.

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

The property has a landscape strip along the west side frontage with fully developed vegetation, limiting the options to place a visible sign from all directions of approach. Because the existing foliage along the street frontage, the applicant finds it imperative that this sign be within the drivers' vision so as to distract drivers for the minimal length of time.

“Any other placement of our sign would appear hodge podge and inconsistent with the existing signage on Sandy Springs Circle.

Recommended Conditions:

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

1. The ID monument sign shall be located approximately two (2) feet from the right-of-way, or not less than fourteen (14) feet from the back of the curb, pursuant to the site plan submitted by the applicant, and dated received May 28, 2009 by the Department of Community Development.
2. The ID monument sign shall be conditioned to a signed and approved indemnification agreement with the City.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking variance from the Zoning Ordinance: Section 33.22.C. To reduce the required ten (10) foot minimum sign setback from the right-of-way to 2 feet	The application was heard at the July 14, 2009 DRB meeting. The request was recommended for APPROVAL as submitted.	1. The ID monument sign shall be located approximately two (2) feet from the right-of-way, or not less than fourteen (14) feet from the back of the curb, pursuant to the site plan submitted by the applicant, and dated received May 28, 2009 by the Department of Community Development. 2. The ID monument sign shall be conditioned to a signed and approved indemnification agreement with the City.	▪ The proposed sign is located outside of the required clear zone; therefore, Public Works has no objection.



Variance Petition No. V09-027

HEARING & MEETING DATES

Design Review Board
July 14, 2009

Board of Appeals Hearing
August 13, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
Prado LLC

Petitioner
Ralph IHMS

Representative
Tom Tyson

PROPERTY INFORMATION

Address, Land Lot,
and District. 5560 Roswell Road (SR 9)
Land Lot 91, District 17

Council District 6

Frontage and Area 1,415 feet of frontage along the west side of Roswell Road (SR 9) and 1,460 feet of frontage along the south side of Lake Placid Drive. The subject property has a total area of 30.44 acres.

Existing Zoning
and Use C-1 (Community Business District) conditional under Z05-0050 and ZM07-05, currently developed with a retail shopping center.

Overlay District Urban District.

2027
Comprehensive
Future Land Use
Map Designation Living-Working Community (LWC).

INTENT

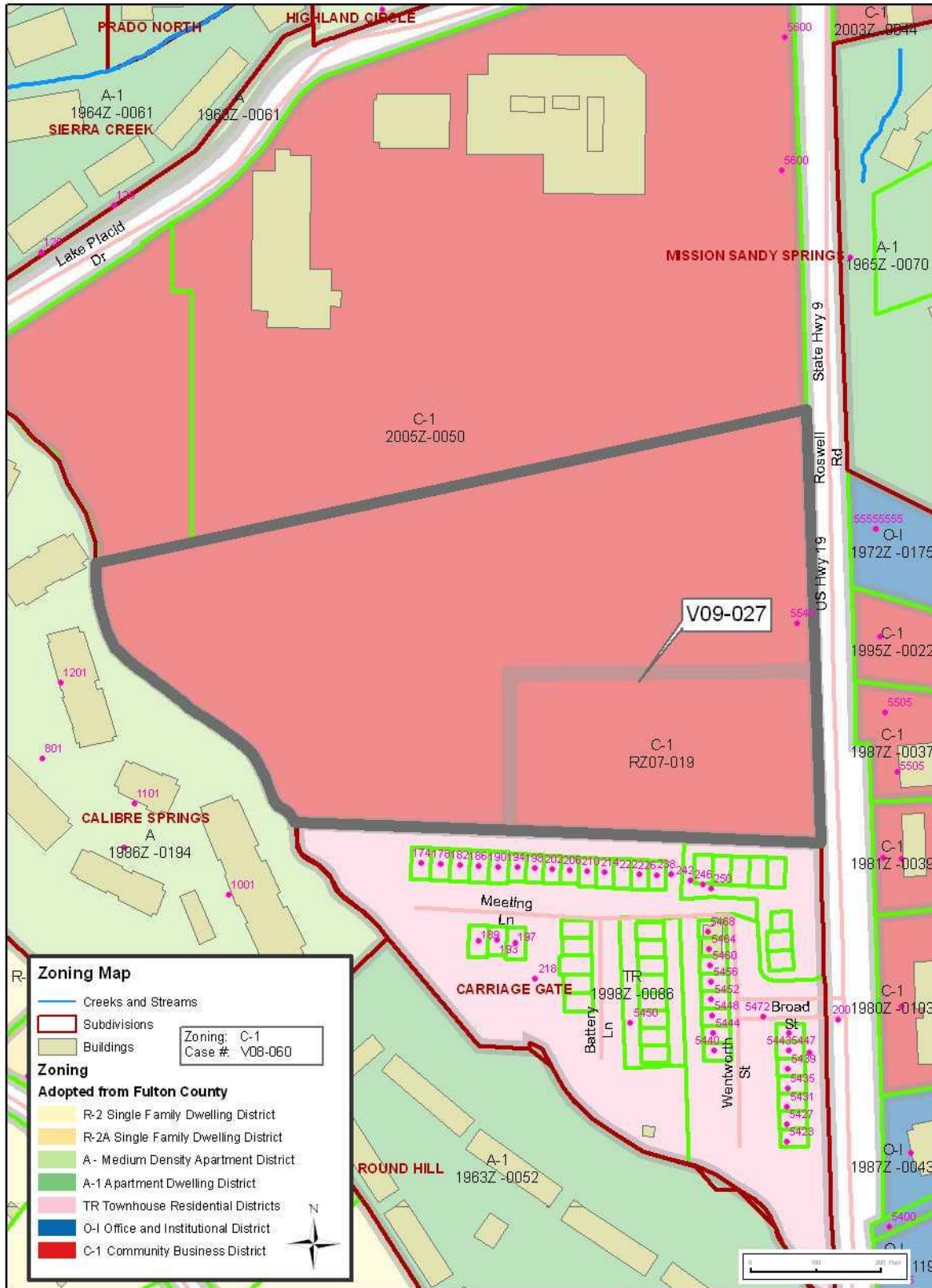
The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow for a second wall sign for a business without street frontage.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the July 14, 2009 DRB meeting. The request was recommended for APPROVAL (4-0, Richard, Westmoreland, Landeck, and Mobley for; Porter and Gregory absent; Lichtenstein not voting) with the following conditions: The Staples panel on the monument sign is to be removed.

Parcel Map

5560 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on August 13, 2009

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V09-027

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is seeking a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow for a second wall sign for a business without street frontage.

Staff Analysis:

The subject of this variance is an existing one story building housing **Staples**. The **Staples** building is uniquely located to face inward to the project so that the sign location on the north elevation is perpendicular to the adjoining public road frontage (Roswell Road). The Applicant is requesting a variance to include signage on the east elevation of the building in order to provide this business visibility from the main public right-of-way (Roswell Rd.) The ordinance provides for business without a street on which there is frontage, but which have exterior entrances to the building, to one wall sign on the exterior wall of the business (Section 33.26.H.2.a).

The applicant has indicated that the purpose for this variance is mainly to provide signage visibility for the business as signage installed otherwise would be obscured by the surrounding buildings. The **Staples** building sits approximately 90 feet above the existing grades along the Lake Placid frontage. When viewed from the north, there are existing trees, the existing Prado building, and the new shops and parking deck sited along the hill in front of the store. This signage also helps pedestrians and motorists alike, to locate this business once they enter this vertically integrated site from all directions. It is necessary to provide proper visibility for businesses from all points and entries of the development. In addition the applicant states, "the signage that is available to **Staples** and that is currently installed is insufficient. Specially, the monument panel on the southerly monument sign on Roswell Road is so small, so close to the ground and so obscured by landscaping that is completely ineffective". **Staples** proposes to eliminate the Roswell Road monument sign panel and in its place to install a side building sign.

The applicant proposed sign is a non-illuminated reverse channel letter to be mounted flush to a panel which will be flush with the wall. The applicant's building elevation contains a total of 4,416 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 180 square feet maximum. The applicant is proposing to install a sixty-four (64) square foot wall sign.

Department Comments

The staff held a Focus Meeting on July 1, 2009 at which time the following departmental /divisional comments were provided:

BUILDING AND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
	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;*

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 commercially reasonable level of signage for the store and would be in harmony with the intent of the zoning ordinances.

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

The applicant has indicated that the unique site layout, quantity of new and existing businesses and the vertical nature of this project, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness.

Recommended Conditions:

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

1. Allow a wall sign on the east elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received May 29, 2009 by the Department of Community Development.
2. That the wall sign located on the East elevation of the building shall not exceed sixty-four (64) square feet of sign area, be installed pursuant to the sign detail (Exhibit 1), submitted by the applicant, dated received May 29, 2009 by the Department of Community Development.
3. That the wall sign located on the East elevation of the building shall be non-illuminated reverse channel letters pursuant to the sign detail (Exhibit 2), submitted by the applicant, and dated received May 29, 2009 by the Department of Community Development.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
Section 33.26.H.2.a of the Zoning Ordinance to allow for a second wall sign for a business without street frontage.	The request was recommended for APPROVAL with the following conditions: The Staples panel on the ID monument sign is to be removed.	1. Allow a wall sign on the east elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received May 29, 2009 by the Department of Community Development. 2. That the wall sign located on the East elevation of the building shall not exceed sixty-four (64) square feet of sign area, be installed pursuant to the sign detail (Exhibit 1), submitted by the applicant, dated received May 29, 2009 by the Department of Community Development. 3. That the wall sign located on the East elevation of the building shall be non-illuminated reverse channel letters pursuant to the sign detail (Exhibit 2), submitted by the applicant, and dated received May 29, 2009 by the Department of Community Development.	Staples has a wall sign on the north elevation of the building.