



Variance Petition No. V09-029

HEARING & MEETING DATES

Design Review Board
August 11, 2009

Board of Appeals Hearing
September 10, 2009
November 12, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner

Gideon Levy

Petitioner

Copeland Village Shopping
Center

Representative

Carole Silverman

PROPERTY INFORMATION

Address, Land 215 Northwood Drive

Lot(s), and District Land Lot 91, District 17

Council District 6

Frontage and Area 255.00 feet of frontage along the south side of Northwood Drive. The subject property has a total area of approximately 1.3521 acres.

Existing Zoning and Use The lot is zoned C-1(Community Business District) under Fulton County zoning case Z64-0025. The property is currently developed with a shopping center.

Overlay District Main Street District

2027

Comprehensive Future Land Use Map Designation LWR (Live Work Regional)

INTENT

The applicant is requesting two (2) primary variances from the Zoning Ordinance:

- 1) Variance from Section 4.6 to allow refuse containers (dumpsters) without the required screening.
- 2) Variance from Section 12B.5.C to allow refuse containers (dumpsters) without the required screening.

At the September 10, 2009 BOA meeting the Board deferred the application to the November 10, 2009 BOA meeting to discuss alternative screen ideas with the police department.

A meeting was held on October 23, 2009 between Police Department staff and the Department of Community Development. The Police Department identified this location as having a significant security problem. As a result, they worked with Community Development to prepare a proposal which addresses the appearance intent of the Overlay District and the security issues identified by the Police Department. Therefore, staff is recommending a two sided eight (8) foot high opaque fence be installed to screen the

dumpsters from surrounding properties. The fence will need to be transparent or elevated on the south and east for the first foot in order to allow visibility behind the fence. The Police Department also suggested the dumpster to be up against the fence to eliminate potential hiding places. The dumpsters would not be required to be fully enclosed, but would be screened from other properties. The staff has provided a site plan depicting the location for the dumpsters and the screening.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the August 11, 2009 DRB meeting. The request was recommended for APPROVAL (5-0, Richard, Westmoreland, Landeck, Gregory and Mobley for; Lichtenstein absent; and Porter not voting) with the following conditions: To allow the refuse area to stay unscreened for no more than one (1) year for the Police and Shopping Center to control crime in the area.

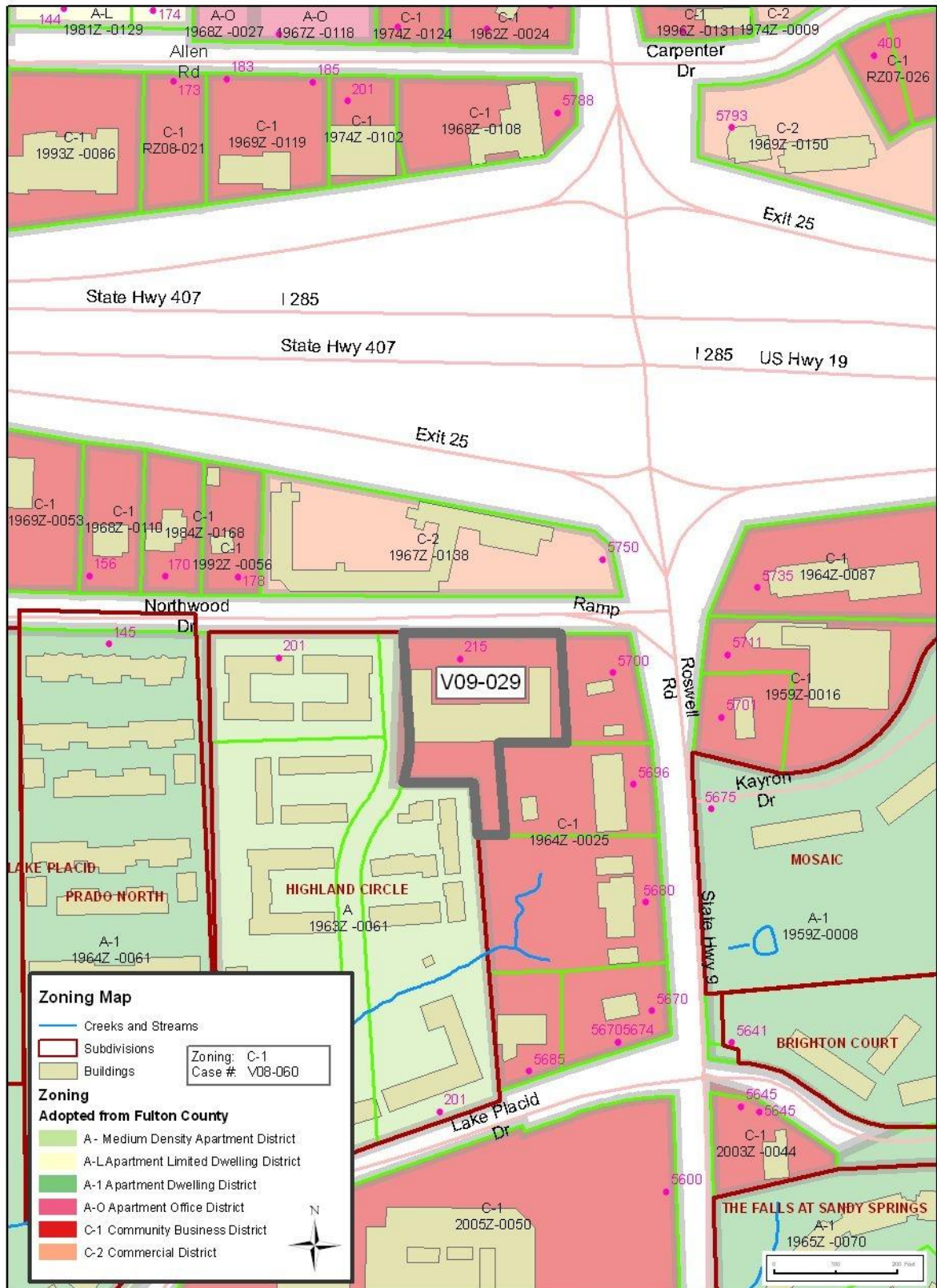
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-029- 1)APPROVAL CONDITIONAL

V09-029- 2) APPROVAL CONDITIONAL

Parcel Map

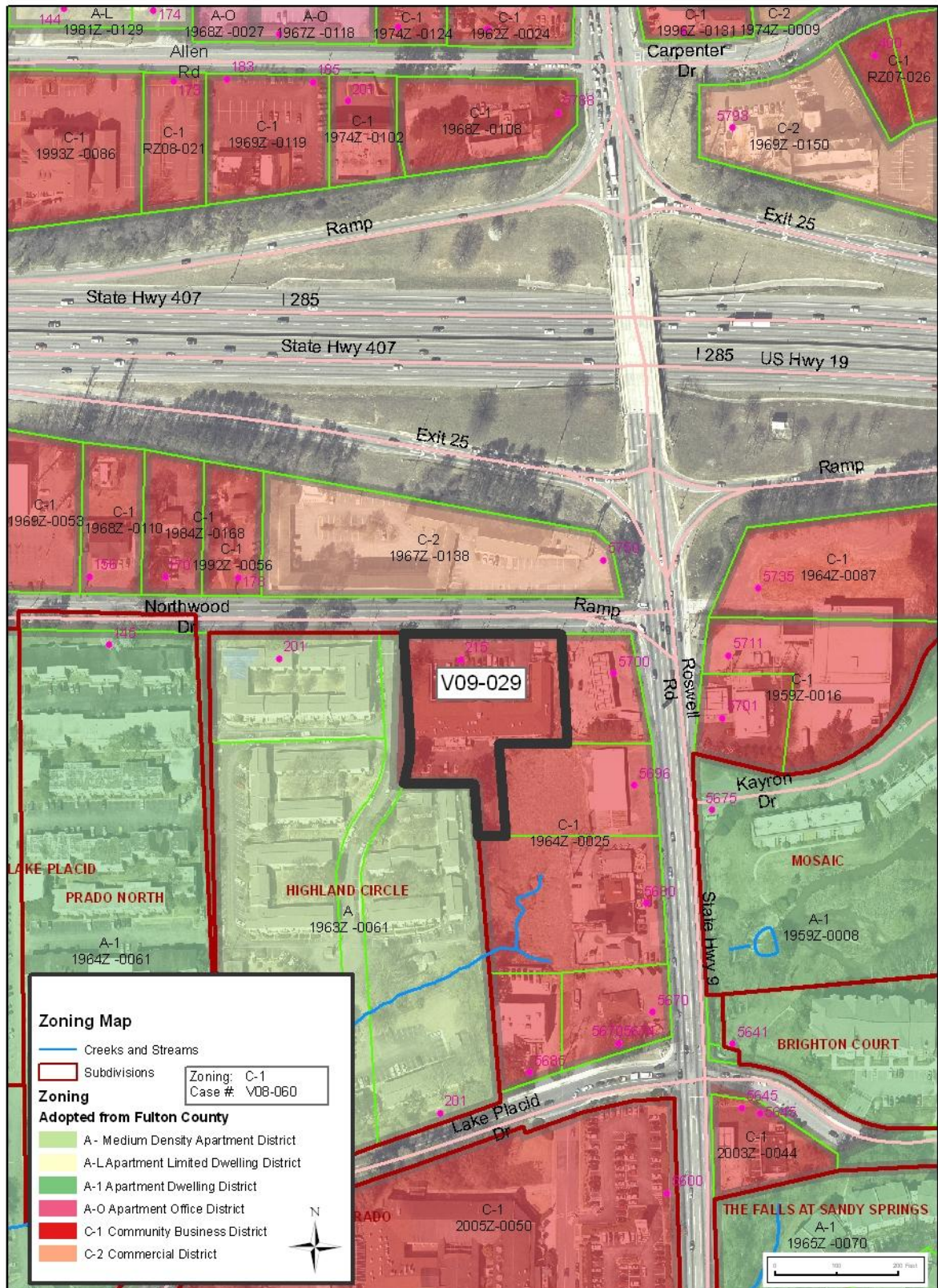
215 Northwood Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on November 12, 2009

Arial Photo

215 Northwood Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on November 12, 2009

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

CASE NUMBER: V09-029

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

REQUEST:

The applicant is requesting relief from Sections 4.6 and 12B.5.C.2 of the Zoning Ordinance to allow four (4) existing refuse containers (dumpsters) to remain in their current locations without the code-required screening.

ANALYSIS:

The subject property is located at 215 Northwood Drive and is developed as a shopping center. The subject parcel falls within the boundaries of the Sandy Springs Main Street Overlay District.

Section 4.6 of the Zoning Ordinance requires refuse areas to be screened to one-hundred percent opacity with fences/walls or a vegetative screen which complies with the screening requirements of the Tree Protection Ordinance. Furthermore, Section 12B.5.C.2 of the Zoning Ordinance requires any refuse areas visible from a public street to be screened by one or a combination of the following elements: continuous evergreen plantings, opaque fences or other material related to the primary landscape or architectural elements on the site.

The applicant has provided a site plan which indicates four (4) dumpsters are located in the rear of the property behind the Shopping Center. None of these dumpsters is screened from view as required by Sections 4.6 and 12B.5.C.2 of the Zoning Ordinance. The surrounding lots in the immediate vicinity are zoned either C-1 (Community Business District), C-2 (Commercial District) or A (Medium Density Apartment District). Each of these adjacent properties has either a code-required dumpster enclosure or has been made aware of this requirement and are under enforcement by the City.

Department Comments

The staff held a Focus Meeting on August 5, 2009 at which the following departmental 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 Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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,

Staff is of the opinion that relief from this requirement is not in harmony with the intent of the Zoning Ordinance and will be a detriment to the public as all other refuse containers in the City are required to be screened. Additionally, the existing refuse area is located on a portion of the site which is visible from adjacent properties. Therefore, staff is of the opinion this criterion is not satisfied.

Section 22.3.1.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,

Staff is of the opinion that the subject parcel is similar to many other commercial properties in the City and does not exhibit any extraordinary or exceptional conditions related to its size, shape, or topography. The subject parcel is a rectangular-shaped polygon without any existing stream buffer areas or significant topographic challenges. The safety concerns expressed by the applicant do not create an extraordinary and exceptional condition resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this criterion is not satisfied.

Section 22.3.1.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.

RECOMMENDATION:

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 requests. However, should the Board of Appeals choose to approve the requests, staff recommends the following condition:

1. The location of all refuse containers and screening shall be in accordance with the site plan, provided by the Department of Community Development dated received October 26, 2009 by the Department of Community Development.
 - a. All dumpsters and grease trap shall be screened in a two sided eight (8) foot opaque fence be installed to screen the dumpster from surrounding properties and the first foot shall be transparent or elevated in order to allow visibility behind the fence.

ATTACHMENTS: Letter of appeal, site plan, Staff's proposed dumpster location and photographs.



Variance Petition No. V09-030

HEARING & MEETING DATES

Board of Appeals Hearing

September 10, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Corporate Campus, LLC	Uncle Julio's of Ga, Inc.	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot(s), and District	1140 & 1150 Hammond Drive Land Lot(s) 18, District 17
Council District	5
Frontage and Area	Approximately 796 feet of frontage along the north side of Hammond Drive and 1,076 feet of frontage along the east side of Peachtree-Dunwoody Road. The subject property has a total area of 19.43 acres.
Existing Zoning and Use	MIX (Mixed Use District) conditional under Z08-032, currently being developed with mixed use commercial and office, hotel, senior housing independent living apartments, and a health center.
Overlay District	Perimeter Community Improvement Design District (PCID)
2027 Comprehensive Future Land Use Map Designation	Live Work Regional (LWR) Node 6: Perimeter Community Improvement District (PCID)
INTENT	

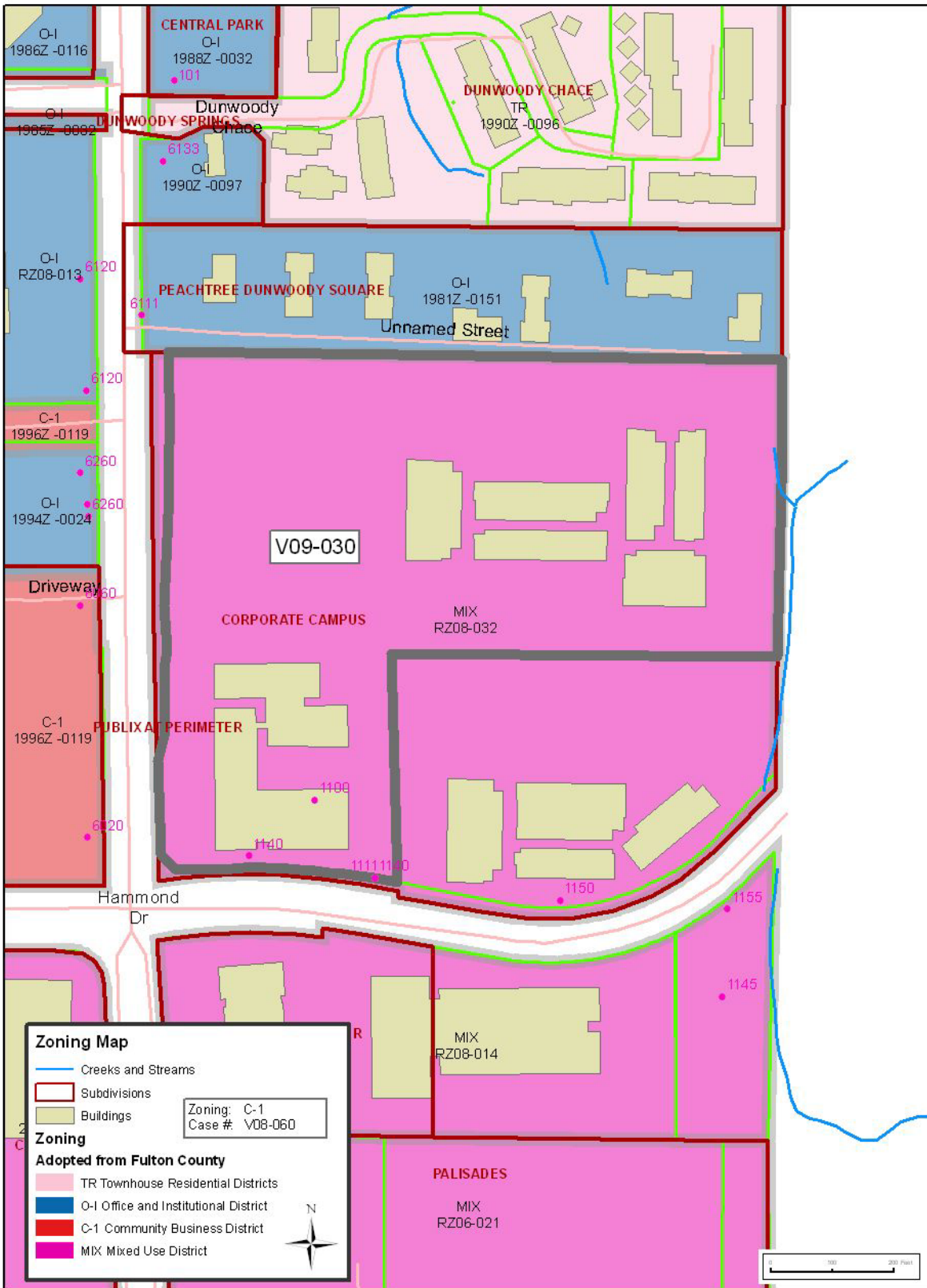
The applicant is seeking a primary variance as follows:

1. Variance from Section 33.18.P of the Zoning Ordinance to allow for a projecting sign (perpendicular to the wall to which is attached).

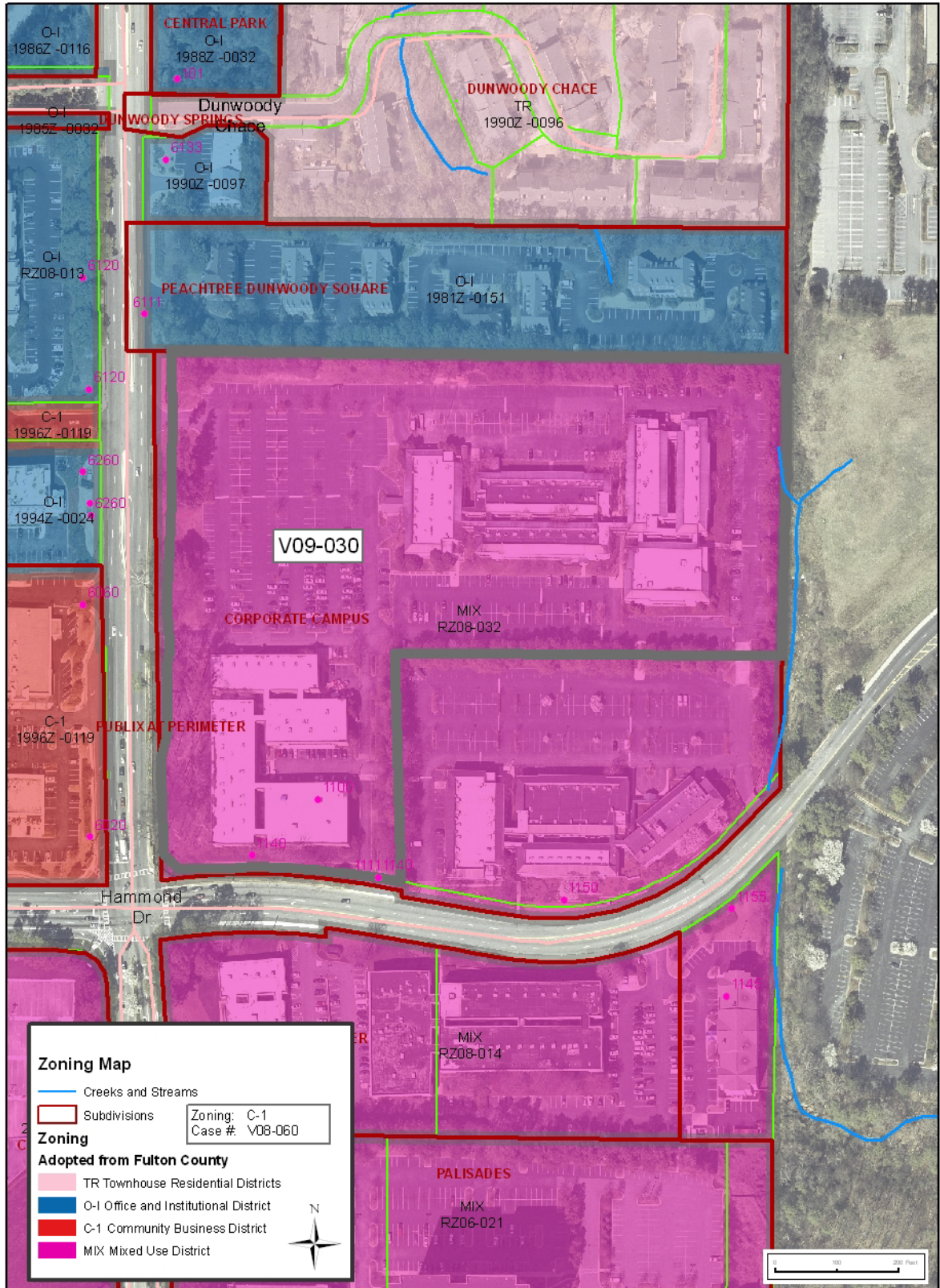
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V09-030- APPROVAL CONDITIONAL

Parcel Map

1140 Hammond Drive



1140 Hammond Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 10, 2009

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-030

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

REQUEST:

Variance from Section 33.18.P of the Zoning Ordinance to allow for a projecting sign (perpendicular to the wall to which is attached).

ANALYSIS:

The site is located on the north side of Hammond Drive and on the east side of Peachtree-Dunwoody Road. The subject property is zoned MIX (Mixed Use District) conditional under RZ08-032 and is currently developed with an office and retail development. It is commonly known as the Corporate Campus Development.

The subject of this variance is a restaurant (Uncle Julio's) to be in a building located on the northern portion of the property facing Peachtree Dunwoody Road. The applicant's leased space is on the side of the building adjacent to Peachtree Dunwoody Road. Due to the proximity of the building to the street, it is very challenging to display a sign that is effective. Signage at this location is challenged by the width of Peachtree Dunwoody Road and the volume of traffic making it extremely difficult for vehicles traveling southbound, to safely identify the location of a business on the east side of Peachtree Dunwoody Road. Similar issues exist for vehicles traveling north on Peachtree Dunwoody Road.

The applicant seeks a variance from the Zoning Ordinance to display a double sided projecting sign on the west elevation of the building, (façade that faces Peachtree Dunwoody Road). The applicant stated in his letter of appeal that the proposed sign location is the only alternative to display a sign that is visible, and gives the business the exposure necessary to attract customers.

The applicant's west building elevation contains a total of 3,750 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 118 square foot projecting sign. The proposed sign is internally illuminated; letters are individual cans mounted to an aluminum cabinet, face lit and halo lit behind cans. The sign is to be attached to the second floor upper façade, confined within the limits of a balcony below.

Department Comments

The staff held a Focus Meeting on August 5, 2009 at which the following departmental 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 Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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

The staff is of the opinion that relief from this requirement is in harmony with the 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. The location of the restaurant within this property brings a safety concern that creates extraordinary and exceptional conditions which would create a hardship for the owner of the business. Patrons traveling along Hammond Drive will be unable to locate the facility when reaching the intersection of Peachtree Dunwoody Road and Hammond Drive without seeing the double sided projecting sign. This situation creates potential hazardous lane changing and breaking scenarios for the motoring public. The address for the facility compounds the problem for motorist attempting to locate the facility. Drivers will be attempting to located the restaurant with the Hammond address and without the sign subject of this variance, would not be able to properly locate the facility at its primary driveway on Peachtree Dunwoody Road. Vehicles missing this opportunity to enter the property at the actual entrance would be forced to turn onto Hammond Drive and then enter the property via an additional left-turn along Hammond Drive.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 10, 2009

Section 22.3.1.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,

Not Applicable.

Section 22.3.1.C – 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 an adjoining public road.

Not Applicable.

RECOMMENDATION:

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

1. Allow a projecting sign on the west elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location, submitted by the applicant, and dated received July 7, 2009 by the Department of Community Development.
2. The projecting sign located on the west elevation of the building shall not exceed 118 square feet of sign area, as shown on the sign design detail, submitted by the applicant, dated received July 7, 2009 by the Department of Community Development.

ATTACHMENTS:

Proposed sign elevation, Letter of appeal, Site plan and Photographs, received July 7, 2009

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking a primary variance from Section 33.18.P of the Zoning Ordinance to allow for a projecting sign (perpendicular to the wall to which is attached).	N/A	1. Allow a projecting sign on the west elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location, submitted by the applicant, and dated received July 7, 2009 by the Department of Community Development. 2. The projecting sign located on the west elevation of the building shall not exceed 118 square feet of sign area, as shown on the sign design detail, submitted by the applicant, dated received July 7, 2009 by the Department of Community Development.	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 <u>APPROVAL</u> <u>CONDITIONAL</u> of the variance request.



Variance Petition No. V09-034

HEARING & MEETING DATES

Board of Appeals Hearing

September 10, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Joel Shapiro	Joel Shapiro	David Ogram

PROPERTY INFORMATION

Address, Land Lot(s), and District	5324 Long Island Drive Land Lot 135, District 17
Council District	6
Frontage and Area	35 feet of frontage along the west side of Long Island Drive. The subject property has a total area of approximately 3.00 acres.
Existing Zoning and Use	The lot is zoned R-2(Single-family Dwelling District). 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 three (3) primary variances from the Zoning Ordinance:

- 1) Variance from Section 6.2.3.B to reduce the required front yard setback from sixty (60) to fifteen (15) feet. To allow for the existing house and proposed pool cabana.
- 2) Variance from Section 6.2.3.I to allow for accessory structures within the minimum required front yard. To allow for a proposed 16 X 20 foot pool cabana and existing pool equipment.
- 3) Variance from Section 19.3.12.B.1 to reduce the pool equipment property line setback from ten (10) feet to five (5) feet. To allow the existing pool equipment to remain.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-034 - 1) APPROVAL CONDITIONAL

V09-034 - 2) APPROVAL CONDITIONAL

V09-034 - 3) APPROVAL CONDITIONAL

5324 Long Island Drive



5324 Long Island Drive



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

CASE NUMBER: V09-034

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.B of the Zoning Ordinance to allow for the existing house and proposed accessory pool house to encroach within the sixty (60) foot front setback, Section 6.2.3.I. to allow an accessory structure (pool house) and existing pool equipment to be located within a front yard and a variance from Section 19.3.12.B.1 to allow a pool equipment to encroach into the ten (10) foot setback for pools and pool equipment.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have property frontage along Long Island Drive. Per plat, the access to Long Island Drive is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot creating a flag lot. However; the site is not accessed from the stem or pole. It is only accessible from a private driveway shared by lots 1 to 11. The property is currently developed with a single-family residence. The existing house orients towards the private shared driveway. The site plan also shows the existing house, existing pool, existing pool equipment and the proposed detached structure (pool house) located in the required front yard. The existing pool equipment is also encroaching into the ten (10) foot setback for pools and pool equipment.

Staff notes that the front yard setback is determined at the point of intersection of stem and flag portion of a flag lot running along the property line the most perpendicular to the stem. This makes the east property line which runs parallel to Long Island Drive the front yard. Because the house orients to the private driveway the side of the house is adjacent to the front property line and the front of the house is adjacent to the side property line. 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-2A and R-2. The adjacent houses are oriented with the front yards along Glencastle Drive and Claire Rose Lane. All abutting property accessed by the private driveway are oriented toward the private driveway. The abutting properties to the south are oriented so that the rear yard setback is adjacent to the side yard setback of the applicant's property. The side yard setback required is 15 feet.

Department Comments

The staff held a Focus Meeting on August 5, 2009 at which the following departmental comments were provided:

BUILDING AND LAND 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 Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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,

Staff is of the opinion that 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 property owner's houses orient towards the private driveway. Additionally, the proposed pool house would be located approximately 800 feet from Long Island Drive and the proposed pool cabana does not encroach further than the existing house into the required front yard. Therefore, staff is of the opinion this condition has been satisfied.

Section 22.3.1.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,

Staff is of the opinion that the subject parcel is similar to the other residential properties in the Subdivision. The property does exhibit extraordinary and exceptional conditions related to its size or topography. However, the subject parcel is a flag lot. The parcel is not accessible from the stem or pole portion, as platted. It is only accessible from a private driveway shared by lots 1 to 11. Due to the shape of the lot and the property's access point being a shared private driveway an extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.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.

Recommended Condition(s)

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 request. 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 July 14, 2009 by the Department of Community Development, for the variance(s) herein, showing the existing house and accessory structure (pool house) located in the front yard and showing a reduction in the required sixty (60) foot minimum front yard setback to twenty-two (22) feet, and a reduction in the required ten (10) feet pool equipment property line setback to five (5) feet, where necessary, to accommodate the portion of the encroachment (s) only.

ATTACHMENTS: Letter of appeal, site plan, and photographs.



Variance Petition No. V09-035

HEARING & MEETING DATES

Board of Appeals Hearing

September 10, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
Andre Benjamin

Petitioner
Tony Smalls

Representative
Tony Smalls

PROPERTY INFORMATION

Address, Land Lot(s), and District
4723 Jett Road
Land Lot 162, District 17

Council District
6

Frontage and Area
199.72 feet of frontage along the west side of Jett Road. The subject property has a total area of approximately 7.20001 acres.

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

Overlay District
N/A

2027

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

INTENT

The applicant is requesting a primary variances from the Zoning Ordinance:

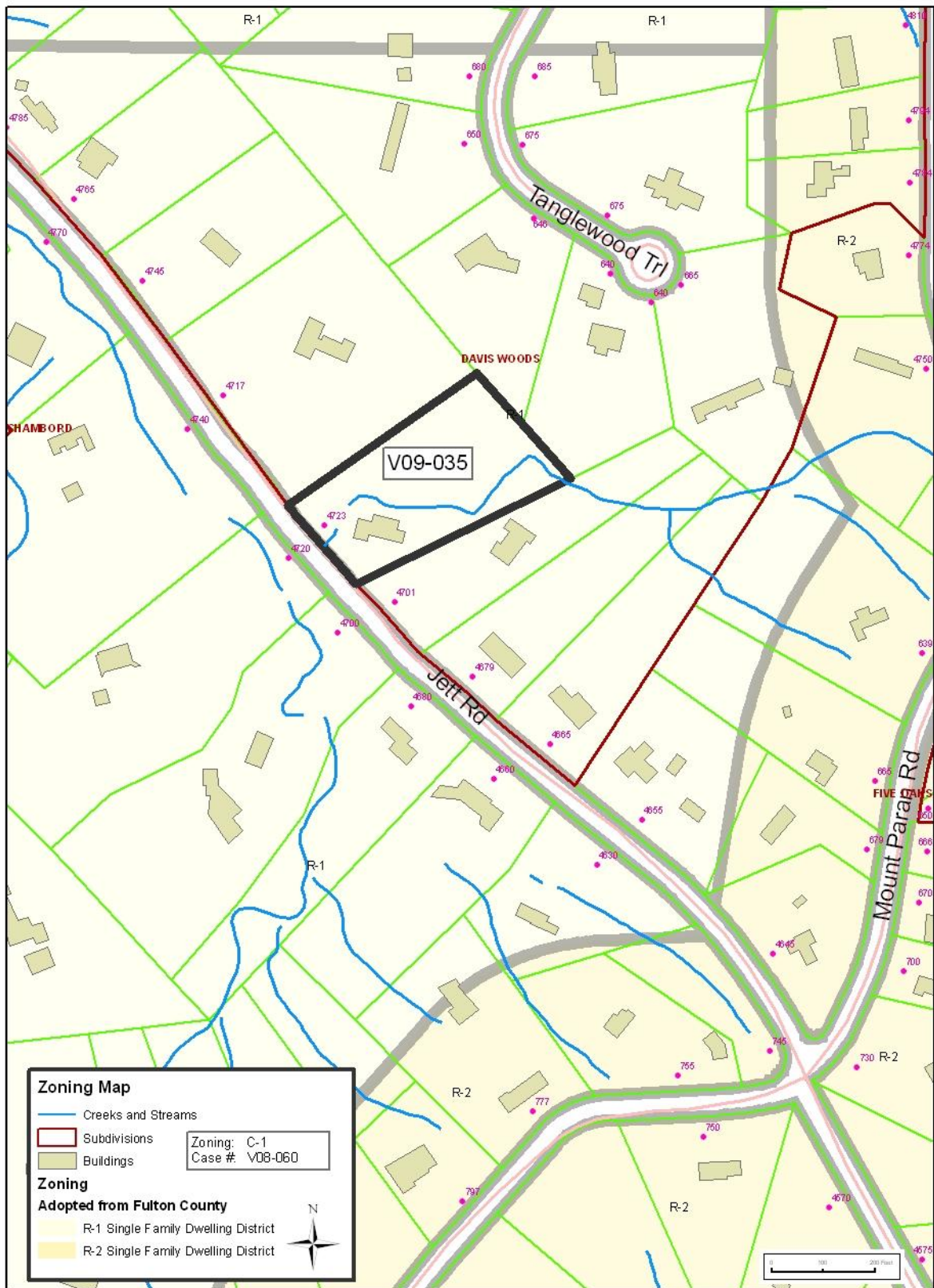
- 1) Variance from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 25 foot impervious set back to 0 feet to allow for a new driveway.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-035 - 1)APPROVAL CONDITIONAL

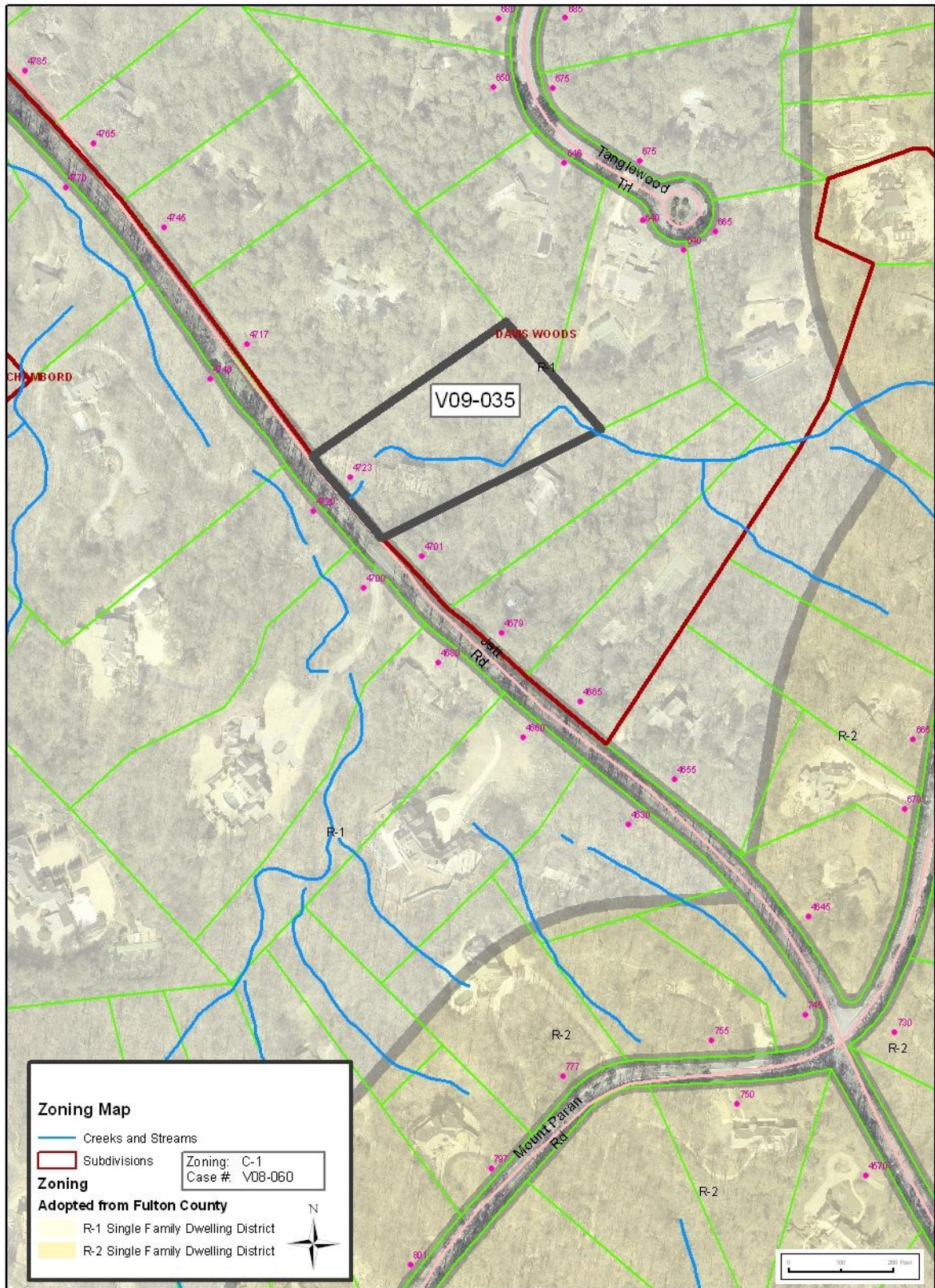
Parcel Map

4723 Jett Road



Arial Photo

4723 Jett Road



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

CASE NUMBER: V09-035

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 25 foot impervious set back to 0 feet to allow for a new driveway.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to have 199.72 feet of frontage along Jett Road. The property is wooded, trapezoidal in shape, and sloping from the northeast corner towards the stream to the south. The centerline of a stream, running east-west, is meandering along the subject property's eastern side and front property line. The stream is piped under the existing driveway and Jett Road. The applicant is proposing to install a driveway to access the only buildable portion of the lot in the northeast corner. The proposed drive way would encroach one hundred and seventeen (117) linear feet into the twenty- five (25) foot impervious surface setback.

Staff notes the city stream buffer ordinance allows "activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used." Within the city stream buffer; therefore, as long as native vegetation and bioengineering techniques are used to restore the areas of demolition within the city buffer, no city stream buffer is required to demolish existing structures or driveways within the city stream buffer. However, a state variance will be required prior to demolition of the existing house and driveway.

Staff notes the surrounding lots in the immediate vicinity are zoned R-1 (Single Family Dwelling District. Nine (9) adjacent properties within a seven-hundred (700) foot radius have streams intersecting them.

Department Comments

The staff held a Focus Meeting on August 5, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	It is apparent that disturbance to remove existing features (house, wall, driveway) that currently exist within the <u>state</u> stream buffer requires a state stream buffer variance; however, the city stream buffer ordinance allows “activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.” Within the city stream buffer; therefore, as long as native vegetation and bioengineering techniques are used to restore the areas of demolition within the city buffer, no city stream buffer is required to demolish existing structures or driveways within the city stream buffer.
	Arborist/Landscape Architect	The existing house and related structures are in the 25’ stream 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

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. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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,

Staff is of the opinion that 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 driveways which encroach into stream buffers. Additionally, the proposed driveway will be less intrusive in the stream buffer than the existing driveway and house which is located within the 25 foot state buffer. Therefore, staff is of the opinion this criteria has been satisfied.

Section 22.3.1.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,

Staff is of the opinion that the subject parcel is similar to the other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography. The two thirds of the subject parcel is within the stream buffer restricting the buildable area of the lot to the northeast corner of the property. The buildable area can not be accessed without encroaching in to the stream buffer. Due to the topography of the lot and the location of the buildable area of the property an extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this criteria is satisfied.

Section 22.3.1.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.

Recommended Condition(s)

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

- 1) The subject driveway shall be constructed in accordance with the proposed site plan, provided by the applicant dated received July 15, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the 25 foot impervious set back to 0 feet to allow for a new driveway, where necessary to accommodate the portion of the encroachment only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention device.
- 3) 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 soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 4) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
- 9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.
- 10) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.

- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plan, and photographs.



Variance Petition No. V09-031

HEARING & MEETING DATES

Board of Zoning Appeals Hearing
September 10, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Paragon Hammond Inc.	Paragon Hammond Inc.	Suren Shah

PROPERTY INFORMATION

Address, Land Lot, and District.	765 Hammond Drive Land Lot 37, District 17
Council District	5
Frontage and Area	Approximately 144.90 feet of frontage along the south side of Hammond Drive. The subject property has a total area of .9923 acres (43,226 square feet)
Existing Zoning and Use	O- I (Office and Institutional District) conditional under Fulton County zoning case 1995Z-0123 currently developed with a hotel.
Overlay District	Perimeter Community Improvement Design District (PCID)
2027 Comprehensive Future Land Use Map Designation	Live Work Community (LWC)

INTENT

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-031- APPROVAL CONDITIONAL

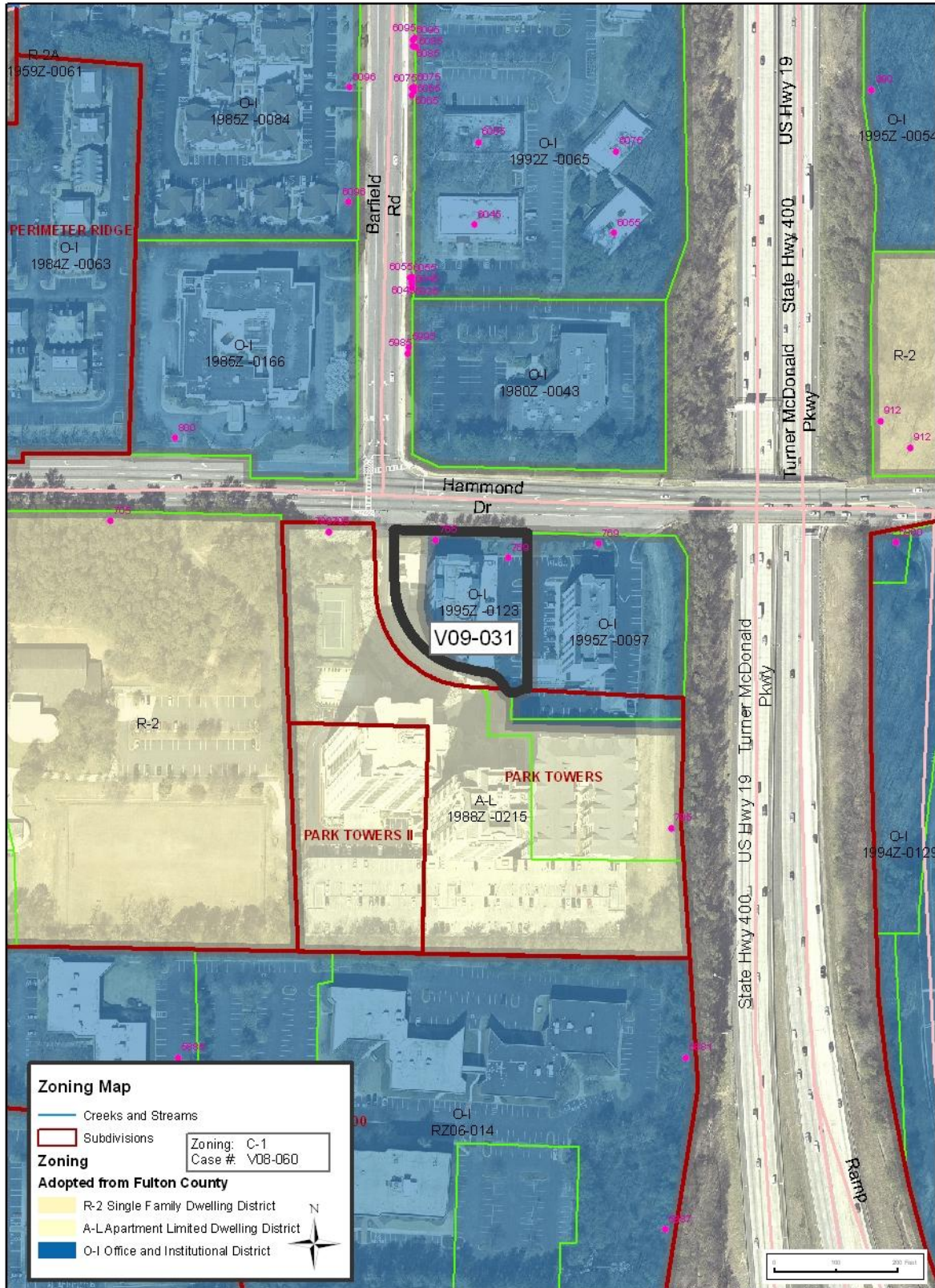
Parcel Map

765 Hammond Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 10, 2009

765 Hammond Drive



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-031

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

REQUEST:

The applicant is requesting relief from the Zoning Ordinance to allow a wall sign on a non street facing wall.

ANALYSIS:

The subject property is located at the intersection of Barfield Road and Hammond Drive. The property is developed with a hotel.

The applicant has indicated that the "Holiday Inn Express, Hotel & Suite" recently has completed a corporate identity change and it is in the process of updating their branded signage at all their locations in Atlanta and throughout the country. The subject of this variance is to replace an existing sign on the east elevation of the building.

Early this year when applying for sign permits to replace the existing signs in the development the applicant was informed by the staff that the sign was a non compliant sign because is located on a non street facing wall. It was determined that a variance was needed to allow the sign, as Section 33.26.D.2 of the Zoning Ordinance allows signs on street facing walls.

The applicant states the significance of having a sign on the east elevation as follows: "When traveling east-west, the east elevation signage provide identification of the business, as the north elevation sign is not visible until drivers are right on front of the hotel. When the new proposed exit on Georgia Hwy 400 opens, most of the travelers from Georgia 400 will come from the east side. If we do not have visible signs they will not have way to know where we are. It is important for drivers to distinctively recognize the location of each business, as our sign facing Hammond Drive is about blocked by foliage from trees located right on front of the building".

The building elevation contains approximately 9,028 square feet of wall area. Per Section 33.26.D.2, 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. The requested sign is a 122.0 square foot channel letter sign with a logo.

The applicant states that in 1997 when the doors of the hotel were opened, he paid a sign company to manufacture his signs. Therefore, the applicant was under the impression that the sign on the east elevation of the building was a legal sign. Staff was not able to find records to confirm that a permit was issued in 1997, due to the lack of permit records from ten years ago.

Department Comments

The staff held a Focus Meeting on August 5, 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

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. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.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,

The staff is of the opinion that relief from this requirement is in harmony with the 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. Allowing each business to maintain adequate signage is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. The sign is an existing sign, to be replaced as a consequence of a corporate logo change. Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance

Section 22.3.1.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,

Not Applicable.

Section 22.3.1.C - 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 an adjoining public road.

Staff is of the opinion that relief from this ordinance will not adversely affect the adjacent or nearby properties. The property has a landscape strip along the street frontage with fully developed vegetation, limiting drivers' vision while attending to traffic, as shown in exhibits 1, 2 and 3. Because the existing foliage along the street frontage blocks the north elevation sign the permitted by code, it's imperative that the sign on the east elevation of the building be within the drivers' vision so as to distract drivers for the minimal length of time.

RECOMMENDATION:

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 request. Should the Board of Appeals choose to approve the request, 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 4), submitted by the applicant, and dated received July 7, 2009 by the Department of Community Development.
2. That the wall sign located on the East elevation of the building shall not exceed 122 square feet of sign area, be installed pursuant to the sign detail (Exhibit 5), submitted by the applicant, dated received July 7, 2009 by the Department of Community Development.

ATTACHMENTS:

Site plan, Proposed sign elevation, Letter of appeal and Pictures, received August 17, 2009.

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking a primary variance from Section 33.26.D.2 of the Zoning Ordinance to allow a wall sign on a non street facing wall.	N/ A	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 4), submitted by the applicant, and dated received July 7, 2009 by the Department of Community Development. 2. That the wall sign located on the East elevation of the building shall not exceed 122 square feet of sign area, be installed pursuant to the sign detail (Exhibit 5), submitted by the applicant, dated received July 7, 2009 by the Department of Community Development.	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 <u>APPROVAL</u> <u>CONDITIONAL</u> of the variance request.