



Variance Petition No. V12-010

HEARING & MEETING DATES

Board of Appeals Hearing

September 13, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Chappell Platt	Chappell Platt	Chappell Platt

PROPERTY INFORMATION

Address, Land Lot(s), and District	315 Brantley Road Land Lot 29, District 17th
Council District	2
Frontage	Approximately 20.00 feet of frontage on the south side of Brantley Road.
Area	The subject property has a total area of approximately .0457 acres.
Existing Zoning and Use	The lot is zoned TR (Townhouse Residential District). The property is currently developed with a townhouse.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R8-12 Residential (8-12 units per acre)

INTENT

The applicant is proposing to construct a deck over an existing concrete pad and to construct an arbor. The existing concrete pad reaches the rear property line and will be covered with a wood deck. Additionally, the proposed arbor will encroach into the rear setback approximately ten (10) feet from the house. The applicant is requesting one (1) primary variance from the Zoning Ordinance:

1. Section 7.2.3.G.6 to reduce the required thirty (30) foot perimeter setback to zero (0) feet to allow for the construction of a deck over an existing concrete pad and an arbor.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V12-010 – 1) APPROVAL CONDITIONAL

BOARD OF APPEALS ACTION

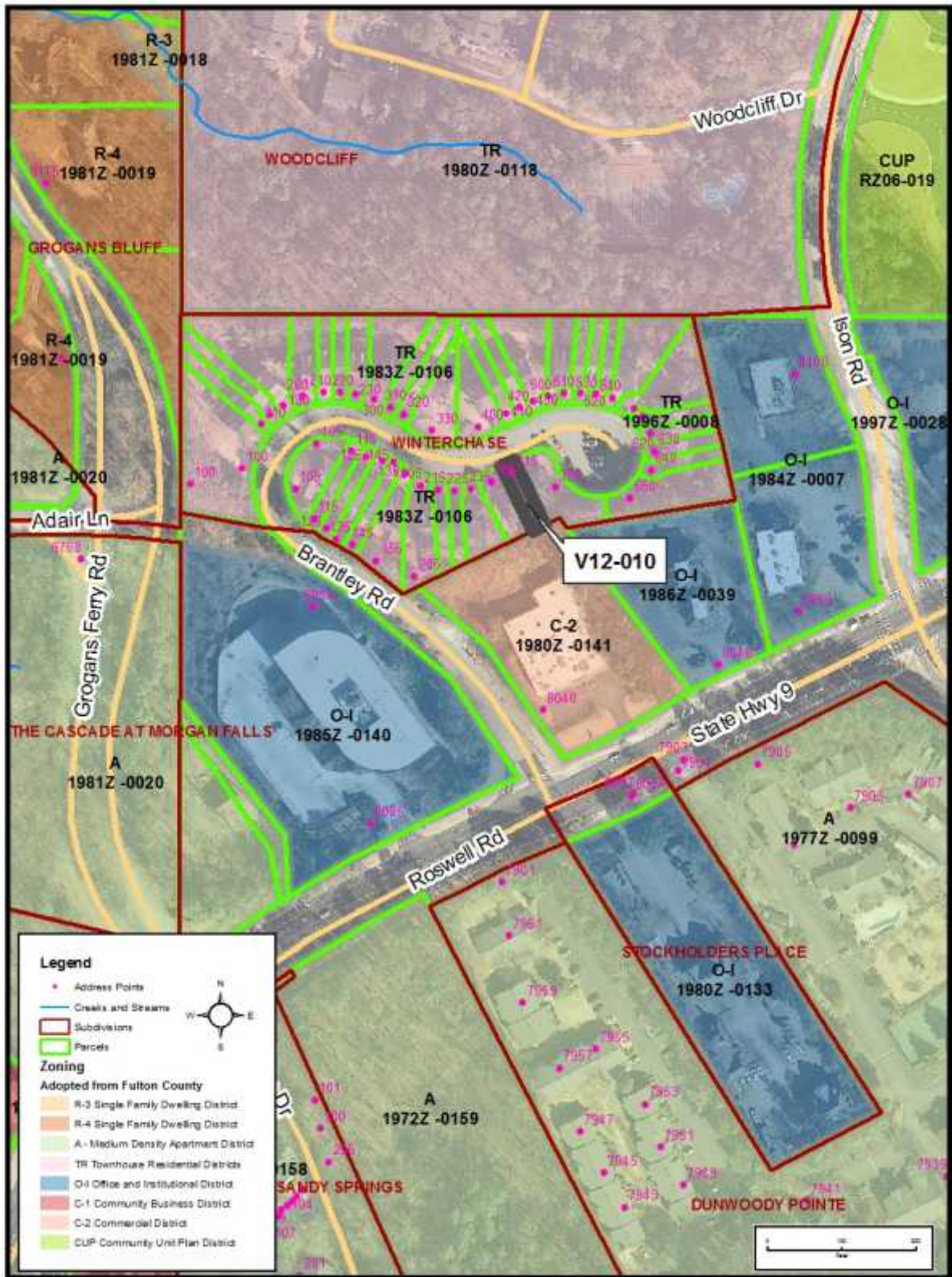
August 23, 2012 Hearing

V12-010 – 1) Deferred to September 13, 2012

At the August 23, 2012 meeting the Board of Appeals deferred this item to September 13, 2012 (6-0, Coan, Reale, Moller, Sandler, E. Johnson, and A. Johnson; Carpinella absent).

Parcel Map

315 Brantley Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 13, 2012.

V12-010

Enforcement

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

Section 7.2.3.G.6 to reduce the required thirty (30) foot perimeter setback to zero (0) feet to allow for the construction of a deck over an existing concrete pad and an arbor.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding:

The proposed deck and arbor are in accordance with the intent of the ordinance; the arbor extends approximately sixteen (16) feet into the back yard. Additionally, the proposed deck will cover an existing concrete pad, which has already eliminated a majority of the pervious surface in the rear yard. The ordinance provides for decks and accessory structures, but the lack of vacant buildable space on this lot limits the area available for the owner to develop. Additionally, the slope of the deck and backyard is such that water runs towards the house, where there is pervious surface that can be used to absorb runoff during rain. Because of these factors, and the intent of the variance considerations portion of the ordinance, staff is of the opinion that 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:

Given that the existing house encroaches into the specified thirty (30) foot perimeter setback, provided by the plat for the property, there is no buildable area in the rear yard of the existing townhome. The size of the lot is exceptionally small, and existing regulations leave the property owner with no space for development of an outdoor space, exclusive of this perimeter setback. Because of this, staff is of the opinion that 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 with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist the week of July 9, 2012 at which no comments were provided.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 7.2.3.G.6 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** **CONDITIONAL** of the variance request to reduce the required thirty (30) foot side yard perimeter setback to allow for the construction of an arbor and deck over an existing concrete pad.

Recommended Condition(s)

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

- 1) To reduce the thirty (30) foot side yard perimeter setback to allow for the construction of an arbor and deck over an existing concrete pad, as shown on the site plan dated received June 6, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of appeal – Dated received June 12, 2012

Site Plan – Dated received June 6, 2012

Scaled Drawing – Dated received August 30, 2012

Petition of Support – Dated received August 30, 2012

Letters of Opposition

Photographs

Photograph of neighboring lot – Dated received August 27, 2012



Variance Petition No. V12-012

HEARING & MEETING DATES

Design Review Board

August 14, 2012

Board of Appeals

September 13, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner

Marshalls Plaza, LLC

Petitioner

Hudson Grille

Representative

Jeffrey Landau

PROPERTY INFORMATION

Address, Land Lot,
and District

6317 Roswell Road (SR 9)
Land Lot 88, District 17

Council District

4

Frontage

Approximately 450 feet of frontage along the east side of Roswell Road (SR9).

Area

The subject property has a total area of 7.17 acres (312,377.46 Square Feet).

Existing Zoning and
Use

C-1 (Community Business District) conditional under Fulton County 59Z-004, currently developed with a shopping center.

Overlay District

Main Street District

2027

Comprehensive
Future Land Use
Map Designation

Live-Work Community (LWC)

INTENT

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V12 - 012 -1) APPROVAL CONDITIONAL

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the August 14, 2012 Design Review Board meeting. The Board recommended Approval (2 - 3, Mobley and Richard in favor; Ealick-Anderson, Porter, and Landeck in opposition; Gregory absent; Lichtenstein not voting). Motion failed, **Recommendation for Denial.** The Board recommendation was based on the applicant having a wall sign on the west elevation and a tenant panel on the free standing sign.

6317 Roswell Road (SR9)



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V12-012

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

Staff Analysis:

The site is located at 6317 Roswell Road (SR 9) in the Marshall's Plaza shopping center, on the east side of Roswell Road (SR 9). The property is zoned C-1 (Community Business District) under Fulton County zoning case Z59-0004 and is located within the Main Street District of the Sandy Springs Overlay District.

The applicant's proposal is for a restaurant ("Hudson Grille") in the building that was previously occupied by "KC Pit BBQ" in the Marshalls Plaza. The restaurant is located on the most western corner of the building having one wall facing Roswell Road and the front entrance to the building facing the parking lot (north elevation). It is the applicant's opinion that a sign needs to be located on the north elevation of the building so potential clients can easily identify the entrance to the restaurant.

The Sandy Springs Zoning Ordinance provides:

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

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

The Sandy Springs Overlay District provides for any business which is not represented on a free standing sign to have two wall signs, one street facing and one non street facing. The applicant has obtained permits to be represented on the existing free standing sign and to display a wall sign on the west elevation of the building facing Roswell Road. The applicant is proposing to display a second wall sign on the north elevation of the building. Therefore, a variance was needed to allow for a second wall sign.

The applicant's north building elevation contains approximately a total of 4200 square feet of wall area. Per Section 33.26.H.2. Wall Signs, of the Sandy Springs Zoning Ordinance, the applicant if approved could have a wall sign up to 5% of the total wall area, or one hundred-eighty (180) square feet. The applicant is proposing to install a 25.5 square foot wall sign. The sign is composed of individual channel letters and externally illuminated.

The applicant states that a sign at the proposed location will further enhance the visibility of the business to the visitors when in the center as the building is obscured by the trees and the Sandy Springs two stories building adjacent to the south property line and only can be seen as you enter the property. In addition, the tenant panel on the free standing sign only provides visibility to the business to the north bound traffic on Roswell Road as the trees on the west property line and the BB&T bank block all visibility to the south bound traffic.

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

It is staff’s opinion that the Sandy Springs Overlay Ordinance is intended to allow businesses to display more than one wall sign when the standards are met.

SITE HISTORY

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

The sign was installed without the approval of a sign permit.

In the year 2008 the City of Sandy Springs Board of Appeals approved variance petition V08-001 for relief from Section 33.18.H of the Zoning Ordinance to allow a roof sign to be installed on the west elevation of the building.

Standards for Consideration

Zoning Ordinance

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

Section 33.12.D. Standards

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

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

Findings:

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

2. *The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.*

Findings:

Staff found that as vehicles travel north-bound and south-bound on Roswell Road, the existing vegetation on the property and the two stories building adjacent to the south property line limits the visibility of signs on this property. Staff is of the opinion that the natural features of the lot on which the signs are located impairs the visibility of the signs such that the restaurant's visibility is impacted. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on August 1, 2012, at which time the following departmental comments were provided:

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

Conclusion

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. The proposed wall sign at the proposed location will not have a negative impact on the surrounding properties as all the tenant on that shopping center have a sign on the north elevation facing the parking lot; instead will provide information to the general public once entering the shopping center. Staff is of opinion that the approval of this variance request would be in harmony with the general intent of the Zoning Ordinance. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of this variance.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 13, 2012

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

1. To allow a wall sign on a non-street facing wall pursuant to the sign design detail submitted by the applicant, dated received July 3, 2012 by the Department of Community Development.
2. The wall sign shall be located on the north elevation of the building pursuant to the site plan submitted by the applicant, dated received July 3, 2012 by the Department of Community Development.
3. That the wall sign shall not exceed 5% of the applicable wall.

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



Variance Petition No. V12-014

HEARING & MEETING DATES

Design Review Board

August 14, 2012
August 28, 2012

Board of Appeals Hearing

September 13, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Georgia – Alabama Commercial Investments, LLC	LAI Engineering	Brain Pelham

PROPERTY INFORMATION

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

INTENT

The applicant is proposing to develop the property with a Chase Bank. The applicant is requesting two (2) primary variances from the Zoning Ordinance:

1. Variance from Section 12B.8.A to allow for an increase in the maximum number of parking spaces allowed from 20, to 33.
2. Variance from Section 4.23.1 to reduce the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the west property line to a ten (10) foot landscape strip.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V12-009 – 1) APPROVAL CONDITIONAL

V12-009 – 2) APPROVAL CONDITIONAL

DESIGN REVIEW BOARD RECOMMENDATION

August 14, 2012 Hearing

DRB12-017 – 1) Deferred to August 28, 2012

DRB12-017 – 2) Deferred to August 28, 2012

At the August 14, 2012 meeting the Design Review Board deferred this item to August 28, 2012 (5-0, Landeck, Richard, Mobley, Ealick-Anderson, and Porter; Gregory absent; Lichtenstein not voting).

August 28, 2012 Hearing

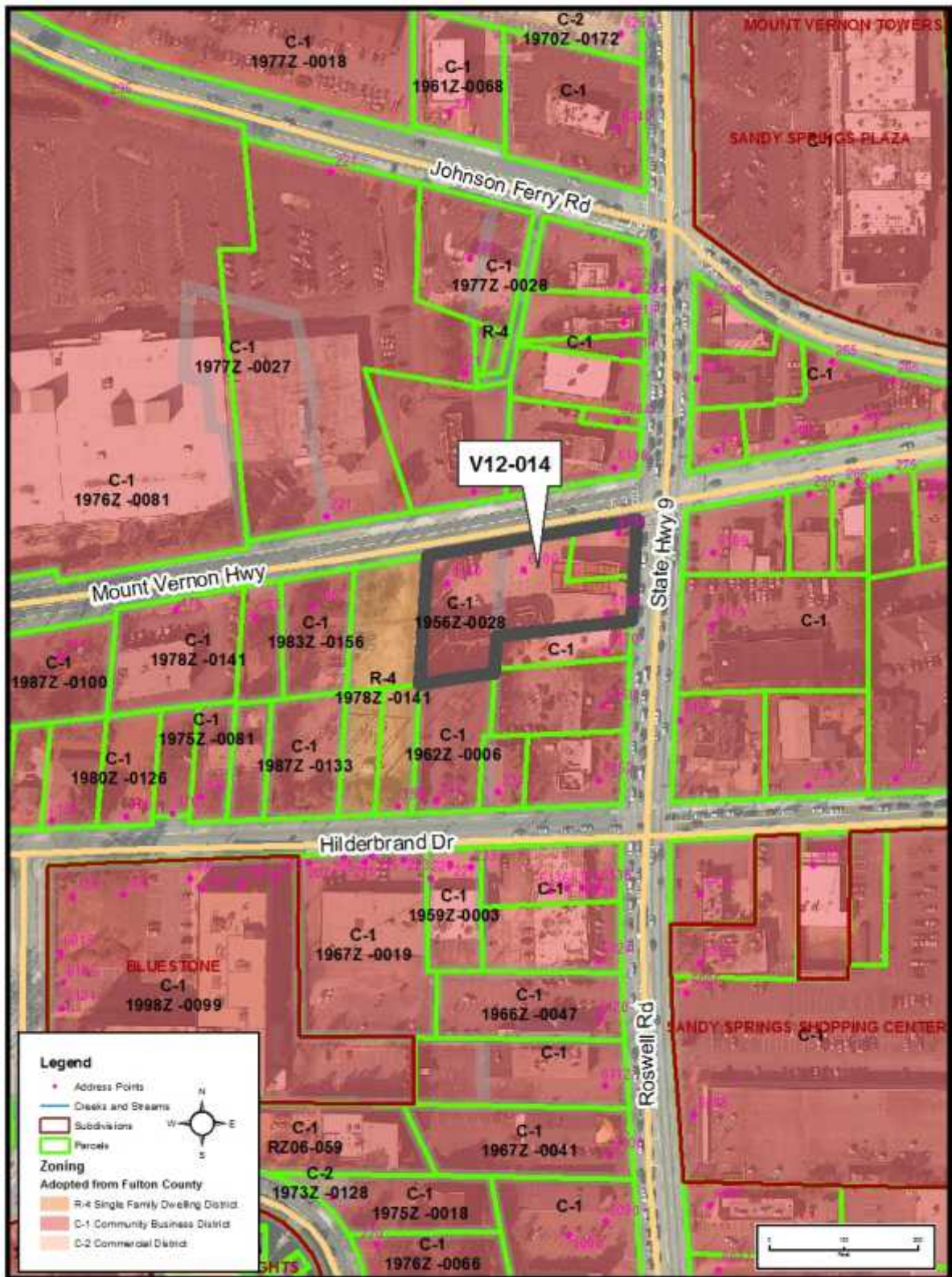
DRB12-017 – 1) ENDORSED

DRB12-017 – 2) ENDORSED

At the August 28, 2012 meeting the Design Review Board made a Recommendation for Approval (4-0, Landeck, Mobley, Ealick-Anderson, and Porter; Richard and Gregory absent; Lichtenstein not voting).

Parcel Map

6180 Roswell Road (SR9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on September 13, 2012.

Enforcement & Permit History:

There is no history of code enforcement action or building permit activity on the property.

Standards for Consideration

VARIANCE #1

Variance from Section 12B.8.A of the Zoning Ordinance to increase the maximum number of parking spaces allowed from 20, to 33.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding: The intent of the ordinance, specified in Section 12B.1, as applicable to this property, is to enhance and reuse sites, to provide for the aesthetic and economic value of properties, and to create a built environment. The proposed development, even with an increase in the maximum allowable parking spaces, intends to serve the intent of the ordinance. Based on these considerations, staff is of the opinion that 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 proposed improvement will be located on a lot that is irregularly shaped. The locations of the bank and the drive-thru banking terminal on the site have been controlled by the odd shape of the lot, limiting the alternatives for site configuration and parking layout. The request to increase the number of parking spaces is based on a need of the business, but is also based on the function of the site and is intended to better serve the objectives of the Main Street District. Given the shape of the lot and its relationship with the bank building, drive-thru banking terminal, and parking configuration, staff is of the opinion that 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.

VARIANCE #2

Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the west property line to a ten (10) foot landscape strip.

Zoning Ordinance

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

Section 22.3.1. Variance Considerations.

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

Finding: The intent of the ordinance is to provide a buffer and mitigate the negative interactions of conflicting land uses. While the neighboring land use is of a residential classification, the property is developed with a power substation. The nature of this use is not in conflict with the neighboring commercial use. Based on these considerations, staff is of the opinion that 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: This request would allow for the standalone drive-thru bank terminal to be located in the most oddly shaped portion of the lot. The site is too narrow for the drive-thru bank terminal to be attached to the building, with the only suitable locating being within the twenty-five (25) foot landscape buffer. Based on the request, and the shape of the lot, staff is of the opinion that 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 with Transportation, Building and Development, Fire, Code Enforcement, Site Development, and the Arborist the week of August 18, 2012 at which the following departmental comments were provided:

Building and Development	If the number of parking spaces is greater than 25 two accessible parking spaces will be required, one of which must be van accessible.
Transportation	Based on an initial review of Institute of Traffic Engineers (ITE) vehicle parking generation rates for the proposed 4,000 SF bank, during the peak period, the 85th percentile parking stall demand is 23 spaces on weekdays and 19 spaces on Saturdays. The estimated average number of parking stalls occupied during the peak period is 16 on weekdays and 14 on Saturdays. Comments on the preliminary site plan include:) Right-of-way dedication will be required on frontages of Roswell Road and Mt. Vernon Highway and a corner miter to accommodate streetscape and intersection improvements.) Georgia DOT requires a greater distance for uninterrupted ingress/egress off of state route frontage on Roswell Road/SR 9.) The Sandy Springs Revitalization Livable Centers Initiative (LCI) 2001 and successive updates have recommended interparcel access along south property line at western edge of property.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 4.23.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** with a change to the request of the first variance request and **APPROVAL CONDITIONAL** of the second variance request to allow for the construction of the proposed Chase Bank.

Recommended Condition(s)

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

- 1) To allow for an increase in the maximum number of parking spaces allowed from 20, to 30.
- 2) To reduce the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the west property line to a ten (10) foot landscape strip, as shown on the site plan dated received July 2, 2012 by the Department of Community Development.

ATTACHMENTS:

Letter of Appeal – Dated received July 2, 2012
Site Plan – Dated received July 2, 2012
Elevations – Dated received August 20, 2012
Photographs