



Variance Petition No. V09-028

HEARING & MEETING DATES

Board of Appeals Hearing

October 8, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Zainabia Non Profit Inc	Zainabia Center	Vick Gardezi

PROPERTY INFORMATION

Address, Land Lot(s), and District	1100 Hope Road Land Lot 363, District 6
Council District	2
Frontage and Area	130.3 feet of frontage along the north side of Hope Road. The subject property has a total area of approximately 1.01 acres.
Existing Zoning and Use	The lot is zoned C-1(Commercial Business District) under Fulton County zoning case Z65-0050. The property is currently developed with a meeting congregation facility.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Commercial

INTENT

The applicant is requesting five (5) primary variances from the Zoning Ordinance:

- 1) Variance from Section 4.23.1.A of the Zoning Ordinance to reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
- 2) Variance from Section 4.23.2 of the Zoning Ordinance to allow for a parking lot without the required parking islands.
- 3) Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking spaces from 57 to 42.
- 4) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (parking lot) within a landscape strip.
- 5) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) for relief from the requirement of planting a large shade tree every 6 parking spaces. All variances to allow for the reconfiguration and expansion of an existing nonconforming parking lot.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

At the September 10, 2009 BOA meeting the Board deferred the application to the October 8, 2009 BOA meeting to discuss a landscape plan with the City Arborist.

The meeting was held on September 22, 2009. The applicant submitted a landscape plan adding tree planting to the proposed site. The plan has been reviewed by the City Arborist. Staff has also added condition number eight (8) stating: The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**V09-028- 1) APPROVAL CONDITIONAL
V09-028- 2) APPROVAL CONDITIONAL
V09-028 -3) APPROVAL CONDITIONAL
V09-028- 4) APPROVAL CONDITIONAL
V09-028- 5) APPROVAL CONDITIONAL**

1100 Hope Road



1100 Hope Road



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

CASE NUMBER: V09-028

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

REQUEST:

The subject parcel is owned by Zainabia Non Profit Inc and has operated as a place of worship in its current location for the past twelve (12) years. The existing parking is not in compliance with the current zoning ordinance. The request to build a new break area requires the nonconforming parking lot to come into compliance with current regulations. The applicant is proposing to replace two (2) buildings totaling 1,800 square feet in the rear of the property with one (1) 2,650 square foot building to be used as a break room. All variances are to allow for the reconfiguration and expansion of an existing nonconforming parking lot. The applicant is requesting relief from Section 4.23.1.A of the Zoning Ordinance to reduce the required 10 foot front landscape strip to one (1) foot to allow for the existing ten (10) parking spaces and the 5 foot side landscape strip to zero (0) feet to allow for the existing parking lot; a variance from Section 4.23.2 of the Zoning Ordinance to allow for a parking lot without the required parking islands; a variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking spaces from 57 to 42; a variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (parking lot) within a landscape strip; and a variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) for relief from the requirement of planting a large shade tree every 6 parking spaces.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have 131 feet of frontage along Hope Road. The property is accessed by two (2) curb cuts on Hope Road. The property is currently developed with a 3,550 square foot Congregation Hall with a 1,711 square foot assemble area, 2,000 square foot Library and two (2) building totaling 1,800 square feet. The site currently has twenty (20) parking spaces. The site plan also shows a proposed 2,650 square foot break area with an assembly area of 1,650 square feet and the proposed reconfigured parking lot with 42 spaces. The property has a significant topographic change on the west side of the lot with an existing retaining wall.

Staff notes that parking requirements for a church are calculated by one (1) space for every 30 square feet of the largest assembly area without fixed seats. The largest assembly area is 1,700 square feet located in the existing congregation hall. The site would require fifty-seven (57) spaces. The applicant is proposing forty-two (42) spaces. The applicant is also requesting relief from the required landscape island every six (6) spaces with tree planting. The existing parking lot is encroaching into the required landscape strips on the front and west side of the property.

Staff notes the surrounding lots in the immediate vicinity are zoned C-1 (Community Business District) to the south and west. C-1 (Community Business District) and C-2 (Commercial District) to the north and east. The abutting properties do not currently have landscape island every six (6) spaces in there parking lots.

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	▪ There is one 28" +- pine tree in the front that will need to be protected. It doesn't appear that the site meets the minimum canopy requirements.
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ Section 3.3.1 of the City of Sandy Springs Fire Ordinance requires that every existing building and all new buildings shall be accessible to fire department apparatus by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width. There shall be a minimum roadway outside turning radius at the curb of 40 feet. There shall be a minimum vertical clearance of thirteen feet, six inches (13'6"). Any dead-end fire department access roadway in excess of 150 feet in length shall include a turnaround at the closed end conforming to county construction standards and specifications, latest edition. ▪ Refer to 120-3-3, modification to the 2003 IFC, "508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet (152 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrant mains shall be provided where required by the local responding fire department or agency. ▪ "Exceptions: "1. For group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m). "2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m)." Fire hydrants may not be omitted unless written approval by the local responding fire department or agency is submitted to this office.
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

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 the outlined requirements is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent property owners do not have landscape islands. The existing parking lot is currently encroaching in the required landscape strip. Additionally, the church has been located on the site for twelve (12) years with twenty parking spaces without parking problem. 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 many other commercial properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography. The northwest portion of the property has a significant topographic challenge. Due to the significant topographic change the northwest portion of the property can not be developed and limits the area available for parking. Existing retaining walls to the east also limits available parking. The topography does 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 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 lot shall be in accordance with the site plan, provided by the applicant dated received August 17, 2009 by the Department of Community Development, for the variance(s) herein, showing a 3,550 square foot existing congregation hall with a 1,711 square foot assembly area, a 2,000 square foot existing library/ storage area, a 2,650 square foot break area.
 - a. To reduce the required number of parking spaces from 57 to 42.
 - b. To reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
 - c. To eliminate the required parking lot landscape islands every 6th space.
 - d. To allow a permanent structure (parking lot) within a landscape strip.
 - e. To allow for the reconfiguration and expansion of an existing nonconforming parking lot.
2. The lot shall be in accordance with the Landscape plan, provided by the City Arborist dated received October 8, 2009 by the Department of Community Development.
 - a. That the eliminated thirteen 3" parking lot shade trees be installed on the site to provide shade to the proposed parking as per a landscape plan approved by the city arborist.
 - b. The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

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



Variance Petition No. V09-037

HEARING & MEETING DATES

Board of Appeals Hearing

October 8, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Larry and Cheryl Schramm	Zeke and Aimee Cassinelli	Neil Johnson

PROPERTY INFORMATION

Address, Land	5045 Carol Lane
Lot(s), and District	Land Lot 136, District 17

Council District	6
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Frontage and Area	179.44 feet of frontage along the east side of Carol Lane. The subject property has a total area of approximately 0.999 acres.
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Existing Zoning and Use	The lot is zoned R-2(Single-family Dwelling District). The property is currently developed with a residence.
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Overlay District	N/A
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2027

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

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

- 1) Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for construction of a single-family house.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

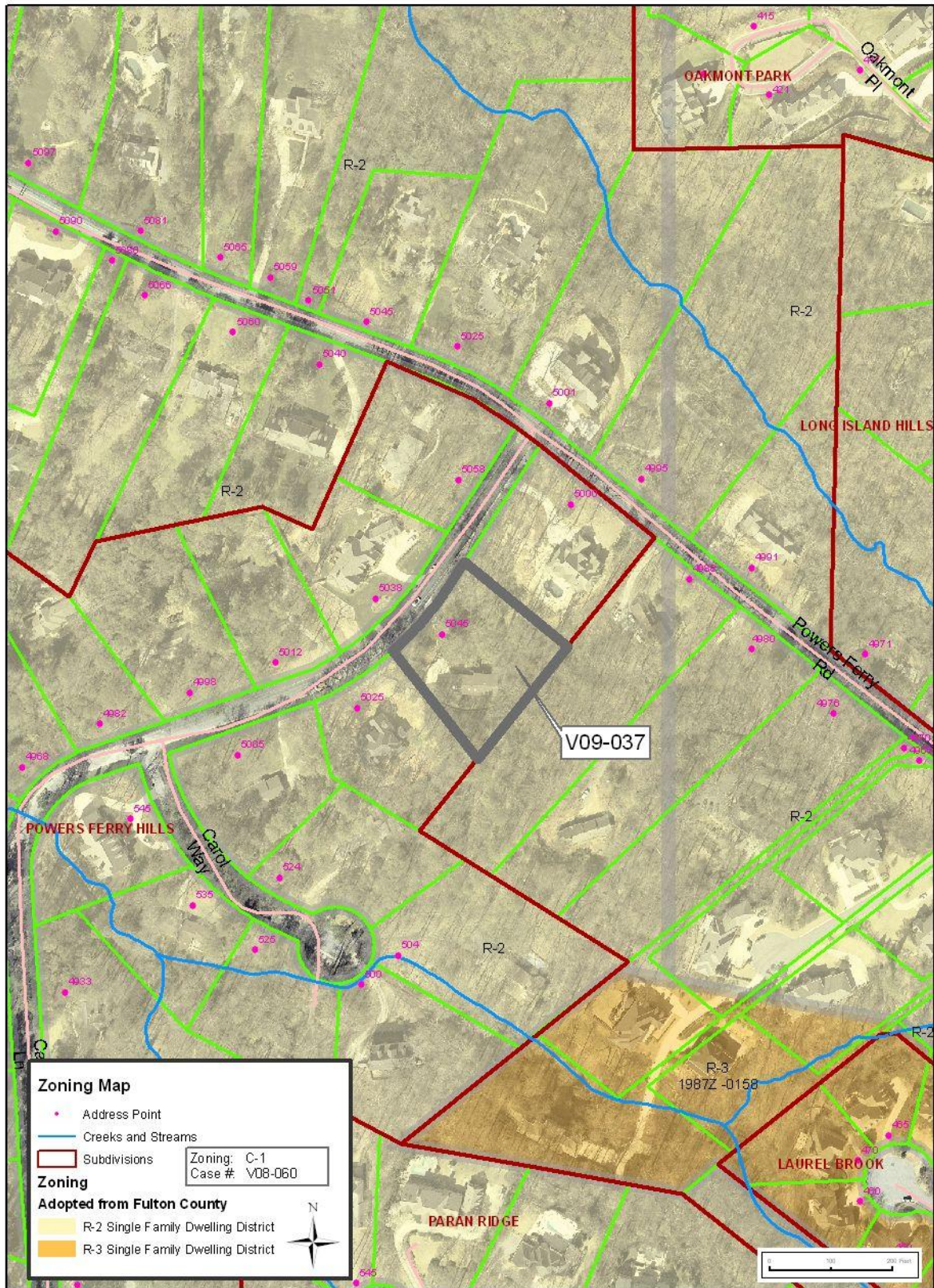
V09-037 - 1) APPROVAL CONDITIONAL

5045 Carol Lane



Aerial

5045 Carol Lane



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

CASE NUMBER: V09-037

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

REQUEST:

Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for construction of a single-family house.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to have 179.44 feet of frontage along Carol Lane. The property is wooded, trapezoidal in shape. With the centerline of a stream, running east-west for approximately sixty-five (65) feet before entering a 24 inch Corrugated Metal Pipe. The stream bisects the north east quadrant of the property. The proposed conditions will have a total of 789 square feet of impervious surface in the 75 foot buffer (412 square feet in the undisturbed 50 foot buffer and 377 square feet in the 25 foot impervious setback) The existing conditions on the site have a total of 1,223 square foot of impervious surface (1,119 square feet in the undisturbed 50 foot buffer and 104 square feet in the 25 foot impervious setback).

Staff notes the site has significant topography changes. The lot slopes from the southern corner towards Carol Lane with a twenty-two (22) foot drop within ten (10) feet in the northeast portion of the lot.

Staff notes the surrounding lots in the immediate vicinity are zoned R-2 (Single Family Dwelling District). Also, other homes in the area encroach into the stream buffers. The proposed house would be in harmony with the surrounding area.

Department Comments

The staff held a Focus Meeting on September 2, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comment
	Arborist/Landscape Architect	▪ No comment
	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 109-225 of the Sandy Springs Code of Ordinances which 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 109-225(b)(5)a. – The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography. The subject parcel topography restricts the buildable area of the lot to the northeast corner of the property. Relief from this requirement would not be a detriment to the public as the proposed house will be less intrusive in the stream buffer than the existing house. Therefore, staff is of the opinion this condition has been satisfied.

Section 109-225(b)(5)b. – The location of all streams on the property, including along property boundaries;

Staff is of the opinion that all stream buffers on the property have been identified. The stream buffer on the subject property is located in the north east quadrant of the

property. With the centerline of a stream, running east-west for approximately sixty-five (65) feet before entering a 24 inch Corrugated Metal Pipe. Therefore, staff is of the opinion this condition is satisfied.

Section 109-225(b)(5)c. – The location and extent of the proposed buffer or setback intrusion;

Staff is of the opinion that the stream buffers on the property occupies approximately one third (1/3) of the parcel and the buildable area of this lot. The property has a sixty (60) foot front setback, a fifty (50) foot rear setback and a fifteen (15) foot side setback. The stream buffer on the subject property is located in the north east quadrant of the property. With the centerline of a stream, running east-west for approximately sixty-five (65) feet before entering a 24 inch Corrugated Metal Pipe. There is also a twenty (20) foot drainage easement on the piped portion of the stream. Therefore, staff is of the opinion this condition is satisfied.

Section 109-225(b)(5)d. – Whether alternative designs are possible which require less intrusion or no intrusion;

Alternative designs have not been discussed with staff regarding this property. However the topography of the property also restricts the buildable area of the lot. Therefore, staff is of the opinion this condition has not been satisfied.

Section 109-225(b)(5)e. – The long-term and construction water quality impacts of the proposed variance; and

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs. Therefore, staff is of the opinion this condition is satisfied.

Section 109-225(b)(5)f. – Whether issuance of the variance is at least as protective of natural resources and the environment.

Staff is of the opinion that the issuance of the variance is at least as protective of natural resources and the environment because the proposed house will be less intrusive in the stream buffer than the existing house. Therefore, staff is of the opinion this condition has been satisfied.

Recommended Condition(s)

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

- 1) The subject house shall be constructed in accordance with the proposed site plan, provided by the applicant dated received August 3, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot, 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, Letters of Support, and photographs.



Variance Petition No. V09-038

HEARING & MEETING DATES

Board of Appeals Hearing

October 8, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Kawika and Billie Mitchell	Kawika and Billie Mitchell	Terry Baker

PROPERTY INFORMATION

Address, Land Lot(s), and District	516 Londonberry Road Land Lot 135, District 17
Council District	6
Frontage and Area	155.84 feet of frontage along the south side of Londonberry Road and 239.49 feet of frontage along the east side of Marbury Circle. The subject property has a total area of approximately 1.0169 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	R0-1 Residential (0-1 units per acre)

INTENT

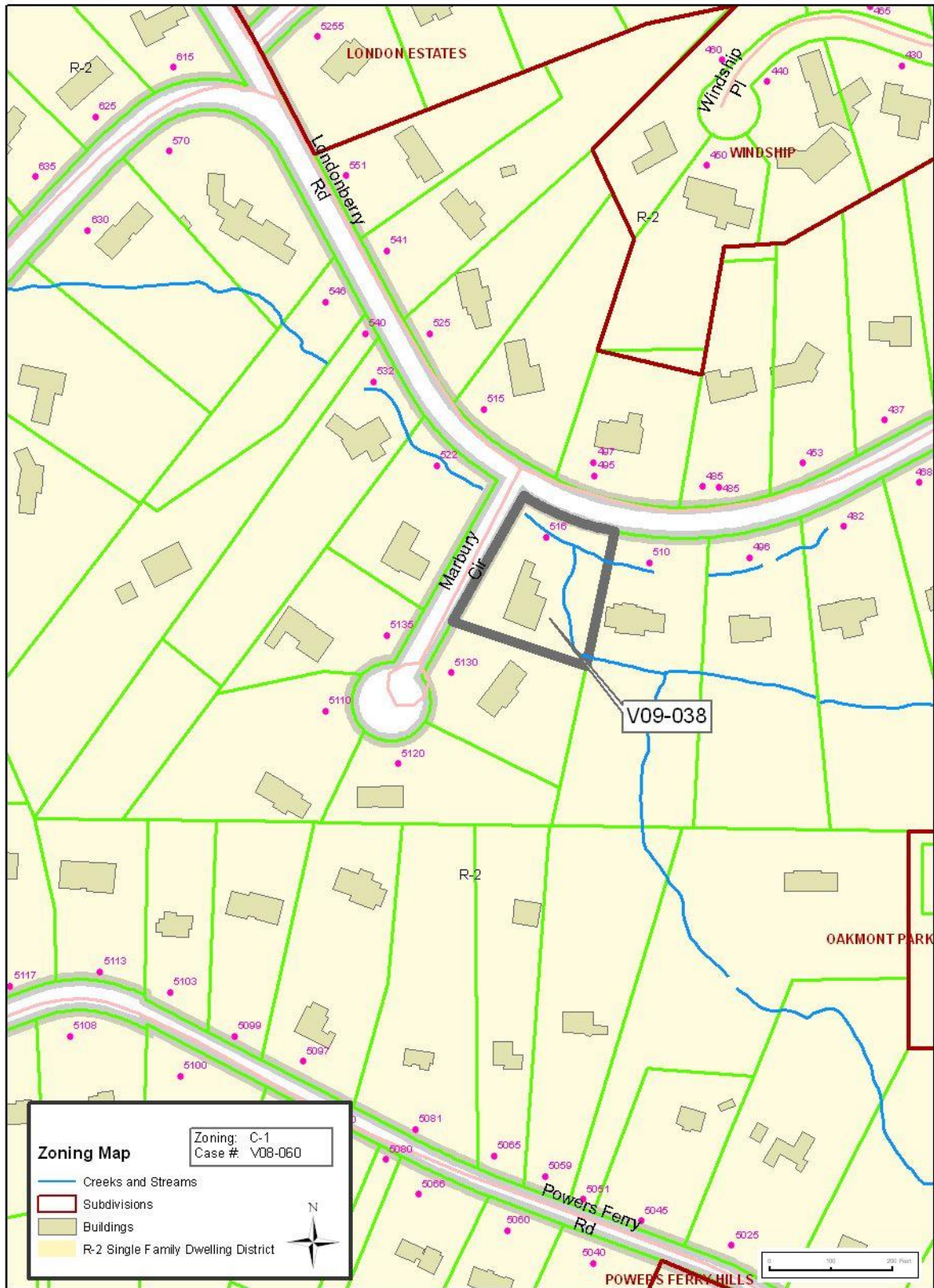
- 1) Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for construction of a pool, pool deck, fence, concrete walkway and wood steps and to allow for the existing house.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

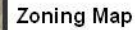
V09-038 - 1) APPROVAL CONDITIONAL

Parcel Map

516 Londonberry Road



516 Londonberry Road



Zoning: C-1
Case #: V08-060

Address Point

Creeks and Streams

☐ Subdivisions

R-2 Single Family Dwelling District

V09-038

OAKMONT PARK

POWERS FERRY HILLS

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

CASE NUMBER: V09-038

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 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow for construction of a pool, pool deck, fence, concrete walkway and wood steps and to allow for the existing house.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to have 156.50 feet of frontage along Londonberry Drive and 239.49 feet of frontage on Marbury Circle. The property is wooded, trapezoidal in shape. The centerline of a stream, runs from the southeast corner to the northern corner for approximately three hundred and thirteen feet (313) feet before crossing under Marbury Circle. The stream runs along the eastern property line then joins a stream running along the north property line. The existing house is currently located in the fifty (50) foot buffer. The stream buffers occupy the majority of the buildable area of the lot. The applicant is proposing to install a pool and pool deck along the twenty-five (25) foot buffer. The area where the proposed pool is located has already been cleared and is existing grass. The applicant is also proposing to remove a five hundred and seventy-six (576) square foot concrete slab located behind the existing house. The applicant is proposing a concrete walkway leading to wooden stairs on the southern property line.

The surrounding lots in the immediate vicinity are zoned R-2 (Single Family Dwelling District).

Department Comments

The staff held a Focus Meeting on September 2, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No Comment
	Arborist/Landscape Architect	▪ Proposed area for the pool is already cleared and is existing grass.
	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 109-225 of the Sandy Springs Code of Ordinances which 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 109-225(b)(5)a. – The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Staff is of the opinion that the property does not exhibit extraordinary and exceptional conditions related to its size, shape, or topography. Therefore, staff is of the opinion this condition has not been satisfied.

Section 109-225(b)(5)b. – The location of all streams on the property, including along property boundaries;

Staff is of the opinion that all stream buffers on the property have been identified. The centerline of a stream, runs from the southeast corner to the northern corner for approximately three hundred and thirteen feet (313) feet before crossing under Marbury Circle. The stream runs along the eastern property line then joins another stream running along the north property line. Therefore, staff is of the opinion this condition is satisfied.

Section 109-225(b)(5)c. – The location and extent of the proposed buffer or setback intrusion;

Staff is of the opinion that the stream buffers on the property occupy a large amount of the buildable area of this lot. The property has a sixty (60) foot front setback, a forty (40) foot rear setback and a fifteen (15) foot side setback and a thirty (30) foot side adjacent to street setback. The centerline of a stream, runs from the southern corner to the western corner for approximately three hundred and thirteen feet (313) feet before crossing under Marbury Circle. The stream runs along the eastern property line then joins a stream running along the north property line. The stream buffer occupies over three fourth of the lot. Therefore, staff is of the opinion this condition is satisfied.

Section 109-225(b)(5)d. – Whether alternative designs are possible which require less intrusion or no intrusion;

Alternative designs have been discussed with staff regarding this property. However the applicant has redesigned the shape of the pool and pool deck to not encroach into the twenty-five (25) foot stream buffer. Therefore, staff is of the opinion this condition has been satisfied.

Section 109-225(b)(5)e. – The long-term and construction water quality impacts of the proposed variance; and

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs. Therefore, staff is of the opinion this condition is satisfied.

Section 109-225(b)(5)f. – Whether issuance of the variance is at least as protective of natural resources and the environment.

Staff is of the opinion that the issuance of the variance is at least as protective of natural resources and the environment because the proposed house is currently located in the fifty (50) buffer and the area where the proposed pool and pool deck are to be located is already cleared and grassed. The applicants will also be removing an existing concrete slab. Therefore, staff is of the opinion this condition has been satisfied.

Recommended Condition(s)

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

- 1) The subject existing house, pool and pool deck shall be constructed in accordance with the proposed site plan, provided by the applicant dated received September 8, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a zero (0) foot, 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, proposed site plan, originally submitted site plan, existing site plan and photographs.



Variance Petition No. V09-041

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 8, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Angelia Evert	Angelia Evert	Joe Fritz

PROPERTY INFORMATION

Address, Land Lot(s), and District	4700 Northside Drive Land Lot 117, District 17
Council District	6
Frontage and Area	177.89 feet of frontage along the west side of Northside Drive. The subject property has a total area of approximately 1.4471 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) Primary variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required side yard setback from 25 feet to 15 feet to allow for expansion of an existing single-family house.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-041 - 1) APPROVAL CONDITIONAL

4700 Northside Drive



Aerial

4700 Northside Drive



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

CASE NUMBER: V09-041

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

REQUEST:

The applicant is seeking a primary variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required side yard setback from 25 feet to 15 feet to allow for expansion of an existing single-family house.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have 177.8 feet of frontage along Northside Drive. The lot has a trapezoidal shape with a significant topography change on the southeast portion of the property. The existing house is set to the west side of the parcel along the side setback. The applicant is requesting to expand the undersized bedroom with a two-hundred and seventy square foot addition. The property is heavily wooded next to the proposed addition. The proposed addition would reduce the required twenty-five (25) foot setback to fifteen (15) feet. The proposed addition would be located approximately one-hundred and fifty (150) from Northside Drive.

Staff notes the surrounding lots in the immediate vicinity to the north, east and south have the same R-3 zoning as the subject property. The properties to the south are zoned located in the City of Atlanta.

Department Comments

The staff held a Focus Meeting on September 2, 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	▪ Refer to Sandy Spring Fire ordinance Sec. 22-34. Sprinkler protection requirements. (5) All new one-family and two-family dwellings with a fire separation distance of less than 20 feet from another dwelling structure, or closer than ten feet to the property line, must be sprinkled with an approved automatic fire protection system in accordance with NFPA 13D as adopted by the office of the insurance and safety fire commissioner in the kitchen and fuel fired equipment rooms.
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's to have an addition encroach into the side yard setback. Additionally, other houses in the area are built close to the property line. 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 City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The subject parcel has a significant change in topography on the southeast corner of the property. 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 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)

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

- 1) The proposed addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received September 24, 2009 by the Department of Community Development, for the variance(s) herein, showing a reduction in the required twenty-five (25) side setback to no less than fifteen (15) feet where necessary to accommodate the portion of the encroachment(s) only.

ATTACHMENTS: Letter of appeal, site plan and photo.



Variance Petition No. V09-039

HEARING & MEETING DATES

Design Review Board
September 8, 2009

Board of Appeals Hearing
October 8, 2009
November 12, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
John White

Petitioner
John White

Representative
John White

PROPERTY INFORMATION

Address, Land Lot,
and District. 6074 Roswell Road (SR 9)
Land Lot 89, District 17

Council District 3

Frontage and Area Approximately 82.59 feet of frontage along the west side of Roswell Road (SR 9).
The subject property has a total area of .3788 acres.

Existing Zoning
and Use C-1 (Community Business District) currently developed with a Florist Shop.

Overlay District Main Street District.

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

INTENT

The applicant is seeking a primary variance from Section 33.18.H of the Zoning Ordinance to allow two (2) roof signs.

The subject application was deferred at the October 8, 2009 Board of Appeals (BOA) meeting for thirty (30) days to allow the applicant time to work with Staff and discuss alternative designs.

DESIGN REVIEW BOARD RECOMMENDATION

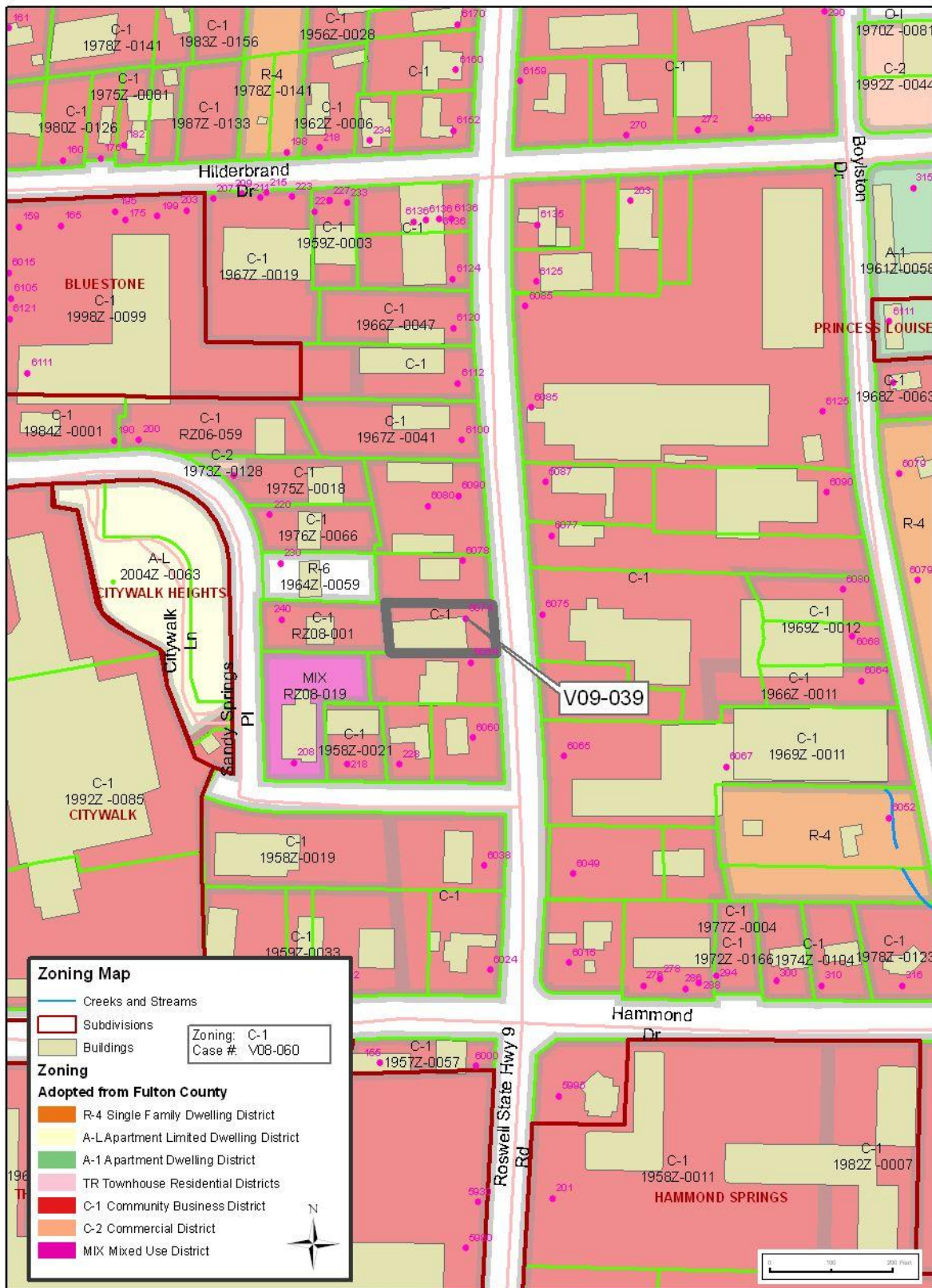
The application was heard at the September 8, 2009 DRB meeting. The request was recommended for APPROVAL (4-0, Porter, Gregory, Landeck, and Mobley for; Richard and Westmoreland absent; Lichtenstein not voting) with the following conditions: 1) The sign shall not exceed 38 square feet. 2) The sign should be attached to a raceway set between the existing columns allowing the architectural EIFS to show through and be visible on all side of the signs. (similar to the signs at Sandy Springs Plaza)

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-039- APPROVAL CONDITIONAL

Parcel Map

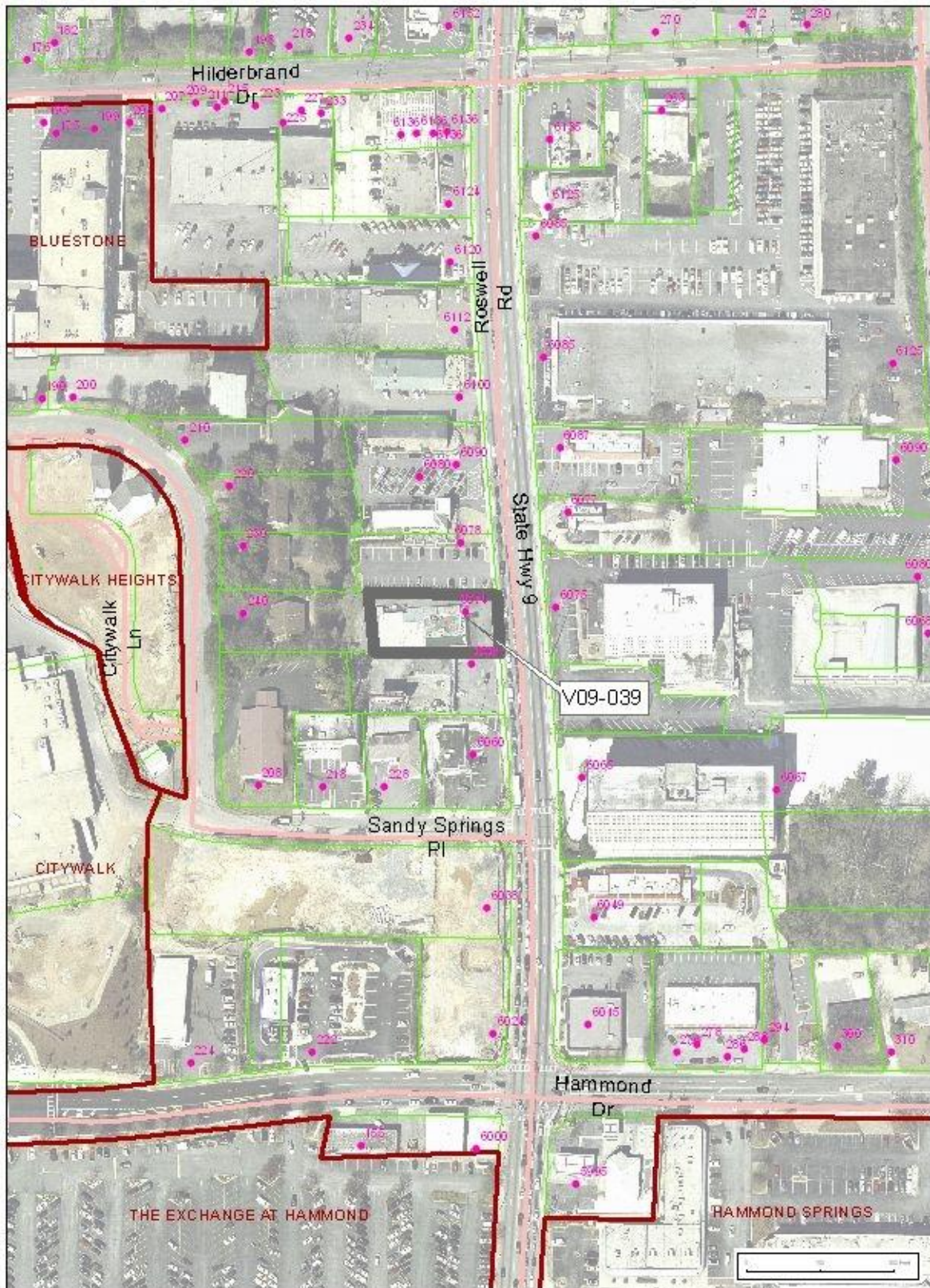
6074 Roswell Road



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

Aerial Map

6074 Roswell Road



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: V09-039

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

REQUEST:

The applicant is seeking a primary variance Section 33.18.H of the Zoning Ordinance to allow for two (2) roof signs.

Staff Analysis:

This petition involves the Botany Bay Florist located at 6074 Roswell Road (SR 9). This business has been at this location for 37 years. The applicant upgraded the existing exterior of the building and reconfigured the front of the building with insulated glass. Because of this renovation the applicant's options to install wall signs on the building were limited. The applicant proposes to install signs that are classified as roof signs. Therefore, a variance is required as the Zoning Ordinance prohibits the use of roof signs.

The applicant is seeking relief from the Zoning Ordinance to attach two (2) roof signs on the east elevation of the building facing Roswell Road. The applicant's request is for two (2) signs, but only one will be installed initially, second sign is for a future tenant. The proposed signs are to identify the names of the tenants in the building.

Following the DRB recommendations the applicant has reviewed his application, modifying the signs design and reducing the proposed square footage of both signs to thirty-five (35) square feet, which is less than the 5% allowable for a wall sign. The proposed signs are to be attached to the columns that are built into the front walls. The signs will be internally illuminated channel letters measuring 20"H x126"L with acrylic faces each.

Following the recommendations of the Board of Appeals on October 22, 2009 the applicant met with Staff. The following alternatives were considered:

- Placing signs on the cupola. This alternative would not serve the purpose of the sign ordinance which is to use the signs as a means of effective communication, because no one would be able to identify the appropriate entrance to each business.
- Placing signs on the two sections of the building on both side of the main body of the building. This option presents the inconvenience that these two sections of the building don't have enough wall area to attach a wall sign.
- The proposed location. Staff and applicant agree that this gives the best balance to the building as well as the most effective way to display the names of the businesses. The applicant has reduced the square footage of the proposed signs and proposes to install

Channel letter signs not exceeding 12 sqft each with the raceway located between two (2) columns.

Department Comments

The staff held a Focus Meeting on September 2, 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 33.12.D. of the City's Zoning Sign Ordinance includes one or more criteria which must be met before a sign 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:

- 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.**

Not applicable. The lot does not present any topographical challenges to justify the approval of this variance.

- 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.**

Not applicable. The natural features of the lot do not present any challenges to justify the approval of this variance.

RECOMMENDATION:

Applicant and staff have considered different signs designs and locations and concluded that there are some limitations for the location of the signs due to the building design. Placing signs on the cupola would not serve the purpose of the sign ordinance which is to use the signs as a means of effective communication, because no one would be able to identify the appropriate entrance to each business; placing signs on the two sections of the building on both side of the main body of the building presents the inconvenience that these two sections of the building don't have enough wall area to attach a wall sign and the building glass façade does not provide adequate wall area to attach wall signs.

Staff is of opinion that the proposed location is the most advantageous sign location, providing good visibility and balance to the building. Staff recommends approval due to the unique physical conditions of the building and not the topography of the site. The proposed location allows the applicant to serve all intents and purposes of the sign ordinance, which is to encourage the effective use of signs as a means of communication. Based upon this review, staff recommends APPROVAL of the variance request.

Recommended Conditions:

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

1. Allow two (2) roof signs with a maximum area of twelve (12) square feet each.
2. The proposed roof signs shall be consistent with the sign detail submitted to the City dated received October 26, 2009.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking a primary variance from Section 33.18.H of the Zoning Ordinance to allow for a Roof sign.	The Design Review Board recommended APPROVAL with the following conditions: 1) The sign shall not exceed 38 square feet. 2) The sign should be attached to a raceway set between the existing columns allowing the architectural EIFS to show through and be visible on all side of the signs. (similar to the signs at Sandy Springs Plaza)	1. Allow two (2) roof signs with a maximum area of twelve (12) square feet each. 2. The proposed roof signs shall be consistent with the sign detail submitted to the City dated received October 26, 2009.	Nor the topography or the natural features of the lot preclude this site from having a sign, but the absolute design of the building. The City of sandy Springs finds that signs are a necessary component of a commercial environment.



Variance Petition No. V09-042

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 8, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
HSSW Powers Ferry Retail, LLC	HSSW Powers Ferry Retail, LLC	Ted Sandler

PROPERTY INFORMATION

Address, Land Lot, and District	6400 Powers Ferry Road. Land Lots 204, 205, 210, 211 of the 17 District
Council District	6
Frontage and Area	Approximately 3,500 feet of frontage along the south side of Powers Ferry Road and 815.0 feet of frontage along Northside Drive. The subject property has a total area of 54.11 acres
Existing Zoning and Use	Mix (Mixed Use District) conditional under Fulton County zoning case Z04 -142. The property is currently developed with residential uses and low rise buildings used for office/retail and restaurants.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	LWN (Living-Working Neighborhood)

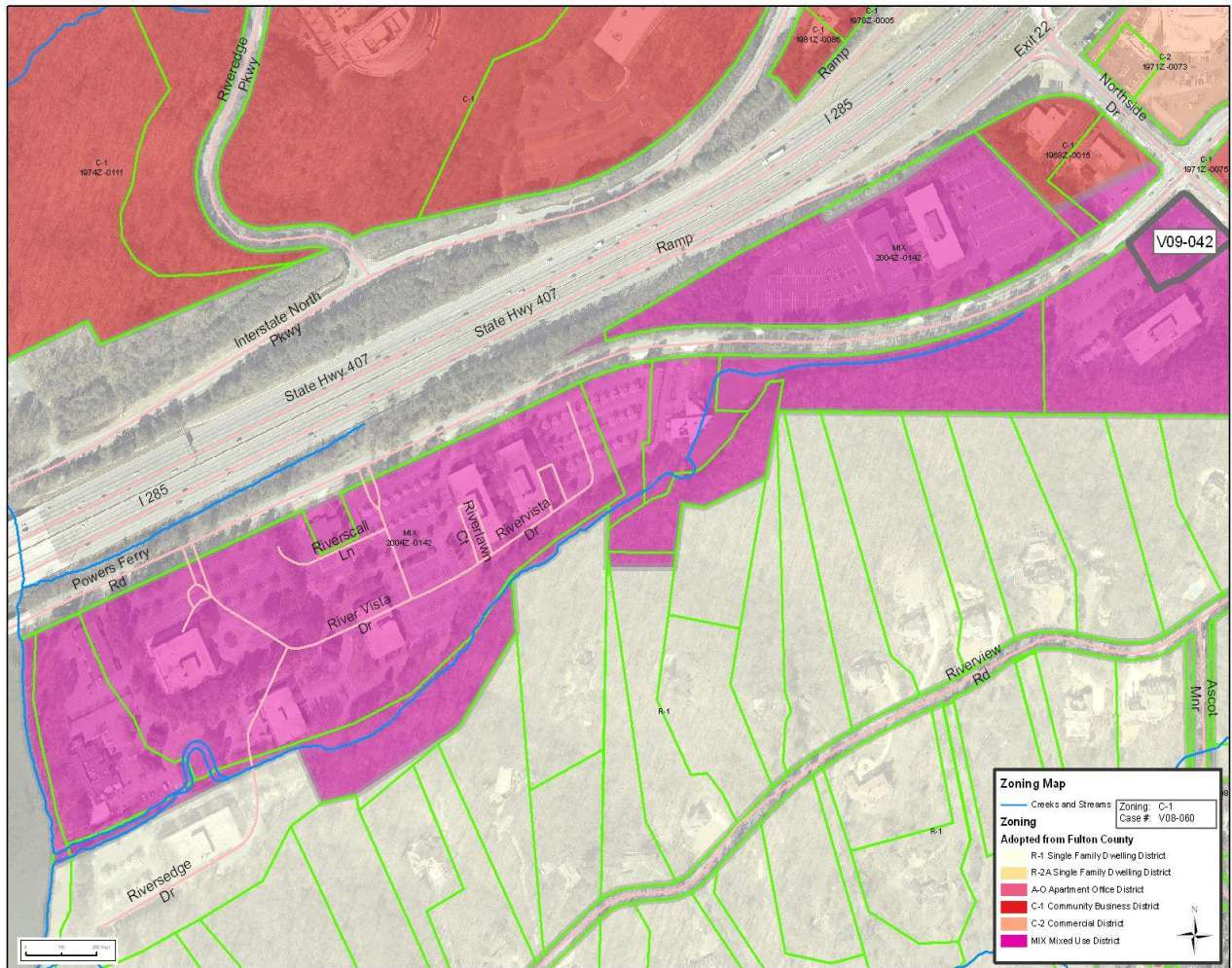
INTENT

The applicant is seeking a primary variance from Section 33.26.E.1.c of the Zoning Ordinance to allow for an additional monument sign on a lot with more than 1,000 linear feet of frontage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V09-042- APPROVAL CONDITIONAL

Parcel

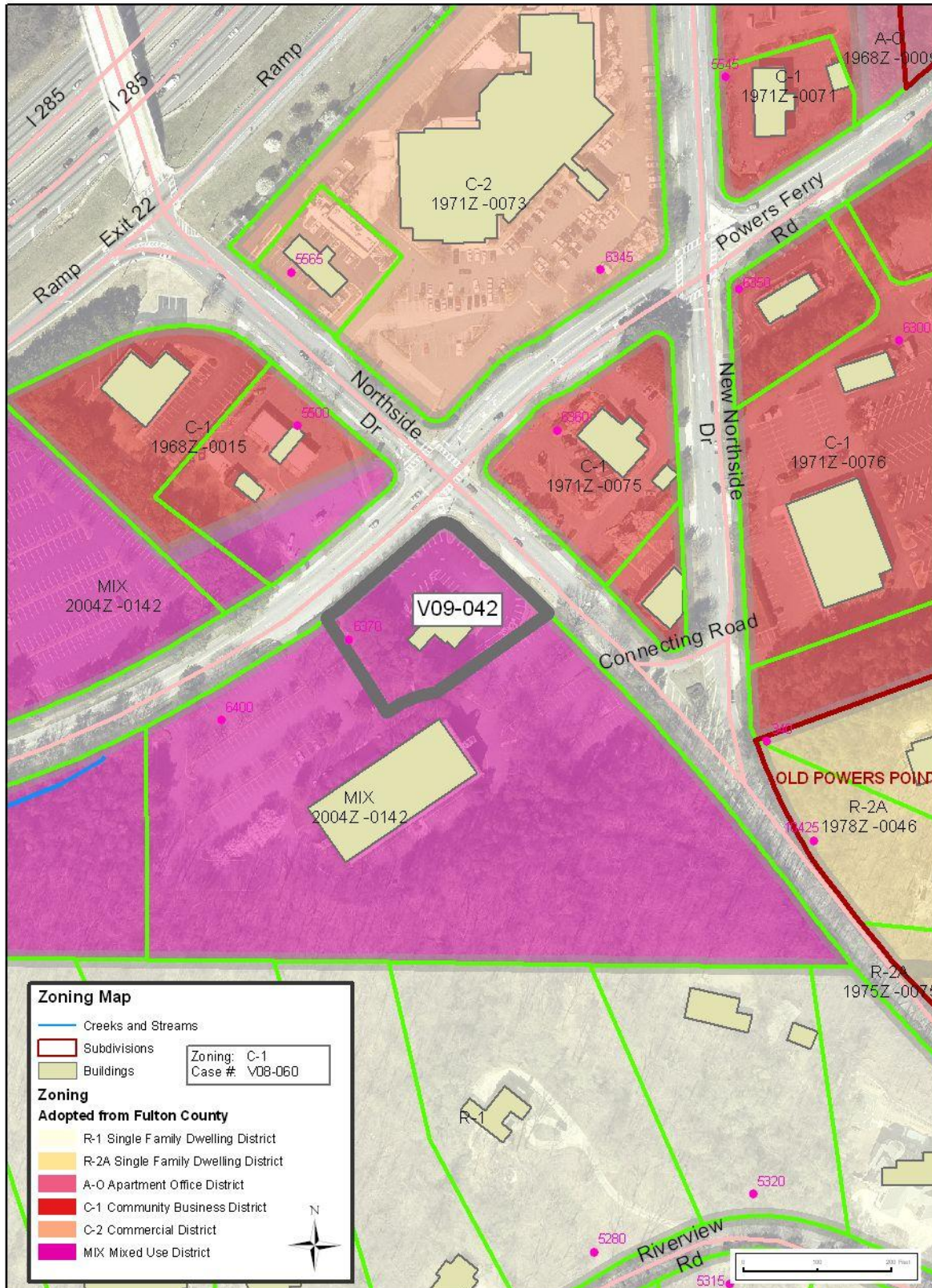
6370 Powers Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

Parcel

6370 Powers Ferry Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

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

CASE NUMBER:

V09-042

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

A variance from Section 33.26.E.1.c of the Zoning Ordinance to allow for an additional monument sign on a lot with more than 1,000 linear feet of frontage.

ANALYSIS:

This property is identified as Powers Ferry Landing containing approximately fifty-four (54) acres, subdivided in zones, 1 thru 6. The subject of this variance is Zone 6, as per site development zone plan dated receive June 25, 2007 by the Department of Community Development and part of zoning case file Z04-142 (See Exhibit 1). It is being developed with office, retail, restaurant, and residential uses under the ownership of five different entities, although it remains zoned as one property. The current zoning of the subject property is MIX (Mixed Use District). The parcel for which this variance is sought previously housed a Wachovia bank branch, and is currently being redeveloped with retail and office, anchored by CVS pharmacy. This project is located at the intersection of Northside Drive and Powers Ferry Road.

The staff of the Planning and Zoning Division reviewed a sign permit application package to place signs for CVS. Permits were issued for an identification sign on the Northside Drive street frontage and wall signs on the north and west elevation of the building. It was determined that a variance was needed to allow an identification sign on the Powers Ferry Road frontage (west elevation), as Article 33.26.E.1.c Mixed Use District allows properties which lots have more than one thousand (1,000) linear feet of frontage, only one (1) maximum seventy-two (72) square foot freestanding sign per street frontage. There are four (4) existing signs in the property along the Powers Ferry Road frontage advertising One River Place, Medica, Olive's Masterside, and Ray's on the River (as shown in exhibits 2, 3, 4 and 5). This request is to add an additional sign along the Powers Ferry Road frontage to effectively advertise the tenants of the project. The applicant states that although there are four (4) additional freestanding signs along the Powers Ferry Road frontage, the nearest sign to the proposed sign location is approximately 1,200 feet away.

The proposed sign location is in an area designated as City's right-of-way. Therefore, prior to consideration of this variance, the applicant was required to obtain approval from Public Works Department as the City's attorney has determined that the Board of Appeals is not to considerate variances for signs in the right-of-way, as an alternative, the applicants are required to obtain approval from Public Works Department when in City's right-of-way or from Georgia Department of Transportation when in State's right-of-way.

The Public Works Department provided: "Public Works has no objection to the proposed sign location for the CVS located at Northside Drive and Powers Ferry Road as long as it is located outside of the AASHTO clear zone requirement. The clear zone for this location would be a minimum of 14' from the edge of traveled way. Additionally, the applicant will be required to complete an indemnification agreement prior to issuance of sign permit ".

The applicant proposes to install an identification sign with a Brick cabinet and base, externally illuminated. The sign is to be thirty-two (32) square feet in area, eight (8) feet height.

Department Comments

The staff held a Focus Meeting on September 2, 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 Department, Transportation, Planner	▪ Public Works has no objection to the proposed sign location for the CVS located at Northside Drive and Powers Ferry Road as long as it is located outside of the AASHTO clear zone requirement. The clear zone for this location would be a minimum of 14' from the edge of traveled way. Additionally, the applicant will be required to complete an indemnification agreement prior to issuance of sign permit.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 33.12.D. of the City's Zoning Sign Ordinance includes one or more criteria which must be met before a sign 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:

- 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.**

Not applicable. The lot does not present any topographical challenges to justify the approval of this variance.

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.**

The Ordinance only allows one sign per street frontage per lot. Though the development is made up of multiple parcels, it is zoned under one case and therefore considered a single lot. The entire property has approximately 3,500 linear feet of frontage on the south property line, along which there are four parcels, each with its own use. Each parcel has its own sign. To add an additional sign along the Powers Ferry frontage for the CVS parcel a variance is required. Staff is of opinion that the characteristics of this large development such as: approximately 3,500 linear feet of frontage, four parcels along the same property line, each with its own use and each parcel with its own sign, preclude the applicant to have a sign that is in compliance with the standards. One sign for the entire development will not provide adequate signage for such a large frontage.

RECOMMENDATION:

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance request. Should the Board of Appeals choose to approve the request, staff recommends the following condition(s):

1. The sign and sign installation shall be consistent with the design details received on August 4, 2009 and the site plan dated received August 4, 2009 by the Department of Community Development.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking a variance from Section 33.26.E.1.c of the Zoning Ordinance to allow for an additional monument sign on a lot with more than 1,000 linear feet of frontage.	NA.	The sign and sign installation shall be consistent with: the design details received on August 4, 2009 and the site plan dated received August 4, 2009 by the Department of Community Development.	The Ordinance does not provide for large developments comprised of more than one parcel for each parcel to have its own identification sign.