



Variance Petition No. 201402380

HEARING & MEETING DATES

Board of Appeals Hearing
October 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Doris and Jeff Muir

Petitioner
Doris and Jeff Muir

Representative
Ron Grudger

PROPERTY INFORMATION

Address, Land Lot(s), and District
5125 Marbury Circle
Land Lot 135, 17th District

Council District
6 (Andy Bauman)

Frontage
Approximately 160 feet of frontage along the south side Londonbery Road.
Approximately 243 feet of frontage along the west side of Marbury Circle.

Area
Approximately 1.0086 acres

Existing Zoning
R-2 (Single family dwelling district)

Existing Use
Single family dwelling unit

Overlay District
N/A

2027 Comprehensive Future Land Use Map Designation
Residential 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing to construct a single family residence. The applicant is requesting one (1) primary variance(s) as follows:

1. Primary variance from section 6.2.3.D of the Zoning Ordinance to reduce the required forty (40) foot rear yard setback to fifteen (15) feet to allow construction of a single family dwelling unit.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402380 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from section 6.2.3.D of the Zoning Ordinance to reduce the required forty (40) foot rear yard setback to fifteen (15) feet to allow construction of a single family dwelling unit.

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 Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The existing lot is covered approximately 50% by stream buffer. A variance would allow construction of a house consistent with other recently constructed houses in the neighborhood while keeping the proposed development out of the stream buffer. 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 applicant is requesting a reduction in the rear yard setback as the lot is covered considerably by stream buffer. The encroachment of stream buffer significantly decreases the buildable area on the lot. Based on this consideration, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday, September 3, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to allow construction of a single family residence.

Recommended Condition(s)

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

- 1) To reduce the required rear yard setback from 40 feet to 15 feet for the construction of a house as shown on the site plan dated received July 2, 2014 by the Department of Community Development.

ATTACHMENTS:

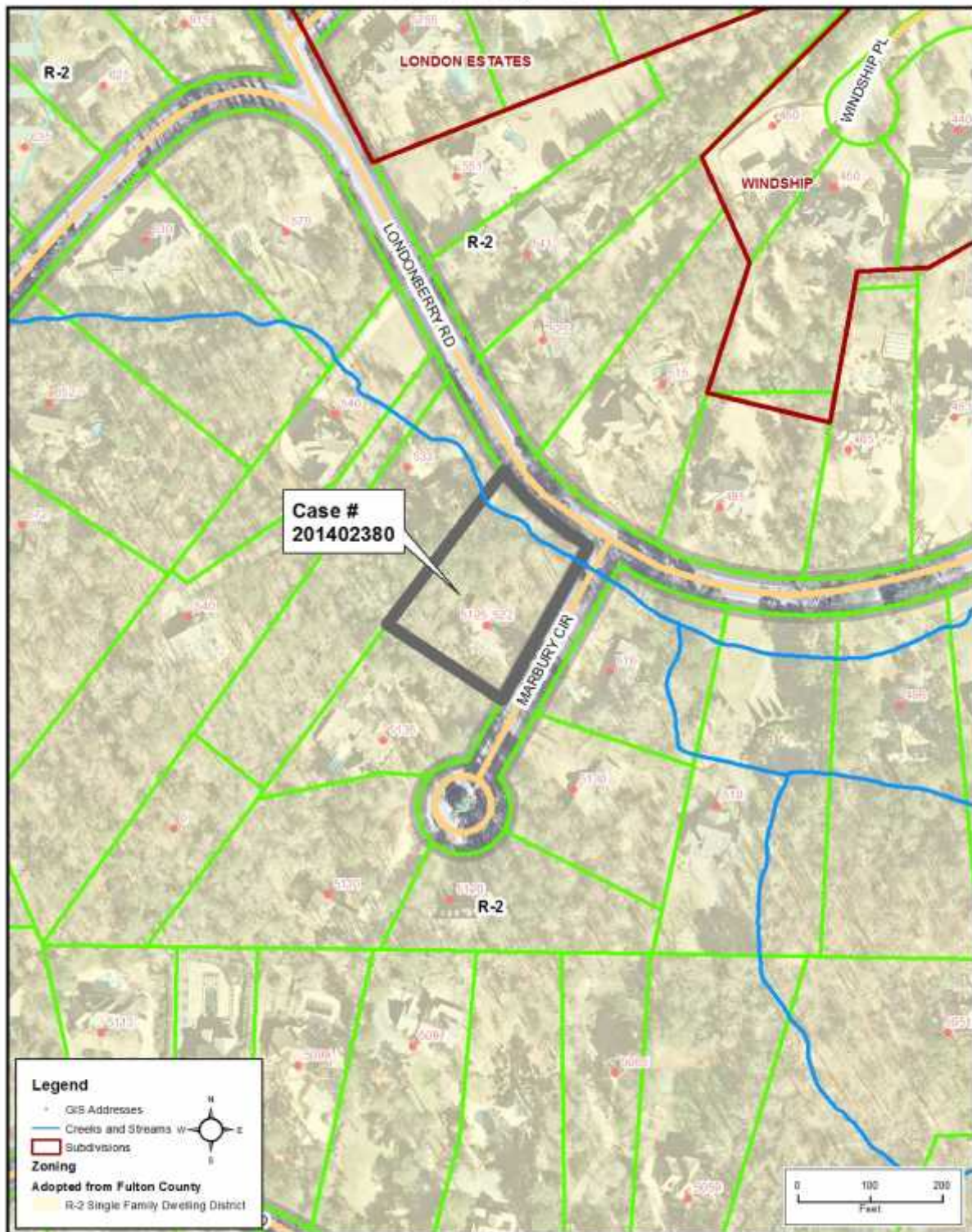
Parcel Map

Proposed Site Plan – Dated received July 2, 2014

Applicant Correspondence with adjacent property owners – Dated received August 25, 2014

Photographs

5125 Marbury Circle





Variance Petition No. 201402496

HEARING & MEETING DATES

Board of Appeals Hearing
October 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Theodore A. Speaker	Theodore A. Speaker	Theodore A. Speaker

PROPERTY INFORMATION

Address, Land Lot(s), and District	355 Forest Valley Court Land Lot 67, 17 th District
Council District	5 (Tibby DeJulio)
Frontage	Approximately 96 feet of frontage along the south side of Forest Valley Court.
Area	Approximately 0.411 acres
Existing Zoning	R-3 (Single family dwelling district)
Existing Use	Single family dwelling unit
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation	Residential 1 to 2 units per acre (R1-2)
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INTENT

The applicant is proposing to park a recreational vehicle at the rear of the property. The applicant is requesting one (1) primary variance(s) as follows:

1. Primary variance from Section 18.5.B of the Zoning Ordinance to allow the parking/vehicle storage outside of the buildable area.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402496 – 1) DENIAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 18.5.B of the Zoning Ordinance to allow the parking/vehicle storage outside of the buildable area.

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 Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The applicant indicates a camper would need to be parked in the non-buildable area in order to access to the existing garage on the house. The parking area would be located within nine (9) feet of the rear property line, twenty-four (24) feet into the non-buildable area. The applicant indicates that due to an existing twelve (12) foot high wall the camper would not be seen by others. Based on these considerations, staff is of the opinion that this condition has not 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 property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. The applicant indicates that the parking area is located in an existing "pit" and due to this topography the camper would not be seen. Staff believes that, although unlikely to be seen from Forest Valley Court, that the camper would likely be visible from adjacent properties to the rear. Based on these considerations, staff is of the opinion that this condition has not been satisfied.

Department Comments

Focus Meeting held on Wednesday, September 3, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **DENIAL** of the variance request to allow the parking/vehicle storage outside of the buildable area.

Recommended Condition(s)

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

- 1) To allow the parking/vehicle storage outside of the buildable area as shown on the site plan dated received July 11, 2014 by the Department of Community Development.
- 2) Provide screening of the camper and storage site from properties to the south and east of the applicant's property, subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS:

Parcel Map

Proposed Site Plan – Dated received July 11, 2014

Applicant Correspondence with adjacent property owners – Dated received July 11, 2014

Photographs

355 Forest Valley Court





Variance Petition No. 201402612

HEARING & MEETING DATES

Board of Appeals Hearing
October 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Ted Meleky

Petitioner
John Lawless

Representative
John Lawless

PROPERTY INFORMATION

Address, Land Lot(s), and District	7060 Glenridge Drive Land Lot 33, 17 th District
Council District	4 (Gabriel Sterling)
Frontage	Approximately 110 feet of frontage along the west side of Glenridge Drive.
Area	Approximately 0.505 acres
Existing Zoning	CUP (Community Unit Planed District) (Conditional under Z63-0044)
Existing Use	Single family dwelling unit
Overlay District	N/A

2027 Comprehensive Future Land Use Map Designation Residential 2 to3 units per acre (R2-3)

INTENT

The applicant is proposing to construct a sun room at the rear of the house. The applicant is requesting one (1) primary variance(s) as follows:

1. Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402612 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer.

Stream Buffer Protection Ordinance

	Existing Site (square feet)	Proposed Plan (square feet)	Net Change (square feet)
0' – 25' State Buffer	0	0	0
25' – 50' Undisturbed Buffer	219	219	0
50' – 75' Impervious Surface Setback	1,630	1,630	0
Total Impervious Surface encroaching in Stream Buffer	1,849	1,849	0

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. The stream buffer covers more than three-fourths of the lot. The applicant states the enclosure of sunroom will occur on an existing impervious surface and will not expand the amount of impervious surfaces in the stream buffer. Due to the applicable stream buffers, there is not a sufficient buildable area outside of the stream buffer for expansion of the home. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Finding:

The stream buffer covers a majority of the existing property. As detailed in the table above and shown on the site plan, the applicant has proposed limited impact to the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer. Staff notes that the stream buffer covers more than three-fourths of the lot. Based on these reasons, staff is of the opinion this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

The stream buffer covers approximately 75% of the buildable area of the lot. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

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

Finding:

The locations of all streams and property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

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

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

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

Findings:

The variance request is for the construction of accessory structures customarily incidental to a single family residence. Based on the coverage of the lot by the stream buffers, no alternatives that were less intrusive were possible. Staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

The applicant is proposing to pull the proposed improvements on an existing impervious surface and does not include expansion of impervious surface in the stream buffers. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, September 3, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to construct a sun room at the rear of the house.

Recommended Condition(s)

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

- 1) To reduce the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to construct a sun room at the rear of the house, as shown on the site plan dated received August 9, 2014 by the Department of Community Development. The proposed enclosure should occur only on the existing impervious pad; no additional pervious surfaces permitted.

ATTACHMENTS:

Parcel Map

Proposed Site Plan – Dated received July 22, 2014

Revised Proposed Site Plan – Dated received August 9, 2014

Site Photograph – Dated received July 22, 2014

7060 Glenridge Drive





Variance Petition No. 201402757

HEARING & MEETING DATES

Board of Appeals Hearing
October 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner
Jarrett Jack

Petitioner
Jarrett Jack

Representative
Chris Moffitt

PROPERTY INFORMATION

Address, Land Lot(s), and District 310 Heards Ferry Road
Land Lot 133, 17th District

Council District 6 (Andy Bauman)

Frontage Approximately 192 feet of frontage along the south side of Heards Ferry Road.
Approximately 312 feet of frontage along the west side of Mount Vernon Highway NW.

Area Approximately 1.03 acres

Existing Zoning R-2 (Single family dwelling district) (Conditional under Z95-0070)

Existing Use Single family dwelling unit

Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Residential 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing to construct an accessory structure at the rear of the property. The applicant is requesting one (1) primary variance(s) as follows:

1. Primary variance from Section 6.2.3.C and 6.2.3.D of the Zoning Ordinance to reduce the required side and rear setbacks for construction of an accessory structure.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201402757 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 6.2.3.C and 6.2.3.D of the Zoning Ordinance to reduce the required side and rear setbacks for construction of an accessory structure.

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 Zoning Ordinance is to maintain the character and uniformity of the neighborhood. The accessory structure would lie almost entirely outside the buildable area. The existing property and adjacent properties have accessory structures in the rear yards. Two street frontages creates a different situation from adjacent properties however it is in harmony with the surrounding area. 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 property has unique shape and has street frontage on two of its property lines. The proposed structure would be located on the side of the property opposite of the public right-of-way. Considerable screening currently exists along the Mount Vernon Highway property line. Based on these considerations, staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday, September 3, 2014, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to allow construction of a pool, pool deck, accessory structure, and driveway.

Recommended Condition(s)

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

- 1) Primary variance from Section 6.2.3.C and 6.2.3.D of the Zoning Ordinance to reduce the required side and rear setbacks for construction of an accessory structure as shown on the site plans dated received August 1, 2014 and August 15, 2014 by the Department of Community Development.
- 2) Existing screening along the Mount Vernon Highway frontage should remain as currently sited.

ATTACHMENTS:

Parcel Map

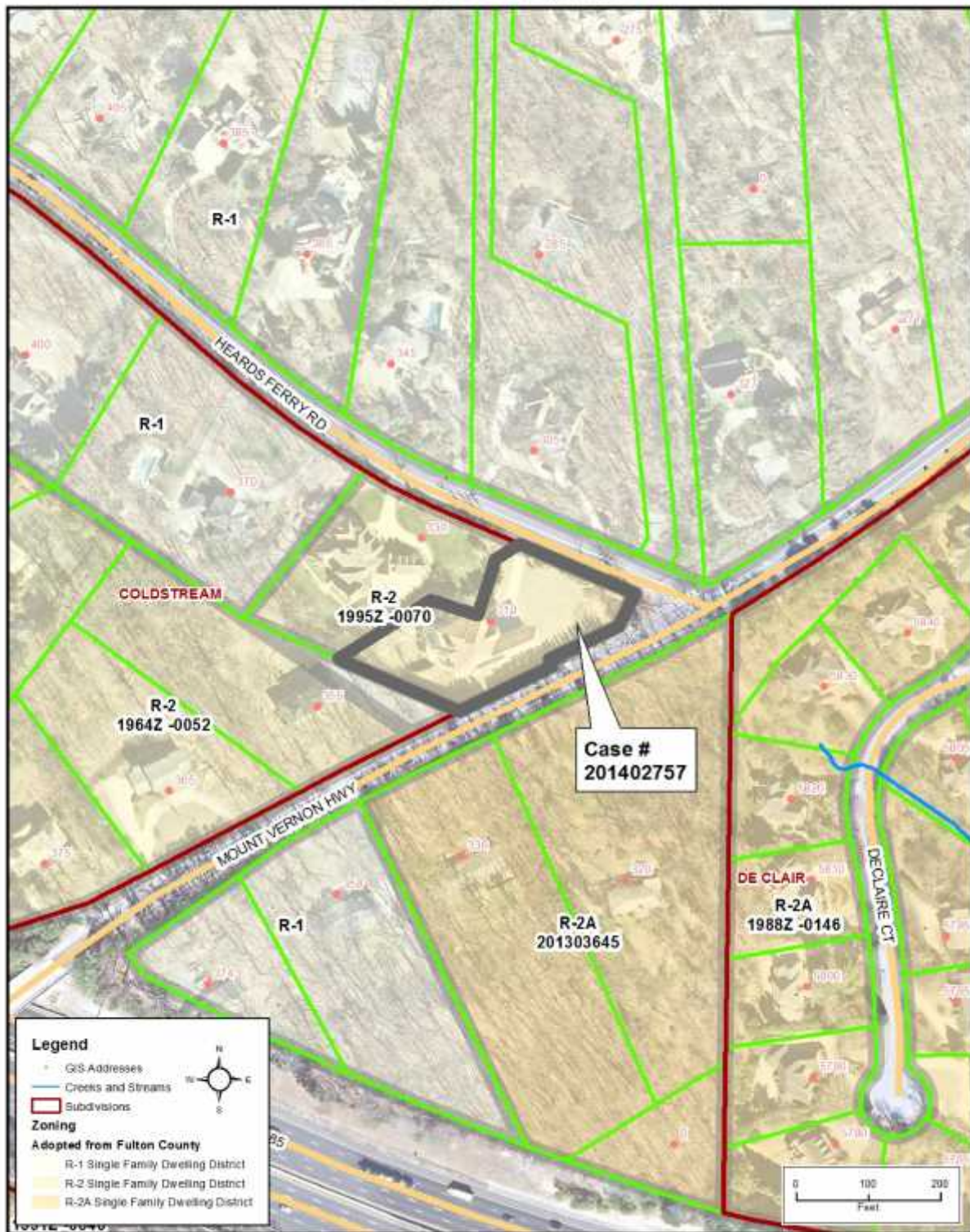
Proposed Site Plan – Dated received August 1, 2014

Renderings of Proposed Accessory Structure – Dated received August 15, 2014

Applicant Correspondence with adjacent property owners – Dated received August 15, 2014

Photographs

310 Heards Ferry Road





Variance Petition No. 201402837

HEARING & MEETING DATES

Planning Commission Hearing
September 18, 2014

Board of Appeals Hearing
October 9, 2014

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Sandy Springs Gateway Owner	Sandy Springs Gateway Owner	Elizabeth Weiner

PROPERTY INFORMATION

Address, Land Lot(s), and District 4600 Roswell Road
Land Lot 94 and 126, District 17

Council District 6 (Andy Bauman)

Frontage Approximately 971.52 feet of frontage along Roswell Road.

Area The subject property has a total area of 21.246 acres.

Existing Zoning and Use MIX (Mixed Use District) conditional under zoning case 201201766.
The subject property is currently been developed with apartments, retail/commercial/restaurant and office.

Overlay District Suburban District

2027 Comprehensive Plan Future Land Use Map Designation Live Work-Neighborhood(LWN), Node: 1 Windsor Parkway

INTENT

The applicant seeks primary variance from Section 33.26.H.2 of the Sandy Springs Zoning Ordinance to install wall signs on non-street facing walls.

The applicant's request is as follows:

1. To install a wall sign on the south elevation of building A.
2. To install wall signs on the north and south elevations of building B.
3. To install wall signs on the north and south elevations of building C.
4. To install wall signs on the first and second floors of the north and south elevations of building D.
5. To install wall signs on the first and second floors of the north and south elevations of building E.
6. To install wall sign on the north elevation of building F.
7. To install wall sign on the north elevation of building G.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

- 201402837- 1) APPROVAL CONDITIONAL
2) APPROVAL CONDITIONAL
3) APPROVAL CONDITIONAL
4) APPROVAL CONDITIONAL
5) APPROVAL CONDITIONAL
6) APPROVAL CONDITIONAL
7) APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION

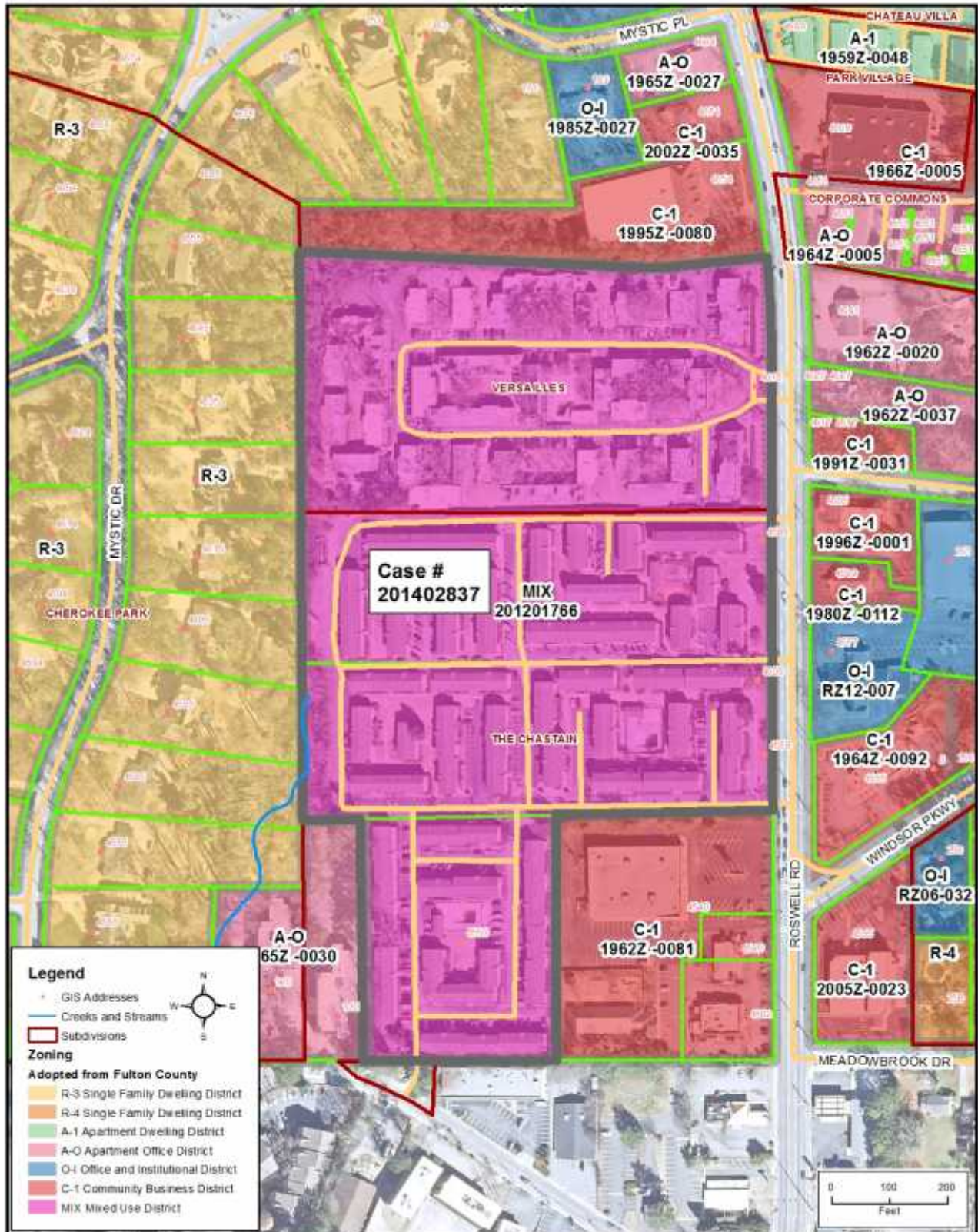
Recommended Approval (5-0, Maziar, Porter, Tart, Squire, Frostbaum and Nickles for; Duncan not voting) of Variance from Section 33.26.H.2 of the Zoning Ordinance to install wall signs on non-street facing walls as follows:

1. To install a wall sign on the south elevation of building A.
2. To install wall signs on the north and south elevations of building B.
3. To install wall signs on the north and south elevations of building C.
4. To install wall signs on the first and second floors of the north and south elevations of building D.
5. To install wall signs on the first and second floors of the north and south elevations of building E.
6. To install wall sign on the north elevation of building F.
7. To install wall sign on the north elevation of building G.

With Staff conditions.

Parcel Map

4600 Roswell Road (SR9)



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 9, 2014

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

CASE NUMBER: 201402837
STAFF CONTACT: Cristina Nelson, Senior Planner 770-206-1516
E-mail: cnelson@sandyspringsga.gov

Staff Analysis:

The subject property is the Sandy Springs Gateway located at 4600 Roswell Road. The mixed use development combines national and local restaurant, grocery and specialty retailers and includes both an office and residential component.

The applicant states "the theme of Sandy Springs Gateway is one of vitality and community. Gateway - Sandy Springs is an artfully designed environment where people want to live, shop, and eat. The retail component has an expression of vitality and energy that is distinct from the residential component of the development. It is intended to showcase a collection of exciting and inviting tenant designs that collectively build a welcoming environment. We will encourage Tenants to design their spaces to enhance the design of the architecture as well as in the placement/design of their signage". The Retail Phase 2 project site area is approximately 8.405 acres occupied with seven (7) buildings, two of which are two story buildings; building D and E.

The property's only frontage is along Roswell Road and totals 971.52 linear feet. The property drops in elevation an average of 15 feet; measured from Roswell Road to the back of Buildings D & E and a North-South cross slope of 21 feet. "These conditions create significant visibility issues of buildings/spaces from Roswell Road".

The applicant has indicated the purpose of these variances are to provide signage visibility for the tenants. Providing proper visibility for businesses from all points and entrances is necessary for their sustainability. The signs are used to establish the identities of the tenants and to give clear functional information.

The Sandy Springs Zoning Ordinance provides:

Section 33.26.H.Sandy Springs Overlay District

2. 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 which shall meet the following standards:
- ii. The non-street facing wall sign shall not exceed five percent (5%) of the applicable wall area.
 - iii. The total of both signs shall not exceed 225 square feet.

The applicant's request is as follows:

1. To install a wall sign on the south elevation of building A.
Building A is situated on the northernmost location of the development and approximately 185' from Roswell Road right of way.
The ordinance provides for signs to be on street facing walls. Therefore, this tenant is allowed to have a sign on the east elevation of the building. The Zoning Ordinance provides that if a tenant is not advertised on the ID monument of the development can have a second wall sign which can be a non-street facing sign. This tenant will be advertised on the ID monument therefore can only have one wall sign, facing the street. The applicant has indicated that having a sign on the south elevation of building A will provide visibility for the patrons within the development. Because this elevation is not street facing wall, a variance is required.
2. To install wall signs on the north and south elevations of building B.
Building B is located adjacent to the northern entrance to the development and approximately 5' from Roswell Road right of way. Based on the provisions of the Zoning Ordinance building B is allowed to have signs on the east and west elevations of the building if they are not advertised on the ID monument. The applicant is asking to have wall signs on the north and south elevations of the building for the tenants on suites B110 and B150.
3. To install wall signs on the north and south elevations of building C.
Building C is located adjacent to the southern entrance to the development and approximately 5' from Roswell Road right of way. Based on the provisions of the Zoning Ordinance building C is allowed to have signs on the east and west elevations of the building if they are not advertised on the ID monument. The applicant is asking to have wall signs on the north and south elevations of the building for the tenants on suites C110 and C150. Because these elevations are not street facing walls, a variance is required.
4. To install wall signs on the first and second floors of the north and south elevations of building D.
Building D is located approximately 240' from Roswell Road right of way and approximately 159' west of building B. Based on the provisions of the Zoning Ordinance building D is allowed to have sign on the east elevation of the building only as this building does not have street facing walls. The applicant is asking to have wall signs on the north and south elevations of the building for the tenants on suites D110, D150 and D230. and Because these elevations are not street facing walls, a variance is required. The traditional front elevation is obscured from the public right-of-way (Roswell Road) by Shop Buildings B and C, both of which are proposed to be over 26' height.
5. To install wall signs on the first and second floors of the north and south elevations of building E.

Building E is located approximately 240' from Roswell Road right of way and approximately 159' west of building C. Based on the provisions of the Zoning Ordinance building E is allowed to have sign on the east elevation of the building only as this building does not have street facing walls. The applicant is asking to have wall signs on the north and south elevations of the building for the tenants on suites E110, E140 and E230. Because these elevations are not street facing walls, a variance is required.

6. To install wall sign on the north elevation of building F.

Building F is situated on the southernmost location of the development, approximately 66.5' from Roswell Road right of way and adjacent to the south entrance. The ordinance provides for signs to be on street facing walls. Therefore, this tenant is allowed to have a sign on the east elevation of the building. The Zoning Ordinance provides that if a tenant is not advertised on the ID monument of the development, the building can have a second wall sign which can be a non-street facing sign. This tenant will be advertised on the ID monument therefore can only have one wall sign, facing the street. The applicant has indicated that having a sign on the north elevation of the building will provide visibility for the patrons within the development. Because the north elevation is not street facing wall, a variance is required.

7. To install wall sign on the north elevation of building G.

Building G is situated on the south-west location of the development, approximately 258' from Roswell Road right of way. The ordinance provides for signs to be on street facing walls. Therefore, this tenant is allowed to have a sign on the east elevation of the building. The Zoning Ordinance provides that if a tenant is not advertised on the ID monument of the development, the building can have a second wall sign which can be a non-street facing sign. This tenant will be advertised on the ID monument therefore can only have one wall sign, facing the street. The applicant has indicated that having a sign on the north elevation of the building will provide visibility for the patrons within the development. Because the north elevation is not street facing wall, a variance is required.

The applicant's request is intended to direct customers entering the stores from the parking lot to the main entry. These signs also help pedestrians and motorists alike, to locate these business once they enter this site. These sign locations are perpendicular to the adjoining public road (Roswell Road) therefore, the impact on traffic is very minimum.

These additional signs do not exceed the allowable 5% area allowed and can only be viewed from vantage points internal to the project site.

History

New Project

No Code Enforcement issues have been reported.

Standards for Consideration

Zoning Ordinance

1. Variance from Section 33.26.H.2: to install wall signs on non-street facing walls.

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:

There is approximately an average of fifteen (15) feet of difference in ground elevation between the adjoining public road (Roswell Road) and the back of buildings D & E, and approximately 21 feet of difference in ground elevation between the north property line and the south property line. The site layout, as dictated by the topography, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. Staff is of the opinion that the topography of the lot and the unique layout of the building present challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

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

Findings:

The layout of the buildings on this site presents a unique challenge since most of the stores entries are facing the parking lot, actually interior to the development away from the street. The requested signage assists customers with locating the entrances. Some of the requests are to include signage on the elevation to allow for visibility from its main parking area in front of the store to provide a visual cue as to the location of the entrance. Staff found that the natural features of the lot presents challenges justifying the approval of this variance. Therefore, staff is of the opinion this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on September 3, 2014 at which time the following departmental comments were provided:

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

Recommendation

The applicant has indicated that the unique site layout, as dictated by the topography create many challenges for using signage effectively to promote vehicular and pedestrian awareness and to improve the levels of pedestrian and vehicular safety outside of and within the project boundaries.

The Applicant believes that there is sufficient reason to approve the requested variances as allowed by Section 12.D, items 1 and 2 of the Sandy Springs Sign Ordinance. The Applicant offers support of the request for additional signage, outlined above, as follows:

Noted in the specific variance requests noted above, the topography of the project site, as well as the unique site layout, creates distinctive characteristics for this project which are not, nor could not have been contemplated, in a sign ordinance written to be applied to a typical commercial development.

These distinctive characteristics include, but are not limited to, a project site that has elevation difference from the SE corner to the NW corner, and new buildings sited on the unique topography of the site which partially, and in some cases entirely, block the visibility of the retailers from the existing public right-of-

way, as well as from vantage points within the project itself and buildings which are sited to face internally to the project and not to the public right of way which would be the norm. The applicant has indicated that the purpose for these variances is mainly to provide signage visibility for the businesses. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the stores located within the project and would be in harmony with the intent of the zoning ordinances. 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 this variance.

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

- 1) To allow for wall signs on non-street facing walls pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 2) To allow for a wall sign on the south elevation of building A pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 3) To allow for wall signs on the north and south elevations of building B pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 4) To allow for wall signs on the north and south elevations of building C pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 5) To allow for wall signs on the first and second floors of the north and south elevations of building D pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 6) To allow for wall signs on the first and second floors of the north and south elevations of building E pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 7) To allow for a wall sign on the north elevation of building F pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 8) To allow for a wall sign on the north elevation of building G pursuant to the sign location, submitted by the applicant, and dated received August 5, 2014 by the Department of Community Development.
- 9) Sizing of the signs are as shown on the elevations provided by the applicant with an exception that the maximum height be 36" instead of 2'6" for smaller tenants.

10) Signage shall not exceed the sizes specified in the zoning ordinance.

Attachments

Letter of Appeal, Property Survey, Sign Detail and Photographs.