



Variance Petition No. 201302558

HEARING & MEETING DATES

Board of Appeals Hearing

October 10, 2013

November 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Regency Centers, LP	The Juice Box/Harry Constantinescu	Eric Larsen

PROPERTY INFORMATION

Address, Land Lot(s), and District	6300 Powers Ferry Road Bldg. 500. Land Lot 205, 17 District
Council District	6
Frontage	Approximately 528.5 feet of frontage along the south side of Powers Ferry Road, and 358.91 feet of frontage along the east side of New Northside Drive.
Area	The subject property has a total area of 9.490 acres (413,363 square feet).
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County zoning case 71Z-0076, currently developed with a Shopping Center.
Overlay District	N/A.
2027 Comprehensive Plan Future Land Use Map Designation	Live-Work Community (LWC).

INTENT

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201302558 -1) APPROVAL CONDITIONAL

The petition was heard at the October 10, 2013 BOA hearing. The request was recommended for DEFERRAL (5-0, Coan, Carpinella, A. Johnson, E. Johnson, and Moller; Nodvin absent; Sandler recused) to November 14, 2013 hearing to give the business owner the opportunity to review existing signage and alternatives to apply.

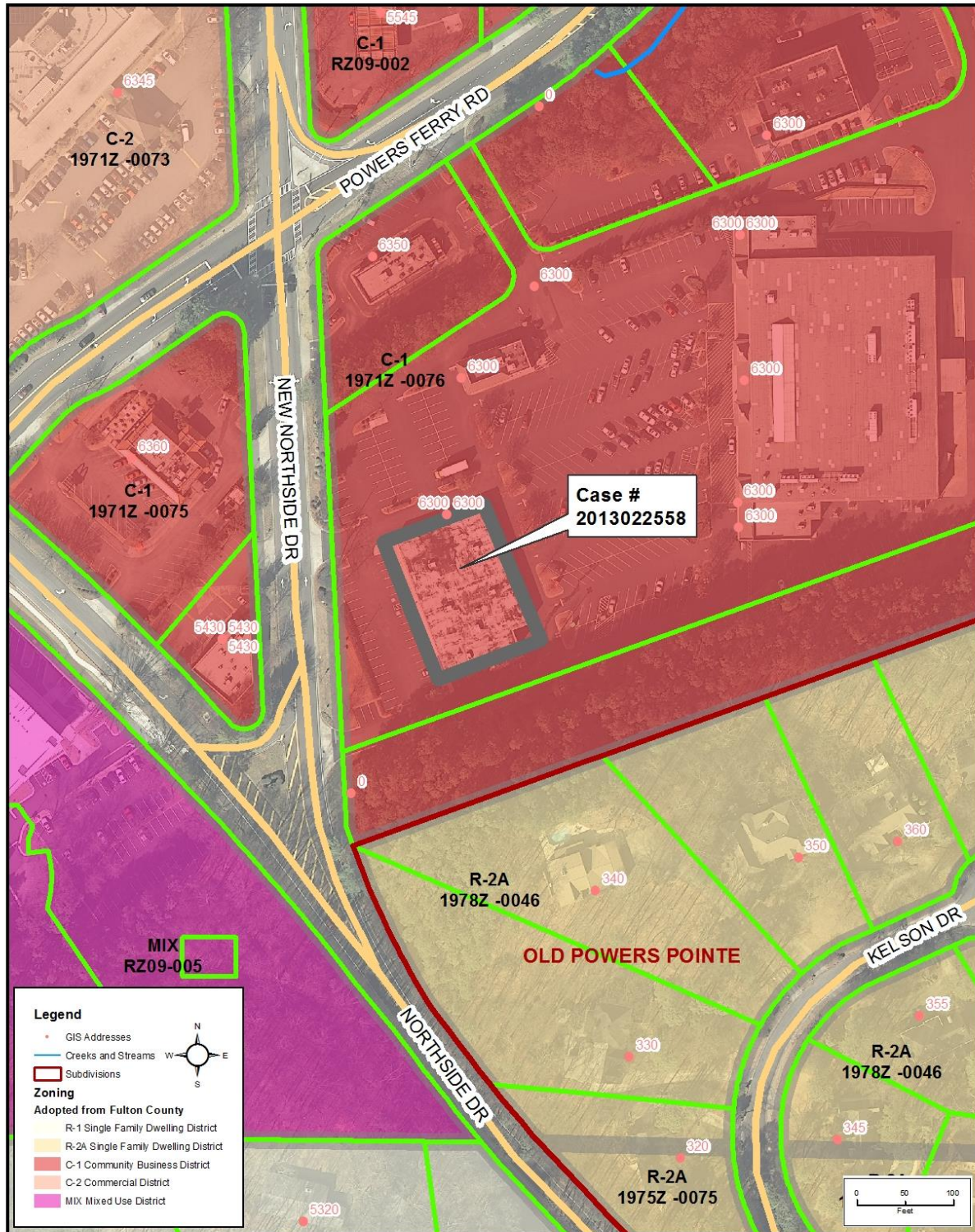
The applicant met with Staff and considered the following possibilities:

1. To have a sign on the east elevation and not to increase the size of the sign on the west elevation, which is sixteen (16) square feet.
2. To display internal signs throughout the development.
3. To increase the size of the sign on the west elevation to the 5% allowable (approx. 91.6sqft).

The applicant states that preferable would like to have option #1, as a sign on the east elevation provides the most exposure to the business. He explains that the south-west and north entrances to the center are the most frequent entrances used by patrons when visiting the center.

Parcel Map

6300 Powers Ferry Road #500



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

CASE NUMBER: 201302558

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

Staff Analysis:

The subject site is located at 6300 Powers Ferry Road. The property is currently zoned C-1 (Community Business District) conditional under Fulton County zoning case 71Z-006. Said tract or parcel of land contains 9.490 acres and is bordered on two different sides by streets. Approximately 528.5 feet of frontage along the south side of Powers Ferry Road, and 358.91 feet of frontage along the east side of New Northside Drive. The property is unique in that it differs from other developments because of its topography and it is bound by two (2) roads; one (1) of which is one way street.

The subject property is currently developed with a Shopping Center. The petitioner is a tenant that occupies one of the stand-alone buildings in the property. This building is located on the southwest corner of the property. While the building is adjacent to the New Northside Drive entrance, the visibility of the business is limited due to the topography of the property. There is a thirty (30) foot variation in elevation between the Powers Ferry Road finished grade at the north entrance and the building ground elevation, and approximately ten (10) feet of variation in elevation between New Northside Drive and the building ground elevation. The tenant "Juice Box" is a retail business and the building it occupies has only one visible elevation from the surrounding roads and that is the west elevation. The Juice Box building does not have exposure to the Powers Ferry Road traffic and the only indication of the business presence in the shopping center is a tenant panel on the free standing sign located on Powers Ferry Road.

The applicant states "Due to lack of visibility of the building and low presence of signage at the streets, having only two signs on the building the Juice Box occupies, limits the visual presence of the store on the shopping center. A third sign would help advertise the store presence to the patrons of the Publix shopping center and better able the store to continue its business in the community".

The Sandy Springs zoning ordinance provides:

Section 33.26.F.2 Commercial and Industrial Park Districts

Wall Signs. 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 (1) wall sign on the exterior wall of the business. Wall sign(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

The applicant is proposing to display a wall sign on the east elevation of the building, a wall that is not a street facing wall, but facing the parking lot. Therefore, a variance is needed to allow for a wall sign at this location.

The applicant's east building elevation contains approximately a total of 2,183.4 square feet of wall area. Per Section 33.26.F.2. of the Sandy Springs Zoning Ordinance, the applicant could be permitted a wall sign up to 5% of the total wall area, or one hundred-eighty (180) square feet whichever is less. A maximum of 109.17 sqft would be permitted.

The applicant states that a sign at the proposed location will further provide the visibility of the business from the parking lot and the visitors to the center and will assist in pinpointing their location within the shopping center.

History

The tenant "The Juice Box" has signs on the North elevation and the west elevation of the building. No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

Section 33.26.F.2 of the Zoning Ordinance to allow a wall sign on a non-street facing wall

Section 33.12.D. Standards

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

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

Findings:

While the building is adjacent to the New Northside Drive entrance the visibility of the business is limited due to the topography of the property. The unique site layout, quantity of existing businesses and the vertical nature of this project, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. There is approximately thirty (30) feet of variation in ground elevation between the Powers Ferry Road finished grade at the north entrance and the building ground elevation; and approximately ten (10) feet of difference in elevation between New Northside Drive and the building ground elevation. Staff is of the opinion that the topography of the lot 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 purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. When approaching the site traveling eastbound along Powers Ferry Road, none of the existing Juice Box signs are

visible to a motorist. A similar situation exists for a motorist traveling northbound on New Northside Drive. Therefore a motorist traveling northbound does not have sufficient time to identify the business and adequately determine access locations. Although a wall sign exists on the west elevation, the presence of vegetation limits the visibility of the signage. Staff is of the opinion that the natural features of the lot on which the sign is to be located and of the land immediately adjacent to the lot present challenges to justify the approval of this variance. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on September 4, 2013, 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 purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs.

The proposed wall sign at the proposed location will not have a negative impact on the surrounding properties as tenants on surrounding buildings have signs facing the parking lot; instead will provide information to the general public. The unique nature of this project creates many challenges for using signage effectively to promote vehicular and pedestrian awareness. Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and reasonable level of signage for the property and

would be in harmony with the intent of the zoning ordinance which is "To convey their message through signs".

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

1. To allow a wall sign on a non-street facing wall pursuant to the detail submitted by the applicant, dated received August 6, 2013 by the Department of Community Development.
2. The wall sign shall be located on the east elevation of the building pursuant to the site plan submitted by the applicant, dated received August 6, 2013 by the Department of Community Development.
3. The wall sign shall not exceed 5% of the applicable wall or 109.17 sqft.
4. West elevation sign shall be limited to 16sqft.

Attachments

Letter of Appeal
Property Survey
Sign Detail
Photographs