



Variance Petition No. V08-047

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

September 11, 2008 (deferred)

October 15, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Jeff and Carla Goldstein	Jeff and Carla Goldstein	Jim Lesti

PROPERTY INFORMATION

Address, Land Lots, and District	4875 Northland Drive Land Lot 40, District 17
Council District	5
Frontage and Area	150 feet of frontage along the east side of Northland Drive. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	The lot is zoned R-2 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2027 Comprehensive Future Land Use Map Designation	R1-2 Residential (1 to 2 units per acre)

INTENT

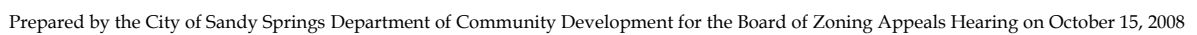
The applicant is requesting two (2) primary variances:

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer to allow for a paver driveway. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet and
- 2) Variance from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

On May 30, 2008, a notice of violation was issued to the applicant for violations to include: working without a permit, non-control of sedimentation, and work within a stream buffer of a lake.

At the September 11, 2008 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-047) because the Public Works Department identified the need for an additional variance request not originally considered. The additional variance request, added above, is from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

4875 Northland Drive



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

CASE NUMBER: V08-047

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

BACKGROUND:

A lake, having a buffer that is the subject of this application, is located at the front of 4875 Northland Drive, adjacent to the front property line. From Northland Drive, an existing driveway crosses a culvert that serves the aforementioned lake and is perpendicular to the front property line and is adjacent and parallel to the southern side property line. The eastern half of the existing driveway and the existing house on the subject property are being demolished. The applicant constructed a new section of paver driveway that connects to the western portion of the existing driveway to remain on 4875 Northland Drive. The aforementioned new section of paver driveway on 4875 Northland Drive will "loop into" a driveway to the north that serves 4889 Northland Drive.

On May 30, 2008, a notice of violation was issued to the applicant for violations to include: working without a permit, non-control of sedimentation, and work within a stream buffer.

At the September 11, 2008 Board of Zoning Appeals (BZA) meeting, the Board voted to defer the subject application (V08-047) because the Public Works Department identified the need for an additional variance request not originally considered. The additional variance request, added below, is from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

REQUEST:

The applicant is requesting relief as follows:

- 1) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer to allow for a paver driveway. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet and
- 2) Variance from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street.

ANALYSIS:

The applicant has submitted a site plan and topographical maps indicating the subject property to be parallelogram in shape and sloping from the back of the property toward the front. A lake is located at the front of the property, adjacent to the Northland Drive right-of-way.

The applicant states part of the work included in the driveway construction would be replanting the buffer between the driveway and the lake according to a submitted landscape plan. The proposed buffer plantings would actually reduce the surface area runoff that would wash into the state waterway if they were not implemented. Additionally, the applicant states it would also be very attractive and help to appreciate the value of the property.

The applicant states the subject driveway matches the paver driveway on the northern adjacent property in color and style, thereby creating a uniform look. The pavers are "dry laid", meaning they are more pervious to rainwater.

The applicant states due to the steeper and more difficult grades further away from the driveway, the current location suites the site best. The overall site grading and site disturbance have been reduced by locating the driveway in its current location. The current location works well with the existing grades.

The applicant states the turning radius of the existing subject driveway is less severe as currently constructed within the buffer than if the driveway were constructed outside the buffer. Thus, it is safer as constructed within the buffer.

The applicant states the current house and rear asphalt driveway on 4875 Northland Drive is being removed and replaced with new green space. This will reduce the overall hardscape on the property by about 4,800 square feet; thereby reducing the overall surface runoff. The current property has 8,000 square feet of impervious surface (23.6% of the total square footage of the property). The new changes, including the driveway, would have only 3,200 square feet of impervious surface (9.5% of the total square footage of the property).

Staff notes the applicant has not created a new curb cut, but, rather has utilized an existing curb cut once used as a part of a driveway serving a house that has been demolished and was numbered 4875 Northland Drive.

Department Comments

The staff held a Focus Meeting on August 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Standard stream buffer comments and conditioned to an approved stream buffer revegetation plan.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ The driveway at this location does not conform to the City's Driveway Manual or development policies. Northland Drive is a collector road, and residential dwellings are limited to a single curb cut on collector or higher order streets. The construction of this driveway is in violation of the City's policies. City regulations limit the number and location of curb cuts on roads classified as collectors for safety and operational reasons. Allowing a single curb cut per residential property limits the potential points of conflict for higher volume streets. Given the existing policy violations and the safety implications, Public Works does not recommend this variance.
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states part of the work included in the driveway construction would be replanting the buffer between the driveway and the lake according to a submitted landscape plan. The proposed buffer plantings would actually reduce the surface area runoff that would wash into the state waterway if they were not implemented. Additionally, the applicant states it would also be very attractive and help to appreciate the value of the property.

The applicant states the subject driveway matches the paver driveway on the northern adjacent property in color and style, thereby creating a uniform look. The pavers are "dry laid", meaning they are more pervious to rainwater.

The applicant states the turning radius of the existing subject driveway is less severe as currently constructed within the buffer than if the driveway were constructed outside the buffer. Thus, it is safer as constructed within the buffer.

The applicant states the current house and rear asphalt driveway on 4875 Northland Drive is being removed and replaced with new green space. This will reduce the overall hardscape on the property by about 4,800 square feet; thereby reducing the overall surface runoff. The current property has 8,000 square feet of impervious surface (23.6% of the total square footage of the property). The new changes, including the driveway, would have only 3,200 square feet of impervious surface (9.5% of the total square footage of the property).

Staff notes the applicant has not created a new curb cut, but, rather has utilized an existing curb cut once used as a part of a driveway serving a house that has been demolished and was numbered 4875 Northland Drive.

2. *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;*

The applicant has submitted a site plan and topographical maps indicating the subject property to be parallelogram in shape and sloping from the back of the property toward the front. A lake is located at the front of the property, adjacent to the Northland Drive right-of-way.

The applicant states due to the steeper and more difficult grades further away from the driveway, the current location suites the site best. The overall site grading and site disturbance have been reduced by locating the driveway in its current location. The current location works well with the existing grades.

Recommended Condition(s)

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

- 1) The paver driveway and landscaping shall be installed in accordance with the proposed site plan and landscape plan, provided by the applicant dated received July 21, 2008 by the Department of Community Development, for the variance herein, showing two curb-cuts serving a single family dwelling and showing the reduction of the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer where necessary to accommodate the portion(s) of the driveway encroachment only. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) 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.
- 4) 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.
- 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.
- 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) A stream bank revegetation plan shall be submitted by the applicant and shall be reviewed for approval by the City Arborist.
- 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 plans, landscape plan, and photographs.



Variance Petition No. V08-052

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 15, 2008 (deferred)

November 13, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Amir Tahamtan	Amir Tahamtan	Amir Tahamtan

PROPERTY INFORMATION

Address, Land Lot(s), and District	5995 Riverside Drive Land Lot 133, District 17
Council District	3
Frontage and Area	415 feet of frontage along the east side of Riverside Drive and 210 feet of frontage along the south side of Heard's Ferry Road. The subject property has a total area of approximately 2.00 acres.
Existing Zoning and Use	The lot is zoned R-1 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A

2027

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

The applicant is requesting two (2) primary variances:

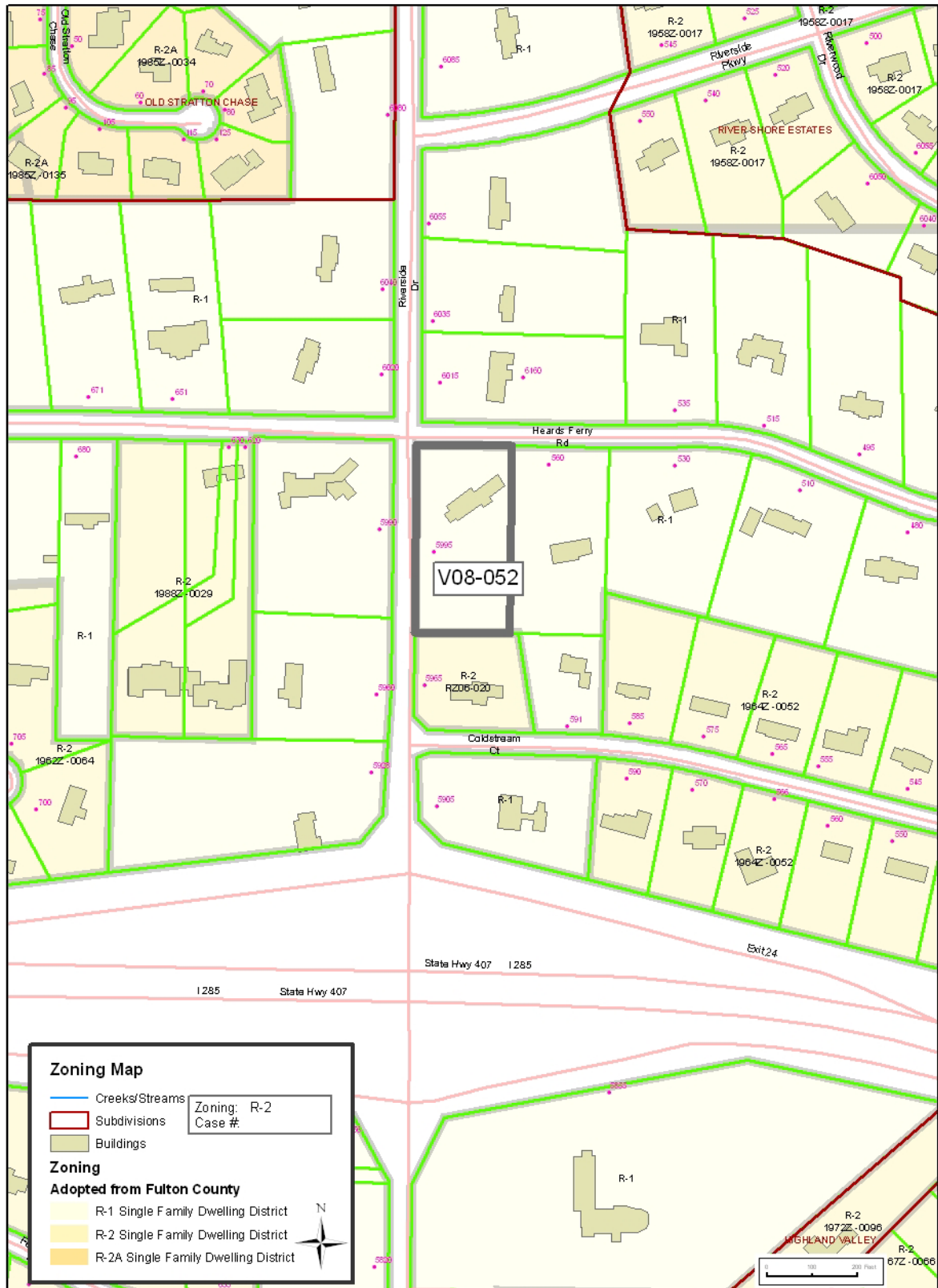
- 1) Variance from Section 4.11.D.4 of the Zoning Ordinance to reduce the required three (3) foot landscape strip between a fence/wall and a right-of-way to zero (0) feet and
- 2) Variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback of a fence/wall from a public right-of-way to zero (0) feet.

The subject property appears to have different types of fences/walls adjacent to front, side, and rear property lines. It is apparent the applicant intended to construct an additional 150 foot section of fence/wall along a southern portion of the side property line, abutting Riverside Drive, that would match the pillar and metal picket style that currently exists along the remaining portion of the side property line adjacent to Riverside Drive and the entire front property line adjacent to Heard's Ferry Road. As the subject 150 foot section of fence/wall construction was under way, the applicant called the City to see if a permit was required to remove trees that may be affected. Upon a site visit, the City placed a stop work order on the subject property, issued a notices of violations, and a citations for constructing

without a required permit and for not controlling soil erosion. The case has since been adjudicated.

At the October 15, 2008 Board of Zoning Appeals (BZA) meeting, the Board deferred the subject application until the November 13, 2008 meeting to allow time to resolve sidewalk and permitting issues.

5995 Riverside Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 13, 2008

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

CASE NUMBER: V08-052

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

BACKGROUND:

The subject property appears to have different types of fences/walls adjacent to front, side, and rear property lines. It is apparent the applicant intended to construct an additional 150 foot section of fence/wall along a southern portion of the side property line, abutting Riverside Drive, that would match the pillar and metal picket style that currently exists along the remaining portion of the side property line adjacent to Riverside Drive and the entire front property line adjacent to Heards Ferry Road. As the subject 150 foot section of fence/wall construction was under way, the applicant called the City to see if a permit was required to remove trees that may be affected. Upon a site visit, the City placed a stop work order on the subject property, issued a notices of violations, and a citations for constructing without a required permit and for not controlling soil erosion. The case has since been adjudicated.

At the October 15, 2008 Board of Zoning Appeals (BZA) meeting, the Board deferred the subject application until the November 13, 2008 meeting to allow time to resolve sidewalk and permitting issues.

REQUEST:

The applicant is requesting relief from Section 4.11.D.4 of the Zoning Ordinance to reduce the required three (3) foot landscape strip between a fence/wall and a right-of-way to zero (0) feet and from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback of a fence/wall from a public right-of-way to zero (0) feet.

ANALYSIS:

The applicant has submitted a site plan and photographs indicating the subject property to be rectangular in shape and a corner lot. Trees line the side property line adjoining the Riverside Drive right-of-way. A stream is located at the back of the lot, adjacent to the southern rear property line.

The applicant states in order to meet the required landscape strip and right-of-way setback ordinance regarding fences/walls, several trees along Riverside Drive would have to be cut down and removed.

The applicant states the following reasons why variances are needed for building the subject 150 foot section of fence/wall:

- a) Currently, when it rains heavily, it causes dirt from existing land conditions to wash out through the drain system, at the front of the applicant's house, and directly into the creek. The solution would be a grass sidewalk.
- b) Currently, when it heavily rains, the existing topography causes dirt to wash out directly into the creek. The solution to the erosion problem would be a short wall and some small landscaping.
- c) The applicant has three large dogs that have been trying to dig under the existing fence, and the applicant is afraid the dogs will get out and get hit by a vehicle. The solution would be to build the fence/wall as proposed.

The applicant states most of the properties adjacent to the subject property, with the exception of a few, have built their fences/walls on property lines. The applicant states he is requesting the same privilege.

The applicant states some of the properties adjacent to the subject property appear to have fences/walls way inside the right-of-way line.

The applicant states the proposed section of wall would add beauty to the City, and, without a variance, the applicant would be forced to remove a lot more trees which would in no way help our environment.

Staff notes the applicant has stated a permit was issued, under Fulton County, which included the section of wall/fence now under consideration. Currently, Staff is not in possession of a copy of the aforementioned permit. Additionally, Staff has done research and has determined an accurate average cost to construct a five (5) foot wide sidewalk would be about \$19.00 a lineal foot.

Department Comments

The staff held a Focus Meeting on September 3, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ The applicant called to see if a permit was required to remove the trees not the extension of the wall.
BUILDING AND PERMITTING	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

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states in order to meet the required landscape strip and right-of-way setback ordinance regarding fences/walls, several trees along Riverside Drive would have to be cut down and removed.

The applicant states the following reasons why variances are needed for building the subject 150 foot section of fence/wall:

- a. Currently, when it rains heavily, it causes dirt from existing land conditions to wash out through the drain system, at the front of the applicant's house, and directly into the creek. The solution would be a grass sidewalk.
- b. Currently, when it heavily rains, the existing topography causes dirt to wash out directly into the creek. The solution to the erosion problem would be a short wall and some small landscaping.

- c. The applicant has three large dogs that have been trying to dig under the existing fence, and the applicant is afraid the dogs will get out and get hit by a vehicle. The solution would be to build the fence/wall as proposed.

The applicant states most of the properties adjacent to the subject property, with the exception of a few, have built their fences/walls on property lines. The applicant states he is requesting the same privilege.

The applicant states some of the properties adjacent to the subject property appear to have fences/walls way inside the right-of-way line.

The applicant states the proposed section of wall would add beauty to the City, and, without a variance, the applicant would be forced to remove a lot more trees which would in no way help our environment.

2. *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;*

The applicant has submitted a site plan and photographs indicating the subject property to be rectangular in shape and a corner lot. Trees line the side property line adjoining the Riverside Drive right-of-way. A stream is located at the back of the lot, adjacent to the southern rear property line.

Recommended Condition(s)

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

- 1) The proposed 150 foot section of fence/wall shall be constructed in accordance with the proposed site plan, provided by the applicant dated received August 5, 2008 by the Department of Community Development, for the variance herein, showing the reduction of the required three (3) foot landscape strip between a fence/wall and a right-of-way to zero (0) feet and showing the reduction of the required three (3) foot setback of a fence/wall from a public right-of-way to zero (0) feet.
- 2) The exterior construction material, color, and design of the proposed fence/wall shall be similar to the maximum possible extent to the existing fence/wall adjacent to Riverside Drive and Heard's Ferry Road.

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



Variance Petition No. V08-053

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 15, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
971 Davis Drive, LLC and John & Patricia Inman	971 Davis Drive, LLC and John & Patricia Inman	Scott W. Peters

PROPERTY INFORMATION

Address, Land Lot(s), and District	4756 Woodvale Drive and 971 Davis Drive Land Lots 176 & 177, District 17
Council District	6
Frontage and Area	35 feet of frontage along the west side of Woodvale Drive and 220 feet of frontage along the north side of Davis Drive. The subject properties have a total area of approximately 5.78 acres.
Existing Zoning and Use	The lot is zoned R-1 (Single-family Dwelling District). The properties are developed with single-family residences.
Overlay District	N/A

2027

Comprehensive Future Land Use Map Designation

R0-0.5 Residential (0 to 0.5 units per acre)

INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 4756 Woodvale Drive (existing flag lot) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback and
- 2) Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the minimum side yard setback from 25 feet to 6.2 feet for an attached garage and to 4 feet for an awning at 4756 Woodvale Drive and to 11 feet for a wood deck at 971 Davis Drive.

All variances are to allow for the reconfiguration of two (2) existing lots.

Staff recommends deferral of the subject application (V08-053) because after a site visit, the City Arborists determined what is indicated as a drainage swale on the 971 Davis Drive site plan to be State Waters. Staff has determined an additional variance, not considered under V08-053, is required from the Stream Buffer Protection Ordinance and should be added to the scope of the subject variance application.

Parcel Map

4756 Woodvale Drive & 971 Davis Drive



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

CASE NUMBER: V08-053

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

BACKGROUND:

Staff recommends deferral of the subject application (V08-053) because after a site visit, the City Arborists determined what is indicated as a drainage swale on the 971 Davis Drive site plan to be State Waters. Staff has determined an additional variance, not considered under V08-053, is required from the Stream Buffer Protection Ordinance and should be added to the scope of the subject variance application.

REQUEST:

The applicant is requesting relief as follows:

- 1) Variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 4756 Woodvale Drive (existing flag lot) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback and
- 2) Variance from Section 6.1.3.C of the Zoning Ordinance to reduce the minimum side yard setback from 25 feet to 6.2 feet for an attached garage and to 4 feet for an awning at 4756 Woodvale Drive and to 11 feet for a wood deck at 971 Davis Drive.

All variances are to allow for the reconfiguration of two (2) existing lots.

ANALYSIS:

The applicant has provided site plans indicating the subject properties to be irregular in shape. Property numbered 971 Davis Drive has a stream located across the rear yard, behind the existing house. Property numbered 4756 Woodvale Drive has a pipeline easement located through the middle of it, north of the existing house. Currently, 971 Davis Drive and 4756 Woodvale Drive are "Grandfathered" for having less than a required minimum side yard setback. Currently, 4756 Woodvale Drive is "Grandfathered" for being a flag lot. Currently, 971 Davis Drive is "Grandfathered" for having a house structure within a Stream Buffer.

Staff notes property numbered 4756 Woodvale Drive is also "Grandfathered" for having a pool deck against a western property line where a minimum of a ten (10) foot setback is required. If the proposed lot configurations are approved, the resulting setback of the existing pool deck would be a minimum of eighty-five (85) feet from the aforementioned western property line.

The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance; therefore, due to the fact all the requested variances are to allow for the reconfiguration of two (2) existing lots that are either legally non-conforming and/or have legally non-conforming structures, the listed variances numbered 1 – 2 would be required to address existing conditions.

The applicant states the following:

The subject variance requests are to permit the re-platting of two adjoining lots on Davis Drive and Woodvale Road. The purpose of this variance application is to allow the transfer of 0.761 acres from the property located at 971 Davis Drive to the property located at 4756 Woodvale Road. The requested re-platting will not create or exacerbate any non-conforming conditions, but will in fact correct a rear yard set back issue of a pool deck for 4756 Woodvale Road.

Mr. and Mrs. Inman are the owners of 4756 Woodvale Road. The property, as it currently exists, consists of a flag lot on Woodvale Road containing 3.017 acres. The Inman's purchased the property in April 2005. At that time, the improvements to the property had already been constructed, and the Inman's unfortunately inherited several encroachments into the building setbacks which had been allowed to occur by Fulton County during the original construction of the home. After transfer, 4756 Woodvale Road would contain 3.771 acres.

971 Davis Drive LLC, is the owner of the property located at 971 Davis Drive. This property is currently improved with an older home which will likely be demolished in order for the redevelopment of the property. The existing improvements of the property are located within the current side yard set-back lines to the east. Also, although the property currently varies slightly from its original platting (due to the transfer of a small "notch" of property to the adjoining owner on that side), the property satisfies the current lot width requirement as measured along the same angle as the road frontage (219.20'). As a result, the sole variance required for this lot is the existing side yard set back encroachment. After transfer, this property will consist of 2.0 acres, the minimum for the R-1 zoning of the property.

The proposed transfer of the property from 971 Davis Drive to the Inman's property will eliminate the rear yard set back encroachment of a pool deck at 4756 Woodvale Road, and will also allow the Inman's to have legal ownership of property which the previous owners of 971 Davis Drive had previously allowed them to utilize. Further, the 971 Davis Drive property will be redeveloped in a manner which cannot properly utilize the property intended to be transferred due to the topography of the property. As noted on the current survey, the existing house is located towards the front of the lot, and there is a dry drainage swale (stream) that divides the front of the property from the rear. As a result, the proposed transfer does not create any hardship or challenges in the ultimate redevelopment of 971 Davis Drive as the rear of the property is not easily accessible.

As noted above, the requested variances are intended to allow for the approval of existing conditions which the current owners of the properties did not create. Rather, the requested variances are necessary solely to allow the re-platting of the properties in accordance with the requested transfer of 0.761 acres of property between these two lots. The requested variances are the minimum necessary to bring the existing conditions into compliance with current Sandy Springs requirements.

Department Comments

The staff held a Focus Meeting on September 3, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ Applicant should be advised that if 971 Davis Dr is served by a septic system, the revised property lines shall not impact existing septic system, for example, by resulting in offsite septic serving the lot.
	Arborist/Landscape Architect	▪ Standard stream buffer comments
BUILDING AND PERMITTING	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

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

Currently, 971 Davis Drive and 4756 Woodvale Drive are “Grandfathered” for having less than a required minimum side yard setback. Currently, 4756 Woodvale Drive is “Grandfathered” for being a flag lot. Currently, 971 Davis Drive is “Grandfathered” for having a house structure within a Stream Buffer.

Staff notes property numbered 4756 Woodvale Drive is also “Grandfathered” for having a pool deck against a western property line where a minimum of a ten (10) foot setback is required. If the proposed lot configurations are approved, the resulting setback of the existing pool deck would be a minimum of eighty-five (85) feet from the aforementioned western property line.

The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance; therefore, due to the fact all the requested variances are to allow for the reconfiguration of two (2) existing lots that are either legally non-conforming and/or have legally non-conforming structures, the listed variances numbered 1 – 2 would be required to address existing conditions.

The applicant states the following:

The subject variance requests are to permit the re-platting of two adjoining lots on Davis Drive and Woodvale Road. The purpose of this variance application is to allow the transfer of 0.761 acres from the property located at 971 Davis Drive to the property located at 4756 Woodvale Road. The requested re-platting will not create or exacerbate any non-conforming conditions, but will in fact correct a rear yard set back issue of a pool deck for 4756 Woodvale Road.

Mr. and Mrs. Inman are the owners of 4756 Woodvale Road. The property, as it currently exists, consists of a flag lot on Woodvale Road containing 3.017 acres. The Inman's purchased the property in April 2005. At that time, the improvements to the property had already been constructed, and the Inman's unfortunately inherited several encroachments into the building setbacks which had been allowed to occur by Fulton County during the original construction of the home. After transfer, 4756 Woodvale Road would contain 3.771 acres.

971 Davis Drive LLC, is the owner of the property located at 971 Davis Drive. This property is currently improved with an older home which will likely be demolished in order for the redevelopment of the property. The existing improvements of the property are located within the current side yard set-back lines to the east. Also, although the property currently varies slightly from its original platting (due to the transfer of a small "notch" of property to the adjoining owner on that side), the property satisfies the current lot width requirement as measured along the same angle as the road frontage (219.20'). As a result, the sole variance required for this lot is the existing side yard set back encroachment. After transfer, this property will consist of 2.0 acres, the minimum for the R-1 zoning of the property.

The proposed transfer of the property from 971 Davis Drive to the Inman's property will eliminate the rear yard set back encroachment of a pool deck at 4756 Woodvale Road, and will also allow the Inman's to have legal ownership of property which the previous owners of 971 Davis Drive had previously allowed them to utilize.

As noted above, the requested variances are intended to allow for the approval of existing conditions which the current owners of the properties did not create. Rather, the requested variances are necessary solely to allow the re-platting of the properties in accordance with the requested transfer of 0.761 acres of property between these two lots. The requested variances are the minimum necessary to bring the existing conditions into compliance with current Sandy Springs requirements.

2. *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;*

The applicant has provided site plans indicating the subject properties to be irregular in shape. Property numbered 971 Davis Drive has a stream located across the rear yard, behind the existing house. Property numbered 4756 Woodvale Drive has a pipeline easement located through the middle of it, north of the existing house.

The applicant states the 971 Davis Drive property will be redeveloped in a manner which cannot properly utilize the property intended to be transferred due to the topography of the property. As noted on the current survey, the existing house is located towards the front of the lot, and there is a dry drainage swale (stream) that divides the front of the property from the rear. As a result, the proposed transfer does not create any hardship or challenges in the ultimate redevelopment of 971 Davis Drive as the rear of the property is not easily accessible.

Recommended Condition(s)

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

- 1) The proposed properties shall remain in accordance with the proposed site plan, provided by the applicant dated received August 5, 2008 by the Department of Community Development, for the variance herein, showing the required minimum lot width of 4756 Woodvale Drive (existing flag lot) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback and showing the minimum required side yard setback reduced to 6.2 feet for an attached garage and to 4 feet for an awning at 4756 Woodvale Drive and to 11 feet for a wood deck at 971 Davis Drive where necessary to accommodate the portion(s) of the encroachment(s) only.

ATTACHMENTS: Letter of appeal and site plans.



Variance Petition No. V08-054

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 15, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Aaron Gilcreast

Petitioner
Ryan Corley

Representative
Ryan Corley

PROPERTY INFORMATION

Address, Land Lot(s), and District 5970 Riverwood Drive
Land Lot 132, District 17

Council District 3

Frontage and Area 115 feet of frontage along the south side of Riverwood Drive. The subject property has a total area of approximately 0.59 acres.

Existing Zoning and Use The lot is zoned R-3 (Single-family Dwelling District) under zoning case Z62-003. The property is developed with a single-family residence.

Overlay District N/A

2027

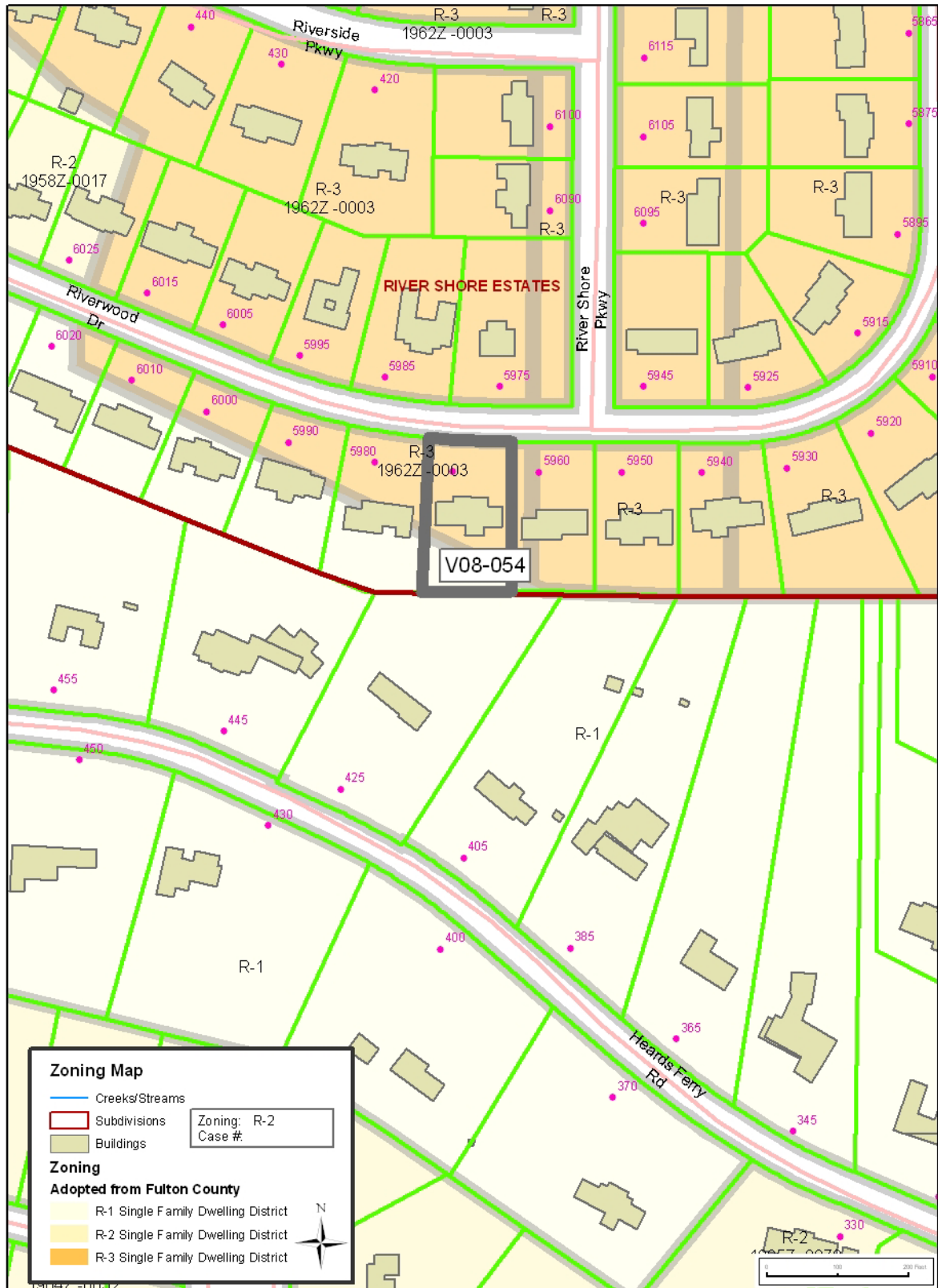
Comprehensive Future Land Use Map Designation R1-2 Residential (1 to 2 units per acre)

INTENT

The applicant is seeking a primary variance from Section 6.4.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from thirty-five (35) feet to ---- feet to allow for construction of a detached garage.

Parcel Map

5970 Riverwood Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 15, 2008

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

CASE NUMBER: V08-047

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@sandyspringsga.org

BACKGROUND:

A lake, having a buffer that is the subject of this application, is located at the front of 4875 Northland Drive, adjacent to the front property line. From Northland Drive, an existing driveway crosses a culvert that serves the aforementioned lake and is perpendicular to the front property line and is adjacent and parallel to the southern side property line. The eastern half of the existing driveway and the existing house on the subject property are being demolished. The applicant constructed a new section of paver driveway that connects to the western portion of the existing driveway to remain on 4875 Northland Drive. The aforementioned new section of paver driveway on 4875 Northland Drive will "loop into" a driveway to the north that serves 4889 Northland Drive.

On May 30, 2008, a notice of violation was issued to the applicant for violations to include: working without a permit, non-control of sedimentation, and work within a stream buffer.

REQUEST:

The applicant is requesting relief from the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer to allow for a paver driveway. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet.

ANALYSIS:

The applicant has submitted a site plan and topographical maps indicating the subject property to be parallelogram in shape and sloping from the back of the property toward the front. A lake is located at the front of the property, adjacent to the Northland Drive right-of-way.

The applicant states part of the work included in the driveway construction would be replanting the buffer between the driveway and the lake according to a submitted landscape plan. The proposed buffer plantings would actually reduce the surface area runoff that would wash into the state waterway if they were not implemented. Additionally, the applicant states it would also be very attractive and help to appreciate the value of the property.

The applicant states the subject driveway matches the paver driveway on the northern adjacent property in color and style, thereby creating a uniform look. The pavers are “dry laid”, meaning they are more pervious to rainwater.

The applicant states due to the steeper and more difficult grades further away from the driveway, the current location suites the site best. The overall site grading and site disturbance have been reduced by locating the driveway in its current location. The current location works well with the existing grades.

The applicant states the turning radius of the existing subject driveway is less severe as currently constructed within the buffer than if the driveway were constructed outside the buffer. Thus, it is safer as constructed within the buffer.

The applicant states the current house and rear asphalt driveway on 4875 Northland Drive is being removed and replaced with new green space. This will reduce the overall hardscape on the property by about 4,800 square feet; thereby reducing the overall surface runoff. The current property has 8,000 square feet of impervious surface (23.6% of the total square footage of the property). The new changes, including the driveway, would have only 3,200 square feet of impervious surface (9.5% of the total square footage of the property).

DEVELOPMENT STANDARDS

	Required	Proposed	Comments
Min. Front Yard Setback:	60 feet	N/A	N/A
Min. Rear Yard Setback:	40 feet	N/A	N/A
Min. Interior Side Yard Setback:	15 feet	N/A	N/A
Min. Side Yard Setback Adjacent to a Street :	N/A	N/A	N/A
Stream Buffer	75 feet	40 feet	Variance request for driveway structure

Department Comments

The staff held a Focus Meeting on August 6, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ Standard stream buffer comments and conditioned to an approved stream buffer revegetation plan.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ Need...
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states part of the work included in the driveway construction would be replanting the buffer between the driveway and the lake according to a submitted landscape plan. The proposed buffer plantings would actually reduce the surface area runoff that would wash into the state waterway if they were not implemented. Additionally, the applicant states it would also be very attractive and help to appreciate the value of the property.

The applicant states the subject driveway matches the paver driveway on the northern adjacent property in color and style, thereby creating a uniform look. The pavers are “dry laid”, meaning they are more pervious to rainwater.

The applicant states the turning radius of the existing subject driveway is less severe as currently constructed within the buffer than if the driveway were constructed outside the buffer. Thus, it is safer as constructed within the buffer.

The applicant states the current house and rear asphalt driveway on 4875 Northland Drive is being removed and replaced with new green space. This will reduce the overall hardscape on the property by about 4,800 square feet; thereby reducing the overall surface runoff. The current property has 8,000 square feet of impervious surface (23.6% of the total square footage of the property). The new changes, including the driveway, would have only 3,200 square feet of impervious surface (9.5% of the total square footage of the property).

2. *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;*

The applicant has submitted a site plan and topographical maps indicating the subject property to be parallelogram in shape and sloping from the back of the property toward the front. A lake is located at the front of the property, adjacent to the Northland Drive right-of-way.

The applicant states due to the steeper and more difficult grades further away from the driveway, the current location suites the site best. The overall site grading and site disturbance have been reduced by locating the driveway in its current location. The current location works well with the existing grades.

Recommended Condition(s)

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

- 1) The paver driveway and landscaping shall be installed in accordance with the proposed site plan and landscape plan, provided by the applicant dated received July 21, 2008 by the Department of Community Development, for the variance herein, showing the reduction of the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer where necessary to accommodate the portions of the impervious encroachments only. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet.

- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) 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.
- 4) 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.
- 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.
- 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) A stream bank revegetation plan shall be submitted by the applicant and shall be reviewed for approval by the City Arborist.
- 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 plans, landscape plan, and photographs.



Variance Petition No. V08-048

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 15, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
CNL Funding 2000A, LP Graham's Service Station, Inc.	Wachovia	Mike Mackiewicz

PROPERTY INFORMATION

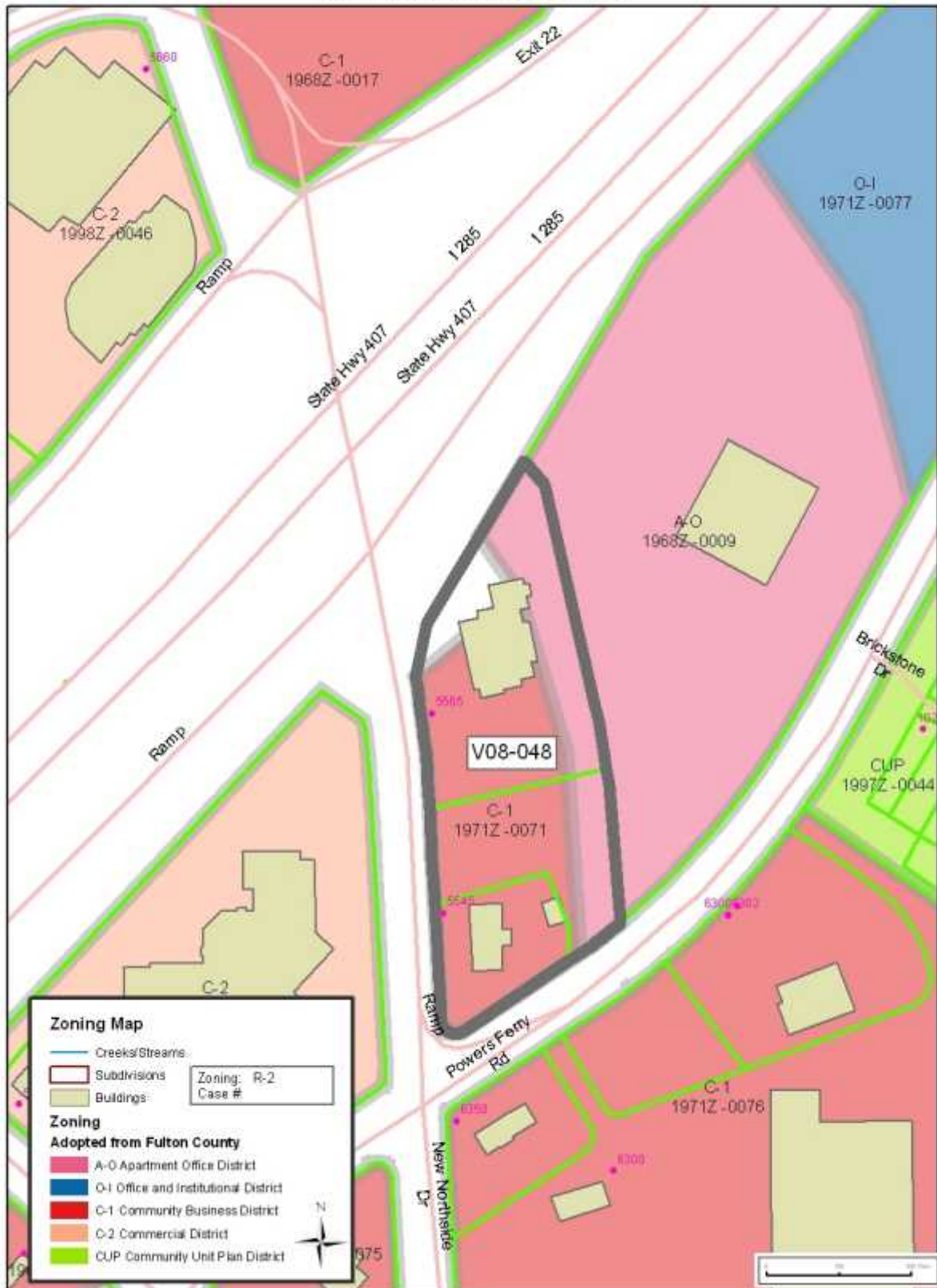
Address, Land Lot, and District	5565 New Northside Drive Land Lot 205, District 17
Council District	6
Frontage and Area	290 feet of frontage along the north side of Powers Ferry Road and 550 feet of frontage along the east side of New Northside Drive and 340 feet of frontage along the south side of I-285. The subject property has a total area of approximately 1.40 acres.
Existing Zoning and Use	C-1 (Community Business District) under zoning case Z71-071 and A-O (Apartment Office District) under zoning case Z68-009. The property is developed with a restaurant and gas station.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	Living-Working Neighborhood (LWN)

INTENT

The applicant is requesting a primary variance from Section 33.26.F.2 of the Zoning Ordinance to allow for a wall sign on a wall that does not have street frontage.

Parcel Map

5565 New Northside Drive



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 15, 2008

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

CASE NUMBER: V08-048

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

REQUEST:

The applicant is requesting a primary variance from 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 a 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.* This variance request is to allow a wall sign on a wall that is not street facing wall.

ANALYSIS:

Staff notes regardless of deed conveyances, the City recognizes the entire subject property as a single lot of record because the entire subject property was recognized as such and bound to provisions under zoning case Z71-071.

The applicant has submitted a site plan indicating the subject property to have an irregular, narrow shape. The property is developed with an existing building on the northern most portion of the lot, the southern lot is occupied by a Gas Station and the middle lot, which is the subject of this variance is been developed with a Wachovia Bank.

The Wachovia Bank proposes a wall sign to be attached to the south elevation of the building, which is a non street facing wall. The applicant proposes to install a forty eight (48) square foot sign, as set forth in Section 33.26.F.2 of the Sandy Springs Zoning Ordinance, which entitles businesses to wall signs on the exterior wall of the building up to 5% of the total wall area. The south elevation of the building contains a total of 1,443.00 square feet of wall area, which qualifies the building elevation for a wall sign up to seventy-two (72) square feet (Exhibit 1). The sign will be a typical channel letter sign internally illuminated with neon tubing and a day-night acrylic face.

The applicant has indicated the requested wall sign on the south elevation serves a dual purpose:

1. Motorist traveling along Powers Ferry Rd. have the ability to access the Wachovia site through a cross easement with the existing gas station on the corner of Powers Ferry Rd. and New Northside Dr. The second wall sign will allow the building to be identified by any motorist that may be entering from Powers Ferry Rd. cross easement.
2. Will dramatically increase Wachovia's chances of being seen by motorist from a safe distance to allow them to make safe driving decisions while navigating to their property. This request would allow Wachovia to maximize their visibility through landscaping, trees, and existing structures and reduce the amount of concentration needed to locate their site through multiple lanes of traffic.

In addition to the proposed wall sign, the Wachovia building will be identified by a wall sign facing New Northside Dr, and an ID monument sign.

Department Comments

The staff held a Focus Meeting on September 3, 2008 at which time the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	▪ No comments
	Sandy Springs Building Plan Reviewer	▪ No comments
	Sandy Springs Landscape Architect/ Arborist	▪ No comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No comments
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant stated this relief, if granted, would allow for Wachovia to properly identify itself to current and potential customers by providing safe wayfinding signage. This request is in harmony with the general intent of the sign regulations and would allow Wachovia to effectively use their signs as a way of communication, as well as improve traffic safety along New Northside Drive.

2. *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;*

The applicant stated there are many variables taken into consideration when creating a sign package for a business. One of the most important variables is ensuring easy and safe identification for passing motorists. The applicant indicates that due to variables beyond their control that the proposed location is appropriate. The petitioner explained:

This property is a mid-block location on New Northside Drive. New Northside Drive is a four (4) lane roadway with the farthest east lane being a right hand turn lane. As motorists travel northbound on this one way motorway and cross over Powers Ferry Rd. they must safely navigate into the right hand turn lane through a maximum of three (3) lanes of traffic. This turn lane will also be occupied by motorists turning right from Powers Ferry Rd. onto New Northside Drive.

Motorists traveling to the Wachovia location will not only have to navigate through lanes of traffic on the one way New Northside Drive, but will also have to focus attention on vehicles being filtered into the motorway from Powers Ferry Rd. These two factors make our property unique. They make our request for an additional wall sign essential to protect traffic safety along the roadway in front of our property. Wachovia's request will cause no detriment to the public and will provide signage that will allow Wachovia to identify the proper ingress/egress point to this location as well as properly identify the building to our customers as they attempt to navigate to the Wachovia.

3. *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.*

The applicant stated in his letter of appeal: landscaping and mature trees line the Wachovia location along New Northside Drive. Visibility to our site is also obstructed at the New Northside Drive and Powers Ferry Rd. intersection by an existing gas station. The gas station obstruction is important due to the fact that New Northside Drive is a one way road. Motorists will be making a driving decision at the intersection on whether to continue northbound on a one way street.

In addition the applicant indicated: the requested additional wall sign will dramatically increase Wachovia's chances of being seen by motorists from a safe distance to allow them to make safe driving decisions while navigating to our property. This request would allow Wachovia to maximize their visibility through landscaping, trees, and existing structures and reduce the amount of concentration needed to locate their site through multiple lanes of traffic.

Recommended Condition(s)

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

1. The wall sign located on a non-street facing wall on the South elevation of the building shall not exceed forty- eight (48) square feet of sign area and shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received August 5, 2008 by the Department of Community Development.

ATTACHMENTS: Letters of appeal, site plans, supporting documents, and photograph.



**Department of Community Development
Board of Zoning Appeals**

**Meeting Date: October 15, 2008 Project: Wachovia Variance Petition No. V08-048
Sign Variance**

VARIANCE TABLE

Variance Request	DRB Action	Proposed Condition	Comments
The applicant is requesting a primary variance from Section 33.26.F.2 of the Zoning Ordinance to allow for a wall sign on a wall that does not have street frontage.	Not in the Sandy Springs Overlay.	1. The wall sign located on a non-street facing wall on the South elevation of the building shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received August 5, 2008 by the Department of Community Development.	No comments provided.



Variance Petition No. V08-049

HEARING & MEETING DATES

Board of Zoning Appeals Hearing
October 15, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Charles B. Sewell

Petitioner
Charles B. Sewell

Representative
Richard Swartz

PROPERTY INFORMATION

Address, Land Lot, and District. 7455 Trowbridge Road
Land Lots 31 and 32, District 17

Council District 4

Frontage and Area 202.60 feet of frontage along the east side of Birkenhead Drive and 381.96 feet of frontage along the north side of Trowbridge Road. The subject property has a total area of 5.43 acres.

Existing Zoning and Use C-2 (Commercial District) conditional under Sandy Springs zoning case RZ07-013, currently is been developed with an 18,450 square foot retail appliance store.

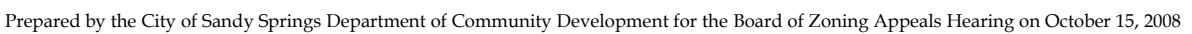
Overlay District N/A

2027 Comprehensive Future Land Use Map Designation Commercial (C)

INTENT

The applicant is seeking a primary variance from Section 33.22.C of the Zoning Ordinance to reduce the required ten (10) foot minimum sign setback from the right-of way to zero (0) feet.

7455 Trowbridge Road



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V08-049

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

REQUEST:

The applicant is seeking a primary variance from Section 33.22.C of the Zoning Ordinance to reduce the required ten (10) foot minimum sign setback from the right-of way to zero (0) feet.

Staff Analysis:

The applicant is requesting relief from Article 33.22.C SIGN LOCATION SETBACK of Sandy Springs Zoning Ordinance, that states that *Unless a more restrictive setback is specified in conditions of zoning, all signs shall be setback at least 10 feet from the right-of-way*, to allow for a free standing identification sign to have a zero (0) foot setback from the *right-of-way* on a property which has a total area of approximately 236,530.8 square feet (5.43 acres) and 202.60 feet of frontage along the east side of Birkenhead Drive and 381.96 feet of frontage along the north side of Trowbridge Road.

The applicant has indicated the primary reason for the petition is for visibility so that their name, address, and contact information can be easily seen by those driving by. According to the applicant if the sign is located at the required twenty (20) feet setback, it would not be visible to the traffic traveling down Trowbridge Road. The sign would be positioned behind the line of trees that would obscure the sign. Visibility in both directions of traffic is vital to allow customers and the City's safety forces an opportunity to identify the location of Sewell Appliance and give them sufficient time to make a safe driving decision as to where to turn to enter this business.

There is a variance needed in order to allow the sign at the proposed location, as the sign encroach into the minimum sign setback from the right-of way. The proposed location is zero (0) feet setback from the right-of-way instead of the ten (10) foot minimum sign setback from the right-of way.

Per Section 33.26.F.1.a. *Freestanding Signs*, of the Sandy Springs Zoning Ordinance, lots with frontage up to five hundred (500) linear feet, are allowed one maximum thirty-two (32) square foot free standing sign per street frontage. The sign shall have a maximum height of eight (8) feet. The petitioner proposes an eight (8) square foot free standing sign and four (4) feet in height. The proposed sign structure is a V shaped sign, with an opening between faces of forty-five (45) degrees. The 4" deep aluminum cabinet is back-lit with red neon to give a halo-lit effect. The channel letters are non-illuminated mounted flush on the cabinet.

Department Comments

The staff held a Focus Meeting on September 3, 2008 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	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

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant's purpose is to present an identification of its premises, communicating to the citizens the location of their new building location. The applicant finds the proposed sign is in harmony with the intent of the ordinance. Requiring the sign to be further back would create an unnecessary hardship for the owner as is vital to allow customers to identify the location of Sewell Appliance and give them sufficient time to make a safe turn into the street that provides access to the property. The existence of the sign in any way harms the public health, safety, and general welfare.

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 business which would be in harmony with the intent of the zoning ordinance.

2. *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 and adjoining road.

The applicant stated if the sign were to be placed ten (10) feet from the right-of-way it would be hidden by trees. This would have a significant effect on the sign's advertising and communication value which have an adverse effect on the economic provisions.

Recommended Conditions:

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

1. The freestanding sign shall be located at zero (0) feet from the right-of-way, pursuant to the site plan submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development.
2. The freestanding sign shall not exceed eight (8) square feet of sign area and four (4) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received August 5, 2007 by the Department of Community Development.
3. The freestanding sign should include the property address.

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



**Department of Community Development
Board of Zoning Appeals**

**Meeting Date: October 15, 2008 Project: Sewell Appliance Variance Petition No. V08-049
Sign Variance**

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
1. Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to zero (0) feet.	Not in the Sandy Springs Overlay.	1. The freestanding sign shall be located at zero (0) feet from the right-of-way, pursuant to the site plan submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development.. 2. The freestanding sign shall not exceed eight (8) square feet of sign area and four (4) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received August 5, 2007 by the Department of Community Development. 3. The freestanding sign should include the property address.	The applicant to ensure not encroachment into any underground utility easement.



Variance Petition No. V08-050

HEARING & MEETING DATES

Design Review Board
August 26, 2008
September 9, 2008

Board of Zoning Appeals Hearing
October 15, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Annette Schulman	Rubin Schulman	Bruce Morris
Rubin Schulman		

PROPERTY INFORMATION

Address, Land Lot, and District.	5840 Roswell Road (SR 9) Land Lot 90, District 17
Council District	3
Frontage and Area	150 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 1.098 acres (47,376.845 square feet).
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County zoning case 1964Z-056, currently developed with a Restaurant.
Overlay District	Main Street District.
2027 Comprehensive Future Land Use Map Designation	Living-Working Regional (LWR).

INTENT

The applicant is seeking three (3) primary variances from the Zoning Ordinance:

1. Variance from Section 33.18.C to allow for string lights to be permanently displayed.
2. Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to one (1) foot.
3. Variance from Section 33.26.H.a to allow for a sign to exceed the maximum height of 6 feet.

DESIGN REVIEW BOARD RECOMMENDATION

The petition was heard at the September 9, 2008 Design Review Board meeting. The Board recommended approval (4-1, Colin (Chair), Porter, Westmoreland, Mobley, and Gregory for; Richard against and Landeck absent) with the following conditions:

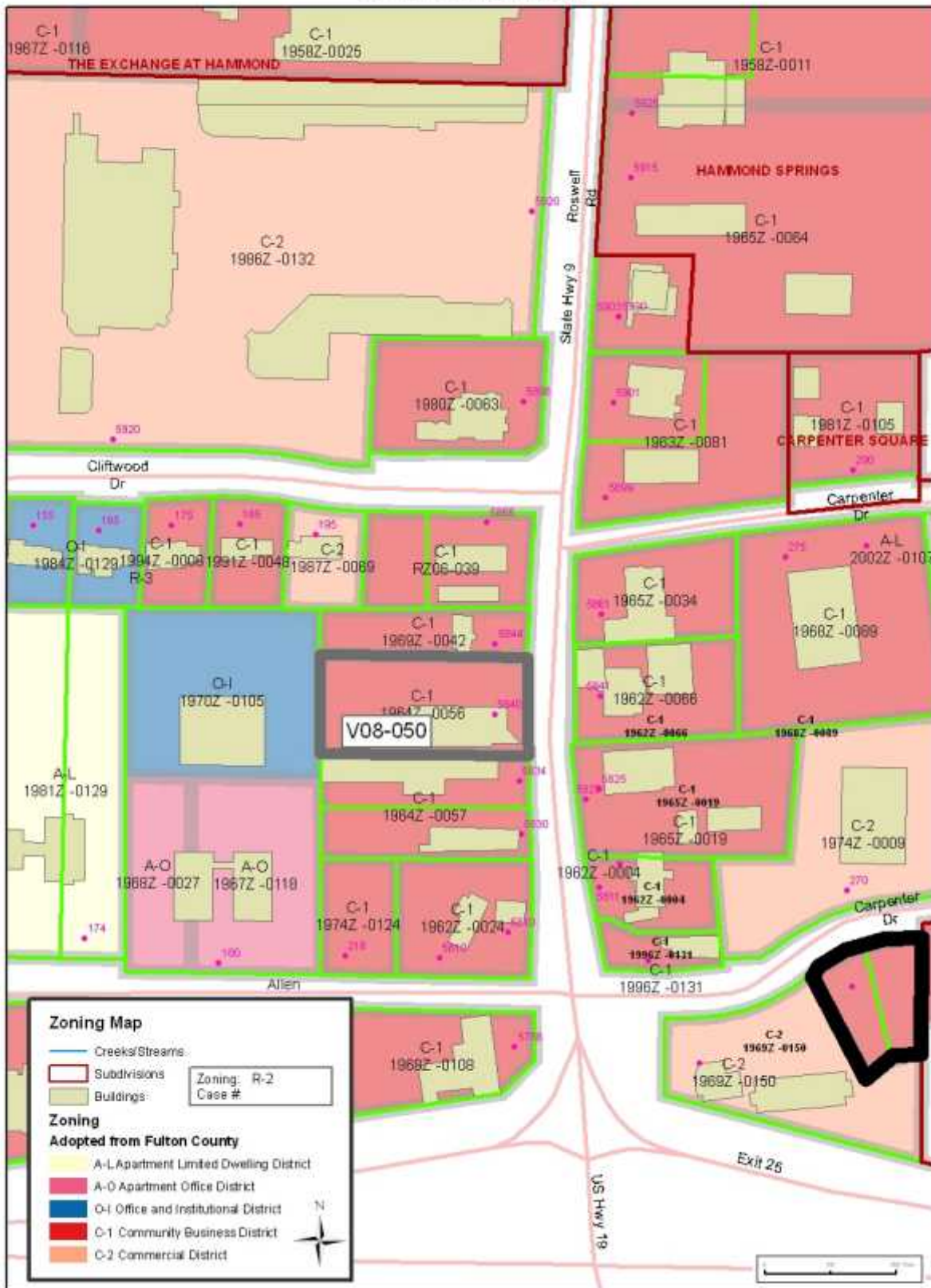
1. Limit sign height to six (6) feet.
2. Reduce the required 10 foot minimum sign setback to one (1) foot.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on October 15, 2008

3. String lights within 150 feet from the street must be removed by January 1, 2009. The board recommended up lighting as an alternative solution.

Parcel Map

5840 Roswell Road



CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V08-050

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is seeking three (3) primary variances from the Zoning Ordinance: 1) variance from Section 33.18.C to allow for string lights to be permanently displayed, 2) variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to one (1) foot and 3) variance from Section 33.26.H.a to allow for a sign to exceed the maximum height of 6 feet.

Staff Analysis:

In early 2008 the applicant presented to the City staff sign application material with different locations and designs. Sign attached to the building was considered but not design was plausible. A review of the application material indicated that the proposed sign locations did not meet the requirements of the Sandy Springs Zoning Ordinance; therefore, the proposals were denied. The petitioner decided to request relief from the provisions of the Sandy Springs Zoning Ordinance, as they are of the opinion that there is no alternative that ensures easy and safe identification of the business.

The applicant is requesting relief from Article 33.22.C SIGN LOCATION SETBACK of Sandy Springs Zoning Ordinance, that states that *Unless a more restrictive setback is specified in conditions of zoning, all signs shall be setback at least 10 feet from the right-of-way*, to allow for a free standing identification sign on property which has a total area of approximately 1.098 acres (47,828.88 square feet), approximately one hundred and forty nine (149) linear feet of road frontage along Roswell Road (SR 9), to have one (1) foot setback from the *right-of-way*. The applicant is also requesting relief from Section 33.26.H.1.a SANDY SPRINGS OVERLAY DISTRICT that states that *One (1) maximum thirty-two (32) square foot, freestanding sign shall be permitted for each lot which has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of six (6) feet and shall not have changeable copy*, to erect a sign at ten (10) feet height, stating that the natural features of the lot impairs the visibility of the sign such that it can't be seen at six (6) feet high.

The applicant has indicated "Cocktail Cove" formally "American Pie" has been at this location for approximately twenty one (21) years. There was an existing sign on the property approximately twenty (20) feet height not in compliance with the Sandy Springs Ordinance. The sign has been removed. The applicant stated that because of the proximity of the building to Roswell Road it is very difficult to find a location where a ground sign identifying the business can be display visible from both directions on Roswell Road and in compliance with all the established standards. In addition, the applicant has indicated if "Cocktail Cove" has to meet

the required ten (10) foot setback from the right of way, the visibility of their sign from the northbound traffic on Roswell Road would be severely hampered by the building and foliage on the property. The proposed sign structure is made of aluminum base painted bronze, featuring a double sided sign cabinet with molded plexi faces, approximately twenty-six (26) square feet of sign area, ten (10) feet high.

The applicant is also requesting relief from Section 33.18. C PROHIBITED SIGNS AND DEVICES of the Sandy Springs Zoning Ordinance to allow permanent string lights within one hundred and fifty (150) feet of Roswell Road (SR 9). According to the applicant "Cocktail Cove" formally the "American Pie" has had these lights for twenty-one (21) years and became to be part of the tradition remaining of the American Pie. Some of the existing string lights were removed, but the applicant would like to maintain those attached to the trees.

Department Comments

The staff held a Focus Meeting on September 3, 2008 at which time the following departmental /divisional comments were provided:

LAND DEVELOPMENT DIVISION	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
BUILDING AND PERMITTING DIVISION	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

The applicant has indicated a justification for variance based on the following standard(s):

1. *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;*

The applicant states that it is important for a driver to distinctively recognize the location of each business. Allowing each business to maintain individual ground signage is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies.

In addition, the applicant has indicated the ten (10) foot setback from the right-of-way is presumably designed to protect drivers and pedestrians from signs too close to an active roadway with the chance of being hit by an off-course automobile or forcing a pedestrian too close to the curbside as they walk; the proposed location of the sign does not represent any hazard to the moving traffic or to the pedestrians.

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 commercially reasonable level of signage for the business which would be in harmony with the intent of the zoning ordinance.

2. *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;*

The applicant has stated: these variances requested are justified due to the hardship created by the unique location of the site. The landscape of the lot on which the sign is to be located renders it impossible to comport with the strict standards of this Article.

3. *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 and adjoining road.*

The applicant has indicated that the purpose for these variances are mainly to provide signage visibility, as the sign installed otherwise would be completely obscured by foliage, it is necessary to provide proper visibility for businesses. The natural features of the lot on which the sign is to be located impairs the visibility of the sign such that it cannot be seen if located at ten (10) feet from the right of way.

Recommended Conditions:

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

1. The freestanding sign shall not be located less than one (1) foot from the right-of-way, pursuant to the sign detail (exhibit 1) submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development.
2. The freestanding sign shall not exceed ten (10) feet in height, pursuant to the sign design detail (exhibit 1), submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development.
3. The string lights be removed when the advertised business ceases at that location.
4. That the freestanding sign should include the property address.

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

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
1. Variance from Section 33.18.C to allow for string lights to be permanently displayed.	Approved with conditions	1. The string lights be removed when the advertised business ceases at that location.	The Design Review Board approved this application V08-050 with the following conditions: 1. String lights within 150 feet from the street must be removed by January 1, 2009. The board recommended up lighting as an alternative solution. 2. Reduce the required 10 foot minimum sign setback to one (1) foot.
2. Variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to one (1) foot.	Approved	2. The freestanding sign shall not be located less than one (1) foot from the right-of-way, pursuant to the site plan and sign detail (exhibit 1) submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development.	
3. Variance from Section 33.26.H.a to allow for a sign to exceed the maximum height of 6 feet.	Denied	3. The freestanding sign shall not exceed ten (10) feet in height, pursuant to the sign design detail (exhibit 1), submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development. 4. The freestanding sign should include the property address.	