



Variance Petition No. V07-058

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007 (Deferred)

November 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Mr. and Mrs. Fallon	Mr. and Mrs. Fallon	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District	296 Tara Trail Land Lot 120, District 12
Council District	6
Frontage and Area	145 feet of frontage along the south side of Tara Trail. The subject property has a total area of approximately 1.00 acres.
Existing Zoning and Use	R-2 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
Interim 2025 Comprehensive Future Land Use Map Designation	R0-1 Residential (0 to 1 units per acre)

INTENT

Application V07-058 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with the concerned neighbors in an attempt to resolve design issues and that the proposed house encroachment into the Stream Buffer be lessened.

The original application included a proposed house to encroach twenty-one (21) feet into the twenty-five (25) foot impervious surface setback. The applicant has since shifted the proposed house completely out of the seventy-five (75) foot stream buffer.

The applicant is now seeking a primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-three (33) foot undisturbed buffer to allow for a retaining wall.

Parcel Map

296 Tara Trail



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 8, 2007

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

CASE NUMBER: V07-058

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

ANALYSIS:

Application V07-058 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with the concerned neighbors in an attempt to resolve design issues and that the proposed house encroachment into the Stream Buffer be lessened.

The original application included a proposed house to encroach twenty-one (21) feet into the twenty-five (25) foot impervious surface setback. The applicant has since shifted the proposed house completely out of the seventy-five (75) foot stream buffer.

The applicant is now seeking a primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a thirty-three (33) foot undisturbed buffer to allow for a retaining wall.

The applicant states that in order to proceed with the redevelopment of the subject property, the site needed to be stabilized due to the constraints of the burdening topography. A retaining wall permit application was submitted by the applicant, and when the application was under review by Staff, no stream was indicated or detected. As a result, the existing wall was permitted by the City.

The applicant states that in seeking a building permit for the new residence, a stream as a water of the state, was found to be located along the westerly side of the property. The aforementioned existing retaining wall was then found to be located thirty-three (33) feet from the stream bank, within the stream buffer. The wall is located within twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer of the seventy-five (75) foot stream buffer. Approximately 510 square feet of disturbance occurred within the fifty (50) foot undisturbed natural buffer.

The applicant has submitted a site plan indicating the subject property to have an irregular shape and a stream located adjacent to the western side property line. The site plan has topographical lines showing the property to be sloped. The existing house, proposed to be demolished, encroaches into the twenty-five (25) impervious surface setback by approximately twenty-one (21) feet.

Staff notes that the property numbered 296 Tara Trail was previously a one (1) acre rectangular lot having side property lines of approximately 289 feet in length. The applicant received approval from Sandy Springs of a consolidation plat creating a two (2) acre "L" shaped lot.

The applicant states that 567.15 square feet of the northwest corner of the existing house encroaches into the twenty-five (25) foot impervious surface setback, compared to zero (0) feet for the proposed house. Additionally, the applicant states that the pool was originally desired and designed to have its western edge (side) to be in the same plane as the western edge (side) of the proposed house; this original location would have encroached into the twenty-five (25) foot impervious surface setback. The applicant revised the site plan to have the pool shifted out of the twenty-five (25) foot impervious surface setback. The applicant further states that the proposed construction would have less impervious surface than what currently exists on the site. Per the submitted site plans, existing pavement will be removed from the rear of the lot.

The applicant states that the hardship of the topography and the need for the retaining wall to stabilize the subject property and the narrow and confining area for the construction of the new residence are unique to the property and the approval of this request would not cause any harm to the health and safety of the general public while strict adherence would place an undue burden on the applicant and the approval of this request would be in harmony with the intent of the Zoning Ordinance.

Department Comments

The staff held a Focus Meeting on September 5, 2007 at which 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	▪ The retaining wall was permitted without the identification of the existing waters of the state by the CoSS or the design consultant. The waters of the state were discovered during the demo and building permit process.
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 original application included a proposed house to encroach twenty-one (21) feet into the twenty-five (25) foot impervious surface setback. The applicant has since shifted the proposed house completely out of the seventy-five (75) foot stream buffer. The applicant has provided site plans to document the above statement.

The applicant states that 567.15 square feet of the northwest corner of the existing house encroaches into the twenty-five (25) foot impervious surface setback, compared to zero (0) feet for the proposed house. The applicant has provided site plans to document the above statement.

Additionally, the applicant states that the pool was originally desired and designed to have its western edge (side) to be in the same plane as the western edge (side) of the proposed house; this original location would have encroached into the twenty-five (25) foot impervious surface setback. The applicant revised the site plan to have the pool shifted out of the twenty-five (25) foot impervious surface setback. The applicant further states that the proposed construction would have less impervious surface than what currently exists on the site. Per the submitted site plans, existing pavement will be removed from the rear of the lot. The applicant has provided site plans to document the above statements.

The applicant states that the approval of this request 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 submitted a site plan indicating the subject property to have an irregular shape and a stream located adjacent to the western side property line. The site plan has topographical lines showing the property to be sloped.

The applicant states that the hardship of the topography and the need for the retaining wall to stabilize the subject property and the narrow and confining area for the construction of the new residence are unique to the property and the approval of this request would not cause any harm to the health and safety of the general public while strict adherence would place an undue burden on the applicant. The applicant has provided site plans to document the above statements.

Recommended Condition(s)

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

1. That the proposed house shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received October 26, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to thirty-three (33) feet for an existing retaining wall.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.

3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting 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 has 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; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of applicable permit for the site.

ATTACHMENTS: Letter of appeal, letters of support, photographs, and site plans.



Variance Petition No. V07-059

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

October 11, 2007 (Deferred)

November 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Christelle Williams, Howard Williams, and Peter Casey	Howard Williams	Howard Williams

PROPERTY INFORMATION

Address, Land Lot, and District	131 & 141 Burdette Road and 70 Chevaux Court Land Lots 121 & 122, District 17
Council District	6
Frontage and Area	90 feet of frontage along the west side of the Chevaux Court cul-de-sac and 75 feet of frontage along the north side of Burdette Road. The subject properties have a total area of approximately 6.8 acres.
Existing Zoning and Use	R-2 (Single-family Dwelling District) under zoning case Z66-025. The properties are developed with single-family residences.
Overlay District	N/A

Interim 2025

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

The applicant is requesting six (6) primary variances:

- 1) Variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback,
- 2) Variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to twenty-one (21) for 131 Burdette Road,
- 3) Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to eight (8) feet for 131 Burdette Road,
- 4) Variance from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width required (only at the beginning of the buildable area) from 150 feet to 146 feet for 141 Burdette Road,

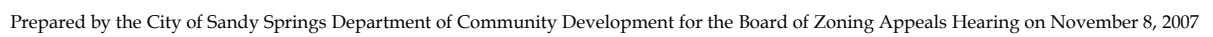
5) Variance from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback required from any property line from ten (10) feet to one (1) foot for 141 Burdette Road, and

6) Variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to zero (0) feet for 131 Burdette Road and to a minimum of seven (7) feet for 70 Chevaux Court to allow for existing structures.

Application V07-059 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with concerned neighbors in an attempt to resolve issues and to work with Staff to find solutions.

All variances are to allow for the reconfiguration of internal lot lines of two (2) legal nonconforming flag lots (131 & 141 Burdette Road) and a conforming lot (70 Chevaux Court).

141, 131 Burdette Road & 70 Chevaux



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

CASE NUMBER: V07-059

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

ANALYSIS:

The applicant is requesting relief from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road (existing flag lots) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to 21.2 feet for an attached garage at 131 Burdette Road, from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to 13.5 feet for a gazebo (in the rear) and to 8 feet for a rock step structure at 131 Burdette Road, from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width from 150 feet to 146 feet (only at the beginning of the buildable area) for 141 Burdette Road, from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback to 1.8 feet for 141 Burdette Road, from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to zero (0) feet for 131 Burdette Road to allow for existing structures (play area, gazebo, tennis court, pool & equipment, pool deck, and foot bridge) and to a minimum of seven (7) feet for 70 Chevaux Court to allow for existing walkways and the existing house. The house encroaches twenty-two (22) feet into the twenty-five (25) foot impervious surface setback.

Application V07-059 was deferred at the October 11, 2007 Board of Zoning Appeals (BZA) meeting. The Board recommended that the applicant meet with concerned neighbors in an attempt to resolve issues and to work with Staff to find solutions.

On Friday October 9, 2007, a meeting was held between the applicant and his representatives, concerned neighbors, and Staff. The neighbors expressed concerns over:

-) The vehicular access to a planned guest house having a garage
-) The planned location of a construction entrance for possible future construction
-) The hours of planned future construction
-) The method of supplying concrete during planned construction
-) The proposed reconfiguration of the subject properties
-) Any future easements within the subject properties
-) The noise of an existing intercom system

At the aforementioned meeting, the City Attorney suggested that a follow-up meeting take place between the applicant, including his representatives, and the concerned neighbors to attempt to resolve any outstanding issues. Staff is aware of two (2) such meetings taking place.

To date, Staff has not received any revisions to the original application or to the original site plans submitted by the applicant. The neighbors have submitted to the City a statement with their position which includes the issues in which they are willing to compromise. The applicant has proffered additional conditions of approval as listed below:

- J Except for deliveries and installation of landscaping, the 70 Chevaux Court entrance will not be used for any construction activity and deliveries related to activity in connection with homes addressed on Burdette Road.
- J Additional landscaping will be provided, if necessary, to screen the proposed guest house from the view of homes addressed on Chevaux Court as approved by the City Arborist.
- J The proposed guest house will not exceed 1,000 square feet of heated floor area and not exceed thirty-five (35) feet to the highest point from the lowest point of finished grade.
- J The intercom system at the tennis court of 70 Chevaux Court will be disconnected from the main system at the house so that it is on a specific extension. The volume of the aforementioned intercom shall remain a private matter.

Staff is not aware of any resolution between the applicant and the concerned neighbors. Staff has included the above proffered conditions in the Recommended Condition(s) portion of the report should the Board approve the requested variances.

The applicant has submitted, with the original application, a proposed site plan and photographs indicating the subject properties are irregularly shaped and sloped. The site plan also indicates a stream located within lots proposed to be 70 Chevaux Court and 131 Burdette Road, primarily running east to west along the most northern portion of the lots.

On June 14, 2007, the Board of Zoning Appeals approved, with conditions, variance application V07-014 for 70 Chevaux Court. The aforementioned application included variances to allow an existing waterfall and foot bridge to encroach into the required stream buffer. With the proposed lot reconfiguration, the aforementioned waterfall and bridge would become located on what is indicated as 131 Burdette Road.

Property numbered 141 Burdette Road is owned by Mr. Peter Casey, property numbered 131 Burdette Road is owned by Christelle Williams, and property numbered 70 Chevaux Court is owned by Dr. Howard Williams. The applicant states that over the years, land transactions, involving the three subject properties, have occurred. The aforementioned transactions are recognized by deed; however, because the platting process was never utilized, the land ownership recognized by deed is not recognized by the City as the same lots-of-record. In hopes of re-platting the properties as lots-of-record to match the ownership by deed, the applicant has currently brought forth proposed configurations of the three (3) subject lots. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed because they involve changes to existing nonconforming flag lots, existing nonconforming structures, and stream buffer variances granted (V07-014) that would become void, creating additional existing nonconforming structures.

The applicant states that he wishes to have the three different properties in compliance, legally recorded, and documented appropriately with the City of Sandy Springs. The applicant states that he has worked diligently with design professionals and Staff to file appropriately for the variances that would allow for the subject three lots to be reconfigured as proposed. The

applicant states that the variances he is requesting pertain to existing conditions (nonconformities) that, essentially, exist regardless of the proposed reconfiguration of the subject lots.

The applicant states that, with the exception of properties numbered 65 and 70 Chevaux Court having over 2 acres, lots in the Paddocks North Subdivision range from 1 to 1.3 acres. The applicant further states that he has made every effort to make sure that 70 Chevaux Court would remain 2 acres or greater after completing the proposed subdivision. Additionally, the applicant states he has gone to great lengths and expense to work with the neighbors and Sandy Springs to resolve any concerns and zoning issues.

Department Comments

The staff held a Focus Meeting on September 5, 2007 at which 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	▪ The original variance case (V07-014 for 70 Chevaux Court) was tributary buffer violation. There was encroachment into the stream buffer and the Arborist has approved a revegetation plan. The Arborist and Environmental Engineer believe it would cause more damage to the buffer and stream to have the pedestrian bridge removed due to the construction technique.
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;*

Property numbered 141 Burdette Road is owned by Mr. Peter Casey, property numbered 131 Burdette Road is owned by Christelle Williams, and property numbered 70 Chevaux Court is owned by Dr. Howard Williams. The applicant states that over the years, land transactions, involving the three subject properties, have occurred. The aforementioned transactions are recognized by deed; however, because the platting process was never utilized, the land ownership recognized by deed is not recognized by the City as the same lots-of-record. In hopes of re-platting the properties as lots-of-record to match the ownership by deed, the applicant has currently brought forth proposed configurations of the three (3) subject lots. The Zoning Ordinance reads that any change to any nonconforming use, lot, or structure must comply with current provisions of the Zoning Ordinance. In this case, the requested variances are needed because they involve changes to existing nonconforming flag lots, existing nonconforming structures, and stream buffer variances granted (V07-014) that would become void, creating additional existing nonconforming structures.

The applicant states that he wishes to have the three different properties in compliance, legally recorded, and documented appropriately with the City of Sandy Springs. The applicant states that he has worked diligently with design professionals and Staff to file appropriately for the variances that would allow for the subject three lots to be reconfigured as proposed. The applicant states that the variances he is requesting pertain to existing conditions (nonconformities) that, essentially, exist regardless of the proposed reconfiguration of the subject lots.

The applicant states that, with the exception of properties numbered 65 and 70 Chevaux Court having over 2 acres, lots in the Paddocks North Subdivision range from 1 to 1.3 acres. The applicant further states that he has made every effort to make sure that 70 Chevaux Court would remain 2 acres or greater after completing the proposed subdivision. Additionally, the applicant states he has gone to great lengths and expense to work with the neighbors and Sandy Springs to resolve any concerns and zoning issues.

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 properties are irregularly shaped and sloped. The site plan also indicates a stream located within lots proposed to be 70 Chevaux Court and 131 Burdette Road, primarily running east to west along the most northern portion of the lots.

Recommended Condition(s)

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

1. That the three subject lots be configured and existing nonconforming structures remain in accordance with the Proposed Site Plan, provided by the applicant dated received August 27, 2007 by the Department of Community Development, showing a: minimum lot width of 131 & 141 Burdette Road to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, minimum 21.2 foot front yard setback for an attached garage at 131 Burdette Road, minimum 13.5 foot side yard setback for a gazebo in the rear of the lot and minimum 8 foot east side yard setback for a rock step structure at 131 Burdette Road, minimum 146 foot lot width (only at the beginning of the buildable area) for 141 Burdette Road, minimum 1.8 foot pool equipment setback for 141 Burdette Road, and a reduction of the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to zero (0) feet for 131 Burdette Road to allow for existing structures (play area, gazebo, tennis court, pool & equipment, pool deck, and foot bridge) and to a minimum of seven (7) feet for 70 Chevaux Court to allow for existing walkways and the existing house.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting 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 has 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; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.

8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
11. Except for deliveries and installation of landscaping, the 70 Chevaux Court entrance will not be used for any construction activity and deliveries related to activity in connection with homes addressed on Burdette Road.
12. Additional landscaping will be provided, if necessary, to screen the proposed guest house from the view of homes addressed on Chevaux Court as approved by the City Arborist.
13. The proposed guest house will not exceed 1,000 square feet of heated floor area and not exceed thirty-five (35) feet to the highest point from the lowest point of finished grade.
14. The intercom system at the tennis court of 70 Chevaux Court will be disconnected from the main system at the house so that it is on a specific extension.

ATTACHMENTS: Letter of appeal, site plans, photographs, and relevant documents.



Variance Petition No. V07-068

HEARING & MEETING DATES

Design Review Board Meeting

October 9, 2007

Board of Zoning Appeals Hearing

November 8, 2007 (Deferred)

December 13, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Homes by Williamscraft, Inc.	Homes by Williamscraft, Inc.	Jake Sisley

PROPERTY INFORMATION

Address, Land Lot, and District	Glenridge Heights Subdivision Land Lot 38, District 17
Council District	5
Frontage and Area	800 feet of frontage along the north side of Glenridge Drive and 690 feet of frontage along the south side of I-285. The subject property has a total area of approximately 13.42 acres.
Existing Zoning and Use	TR (Townhouse Residential District) conditional under zoning case Z04-138/VC04-209. The lot is being developed with townhouse residences.
Overlay District	Urban District
Interim 2025 Comprehensive Future Land Use Map Designation	Living Working Community (LWC)
INTENT	

Originally, the applicant sought a primary variance from Section 19.3.12.B.3 of the Zoning Ordinance to reduce the required one-hundred (100) foot setback of multi-family swimming pools, pool equipment, accessory structures, and fencing from any adjoining property line or street to forty-four (44) feet from a street and to thirty-six (36) feet from an adjoining property line.

At the November 8, 2007 Board of Zoning Appeals (BZA) meeting, the BZA approved the motion to defer the V07-068 variance application until the December meeting to allow the applicant an opportunity to redesign the pool area in a way that was more in accordance with the intent of the Zoning Ordinance.

The applicant has revised the V07-068 variance application to now include two (2) alternative site plans (Exhibit I and Exhibit II) for the BZA to consider. The applicant is now seeking a primary variance from Section 19.3.12.B.3 of the Zoning Ordinance to reduce the required one-hundred (100) foot setback of multi-family swimming pools, pool equipment, accessory structures, and fencing from any adjoining property line or street as indicated on the Exhibit I site plan or the Exhibit II site plan.

DESIGN REVIEW BOARD RECOMMENDATION

At the October 9, 2007 Design Review Board (DRB) meeting, the DRB endorsed the V07-068 variance application as submitted without any conditions and/or requirements.

Parcel Map

Glenridge Heights



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 13, 2007

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

CASE NUMBER: V07-068

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

ANALYSIS:

Originally, the applicant sought a primary variance from Section 19.3.12.B.3 of the Zoning Ordinance to reduce the required one-hundred (100) foot setback of multi-family swimming pools, pool equipment, accessory structures, and fencing from any adjoining property line or street to forty-four (44) feet from a street and to thirty-six (36) feet from an adjoining property line.

At the November 8, 2007 Board of Zoning Appeals (BZA) meeting, the BZA approved the motion to defer the V07-068 variance application until the December meeting to allow the applicant an opportunity to redesign the pool area in a way that was more in accordance with the intent of the Zoning Ordinance.

The applicant has revised the V07-068 variance application to now include two (2) alternative site plans (Exhibit I and Exhibit II) for the BZA to consider. The applicant is now seeking a primary variance from Section 19.3.12.B.3 of the Zoning Ordinance to reduce the required one-hundred (100) foot setback of multi-family swimming pools, pool equipment, accessory structures, and fencing from any adjoining property line or street as indicated on the Exhibit I site plan or the Exhibit II site plan.

Previously, under application V06-0128, a variance was granted to allow decks to encroach into required build-to-lines. This site is located within the Urban Overlay District. The property is being developed with 120 (one-hundred twenty) townhouses.

At the October 9, 2007 Design Review Board (DRB) meeting, the DRB endorsed the V07-068 variance application.

A copy of a Final Plat indicates the subject property to have an irregular shape and indicates a section of land designated as the "Amenities Area". A copy of the approval of Z04-0138, the zoning case that established the conditional TR (Townhouse Residential District) zoning and use, includes conditions stating that the development owner must abide by a certain site plan that shows a pool and ancillary building in the same location as proposed; however, the conditions also state that the aforementioned site plan is "conceptual only". The applicant states the result of strict enforcement of this particular ordinance would be that the Glenridge Heights community would not be able to have a pool. Due to the characteristics inherent in the land dedicated for the amenity area, it is situated between a private roadway and the eastern perimeter property line. When the 100 foot setback is applied from both the private road and from the eastern perimeter property line, the result is an area that is untenable for a functional

pool. Therefore, the size and location of the land dedicated for the amenities does not allow for the very amenity that is most common and important to the residents of any community. The applicant states that the alleviation of this hardship via a variance would not cause any detriment to the public.

The applicant states that Glenridge Heights is a private gated community where people who choose to live there, purchase their new home with the understanding that the amenity area is proposed to be located in the most functional and aesthetically pleasing place and will include a pool. The applicant states that the pool will not be visible from the private road due to the clubhouse to be constructed between them.

The applicant has provided an approval letter from the property owner to the east of the proposed swimming pool. The property to the east is zoned MIX (Mixed Use District), and it is planned to be developed with residential, retail, and office components. The overall design of this development includes an amenity area having a pool to serve the multi-family use.

The applicant states that the granting of the requested variance will not affect the health and safety of the community any more so than the other pools throughout the City; however, it will increase the welfare of the private community and of the City, by allowing the owners to have a functional pool and by increasing property values.

The applicant has provided photographs showing other pools within the City, serving multi-family uses, that are located closer than 100 feet to a street and/or closer than 100 feet to an adjoining property line.

Department Comments

The staff held a Focus Meeting on October 3, 2007 at which 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	▪ There should be an additional parking island with a tree in the parking lot of the amenity area.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ Refer to 2000 NFPA 101: 7.2.1.4.2, "Doors required to be side-hinged or pivoted-swinging type shall swing in the direction of egress travel where serving a room or area with an occupant load of 50 or more."
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 states that Glenridge Heights is a private gated community where people who choose to live there, purchase their new home with the understanding that the amenity area is proposed to be located in the most functional and aesthetically pleasing place and will include a pool. The applicant states that the pool will not be visible from the private road due to the clubhouse to be constructed between them.

The applicant has provided an approval letter from the property owner to the east of the proposed swimming pool. The property to the east is zoned MIX (Mixed Use District), and it is planned to be developed with residential, retail, and office components. The overall design of this development includes an amenity area having a pool to serve the multi-family use.

The applicant states that the granting of the requested variance will not affect the health and safety of the community any more so than the other pools throughout the City; however, it will increase the welfare of the private community and of the City, by allowing the owners to have a functional pool and by increasing property values.

The applicant has provided photographs showing other pools within the City, serving multi-family uses, that are located closer than 100 feet to a street and/or closer than 100 feet to an adjoining property line.

A copy of the approval of Z04-0138, the zoning case that established the conditional TR (Townhouse Residential District) zoning and use, includes conditions stating that the development owner must abide by a certain site plan that shows a pool and ancillary building in the same location as proposed; however, the conditions also state that the aforementioned site plan is "conceptual only".

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;*

A copy of a Final Plat indicates the subject property to have an irregular shape and indicates a section of land designated as the "Amenities Area". The applicant states the result of strict enforcement of this particular ordinance would be that the Glenridge Heights community would not be able to have a pool. Due to the characteristics inherent in the land dedicated for the amenity area, it is situated between a private roadway and the eastern perimeter property line. When the 100 foot setback is applied from both the private road and from the eastern perimeter property line, the result is an area that is untenable for a functional pool. Therefore, the size and location of the land dedicated for the amenities does not allow for the very amenity that is most common and important to the residents of any community. The applicant states that the alleviation of this hardship via a variance would not cause any detriment to the public.

Recommended Condition(s)

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

1. That the proposed pool facility shall be constructed in accordance with either the Proposed Site Plan labeled as Exhibit I or the Proposed Site Plan labeled as Exhibit II, provided by the applicant, dated received December 4, 2007 by the Department of Community Development, showing the required 100 foot setback of multi-family swimming pools, pool equipment, accessory structures, and fencing from any adjoining property line or street reduced to the setback(s) indicated on the aforementioned Site Plan Exhibit I or Site Plan Exhibit II to accommodate the portion of the encroachment(s) only.

ATTACHMENTS: Letter of appeal, site plans, copy of plat, copy of Z04-138 approval, letter of support, and photographs.



Variance Petition No. V07-071

HEARING & MEETING DATES

Design Review Board Meeting

October 9, 2007

Board of Zoning Appeals Hearing

November 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner
Car Wash Atlanta, LLC

Petitioner
Travis Smith

Representative
Travis Smith

PROPERTY INFORMATION

Address, Land Lot, and District
8505 Roswell Road (SR 9)
Land Lot 26, District 17

Council District
1

Frontage and Area
141 feet of frontage along the east side of Roswell Road. The subject property has a total area of approximately 1.0 acres.

Existing Zoning and Use
C-2 (Commercial District) conditional under zoning case Z96-0116. The lot is developed with a car wash.

Overlay District
Suburban District

Interim 2025 Comprehensive Future Land Use Map Designation
Office (O)

INTENT

The applicant is requesting two (2) primary variances:

- 1) Variance from Section 4.23.1.A of the Zoning Ordinance to reduce the required ten (10) foot side landscape strip to three (3) feet, and
- 2) Variance from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow permanent structures (canopies) within the landscape strip.

Both variances are to allow for two (2) canopies for vacuum stations.

DESIGN REVIEW BOARD RECOMMENDATION

Please note that the original request included variances to reduce the required forty (40) foot front yard setback and ten (10) foot front yard landscape strip to six (6) feet. The applicant has eliminated one (1) of the three (3) originally proposed canopies and eliminated the aforementioned front yard variance requests as a result of the application being heard at the October 9, 2007 Design Review Board (DRB) meeting, where the Board deferred the application to the October 23, 2007 meeting and requested the following:

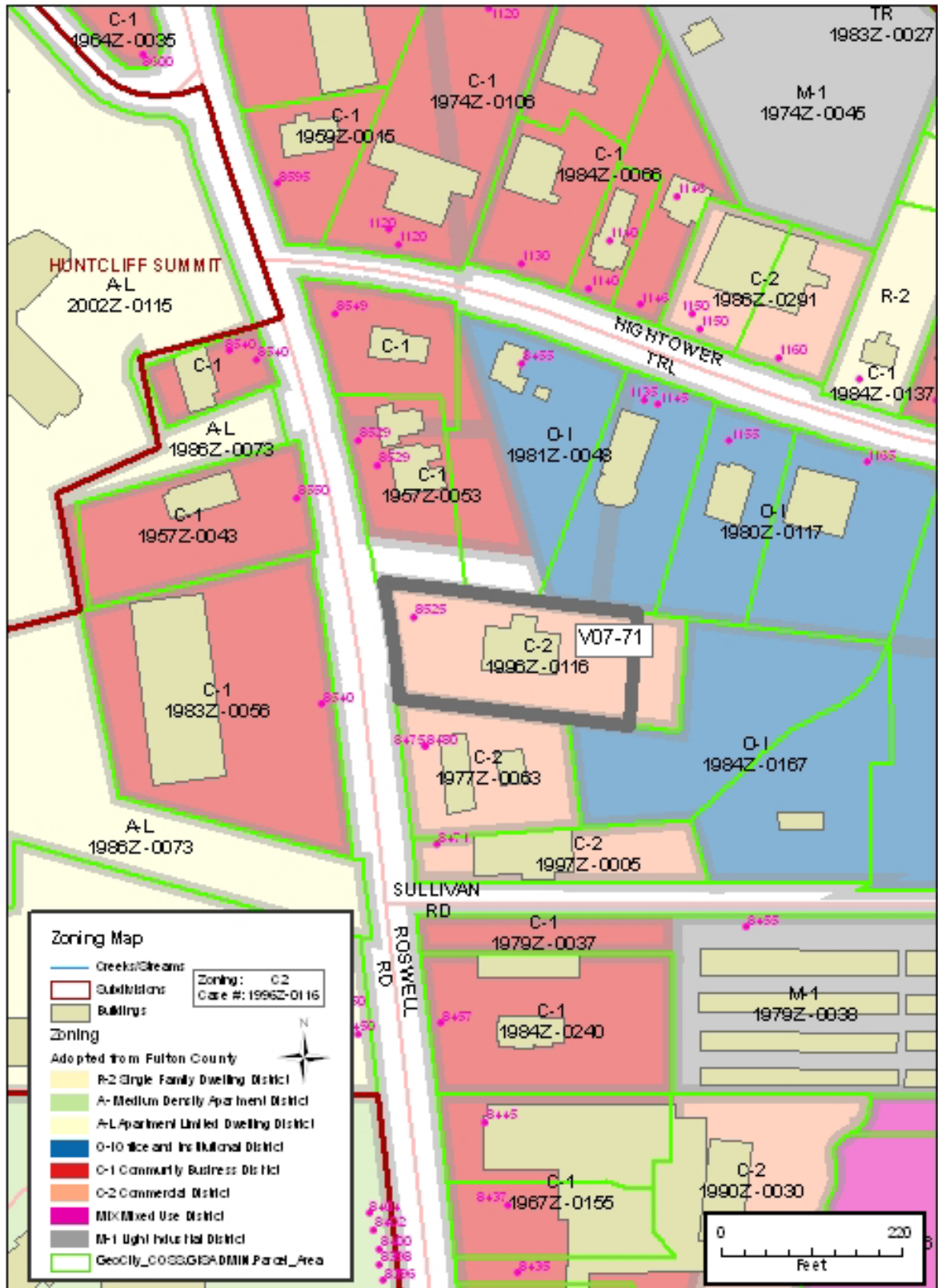
1. The proposed canopies not be located within the ten (10) foot front landscape strip and not be located within the forty (40) foot front yard setback.
2. The applicant provides more permanent looking proposed canopies.

The applicant complied with previous DRB requests, and at the October 23, 2007 DRB meeting, the Board approved a Certificate of Endorsement subject to the following condition(s):

1. That the owner eliminates/abandons the easement, within the subject property, that runs the length of the entire northern side property line.

Parcel Map

8505 Roswell Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 8, 2007

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

CASE NUMBER: V07-071

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

ANALYSIS:

The applicant is requesting relief from Section 4.23.1.A of the Zoning Ordinance to reduce the required ten (10) foot side landscape strip to three (3) feet and from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow two (2) permanent structures (canopies) within the landscape strip.

Please note that the original request included variances to reduce the required forty (40) foot front yard setback and ten (10) foot front yard landscape strip to six (6) feet. The applicant has eliminated one (1) of the three (3) originally proposed canopies and eliminated the aforementioned front yard variance requests as a result of the application being heard at the October 9, 2007 Design Review Board (DRB) meeting, where the Board deferred the application to the October 23, 2007 meeting and requested the following:

1. The proposed canopies not be located within the ten (10) foot front landscape strip and not be located within the forty (40) foot front yard setback.
2. The applicant provides more permanent looking proposed canopies.

The applicant complied with previous DRB requests, and at the October 23, 2007 DRB meeting, the Board approved a Certificate of Endorsement subject to the following condition(s):

1. That the owner eliminates/abandons the easement, within the subject property, that runs the length of the entire northern side property line.

The applicant has provided a site plan that indicates the subject property to have a parallelogram shape. Vacuuming/detailing stations are located at the northwest corner of the subject property. The applicant states that due to the lot shape and small size, there is no other space large enough where the vacuuming and detailing stations/services can be located. At this location, the space is big enough to perform the work and for stacking cars. The applicant is proposing to build the two (2) canopies adjacent to each other. Each canopy measures twenty-four (24) feet by sixteen (16) feet. The aforementioned canopies would be used to provide shade to the vacuuming and detailing stations.

The applicant states that the proposed improvement (canopies) would first and foremost help beautify the property as well as help the business operations. The applicant states that after much research, the proposed cantilever style of canopy was chosen because of its popularity around the Atlanta area and because of its quality and attractive style.

Staff notes that the proposed type of canopy is, other than the roof netting, “open” on all sides. Additionally, the proposed canopies would be located approximately 115 feet from the building to the north.

Department Comments

The staff held a Focus Meeting on October 3, 2007 at which 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	▪ The variances will not impact any of the existing landscape areas.
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 original variance request included a reduction of the required forty (40) foot front yard setback and the ten (10) foot front yard landscape strip to six (6) feet. Additionally, the original proposal included three (3) canopies. The applicant has eliminated one (1) of the three (3) originally proposed canopies and eliminated the aforementioned front yard variance requests.

The applicant states that the proposed improvement (canopies) would first and foremost help beautify the property as well as help the business operations. The applicant states that after much research, the proposed cantilever style of canopy was chosen because of its popularity around the Atlanta area and because of its quality and attractive style.

Staff notes that the proposed type of canopy is, other than the roof netting, “open” on all sides. Additionally, the proposed canopies would be located approximately 115 feet from the building to the north.

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 a site plan that indicates the subject property to have a parallelogram shape. Vacuuming/detailing stations are located at the northwest corner of the subject property. The applicant states that due to the lot shape and small size, there is no other space large enough where the vacuuming and detailing stations/services can be located. At this location, the space is big enough to perform the work and for stacking cars. The applicant is proposing to build the two (2) canopies adjacent to each other. Each canopy measures twenty-four (24) feet by sixteen (16) feet. The aforementioned canopies would be used to provide shade to the vacuuming and detailing stations.

Recommended Condition(s)

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

1. That the two (2) proposed canopies shall be installed in accordance with the Proposed Site Plan provided by the applicant, dated received October 17, 2007 by the Department of Community Development, showing the required ten (10) foot side landscape strip reduced to three (3) feet to accommodate the portion of the encroachment only.

ATTACHMENTS: Letter of appeal, site plan, canopy specifications, and sample photographs.



Variance Petition No. V07-070

HEARING & MEETING DATES

Design Review Board Meeting
October 9, 2007

Board Of Zoning Appeals
November 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
CORO Realty Advisors, LLC	Fidelity Federal C. U.	DeNyse Signs/Ryan Harchar

PROPERTY INFORMATION

Address, Land Lot, and District.	6690 Roswell Road (SR 9) Ste 1100 Land Lot 87, District 17
Council District	3
Frontage and Area	1063 feet of frontage along the North side of Abernathy Road, 193 feet of frontage along the west side of Roswell Road (SR 9) and 403 feet of frontage along the west side of Sunnybrook Ln. The subject property has a total area of 12.6 acres.
Existing Zoning and Use	C-1 (Community Business District) under Fulton County zoning case Z86-0200. The site is developed with a shopping center.
Overlay District	Urban District
Interim 2025 Comprehensive Future Land Use Map Designation	Living Working Community (LWC)

INTENT

The applicant seeks a primary variance from Section 33.26.H.2.a of the Sandy Springs Zoning Ordinance to allow a sign on a wall that is not an exterior wall of the tenant space.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the October 9, 2007 DRB meeting. The Board endorsed (6-0) this application (V07-070) as submitted without any conditions and/or requirements.

The applicant's original application was comprised of two (2) parts: 1. To allow a sign on a wall that is not an exterior wall of the tenant space and 2. To allow the sign to exceed 5 percent of the applicable wall area. Since meeting with the DRB the applicant withdrew variance number 2 as suggested by one of the DRB board member reducing the proposed sign area to meet the 5% of the applicable wall.

Parcel Map

6690 Roswell Road



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

CASE NUMBER: V07-070

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

ANALYSIS:

The applicant is seeking relief from Section 33.26.H.2.a Wall Signs of the Sandy Springs Zoning Ordinance to allow a business to install a wall sign on a wall that is not exterior to the tenant space.

The applicant is a tenant within the Sandy Springs Promenade Retail Center, occupying approximately 8,000 square feet of leasable floor space, on the first floor of the building. The building is located on the southeast corner of the shopping center. The subject request is to allow the applicant to install a wall sign, on a wall located above the applicant tenant space; and exterior to Bride Beautiful shop.

The City of Sandy Springs Planning and Zoning Division, during the sign permit review, determined that the sign for Fidelity Federal C. U. at the proposed location will not be code compliant. Therefore, a variance was necessary to be in compliance with the present standards.

The Sandy Springs Zoning Ordinance makes provisions for businesses to have signs on the exterior wall of the business, but not exceeding 5 percent of the applicable wall area. The applicable wall area exterior to Bride Beautiful contains 2,025 square feet; the 5 percent allowance is 101.25 square feet. The subject wall has an existing sign for Bride Beautiful that measures 50.17 square feet. The proposed sign for Fidelity Federal C. U. measures fifty (50) square feet. The total square footage for both signs is 100.17 square feet. The sign is composed of individual channel letters that are internally illuminated.

Department Comments

The staff held a Focus Meeting on October 3, 2007 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's purpose is to present an identification of its premises, communicating to the citizens the location of the corporate office. The applicant finds that the proposed sign will be in harmony with the intent of the 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 petitioner has indicated that if the wall sign is not located on the second floor but rather placed on the first floor, it would not be visible from the primary intersection of Roswell Road & Abernathy Road. Visibility from this busy intersection is vital to the success of this business. Furthermore, the few locations which are available on the lower level are largely eclipsed by trees from vehicular and pedestrian traffic

sightlines. This building also set back several feet from the intersection which further inhibits visibility.

Recommended Conditions:

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

1. That the wall sign shall be installed pursuant to the sign detail and building elevation depicting the sign location, submitted by the applicant, dated received October 25, 2007 by the Department of Community Development (as shown in exhibit 1).
2. That the wall sign shall not exceed fifty (50) square feet, pursuant to the sign design detail submitted by the applicant, dated received October 25, 2007 by the Department of Community Development (as shown in exhibit 2).

ATTACHMENTS: Proposed sign site plan, proposed sign detail.



Variance Petition No. V07-067

HEARING & MEETING DATES

Design Review Board Meeting

Sept 25, 2007

Board of Zoning Appeals

November 8, 2007

APPLICANT/PETITIONER INFORMATION

Property Owner

Sandy Springs Plaza

Petitioner

ANY LAB TEST

Representative

David Perlow

PROPERTY INFORMATION

Address, Land Lot,
and District

6309 Roswell Road (SR 9) Ste 2E
Land Lot 89, District 17

Council District

4

Frontage and Area

799.07 feet of frontage along the east side of Roswell Road (SR 9) and 405 feet of frontage along the north side of Johnson Ferry Road. The subject property has a total area of 9.6 acres.

Existing Zoning and Use

C-1 (Community Business District) under Fulton County zoning case Z57-029. Developed with a shopping center.

Overlay District

Main Street District

Interim 2025 Comprehensive Future
Land Use Map Designation

Living Working Community (LWC)

INTENT

The applicant seeks a primary variance from Section 33.26.H.2.a of the Sandy Springs Zoning Ordinance to allow one wall sign on the front of the tenant space to exceed the 5% of the applicable wall area.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the September 25, 2007 DRB meeting. The Board endorsed (6-0) this application (V07-067) as submitted without any conditions and/or requirements.

ENFORCEMENT ACTION

In August 03, 2007, a Code Enforcement officer inspected the shopping center and notified the owner of the sign violation. In August 23, 2007, the officer issued a citation for failure to bring the sign into compliance with the ordinance. This case was heard by the Sandy

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 8, 2007

Springs Municipal Court on September 6, 2007 at which time a \$350.00 fine was applied. The case is reset in court to December 12, 2007 pending the outcome of this variance petition.

Since the court hearing the applicant has removed the subject sign.

This application was heard at the November 8, 2007 BZA hearing. The Board voted (6-0) to defer this application for thirty (30) days, to be consistent and to consider in their decision the amendment to the sign ordinance. The Mayor and City Council of the City of Sandy Springs at the November 20, 2007 meeting adopted the following Ordinance:

SECTION 27: REINSTALLATION OF EXISTING WALL SIGNS.

Any existing wall sign removed as a part of a renovation project for a shopping center (defined as containing four or more tenants) shall be permitted to be reinstalled, subject to the following standards:

1. The shopping center owner shall obtain the appropriate building and development permits prior to the commencement of the renovation project in accordance with all City standards and regulations.
2. The shopping center owner shall provide to the City photographs detailing the dimensions of the existing wall signs prior to removal.
3. Reinstallation shall only be allowed for wall signs with a valid existing sign permit.
4. Reinstallation shall only be allowed for wall signs with square footages not exceeding seven percent (7%) of the applicable wall area.
5. No alteration of any kind shall be made to the wall signs proposed for reinstallation.
6. During construction, each tenant shall be allowed to display a banner with the business name. The banner size shall be no greater than thirty-two (32) square feet. Tenants shall be required to obtain a temporary sign permit for the banner.
7. The banner shall be permitted with the commencement of construction and removed with the issuance of a Certificate of Occupancy or reinstallation of the removed wall sign, whichever occurs first.
8. Any wall sign removed without prior identification from the City as a legal existing wall sign will be subject to all of the sign standards established in this Article.

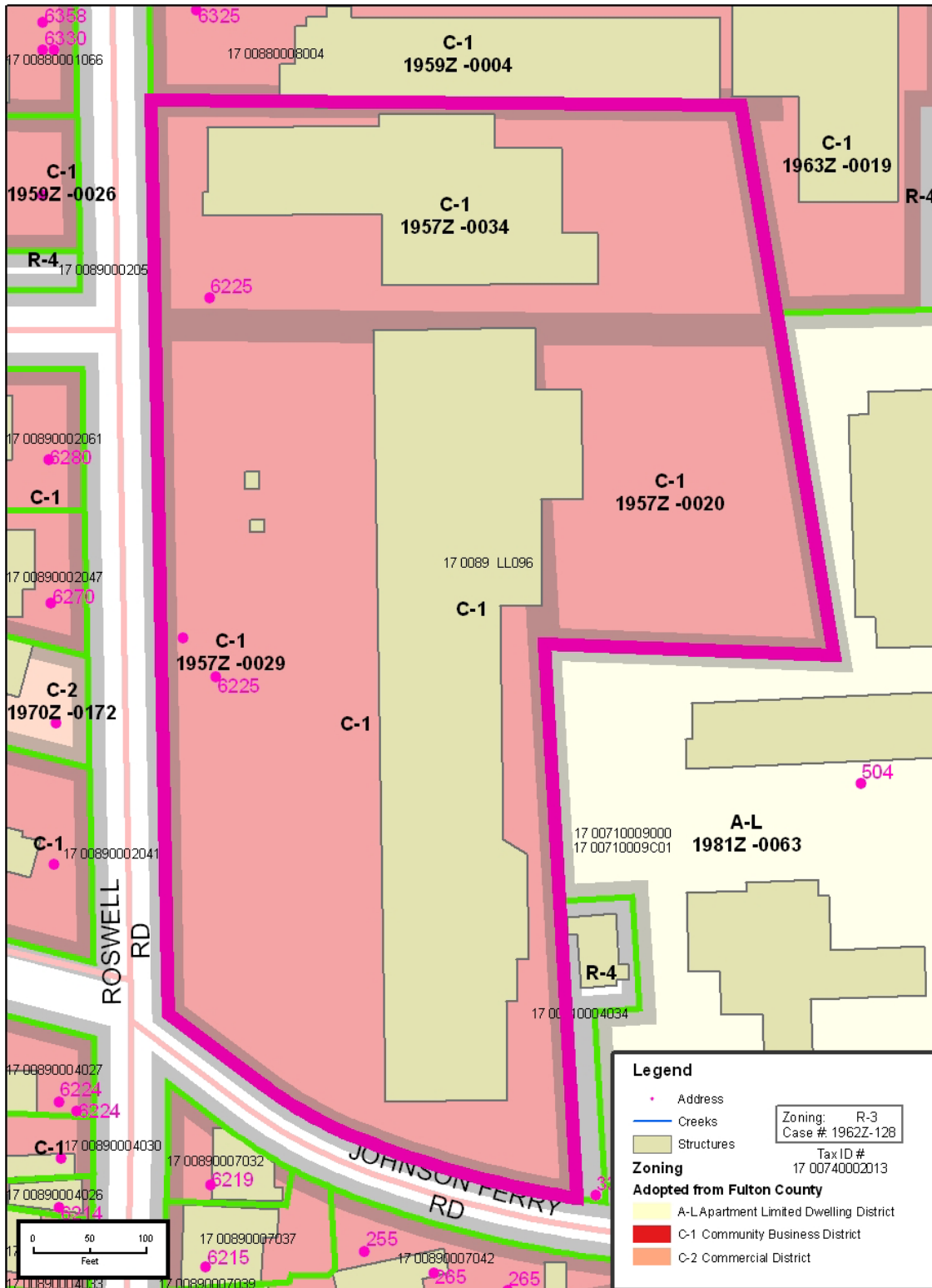
Staff is requesting withdrawal of this variance application because the new ordinance adopted by The Mayor and City Council November 20, 2007, provides for existing signs removed as a result of a renovation project, to be re-installed if the sign area does not exceeds the 7% of the applicable wall.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 8, 2007

The applicable wall area is 337.5 square feet. The proposed sign area is twenty-four (24) square feet. Applying 7% allowance based on the new ordinance the applicant is allowed to have a wall sign up to twenty-four (24) square feet.

Parcel Map

6225 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on November 8, 2007

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

CASE NUMBER: V07-067

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

ANALYSIS:

The applicant is requesting relief from Article 33.26.H.2.a to allow the business to display a wall sign exceeding the allowable sign area. The applicant is proposing to maintain a twenty-four (24) square foot wall sign on the front elevation of the tenant space facing Johnson Ferry Rd. The front elevation contains a total of 337.5 square feet of wall area. The applicant is permitted a wall sign up to 5% of the total wall area, or 16.88 square feet. The applicant stated that the existing sign has been at the current location for thirteen (13) years. The sign was removed and re-installed because of the renovation project by the Sandy Springs Plaza. The petitioner stated that the removal and re-installation of the signs in the shopping center, was a project executed by the Sandy Springs Plaza owner, reason why when the signs in the shopping center were re-installed the tenants were under the impression that the signs were all legal. The tenants were not responsible for any of the renovations or removal and installation of the signs. At no time throughout the Plaza renovation period was Any Lab Test advised by the Plaza owner that they had to have a sign permit for their existing sign to be reattached. No verbal communication, nor written letter, explained that the removal of the 1994 Any Lab Test sign by the land lord triggered the Sandy Springs requirements for signs, placing the sign in non-compliance with the ordinance. The applicant has indicated that they were told that there were not problems in removing and placing the exact sign. The sign is mounted on a perforated metal band that extends across the façade of the building and projecting away from the wall. The sign is composed of individual channel letters and internally illuminated.

In 2006 the Sandy Springs Plaza underwent a major renovation of the buildings façade. To facilitate construction, the wall signs identifying the business were removed. The plaza's owner stated that at the time of the signs removal, the signs were removed under the Fulton County assurance that they could be installed back as they were. The City of Sandy Springs Planning and Zoning Division, during the signs permit review, determined that the removed signs were not code compliant. Therefore, variances were necessary to be in compliance with the present standards.

The plaza's owner applied for variances to allow the reinstallation of the signs. Petition V06-062 included a variance for Any Lab Test to allow for a wall sign in front of the tenant space to exceed 5% of the applicable wall area. Application DRB06-151/V06-062 was heard at the June 27, 2006 Design Review Board meeting. The Board recommended approval.

The Board of Zoning Appeals approved the variance petition V06-062 on August 10, 2006 with the following conditions:

1. All signs, included in this application, that are not in compliance with Fulton County's interpretation of the sign area calculation shall not be re-installed.
2. All signs for new tenants, including those proposed to be located on off-premises walls, shall be in compliance with the Sandy Springs Zoning Ordinance.
3. All new signs, whether for existing tenants or new tenants, shall meet the requirements of the Sandy Springs Zoning ordinance

As per condition number 1, the sign permit to allow for the re-installation of the Any Lab Test sign was not approved by Staff because the sign was not in compliance with Fulton County's interpretation of the sign area calculation. The sign exceeded the maximum sign area permitted.

Department Comments

The staff held a Focus Meeting October 3, 2007 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 states that the size of the sign is necessary for ample visibility of the business location. The front of the Any Lab Test sign is not directly visible from Roswell Road because of its placement within the building. The current sign size is important so that the Any Lab Test can be visible from the northbound traffic on Roswell Road. Reducing the size of the sign will hamper its visibility as the sign is located on the extreme east side of the building at a great distance from Roswell Road and blended with other businesses signs. The applicant states that the plaza signs were removed only to facilitate the renovation of the shopping center; otherwise these signs would have remained in place indefinitely.

Recommended Conditions:

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

1. That the wall sign shall be installed pursuant to the sign detail and building elevation depicting the sign location, submitted by the applicant, dated received August 31, 2007 by the Department of Community Development.
2. That the wall sign shall not exceed twenty-four (24) square feet, as shown on the sign design detail submitted by the applicant, dated received August 31, 2007 by the Department of Community Development.

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