



Variance Petition No. V09-044

HEARING & MEETING DATES

Board of Appeals Hearing

November 12, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
Charles W. Bass

Petitioner
Carroll Thompson

Representative
Carroll Thompson

PROPERTY INFORMATION

Address, Land Lot(s), and District
1675 Redbourne Drive
Land Lot 338, District 6

Council District
1

Frontage and Area
41.46 feet of frontage along the west side of Redbourne Drive. The subject property has a total area of approximately 0.413 acres.

Existing Zoning and Use
The lot is zoned R-3A (Single-family Dwelling District). The property is currently developed with a residence.

Overlay District
N/A

2027

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

INTENT

The applicant is requesting one (1) primary variances from the Zoning Ordinance:

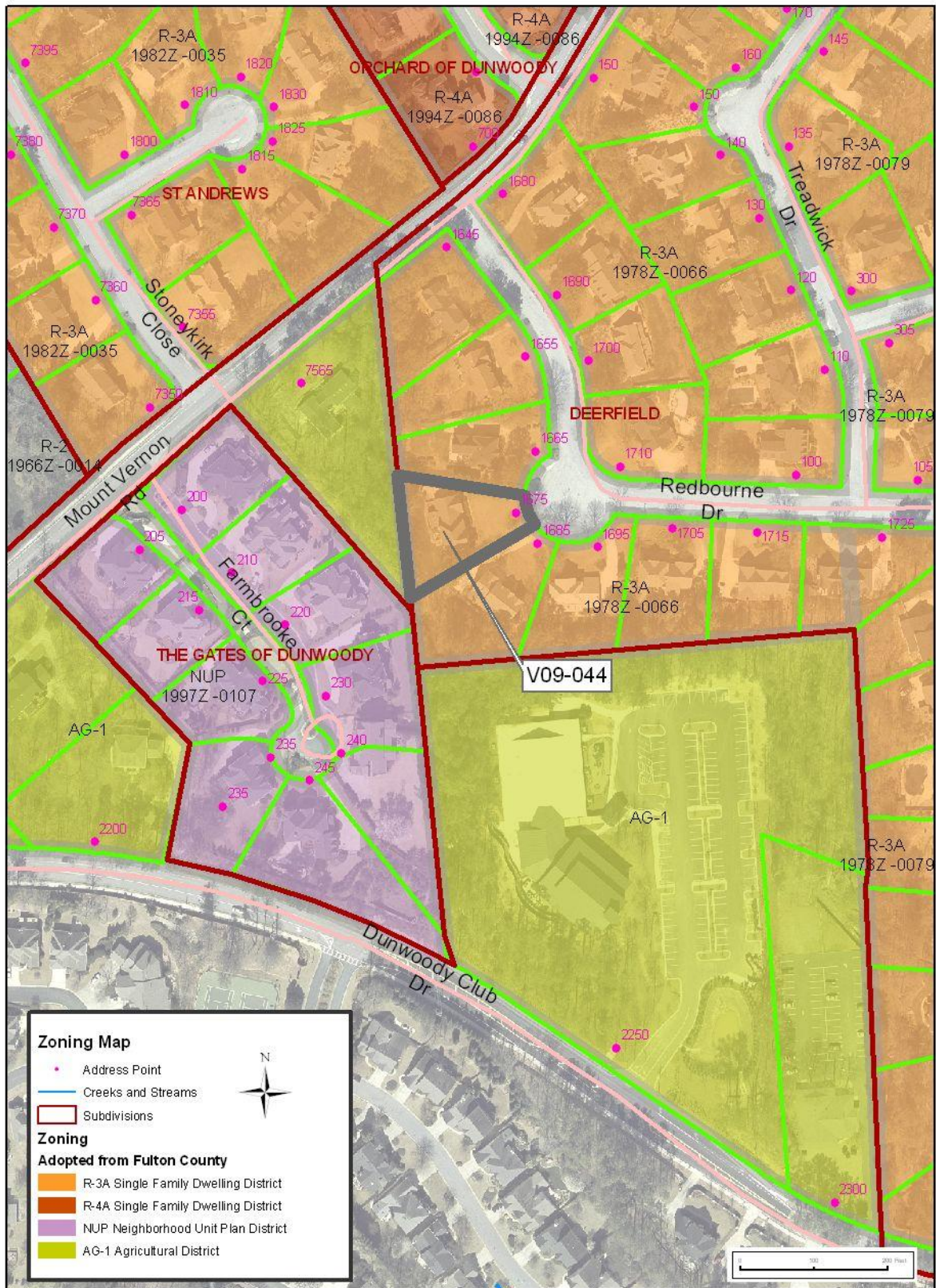
- 1) Variance from Section 6.5.3.D to reduce the required rear yard setback from thirty - five (35) to twenty-eight (28) feet to allow an addition to a single family house.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-044 - 1) APPROVAL CONDITIONAL

Parcel Map

1675 Redbourne Drive



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

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

CASE NUMBER: V09-044

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

REQUEST:

The applicant is requesting relief from Section 6.5.3.D of the Zoning Ordinance to reduce the required rear yard setback from thirty-five (35) to twenty-eight (28) feet to allow an addition to a single family house.

ANALYSIS:

The applicant has provided a site plan indicating the subject property has 41.46 feet of frontage along Redbourne Drive. The lot has a triangular shape. The property is currently developed with a single-family residence.

Staff notes that minimum lot width is required to be achieved at a distance no greater than the sum of the minimum front yard setback and the minimum rear yard setback (85 feet). Due to the triangular shape of the lot the minimum lot width is met at eighty-one (81) feet. The front yard setback is determined at the point where the minimum width is met. Therefore, the front setback is located at eight-one (81) feet instead of fifty (50) feet.

Staff notes the surrounding lots in the immediate vicinity are single family homes zoned R-3A. The adjacent houses have a front setback of fifty (50) feet and set closer to Redbourne Drive. The property to the west is a church zoned AG-1

Department Comments

The staff held a Focus Meeting on October 7, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.A - Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent houses encroach into the rear yard setback. The addition would be approximately one hundred fourteen (114) feet from the closest house in the rear and one hundred and seventy three (173) feet from the church located on the property directly behind the subject property. Additionally, the applicant has received letters of support from adjacent property owners. Therefore, staff is of the opinion this condition has been satisfied.

Section 22.3.1.B - The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Staff is of the opinion that the subject parcel has a triangular shape which requires the minimum lot width to be met at eighty-one (81) feet. The front yard setback is determined at the point where the minimum width is met. Therefore, the front setback is located at eight-one (81) feet instead of the required fifty (50) feet. The property does exhibit extraordinary and exceptional conditions related to its shape. Because the front setback at eighty-one (81) feet instead of the required fifty (50) feet it has reduced the buildable area of the lot creating an extraordinary and exceptional condition resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Recommended Condition(s)

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request. Should the Board of Appeals choose to approve the request, staff recommends the following condition:

1. The proposed lot shall be developed in accordance with the proposed site plan, provided by the applicant dated received October 20, 2009 by the Department of Community Development, for the variance(s) herein, showing the addition to the existing house showing a reduction in the required thirty-five (35) foot minimum rear yard setback to twenty-eight (28) feet, where necessary, to accommodate the portion of the encroachment (s) only.

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



Variance Petition No. V09-045

HEARING & MEETING DATES

Board of Appeals Hearing

November 12, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Erez & Alicia Guren	Erez & Alicia Guren	John Mateyak

PROPERTY INFORMATION

Address, Land Lot(s), and District	5540 Lake Island Drive Land Lot 122, District 17
Council District	6
Frontage and Area	202 feet of frontage along the west side of Lake Island Drive. The subject property has a total area of approximately 2.16 acres.
Existing Zoning and Use	The lot is zoned R-1(Single-family Dwelling District). The property is currently developed with a residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1Residential (0-1 units per acre)
INTENT	

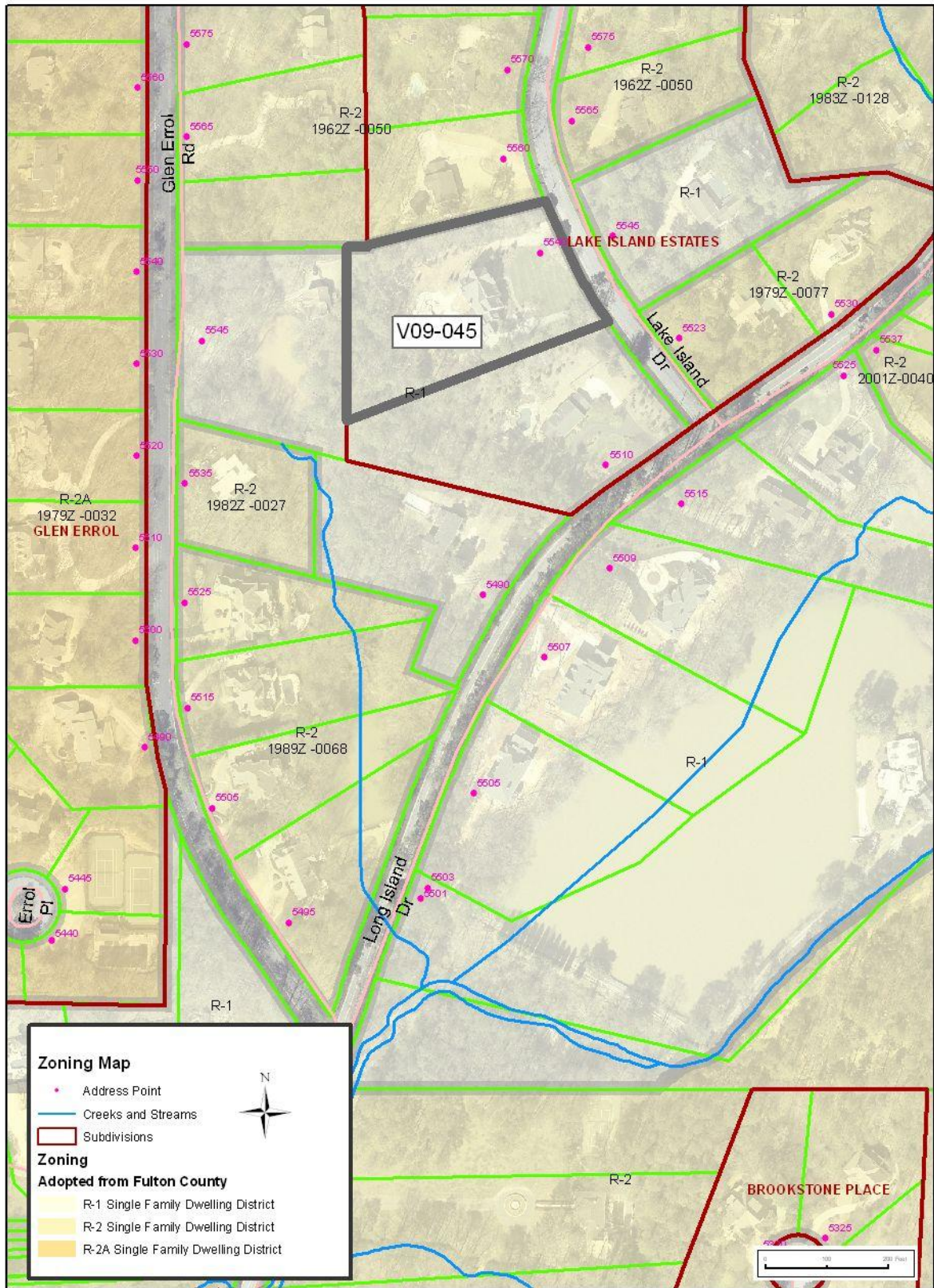
The applicant is requesting one (1) primary variance from the Zoning Ordinance:

- 1) Variance from Section 6.1.3.C to reduce the required side yard setback from twenty-five (25) to eleven (11) feet to allow the construction of a detached garage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION V09-045 - 1) APPROVAL CONDITIONAL

Parcel Map

5540 Lake Island Drive



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

CASE NUMBER: V09-045

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

REQUEST:

The applicant is requesting relief from Section 6.1.3.C of the Zoning Ordinance to allow the construction of a detached garage to encroach within the twenty-five (25) foot side setback.

ANALYSIS:

The applicant has provided a site plan indicating the subject property has 202 feet of property frontage along Lake Island Drive. The property is wooded along the sides and rear. The lot has a trapezoidal shape with a significant topography change on the west portion of the property. The existing house is set to the south side of the parcel approximately thirty-eight (38) feet from the property line. The applicant is requesting to construct a six hundred twenty-eight (628) square foot detached garage. The proposed garage would reduce the required twenty-five (25) foot setback to eleven (11) feet. The proposed addition would be located approximately one-hundred thirty (130) feet from the closest neighboring house.

Staff notes the surrounding lots in the immediate vicinity to the north are zoned R-2 (Single Family Dwelling District), and to the east, south and west have the same R-1 (Single Family Dwelling District) zoning as the subject property. The houses to the north and south of the subject property are also offset towards the south property line.

Department Comments

The staff held a Focus Meeting on October 7, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ Refer to Sandy Spring Fire ordinance Sec. 22-34. Sprinkler protection requirements. (5) All new one-family and two-family dwellings with a fire separation distance of less than 20 feet from another dwelling structure, or closer than ten feet to the property line, must be sprinkled with an approved automatic fire protection system in accordance with NFPA 13D as adopted by the office of the insurance and safety fire commissioner in the kitchen and fuel fired equipment rooms. Our department enforces this provision on all detached structures in excess of 500 square feet.
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.A - Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent property's to have a detached garage encroach into the side yard setback. Additionally, other houses in the area are built close to the side property line. Therefore, staff is of the opinion this condition has been satisfied.

Section 22.3.1.B - The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Staff is of the opinion that the subject parcel is similar to the other residential properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its topography. The subject parcel has a significant change in topography on the western (rear) side of the property. Due to the topography of the lot and the location of the existing house and driveway the property has an extraordinary and exceptional condition resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Recommended Condition(s)

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request. Should the Board of Appeals choose to approve the request, staff recommends the following condition:

1. The proposed lot shall be in accordance with the site plan, provided by the applicant dated received August 27, 2009 by the Department of Community Development, for the variance(s) herein, showing the existing house and proposed detached garage and showing a reduction in the required twenty-five (25) foot minimum side yard setback to eleven (11) feet, where necessary, to accommodate the portion of the encroachment (s) only.

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



Variance Petition No. V09-046

HEARING & MEETING DATES

Board of Appeals Hearing

November 12, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
Dhruv Pandya

Petitioner
Dhruv Pandya

Representative
Steve Ethridge

PROPERTY INFORMATION

Address, Land Lot(s), and District
5720 Riley Terrace Road
Land Lot 166, District 17

Council District
6

Frontage and Area
79.32 feet of frontage along the north side of Riley Terrace Road. The subject property has a total area of approximately .60 acres.

Existing Zoning and Use
The lot is zoned R-2A(Single-family Dwelling District) under Fulton County zoning case Z87-0106. The property is currently developed with a residence.

Overlay District
N/A

2027

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

INTENT

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

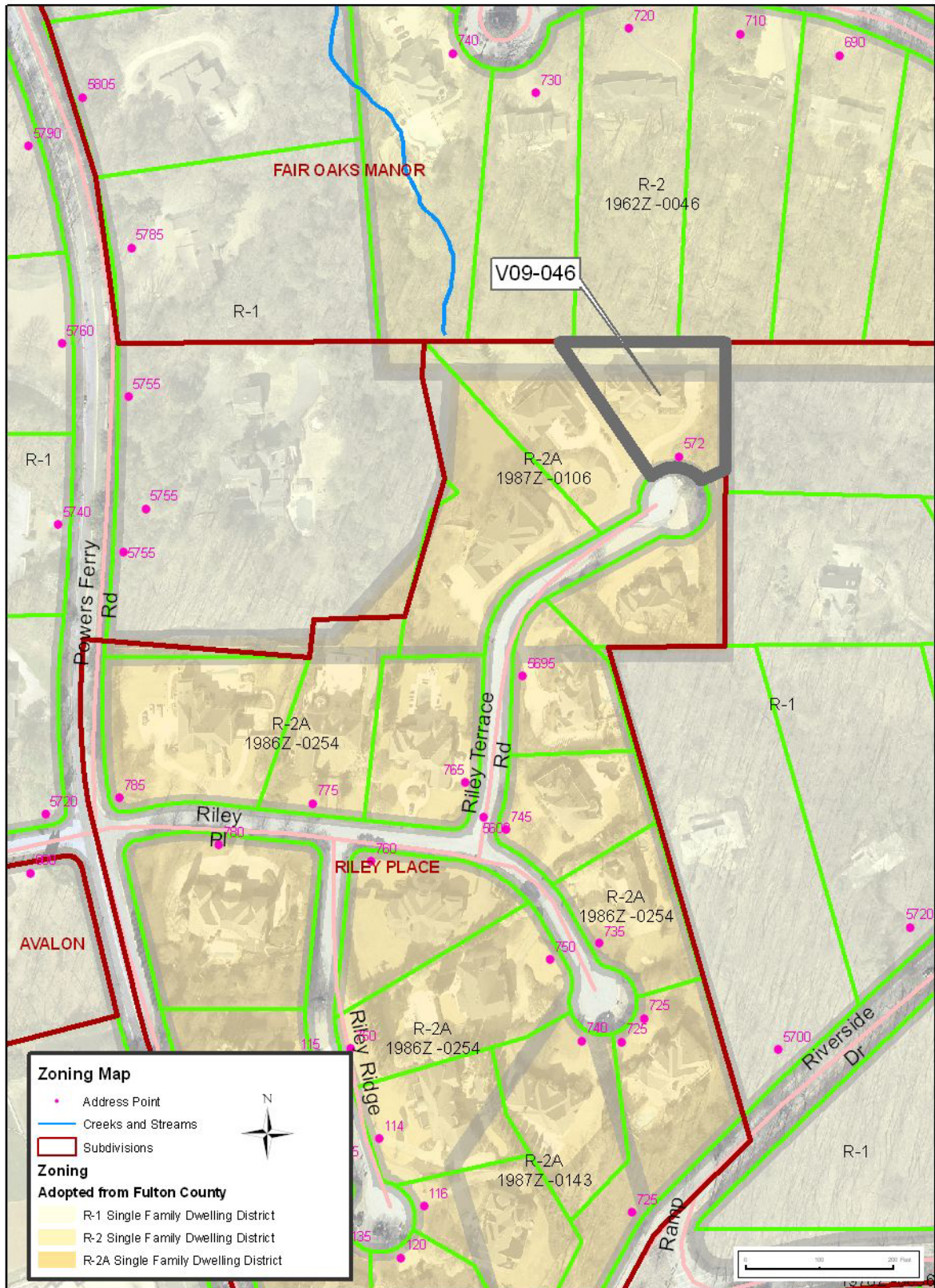
1. Variance from Section 6.3.3.D to reduce the required rear yard setback from 40 feet to 13 feet for proposed accessory structure (Pavilion), and to 32 feet for existing house.
2. Variance from Section 6.3.3.I to allow for an accessory structure (Pavilion) within the minimum required rear yard.
3. Variance from Section 19.3.12.B.1 to reduce the pool deck/equipment property line setback from 10 feet to 5 feet. All variances to allow for existing and proposed structures.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-046 - 1) TBD

Parcel Map

5720 Riley Terrace Road



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

CASE NUMBER: V09-046

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

REQUEST:

The applicant is requesting relief from Section 6.3.3.D of the Zoning Ordinance to allow for the proposed accessory structure (Pavilion) to encroach within the sixty (60) foot front setback, Section 6.2.3.I. to allow an accessory structure (pool house) and existing pool equipment to be located within a front yard and a variance from Section 19.3.12.B.1 to allow a pool equipment to encroach into the ten (10) foot setback for pools and pool equipment.

1. Variance from Section 6.3.3.D to reduce the required rear yard setback from 40 feet to 13 feet for proposed accessory structure (Pavilion), and to 32 feet for existing house.
2. Variance from Section 6.3.3.I to allow for an accessory structure (Pavilion) within the minimum required rear yard.
3. Variance from Section 19.3.12.B.1 to reduce the pool deck/equipment property line setback from 10 feet to 5 feet. All variances to allow for existing and proposed structures.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have property frontage along Long Island Drive. Per plat, the access to Long Island Drive is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot creating a flag lot. However, the site is not accessed from the stem or pole. It is only accessible from a private driveway shared by lots 1 to 11. The property is currently developed with a single-family residence. The existing house orients towards the private shared driveway. The site plan also shows the existing house, existing pool, existing pool equipment and the proposed detached structure (pool house) located in the required front yard. The existing pool equipment is also encroaching into the ten (10) foot setback for pools and pool equipment.

Staff notes that the front yard setback is determined at the point of intersection of stem and flag portion of a flag lot running along the property line the most perpendicular to the stem. This make the east property line which runs parallel to Long Island Drive the front yard. Because the house orients to the private driveway the side of the house is adjacent to the front property line and the front of the house is adjacent to the side property line. The Zoning Ordinance requires accessory structures to be located in the rear or side yards only but not be located within a minimum yard.

Staff notes the surrounding lots in the immediate vicinity are zoned R-2A and R-2. The adjacent houses are oriented with the front yards along Glencastle Drive and Claire Rose Lane. All abutting property accessed by the private driveway are oriented toward the private driveway.

The abutting properties to the south are oriented so that the rear yard setback is adjacent to the side yard setback of the applicant's property. The side yard setback required is 15 feet.

Department Comments

The staff held a Focus Meeting on October 6, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.A - Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Staff is of the opinion that relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent property owner's houses orient towards the private driveway. Additionally, the proposed pool house would be located approximately 800 feet from Long Island Drive and the proposed

pool cabana does not encroach further than the existing house into the required front yard. Therefore, staff is of the opinion this condition has been satisfied.

Section 22.3.1.B - The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Staff is of the opinion that the subject parcel is similar to the other residential properties in the Subdivision. The property does exhibit extraordinary and exceptional conditions related to its size or topography. However, the subject parcel is a flag lot. The parcel is not accessible from the stem or pole portion, as platted. It is only accessible from a private driveway shared by lots 1 to 11. Due to the shape of the lot and the property's access point being a shared private driveway an extraordinary and exceptional condition is created resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this condition is satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Recommended Condition(s)

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request. Should the Board of Appeals choose to approve the request, staff recommends the following condition:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received July 14, 2009 by the Department of Community Development, for the variance(s) herein, showing the existing house and accessory structure (pool house) located in the front yard and showing a reduction in the required sixty (60) foot minimum front yard setback to twenty-two (22) feet, and a reduction in the required ten (10) feet pool equipment property line setback to five (5) feet, where necessary, to accommodate the portion of the encroachment (s) only.

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



Variance Petition No. V09-029

HEARING & MEETING DATES

Design Review Board
August 11, 2009

Board of Appeals Hearing
September 10, 2009
November 12, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner

Gideon Levy

Petitioner

Copeland Village Shopping
Center

Representative

Carole Silverman

PROPERTY INFORMATION

Address, Land 215 Northwood Drive

Lot(s), and District Land Lot 91, District 17

Council District 6

Frontage and Area 255.00 feet of frontage along the south side of Northwood Drive. The subject property has a total area of approximately 1.3521 acres.

Existing Zoning and Use The lot is zoned C-1(Community Business District) under Fulton County zoning case Z64-0025. The property is currently developed with a shopping center.

Overlay District Main Street District

2027

**Comprehensive
Future Land Use
Map Designation** LWR (Live Work Regional)

INTENT

The applicant is requesting two (2) primary variances from the Zoning Ordinance:

- 1) Variance from Section 4.6 to allow refuse containers (dumpsters) without the required screening.
- 2) Variance from Section 12B.5.C to allow refuse containers (dumpsters) without the required screening.

At the September 10, 2009 BOA meeting the Board deferred the application to the November 10, 2009 BOA meeting to discuss alternative screen ideas with the police department.

A meeting was held on October 23, 2009 between Police Department staff and the Department of Community Development. The Police Department identified this location as having a significant security problem. As a result, they worked with Community Development to prepare a proposal which addresses the appearance intent of the Overlay District and the security issues identified by the Police Department. Therefore, staff is recommending a two sided eight (8) foot high opaque fence be installed to screen the

dumpsters from surrounding properties. The fence will need to be transparent or elevated on the south and east for the first foot in order to allow visibility behind the fence. The Police Department also suggested the dumpster to be up against the fence to eliminate potential hiding places. The dumpsters would not be required to be fully enclosed, but would be screened from other properties. The staff has provided a site plan depicting the location for the dumpsters and the screening.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the August 11, 2009 DRB meeting. The request was recommended for APPROVAL (5-0, Richard, Westmoreland, Landeck, Gregory and Mobley for; Lichtenstein absent; and Porter not voting) with the following conditions: To allow the refuse area to stay unscreened for no more than one (1) year for the Police and Shopping Center to control crime in the area.

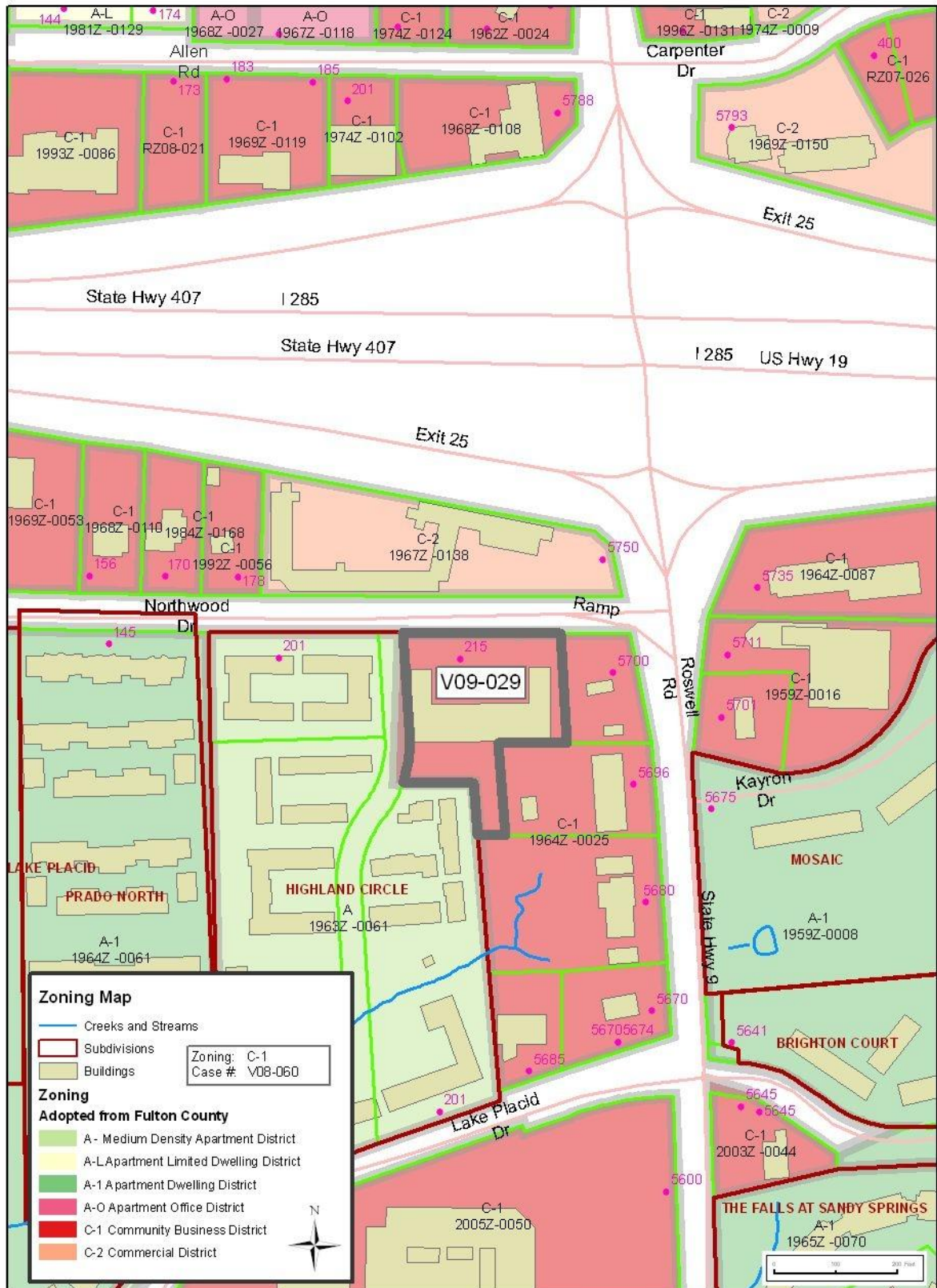
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-029- 1)APPROVAL CONDITIONAL

V09-029- 2) APPROVAL CONDITIONAL

Parcel Map

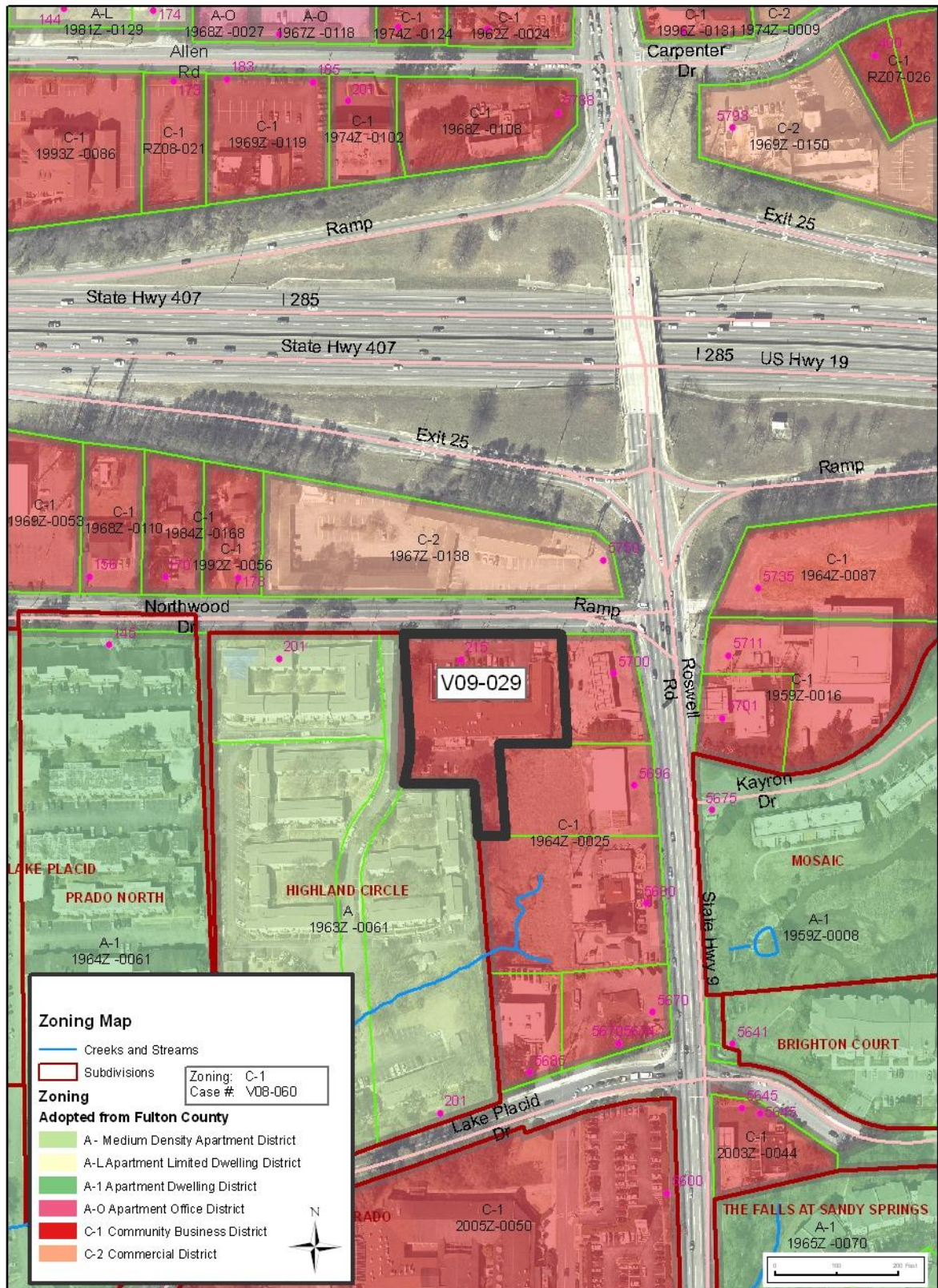
215 Northwood Drive



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

Arial Photo

215 Northwood Drive



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

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

CASE NUMBER: V09-029

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

REQUEST:

The applicant is requesting relief from Sections 4.6 and 12B.5.C.2 of the Zoning Ordinance to allow four (4) existing refuse containers (dumpsters) to remain in their current locations without the code-required screening.

ANALYSIS:

The subject property is located at 215 Northwood Drive and is developed as a shopping center. The subject parcel falls within the boundaries of the Sandy Springs Main Street Overlay District.

Section 4.6 of the Zoning Ordinance requires refuse areas to be screened to one-hundred percent opacity with fences/walls or a vegetative screen which complies with the screening requirements of the Tree Protection Ordinance. Furthermore, Section 12B.5.C.2 of the Zoning Ordinance requires any refuse areas visible from a public street to be screened by one or a combination of the following elements: continuous evergreen plantings, opaque fences or other material related to the primary landscape or architectural elements on the site.

The applicant has provided a site plan which indicates four (4) dumpsters are located in the rear of the property behind the Shopping Center. None of these dumpsters is screened from view as required by Sections 4.6 and 12B.5.C.2 of the Zoning Ordinance. The surrounding lots in the immediate vicinity are zoned either C-1 (Community Business District), C-2 (Commercial District) or A (Medium Density Apartment District). Each of these adjacent properties has either a code-required dumpster enclosure or has been made aware of this requirement and are under enforcement by the City.

Department Comments

The staff held a Focus Meeting on August 5, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ No comments
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Section 22.3.1.A - Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Staff is of the opinion that relief from this requirement is not in harmony with the intent of the Zoning Ordinance and will be a detriment to the public as all other refuse containers in the City are required to be screened. Additionally, the existing refuse area is located on a portion of the site which is visible from adjacent properties. Therefore, staff is of the opinion this criterion is not satisfied.

Section 22.3.1.B - The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Staff is of the opinion that the subject parcel is similar to many other commercial properties in the City and does not exhibit any extraordinary or exceptional conditions related to its size, shape, or topography. The subject parcel is a rectangular-shaped polygon without any existing stream buffer areas or significant topographic challenges. The safety concerns expressed by the applicant do not create an extraordinary and exceptional condition resulting in a hardship for the owner of the property as defined by the City's Zoning Ordinance. Therefore, staff is of the opinion this criterion is not satisfied.

Section 22.3.1.C – Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

RECOMMENDATION:

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance requests. However, should the Board of Appeals choose to approve the requests, staff recommends the following condition:

1. The location of all refuse containers and screening shall be in accordance with the site plan, provided by the Department of Community Development dated received October 26, 2009 by the Department of Community Development.
 - a. All dumpsters and grease trap shall be screened in a two sided eight (8) foot opaque fence be installed to screen the dumpster from surrounding properties and the first foot shall be transparent or elevated in order to allow visibility behind the fence.

ATTACHMENTS: Letter of appeal, site plan, Staff's proposed dumpster location and photographs.



Variance Petition No. V09-048

HEARING & MEETING DATES

Board of Appeals Hearing

November 12, 2009

December 10, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner

Walter Mills

Petitioner

Walter Mills

Representative

Walter Mills

PROPERTY INFORMATION

Address, Land Cameron Valley Court, 17-0206-0011-040

Lot(s), and District Land Lot 206, District 17

Council District 3

Frontage and Area 136.42 feet of frontage along the north side of Cameron Valley Court. The subject property has a total area of approximately 0.743 acres.

Existing Zoning and Use The lot is zoned CUP (Community Unit Plan District) under Fulton County zoning case Z78-0031. The property is currently undeveloped.

Overlay District N/A

2027

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

Map Designation

INTENT

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

- 1) Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 0 feet to pipe the creek to allow for the construction of a single-family house.

At the November 12, 2009 BOA meeting the Board deferred the application to the December 10, 2009 BOA meeting to discuss alternative locations for the house to preserve the fifty (50) foot undisturbed buffer.

The applicant has requested the case be deferred until the January 14, 2010 meeting to allow more time to consult an architect regarding alternative locations for the house.

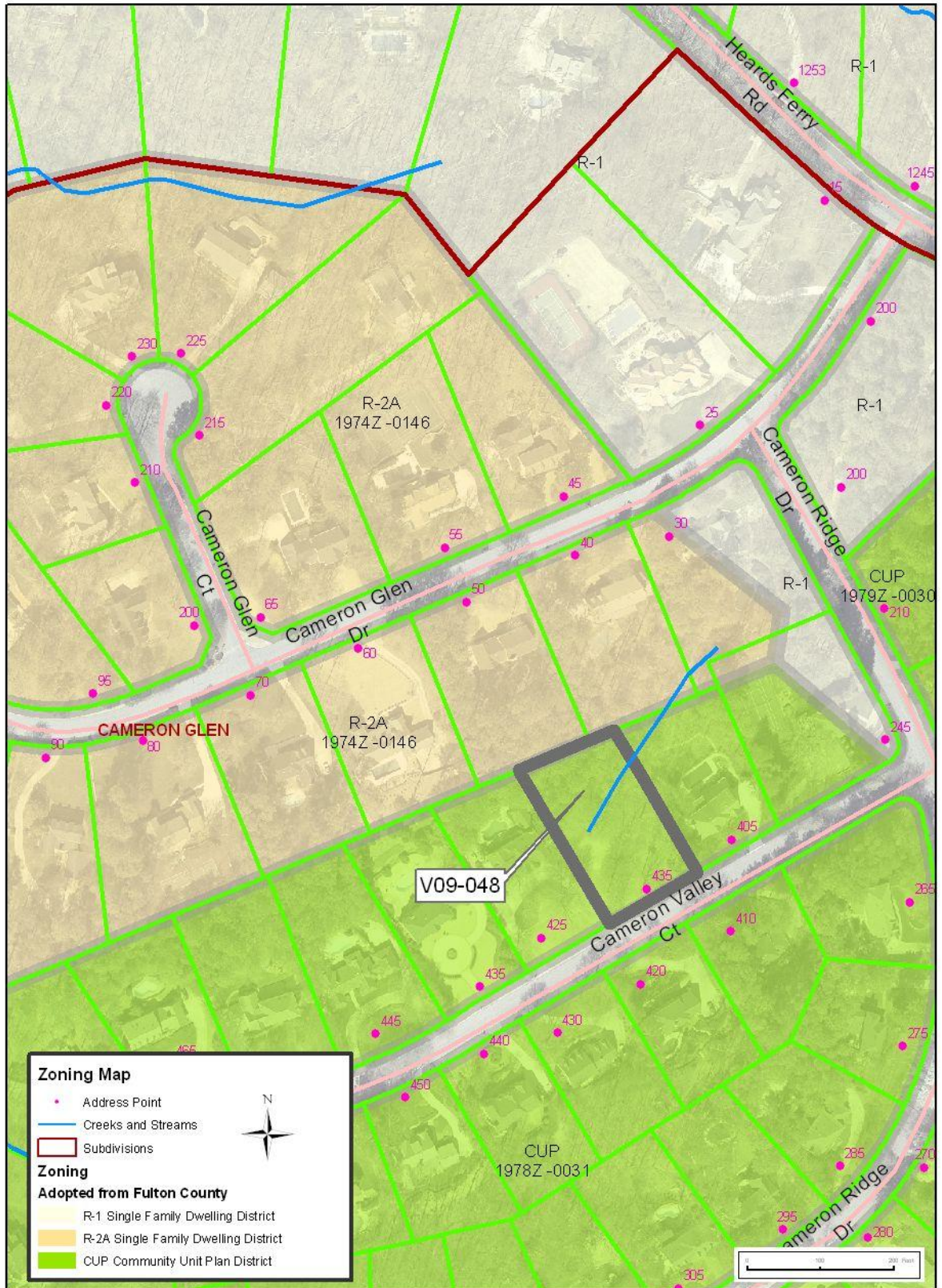
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-048 - 1)DEFERRAL

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on December 10, 2009

Parcel Map

0 Cameron Valley Court



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on December 10, 2009

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

CASE NUMBER: V09-048

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

REQUEST:

The applicant is requesting relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 0 feet to pipe the creek to allow for the construction of a single-family house.

ANALYSIS:

The applicant has submitted a site plan indicating the subject property to have 136.42 feet of frontage along Cameron Valley Court. The property is wooded, trapezoidal in shape, and sloping to the center of the lot towards the stream. The centerline of the stream runs north to south bisecting the lot. The stream runs one hundred fourteen (114) feet across the property before entering an existing twenty-four (24) inch corrugated metal pipe. The applicant is proposing to pipe the stream and to construct a single family home. The proposed house would not encroach into the twenty-five (25) foot state buffer. There is also a sanitary sewer easement that runs parallel to the stream through the center of the property.

Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The sanitary sewer easement also restricts the buildable area of the property. The applicant will require a state variance prior to the installation of the pipe.

Staff notes the surrounding lots in the immediate vicinity are zoned CUP (Community Unit Plan District). The properties to the north of the subject property are zoned R-2A (Single Family Dwelling District). The stream runs through a small portion of the three (3) lots to the northeast.

Department Comments

The staff held a Focus Meeting on October 7, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	- The lowest floor elevation of the new house, including basement shall be elevated to at least the higher of the following two elevations: - three feet above the 100 year water surface elevation at the inlet of the pipe (new pipe if installed, or existing pipe if new pipe not installed); - two feet higher than the elevation of the ground surface at the threshold over which water would flow to continue downstream if the water level upstream of the pipe were to rise such that overland flow downstream were to occur.
	Arborist/Landscape Architect	The existing feature is piped from the start of the next door property to the owners' property.
	Building Plan Reviewer	No comments
FIRE DEPT.	Fire Protection Engineer	No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	No comments
	Georgia Department of Transportation	No comments

Standards for Consideration

Section 109-225 of the Sandy Springs Code of Ordinances which includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each of these variance criteria followed by an analysis by staff:

Section 109-225(b)(3)a. – When a property’s shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer is granted.

Staff is of the opinion that the property shape, topography, or physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The land would be unable to be developed without relief from the stream buffer requirements. Therefore, staff is of the opinion this condition has been satisfied.

Section 109-225(b)(3)b. – Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Staff is of the opinion that the property has an unusual circumstance when strict adherence to the minimal buffer requirement would create an extreme hardship. Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The land would be unable to be developed without relief from the stream buffer requirements. Therefore, staff is of the opinion this condition has been satisfied.

Section 109-225(b)(5)a. – The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; This condition has been satisfied.

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

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

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

Alternative designs have not been discussed with staff regarding this property. The applicant has indicated no architectural drawings have been designed. However, intrusion into the stream buffer would occur at any location within the buildable area of the lot. Therefore, staff is of the opinion this condition has been satisfied.

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

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

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

Staff is of the opinion that the issuance of the variance is not as protective of natural resources and the environment because the current lot is vacant. The construction of a new house would remove natural resources and add impervious surfaces to the area. Therefore, staff is of the opinion this condition has not been satisfied.

Conclusion

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DEFER** of the variance request.

Recommended Condition(s)

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

- 1) The subject house shall be constructed in accordance with the proposed site plan, provided by the applicant dated received September 24, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the 25 foot impervious set back to 0 feet to allow for a new driveway, where necessary to accommodate the portion of the encroachment only.
- 2) The lowest floor elevation of the new house, including basement shall be elevated to at least the higher of the following two elevations:
 - a. three feet above the 100 year water surface elevation at the inlet of the pipe (new pipe if installed, or existing pipe if new pipe not installed);
 - b. two feet higher than the elevation of the ground surface at the threshold over which water would flow to continue downstream if the water level upstream of the pipe were to rise such that overland flow downstream were to occur.
- 3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced for building additions and/or other improvements, downspouts shall be directed into a rain garden or a 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.
- 5) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

ATTACHMENTS: Letter of deferral, letter of appeal, letter of support, site plan, and photographs.



Variance Petition No. V09-049

HEARING & MEETING DATES

Board of Appeals Hearing

November 12, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner

Rod Windley

Petitioner

Joe A. Gayle

Representative

Jessica Hill

PROPERTY INFORMATION

Address, Land 5375 Long Island Drive

Lot(s), and District Land Lot 121, District 17

Council District 6

Frontage and Area 162 feet of frontage along the east side of Long Island Drive. The subject property has a total area of approximately 7.12 acres.

Existing Zoning and Use The lot is zoned R-2(Single-family Dwelling District). The property is currently developed with a residence.

Overlay District N/A

2027

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

INTENT

The applicant is requesting two (2) primary variances from the Zoning Ordinance:

- 1) Variance from Section 6.2.3.I of the Zoning Ordinance to allow for an accessory structure (pavilion) in the front yard.
- 2) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 0 feet to allow a reconfigured driveway and bridge(from V08-058), existing foot bridges, replace existing fence along Long Island Drive with a decorative fence, installation of a call box, mail box and trash collection at the property entrance, pea gravel path , two sets of field stepping stones, native planting within the stream buffer, and installation of drainage swales near site entrance.

At the November 13, 2008 BOA meeting the Board approved application V08-058 to allow the construction of a driveway, vehicular gate, and retaining wall.

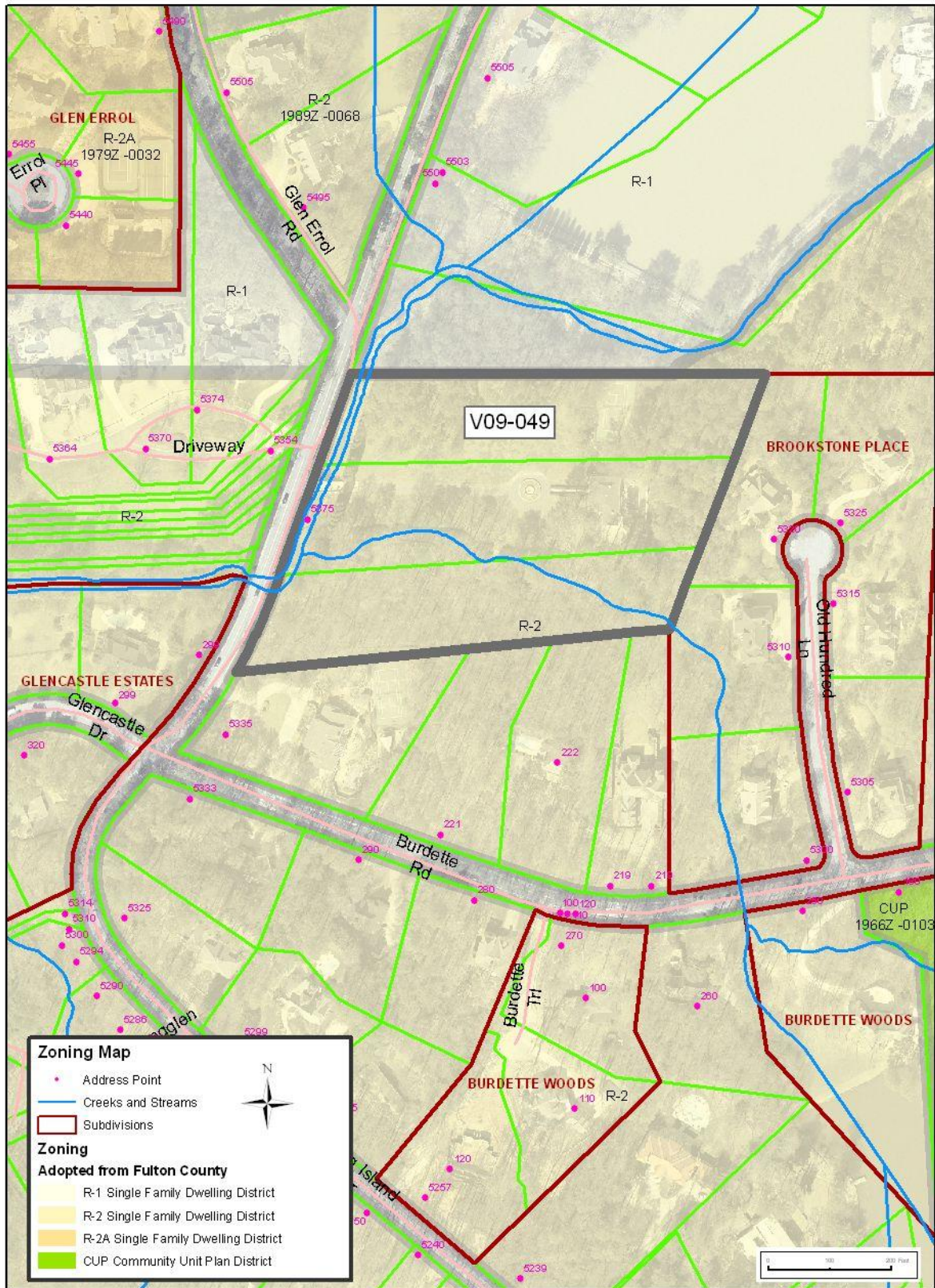
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

V09-049 - 1) DENIAL

V09-049 - 2) DENIAL

Parcel Map

5375 Long Island Drive



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

CASE NUMBER: V09-049

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

REQUEST:

The applicant is requesting two (2) primary variances from the Zoning Ordinance:

- 1) Variance from Section 6.2.3.I of the Zoning Ordinance to allow for an accessory structure (pavilion) in the front yard.
- 2) Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 0 feet to allow for:
 - a. Reconfigured driveway and bridge (from V08-058)
 - b. Existing foot bridges
 - c. Replace existing fence along Long Island Drive with a decorative fence
 - d. Installation of a call box, mail box and trash collection area at property entrance
 - e. Pea gravel path
 - f. Two sets of field stepping stones
 - g. Native planting within the stream buffer
 - h. Installation of drainage swales near site entrance

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have 488.04 feet of frontage along Long Island Drive. The property is wooded, rectangular polygon in shape and streams run along the north, south and west portion of the property. Long Island Creek Trunk Sewer a twenty-four (24) inch pipe runs from the north corner to the west and eight (8) inch sewer line runs from the south tying into the trunk line. The house is located towards the rear of the lot avoiding all stream buffers and sanitary sewer easements. The site plan also shows a walking path and the location of the proposed ten (10) foot long by ten (10) foot wide by twelve (12) foot high pavilion. The driveway has been reconfigured from the variance case V08-058.

Staff notes that the Zoning Ordinance requires accessory structures to be located in the rear or side yards only but not be located within a minimum yard. The proposed pavilion would be located within the buildable area in the front yard.

The applicant is proposing to encroach upon 14,924 square feet into the twenty-five (25) foot state buffer for stream bank native planting and to replace the existing fence. Staff notes a 2,071 square foot encroachment for the reconfigured driveway and bridge in the twenty-five (25) foot state buffer have been approved by the state.

The applicant is also proposing to encroach 7,310 square feet in the fifty (50) foot undisturbed buffer for landscaping, fence, call box, dry stack rock, and drainage swale; and to encroach 2,071 square foot into the seventy-five (75) foot impervious set for landscaping, dry stack rock, mailbox, and trash enclosure.

Staff notes the surrounding lots in the immediate vicinity are zoned R-2 (Single Family Dwelling District) and R-1 (Single Family Dwelling District) to the north.

Department Comments

The staff held a Focus Meeting on October 7, 2009 at which the following departmental comments were provided:

BUILDING AND LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/Landscape Architect	▪ There are several issues involving the construction of the walkway.
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Considerations for V09-049 #1:

Section 22.3.1.A - Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,

Staff is of the opinion that relief from this requirement is not in harmony with the intent of the Zoning Ordinance and does not promote the health, safety, or general welfare. Therefore, staff is of the opinion this condition has not been satisfied.

Section 22.3.1.B - The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

Staff is of the opinion that the subject parcel is similar to the other residential properties in the area and does not exhibit any extraordinary or exceptional conditions related to its size, shape, or topography. However, the subject parcel does have streams that run along the north, south and west portion of the property. Long Island Creek Trunk Sewer, a twenty-four (24) inch pipe, runs from the north corner to the west and an eight (8) inch sewer line runs from the south tying into the trunk line. However, the applicant has not submitted alternative plans indicating other potential location for the pavilion. Therefore, staff is of the opinion this condition has not been satisfied.

Section 22.3.1.C - Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

Not Applicable.

Section 109-225 of the Sandy Springs Code of Ordinances which includes one or more criteria which must be met before a variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

Considerations for V09-049 #2:

Section 109-225(b)(3)a. – When a property’s shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer is granted.

Staff is of the opinion that the property shape, topography, or physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The lot also has Long Island Creek Trunk Sewer, a twenty-four (24) inch pipe, runs from the north corner to the west and an eight (8) inch sewer line runs from the south tying into the trunk line. However, the lot has been developed with a single family house without encroaching into the stream buffer or sewer easement. Therefore, staff is of the opinion this condition has not been satisfied.

Section 109-225(b)(3)b. – Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Staff is of the opinion that the property has an unusual circumstance when strict adherence to the minimal buffer requirement would create an extreme hardship. Staff notes the stream buffers covers approximately three fourths of the buildable area of the lot. The land would be inaccessible without relief from the stream buffer requirements. Therefore, staff is of the opinion this condition has been satisfied.

Section 109-225(b)(5)a. – The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; this condition has been satisfied.

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

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

Section 109-225(b)(5)d. – Whether alternative designs are possible which require less intrusion or no intrusion; the proposed driveway design is more effective to access the house than the V08-058 approved plan. This condition has been satisfied.

Section 109-225(b)(5)e. – The long-term and construction water quality impacts of the proposed variance; the applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs. Therefore, staff is of the opinion this condition is satisfied.

Section 109-225(b)(5)f. – Whether issuance of the variance is at least as protective of natural resources and the environment. Staff is of the opinion that the issuance of the variance is at least as protective of natural resources and the environment because the proposed reconfigured driveway and fence are currently located in the twenty-five (25) foot buffer and the proposed call box, mailbox, and trash enclosure will be located in area that are already cleared. Therefore, staff is of the opinion this condition has been satisfied.

Recommended Condition(s)

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends **DENIAL** of the variance request. Should the Board of Appeals choose to approve the request, staff recommends the following condition:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received October 30, 2009 by the Department of Community Development, for the variance(s) herein, showing the accessory structure (pavilion) located in the front yard and a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a zero (0) foot, where necessary to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention device.
3. When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
4. All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
5. Stream crossings shall be as narrow as possible and shall be pervious.
6. Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
7. The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
8. All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
9. Stream bank restoration shall be installed as required by the Director of the Community Development Department.
10. The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.

11. All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

ATTACHMENTS: Letter of appeal, site plan, approved site plan from V08-058, details and photographs.



Variance Petition No. V09-039

HEARING & MEETING DATES

Design Review Board
September 8, 2009

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

APPLICANT/PETITIONER INFORMATION

Property Owner
John White

Petitioner
John White

Representative
John White

PROPERTY INFORMATION

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

Council District 3

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

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

Overlay District Main Street District.

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

INTENT

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

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

DESIGN REVIEW BOARD RECOMMENDATION

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

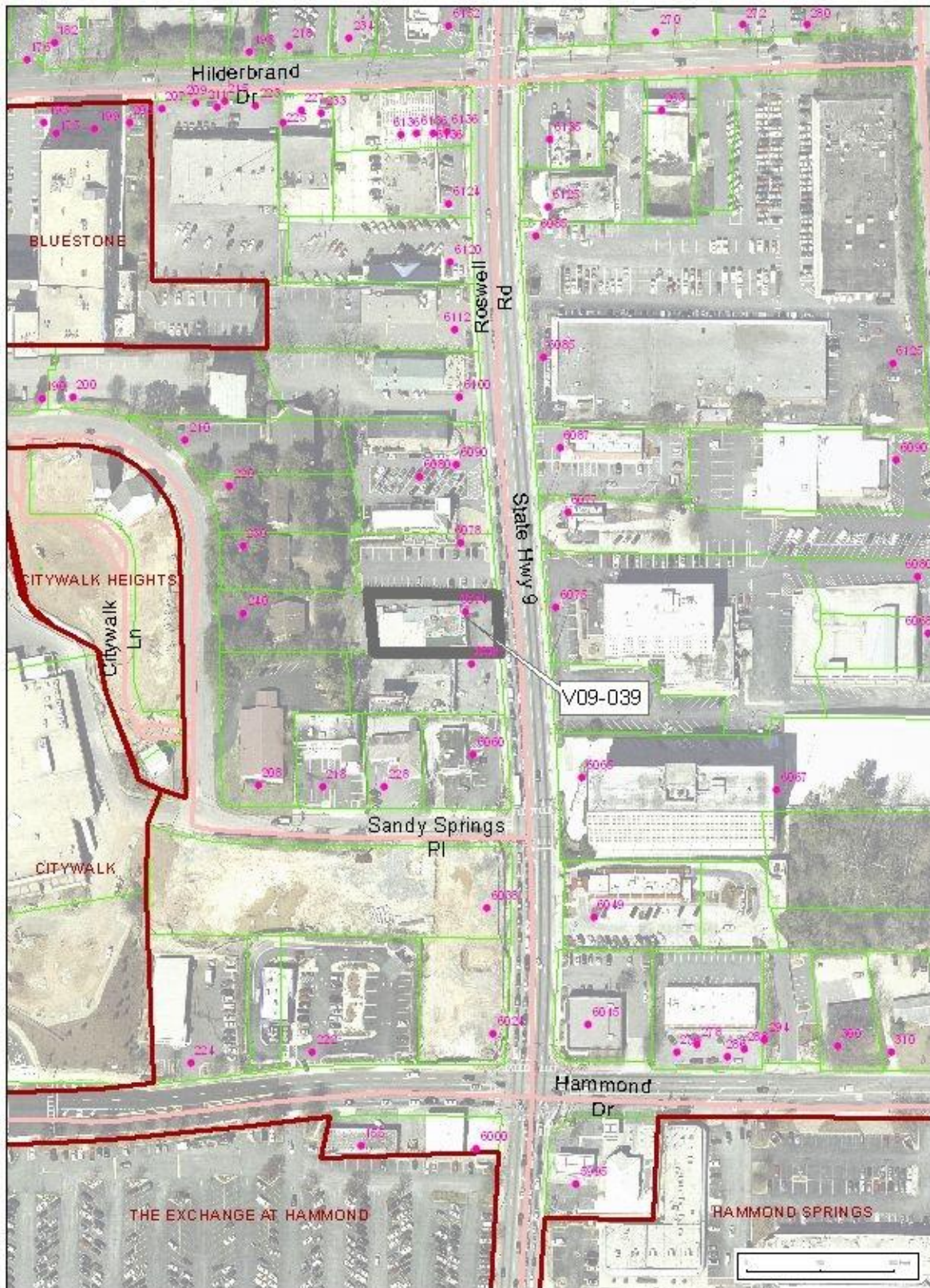
V09-039- APPROVAL CONDITIONAL

6074 Roswell Road



Aerial Map

6074 Roswell Road



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

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V09-039

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

REQUEST:

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

Staff Analysis:

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

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

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

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

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

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

Department Comments

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

BUILDING AND DEVELOPMENT	Engineering Plan Reviewer	▪ No comments
	Arborist/ Landscape Architect	▪ No comments
	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Department, Transportation, Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

Section 33.12.D. of the City's Zoning Sign Ordinance includes one or more criteria which must be met before a sign variance can be approved by the Board of Appeals. The remainder of this portion of the memorandum provides each these variance criteria followed by an analysis by staff:

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

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

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

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

RECOMMENDATION:

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

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

Recommended Conditions:

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

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

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

VARIANCE TABLE

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