



Variance Petition No. 201302558

HEARING & MEETING DATES

Board of Appeals Hearing

October 10, 2013

November 14, 2013

APPLICANT/PETITIONER INFORMATION

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

PROPERTY INFORMATION

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

INTENT

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

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201302558 -1) APPROVAL CONDITIONAL

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

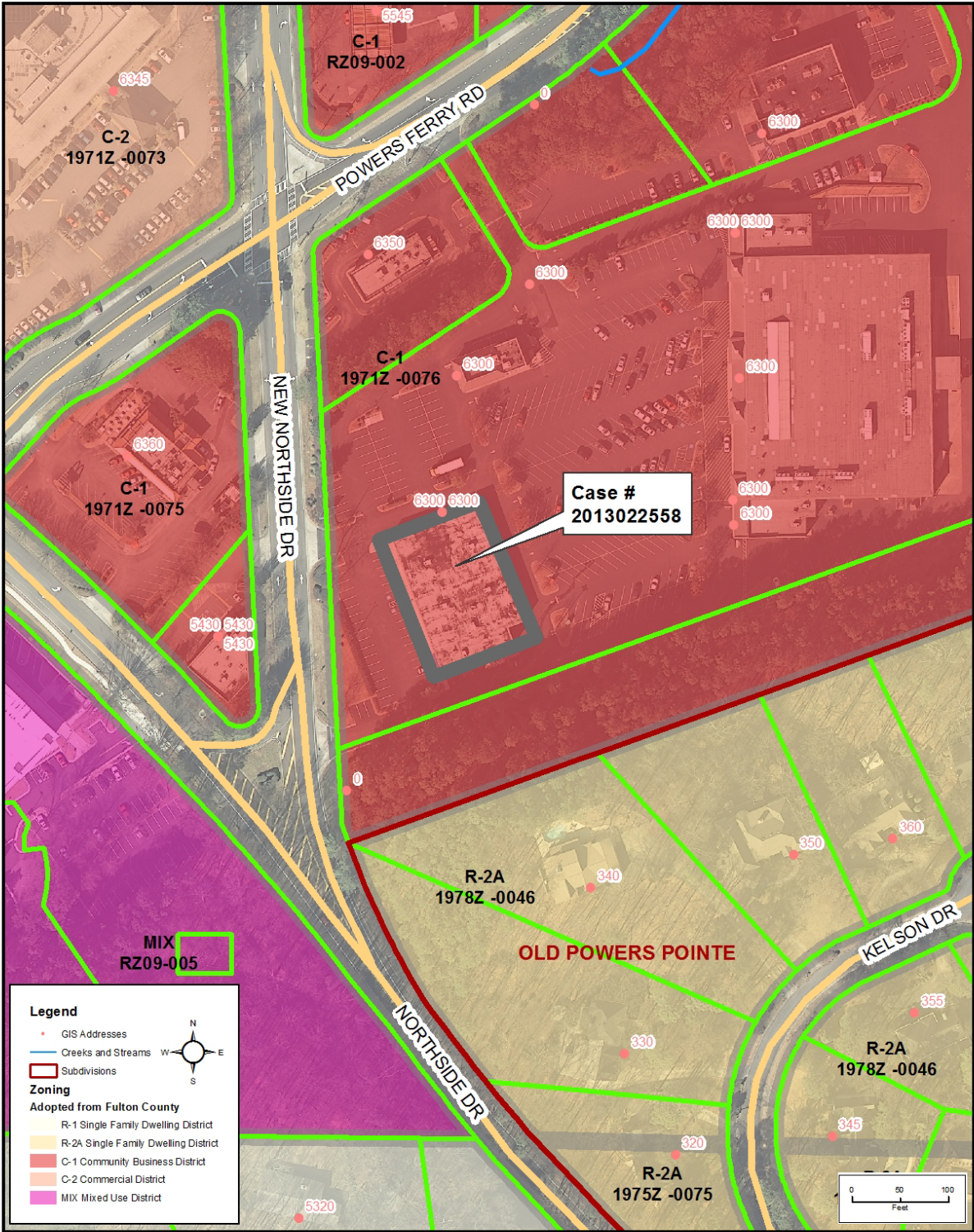
The applicant met with Staff and considered the following possibilities:

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

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

Parcel Map

6300 Powers Ferry Road #500



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

CASE NUMBER: 201302558

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

Staff Analysis:

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

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

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

The Sandy Springs zoning ordinance provides:

Section 33.26.F.2 Commercial and Industrial Park Districts

Wall Signs. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business. Wall sign(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

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

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

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

History

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

Standards for Consideration

Zoning Ordinance

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

Section 33.12.D. Standards

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

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

Findings:

While the building is adjacent to the New Northside Drive entrance the visibility of the business is limited due to the topography of the property. The unique site layout, quantity of existing businesses and the vertical nature of this project, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. There is approximately thirty (30) feet of variation in ground elevation between the Powers Ferry Road finished grade at the north entrance and the building ground elevation; and approximately ten (10) feet of difference in elevation between New Northside Drive and the building ground elevation. Staff is of the opinion that the topography of the lot present challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.

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

Findings:

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety. When approaching the site traveling eastbound along Powers Ferry Road, none of the existing Juice Box signs are

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

Department Comments

The staff held a Focus Meeting on September 4, 2013, at which time the following departmental comments were provided:

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

Recommendation

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs.

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

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

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request.

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

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

Attachments

Letter of Appeal
Property Survey
Sign Detail
Photographs



Variance Petition No. 201302855

HEARING & MEETING DATES

Board of Appeals Hearing
November 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Dayton and Raul Velarde	Dayton Velarde	Dayton Velarde

PROPERTY INFORMATION

Address, Land Lot(s), and District	4515 Mount Paran Parkway Land Lot 177, 17 th District
Council District	6
Frontage	Approximately 74.58 feet of frontage along the east side of Mount Paran Parkway
Area	Approximately 1.008 acres
Existing Zoning	R-2 (Single Family Dwelling District) pursuant to Fulton County case Z55-0014
Existing Use	Single family residence
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential, 0 to 1 units per acre (R0-1)

INTENT

The applicant is proposing to construct a garage. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to eleven (11) feet to allow for the construction of a garage.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201302855 – 1) APPROVAL CONDITIONAL

Standards for Consideration

Zoning Ordinance

Section 22.3.1 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Board of Appeals:

Section 22.3.1. Variance Considerations.

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

Finding:

The proposed garage would be minimally disruptive to the adjacent property owner because only a small portion of the side yard would be impacted by the construction of the garage and would leave an eleven (11) foot side yard setback. The proposed garage would be shielded from the neighboring property owner by an existing wooden fence and trees along the property line. Additionally, many other properties in this

neighborhood have expanded and added front entrance garages to their dwelling. Based on these considerations, staff is of the opinion that this condition has been satisfied.

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

Finding:

The subject parcel has a lot width that is significantly less than the required one hundred fifty foot (150) minimum lot width under the R-2 zoning district. The developable area is further limited by a steep grade change on the north side of the property. The new garage is proposed on the flattest portion of the lot in order to minimize the disturbance to the existing topography and adjacent property owners. Staff is of the opinion that this condition has been satisfied.

Department Comments

Focus Meeting held on Wednesday October 2, 2013, no comments were provided by the following departments: Arborist, Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 22.3.1 of the Sandy Springs Zoning Ordinance. Based upon this review, staff recommends **APPROVALCONDITIONAL**, of this variance request to allow for the construction of a garage.

Recommended Condition(s)

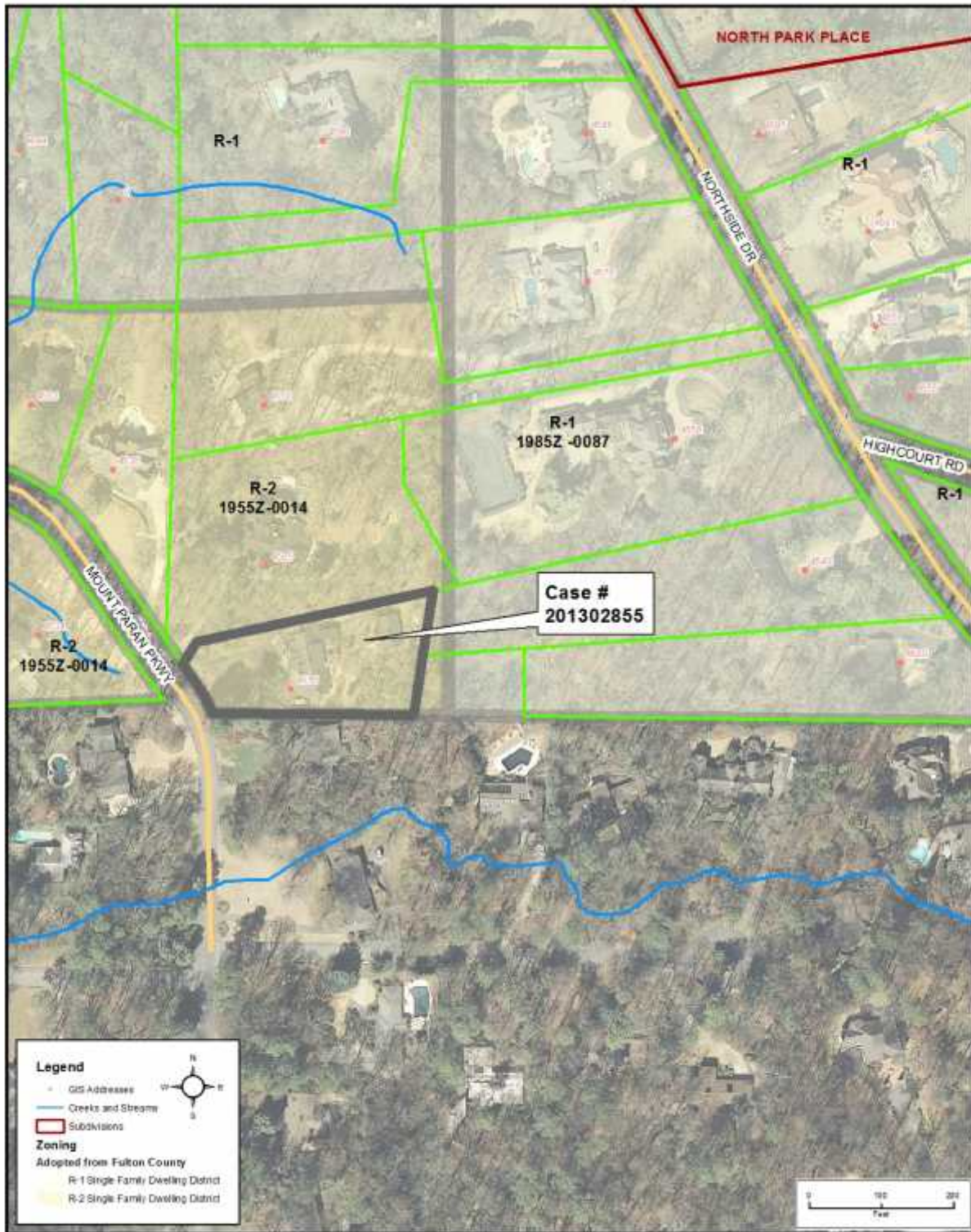
Should the Board of Appeals choose to approve the request, staff recommends the following condition:

- 1) To reduce the required fifteen (15) foot side yard setback to eleven (11) feet to allow for the construction of a garage, as shown on the site plan dated received September 25, 2013 by the Department of Community Development.

ATTACHMENTS:

Parcel Map
Letter of Appeal – Dated received September 23, 2013
Site Plan – Dated received September 25, 2013
Topography Map
Photographs

4515 Mount Vernon Pkwy





Variance Petition No. 201303042

HEARING & MEETING DATES

Board of Appeals Hearing
November 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner
TI Equities

Petitioner
TI Equities

Representative
TC Collier

PROPERTY INFORMATION

Address, Land Lot(s),
and District 4644 East Conway Road
Land Lot 137, 17th District

Council District 6

Frontage Approximately 163.80 feet of frontage along East Conway Road

Area Approximately 0.67 acres

Existing Zoning R-3

Existing Use Residence

Overlay District N/A

2027 Comprehensive
Future Land Use Map
Designation Residential 1 to 2 units per acre

INTENT

The applicant is proposing to demolish the existing house and rebuild a new house. The applicant is requesting one (1) primary variance(s) from the Zoning Ordinance:

1. Variance from Section 109-225.a.1 & 2 of Stream Buffer Protection Ordinance to allow construction of a new home within the fifty (50) foot undisturbed buffer and the seventy-five (75) foot impervious surface setback.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303042 – 1) APPROVAL CONDITIONAL

Standards for Consideration

	Existing Site	Proposed Plan	Total
0'-25' Stream Buffer	258 sf	0 sf	0 sf
25' – 50' Stream Buffer	1,960 sf	3,453 sf	3,453 sf
50' – 75' Stream Buffer	1,734 sf	3,780 sf	3,780 sf
Total Impervious Surface encroaching in Stream Buffer	3,952 sf	7,233 sf	7,233 sf

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

Sec. 109-225. Land development requirements.

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

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

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

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the property is irregular in shape. The stream buffer covers more than three-fourths of the developable area of the lot. The home that exists on the lot is within all three of the applicable stream buffers, but the proposed house is designed to be outside of the twenty-five (25) foot state buffer. There is less than 1,000 square feet of buildable area outside of the stream buffer. Based on these reasons, staff is of the opinion this condition has been satisfied.

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

Finding:

The stream buffer covers a majority of the existing property, and, as detailed in the above table and shown on the site plan, the existing residence is within the stream buffers. Staff notes that the stream buffer covers approximately more than three-fourths of the developable area of the lot when the minimum buffer requirement is strictly applied. Based on these reasons, staff is of the opinion this condition has been satisfied.

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

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

Finding:

The lot is "V" shaped. Due to the shape of the lot, the proposed house is shown as close to the front and side of the lot least impacted by the stream buffers, but the stream runs diagonally across the parcel and along the southern side property line. The lot is irregularly shaped and a majority of the buildable area is covered by the applicable stream buffers, when combined with the topography, this limits locations where the proposed house could be built with minimal impact to the environment. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

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

Finding:

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

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

Findings:

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

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

Findings:

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

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

Findings:

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

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

Findings:

The proposed location of the new residence eliminates any encroachment into the twenty-five (25) foot state buffer, and moves other portions of the residence into the seventy-five (75) foot impervious surface buffer instead of the fifty (50) foot undisturbed buffer. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday October 2, 2013, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, or Site Development. The Arborist provided the following:

- Require that alternatives to impervious surface be explored and implemented in pavement areas prior to issuance of any permits.

Conclusion

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of this variance request to allow for the construction of a deck.

Recommended Condition(s)

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

- 1) To allow for the construction of a single family residence within the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer, as shown on the site plan dated received September 20, 2013 by the Department of Community Development.

ATTACHMENTS:

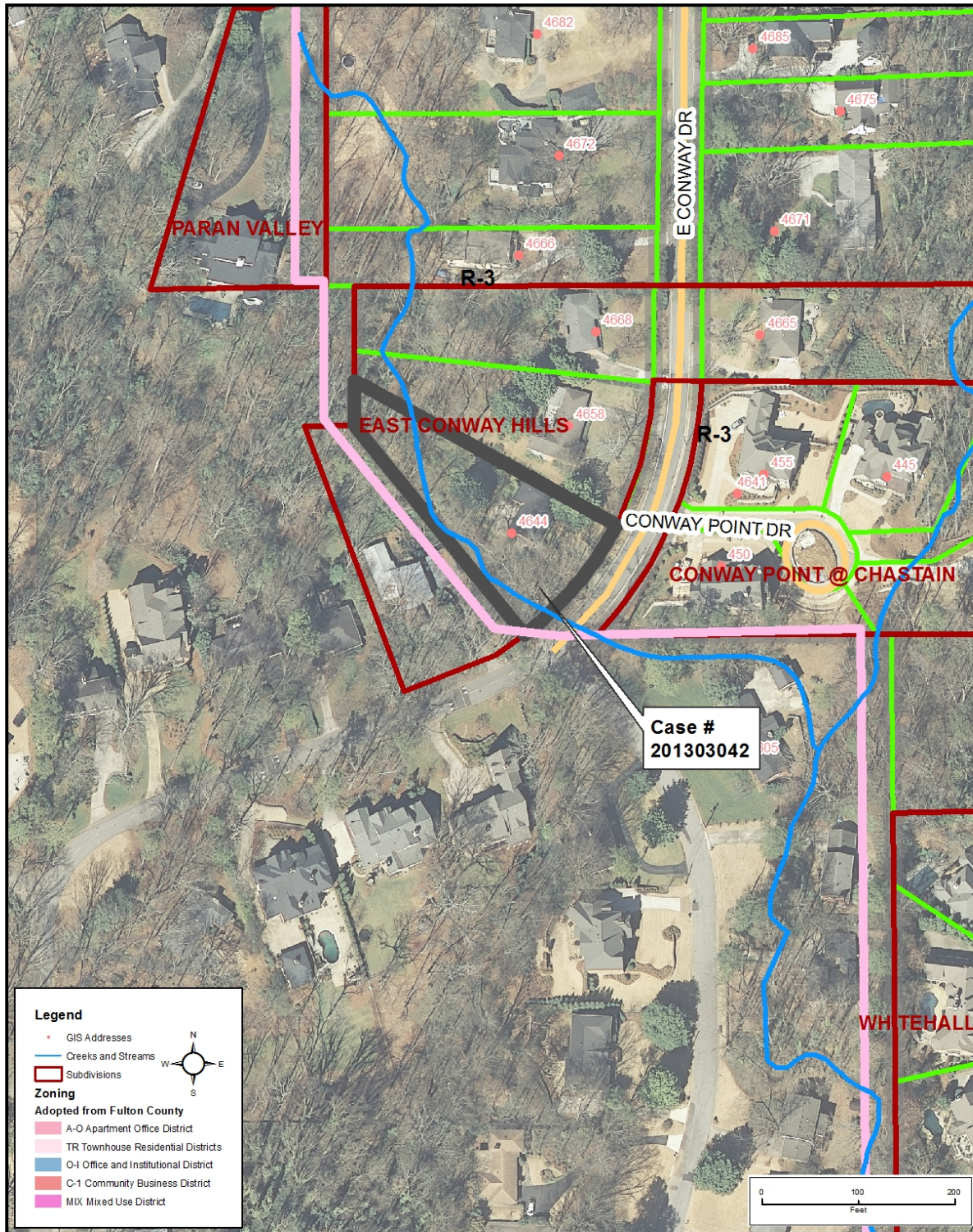
Parcel Map

Letter of Appeal – Dated received September 13, 2013

Proposed and Existing Site Plans – Dated received September 20, 2013

Photographs

4644 East Conway Road





Variance Petition No. 201303044

HEARING & MEETING DATES

Board of Appeals Hearing

November 14, 2013

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Hilton Suites Hotel/Elizabeth A. Procaccianti	Rotary Club of Sandy Springs/ Jim Squire	Jim Squire

PROPERTY INFORMATION

Address, Land Lot(s), and District	6120 Peachtree Dunwoody Road Land Lot 18, 17 District
Council District	3
Frontage	Approximately 445 feet of frontage along the western side of Peachtree Dunwoody Road.
Area	The subject property has a total area of 4.25 acres (185,130 square feet).
Existing Zoning and Use	O-I (Office and Institutional District) conditional under RZ08-013/CV08-011/U08-007 and is currently developed with a hotel.
Overlay District	Perimeter Community Improvement Design District (PCID).
2027 Comprehensive Plan Future Land Use Map Designation	Living Working Regional (LWR).

INTENT

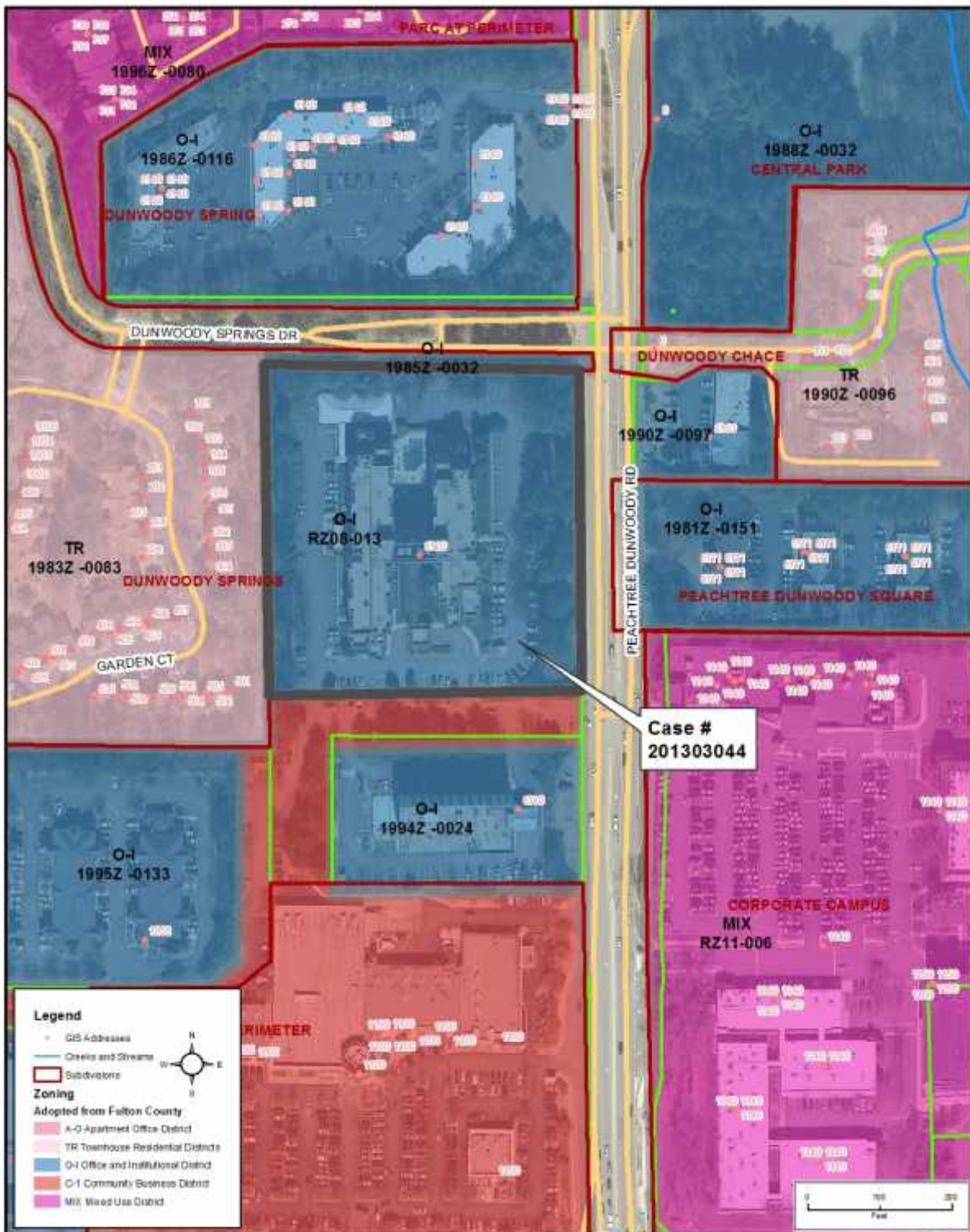
The applicant is seeking a primary variance from Section 33.26.D.3 of the Zoning Ordinance to allow for Internal sign to be legible from the right of way.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201303044 -1) APPROVAL CONDITIONAL

Parcel Map

6120 Peachtree Dunwoody Road



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

CASE NUMBER: 201303044

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

Staff Analysis:

The site is located on the west side of Peachtree-Dunwoody Road at approximately 800 feet north from the intersection of Hammond Drive and Peachtree-Dunwoody Road. The property is zoned O-I (Office and Institutional District) conditional under RZ08-013/CV08-011/U08-007 and is currently developed with a hotel. The subject property is located within the Perimeter Community Improvement Design District (PCID).

The application is from the Rotary Club of Sandy Springs requesting to be allowed to install a free standing sign on the Hilton Perimeter Suites property where they have their weekly meetings. The proposed sign is classified as an internal sign.

The Sandy Springs zoning ordinance provides:

Section 33.26.D.3 O-I District

Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

The applicant is proposing to display the internal sign closer to the entrance and therefore legible from the right of way to allow the members to find the location of the Rotary Club meetings. Because the proposed sign location, a variance is required to allow the sign to be legible from the right of way. The applicant state "The sign needs to be seen from Peachtree Dunwoody Road to direct people to our meetings, and the shrubbery for the hotel along the road obscure the sign visibility".

The applicant is proposing to install a 6.23 square foot free standing sign 5' high.

History

No Code Enforcement issues had been reported.

Standards for Consideration

Zoning Ordinance

- 1) Section 33.26.D.3 of the Zoning Ordinance allow for internal sign to be legible from the right of way.

Section 33.12.D. Standards

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

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

Findings:

Staff is of the opinion that the topography of the lot does not present any challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

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

Findings:

The purpose of the internal signs is informational and directional. As a result, clear and readable directives become imperative to a guest's ability to reach his or her intended destination. Staff is of the opinion that the natural features of the lot on which the sign is to be located presents challenges to justify the approval of this variance. Therefore, based on these reasons, staff finds that this standard has been satisfied.

Department Comments

The staff held a Focus Meeting on October 2, 2013, at which time the following departmental comments were provided:

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

Recommendation

The purpose of the sign ordinance is to use the signs as a means of effective communication; to improve traffic and pedestrian safety; to protect the rights of individuals and businesses to convey their messages through signs.

Staff reviewed the request relative to the variance standards contained in Section 33.12.D. of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request.

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

1. To allow an internal sign to be legible from the public right-of-way pursuant to the sign detail, submitted by the applicant, and dated received September 13, 2013 by the Department of Community Development.
2. That the sign shall be located approximately 12' from the back of curb
3. , pursuant to the site plan provided by the applicant dated received September 13, 2013, by the Department of Community Development.
4. That the sign area shall not exceed 6.23 square feet of sign area (Diameter of Rotary Emblem = 30"+ Location information sign = 8"x 24") and five (5) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received September 13, 2013 by the Department of Community Development.
5. That the internal sign is only to be used for the purpose to identify the location of the Rotary club of Sandy Springs meeting.

Attachments

Letter of Appeal
Property Survey
Sign Detail
Photographs