



Variance Petition No. V08-064

HEARING & MEETING DATES

Design Review Board

October 28, 2008

Board of Zoning Appeals Hearing

December 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner

Masoud Zahedi

Petitioner

Masoud Zahedi

Representative

Masoud Zahedi

PROPERTY INFORMATION

Address, Land Lot(s), and District 6193 & 6207 Glenridge Drive
Land Lot(s) 36, District 17

Council District 3

Frontage and Area 300 feet of frontage along the east side of Glenridge Drive. The subject property has a total area of approximately 2.00 acres.

Existing Zoning and Use The lot is zoned R-5A (Single-family Dwelling District) under zoning case Z04-075. The conditions of zoning case Z04-075 were modified under zoning case ZM06-012. The property is intended to be developed with single-family residences.

Overlay District Urban District

2027

Comprehensive Future Land Use Map Designation R3-5 Residential (3 to 5 units per acre)

INTENT

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

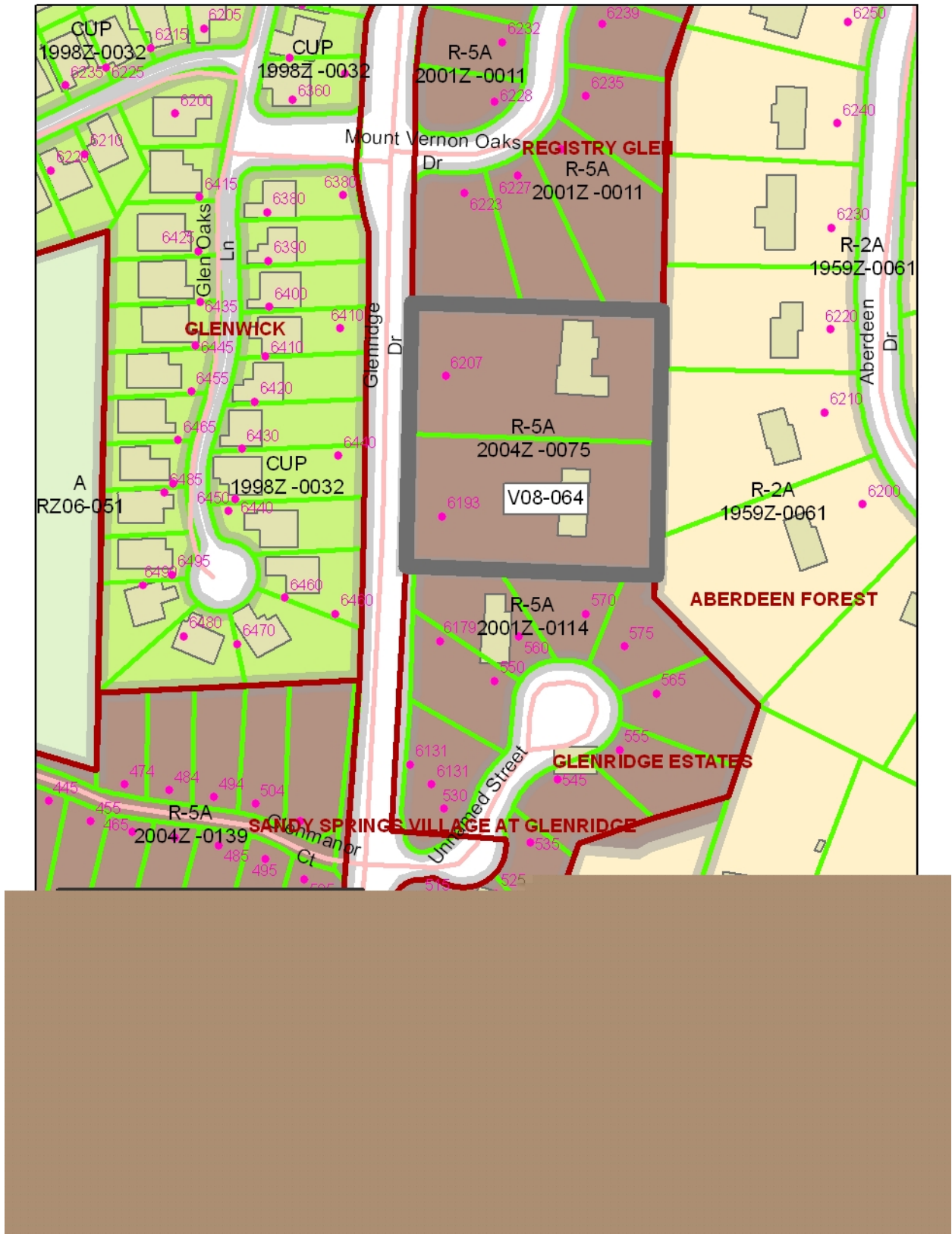
- 1) Variance from Section 6.9.3.F to reduce the required minimum perimeter setback from forty (40) feet to ten (10) feet and
- 2) Variance from Section 6.9.3.G.2 to reduce the required minimum building separation from fourteen (14) feet to seven (7) feet.

Both variances for the development of a single-family subdivision.

At the October 28, 2008 Design Review Board (DRB) meeting, the subject application was not endorsed by the DRB at a vote of four (4) against endorsement and one (1) for endorsement.

Parcel Map

6193 Glenridge Dr. & 6207 Glenridge Dr.



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

CASE NUMBER: V08-064

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

BACKGROUND:

The property is zoned R-5A (Single Family Dwelling District) under zoning case Z04-075. Under application V04-232, variances were granted to the subject property. The aforementioned variances include, but are not limited to: a reduction in the required perimeter setback from forty (40) feet to thirty (30) feet along the proposed subdivision's Glenridge Drive frontage and a reduction in the required perimeter setback from forty (40) feet to twenty (20) feet from the proposed subdivision's north and south property lines. The conditions of zoning case Z04-075 were modified under zoning case ZM06-012. The aforementioned modification includes, but is not limited to: a revised site plan, deletion of a condition requiring a fifty-five (55) area of reservation along the entire property frontage from the centerline of Glenridge Drive, and a Concurrent Variance (CV06-031) to allow for a reduction in the required forty (40) foot perimeter setback to twenty (20) feet for the entire property frontage along Glenridge Drive. The subject property is located within the Urban District of the Sandy Springs Overlay District.

The applicant now intends to further reduce the required perimeter setback to ten (10) feet along the entire frontage only for the lot indicated as number eight (8) along Glenridge Drive. Additionally, the applicant is requesting a reduction in the required minimum interior side yards allowing for a minimum building separation of seven (7) feet where a fourteen (14) foot separation is required. The aforementioned reduction in the required minimum interior side yards would be for both side yards of lots indicated as numbers: two (2), six (6), and seven (7). Lots indicated as numbers: one (1), three (3), five (5), and eight (8) are proposed to have a reduction in one required minimum interior side yard.

At the October 28, 2008 Design Review Board (DRB) meeting, the subject application was not endorsed by the DRB at a vote of four (4) against and one (1) for.

REQUEST:

The applicant is requesting relief from Section 6.9.3.F of the Zoning Ordinance to reduce the required minimum perimeter setback from forty (40) feet to ten (10) feet from the Glenridge Drive right-of-way only for the lot indicated as number eight (8). Additionally, the applicant is requesting relief from Section 6.9.3.G.2 of the Zoning Ordinance to reduce the required minimum building separation from fourteen (14) feet to seven (7) feet.

Both variances are for the development of a single-family subdivision.

ANALYSIS:

The applicant has provided site plans indicating lots within the subject subdivision are irregularly shaped, sloped, and range in size from approximately 6,000 to 14,000 square feet. The subdivision is encumbered by various easements and a separate lot is shown to be utilized as a detention pond.

The applicant states the subject property consists of 2 acres zoned R-5A. This site is located on Glenridge Drive. The requested variances are needed due to extraordinary and exceptional conditions pertaining to this project because of the relocation of the entrance to accommodate enough site distance (as clearly shown on the proposed final plat). In addition, a 10.5 foot right-of-way was dedicated, and a separate lot was created for a detention pond which creates a hardship for the project. The request for relief is to reduce the required 20 foot perimeter setback (per ZM06-012) to 10 feet for lot number 8 and to reduce the building side setback to 3.5' for lots 1, 2, 3, 5, 6, 7, and 8. These variances are in the interior of the project and would cause no detriment to the public.

Abutting Property Land Uses/Zoning

North: Properties zoned R-5A (Single family Dwelling District) under zoning case Z01-011.

East: Properties zoned R-2A (Single family Dwelling District) under zoning case Z59-61.

South: Properties zoned R-5A (Single family Dwelling District) under zoning case Z01-0114.

West: Properties zoned CUP (Community Unit Plan District) under zoning case Z98-032.

Staff notes subdivisions to the north and south are the same zoning district as the subject subdivision and are required a minimum lot area of 4,000 square feet and the following minimum yards:

- Perimeter – 40 feet.
- Front – 20 feet.
- Side interior – between 0 and 7 feet (a 7 foot building access easement and a minimum building separation of 14 feet is required).
- Side street – 20 feet adjoining local streets.
- Rear – 20 feet.

PLEASE NOTE: Staff believes the aforementioned northern subdivision (Registry Glen) appears to have not received any variances from the above required minimum yards and is built-out accordingly; however, the aforementioned southern subdivision (Glenridge Estates) received an approval of a Zoning Modification/Concurrent Variance (case ZM05-021/CV05-071) that allows for a Perimeter Setback of thirty (30) feet from the Glenridge Drive right-of-way and from the northern most property line of the subdivision. ZM05-021/CV05-071 also allows for a thirty-five (35) foot perimeter setback from the northeast property line of the subdivision. It appears the subdivision was built-out utilizing the relief granted under ZM05-021/CV05-071.

The properties to the east are required a minimum lot area of 27,000 square feet and the following minimum yards:

- Front – 60 feet.
- Side interior – 15 feet.
- Side street – 30 feet.
- Rear – 40 feet.

The properties to the west are required a minimum lot area of 4,000 square feet and the following minimum yards:

- Front yards along subdivision streets, measured from back of curb – 10 feet.
- Front yards along Glenridge Drive are either 30 feet or 20 feet.
- Side interior – 5 feet.
- Side subdivision street – 10 feet.
- Side , adjacent to Mount Vernon Highway – 10 feet.
- Rear – 10 feet.

Department Comments

The staff held a Focus Meeting on November 5, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	No comment; however, the applicant should be advised no structure will be permitted to encroach within the existing sanitary sewer easement that runs along the property line between lots 3 and 4.
	Arborist/Landscape Architect	No comments
BUILDING AND PERMITTING	Building Plan Reviewer	- Each wall will need to be fire rated - No penetrations shall be allowed (windows and doors) - Room for emergency vehicles shall be maintained - All other applicable codes shall be observed
FIRE DEPT.	Fire Protection Engineer	If a residence is constructed closer than 20 feet to another residential structure or other outbuilding larger than 300 sf, automatic sprinklers shall be required in the kitchen and fuel fired equipment room pursuant the City of Sandy Springs fire ordinance 2006-11-86: Chapter 15, Health and Public Safety, which became effective on November 8, 2006. See enclosed Minimum Design Guidelines for the City of Sandy Springs Fire Department.
TRANSPORTATION	Public Works Dept., Transportation Planner	While Public Works has not objection to this variance, per se; the applicant listed right of way dedication as one of their hardships, which I would like to clarify. This development already received a zoning modification to remove the right of way reservation requirement from the original Fulton County zoning. Their current requirement is 30' from the centerline of Glenridge Drive or 10.5' from back of curb, whichever is greater. This is a standard requirement of all developments and is the absolute minimum requirement for the City to maintain our sidewalk, shoulder and roadside utilities. From their submitted site plan, it appears that the new right of way line would only encroach 3' onto the property.
	Georgia Department of Transportation	No comments

Standards for Consideration

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

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

The applicant states the request for relief is to reduce the required 20 foot perimeter setback (per ZM06-012) to 10 feet for lot number 8 and to reduce the building side setback to 3.5' for lots 1, 2, 3, 5, 6, 7, and 8. These variances are in the interior of the project and would cause no detriment to the public.

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

The applicant has provided site plans indicating lots within the subject subdivision are irregularly shaped, sloped, and range in size from approximately 6,000 to 14,000 square feet. The subdivision is encumbered by various easements and a separate lot is shown to be utilized as a detention pond.

The applicant states the subject property consists of 2 acres zoned R-5A. This site is located on Glenridge Drive. The requested variances are needed due to extraordinary and exceptional conditions pertaining to this project because of the relocation of the entrance to accommodate enough site distance (as clearly shown on the proposed final plat). In addition, a 10.5 foot right-of-way was dedicated, and a separate lot was created for a detention pond which creates a hardship for the project.

Recommended Condition(s)

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

- 1) The subject properties shall be developed in accordance with the development standards shown on the proposed site plan, provided by the applicant dated received October 7, 2008 by the Department of Community Development, for the variance herein, showing a reduction in the required perimeter setback to ten (10) feet for the entire frontage only for the lot indicated as number eight (8) along Glenridge Drive and showing a reduction in the required minimum interior side yards allowing for a minimum building separation of seven (7) feet where a fourteen (14) foot separation is required. The aforementioned reduction in the required minimum interior side yards is for both side yards of lots indicated as numbers: two (2), six (6), and seven (7). Lots indicated as numbers: one (1), three (3), five (5), and eight (8) are reduced in one required minimum interior side yard.

ATTACHMENTS: Letter of appeal, site plans, letter from concerned neighbor, and photographs.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 11, 2008



Variance Petition No. V08-065

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
William Wilkes Jr.	David & Kelly Asbury	Neil T. Johnson

PROPERTY INFORMATION

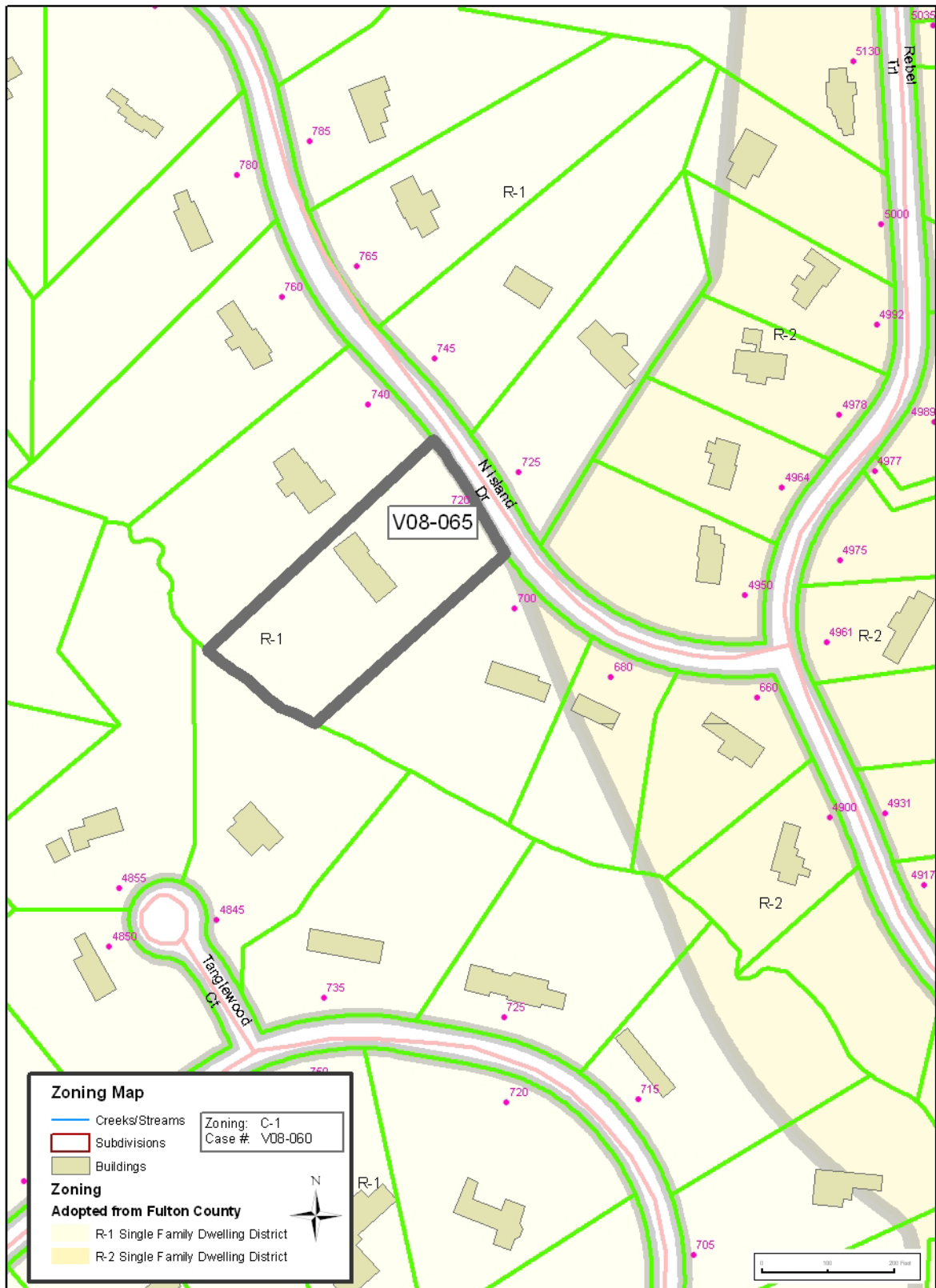
Address, Land Lot(s), and District	720 North Island Drive Land Lot(s) 163, District 17
Council District	6
Frontage and Area	210 feet of frontage along the southwest side of North Island Drive. The subject property has a total area of approximately 2.03 acres.
Existing Zoning and Use	The lot is zoned R-1 (Single-family Dwelling District). The property is developed with a single-family residence.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-0.5 Residential (0 to 0.5 units per acre)

INTENT

The applicant is seeking a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for land disturbance and to a 37.36 foot undisturbed natural buffer to allow for a single-family house.

Parcel Map

720 North Island Dr.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 11, 2008

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

CASE NUMBER: V08-065

STAFF CONTACT: Doug Trettin, City Planner 770-206-1515
E-mail: doug.trettin@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 seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for land disturbance and to a 37.36 foot undisturbed natural buffer to allow for a single-family house.

ANALYSIS:

The applicant has provided site plans and photographs indicating the subject property to be wooded and to have a rough parallelogram shape. A stream runs diagonally (east to west) through the property. Primarily, the lot slopes from the North Island Drive right-of-way toward the portion of the stream located at the back of the lot.

Staff notes the site plan provided by the applicant clearly defines the limits and amounts of land disturbance within the twenty-five (25) foot State Buffer, fifty (50) foot undisturbed natural buffer, and within the twenty-five (25) foot impervious surface setback. The site plan indicates the following:

- 2,462 S.F. of existing impervious surface in the twenty-five (25) foot impervious surface setback.
- 1,351 S.F. of existing impervious surface in the fifty (50) foot undisturbed natural buffer.
- 1,847 S.F. of proposed impervious surface in the twenty-five (25) foot impervious surface setback.
- 484 S.F. of proposed impervious surface in the fifty (50) foot undisturbed natural buffer.
- 2,113 S.F. of proposed land disturbance within the fifty (50) foot undisturbed natural buffer.
- A new below ground non-potable rainwater harvesting system.

The applicant states the following:

The applicant is seeking a variance to the 75 ft. stream buffer to construct a new home on the property located at 720 North Island Drive, Sandy Springs, Ga. 30327. Currently there is a home on this property which the applicant proposes to remove to construct the new home. The property consists of 88,531 sq. ft. (2.03 acres) of which 13,555 sq. ft. is the buildable footprint based upon front yard and side yard setbacks and the stream buffer setback. Attached, there is a drawing showing the area notated by red hash marks.

The proposed new home will have no impact to the state buffer. The proposed new home will have less impact to the 25-50 ft. setback than the existing home. The proposed new home will have less impact to the 50-75 ft. setback than the existing home. The existing home has no storm water management system. The proposed house will have a rain water harvesting system to be utilized for gray water use and landscape irrigation.

Department Comments

The staff held a Focus Meeting on November 5, 2008 at which the following departmental comments were provided:

LAND DEVELOPMENT	Engineering Plan Reviewer	▪ No comment; however, if this lot is not served by septic, the site plan used as an exhibit for the variance should include delineation of the proposed septic field layout. Ordinance prohibits any feature of the septic system encroaching within the impervious setback or buffers. If the proposed septic system (if required) will encroach within the impervious setback or buffers, additional variances may need to be obtained, or the existing variance request may need to be revised. (Reference 109-225.3 of Code of Sandy Springs).
	Arborist/Landscape Architect	▪ Standard stream buffer comments.
BUILDING AND PERMITTING	Building Plan Reviewer	▪ No comments
FIRE DEPT.	Fire Protection Engineer	▪ No comments
TRANSPORTATION	Public Works Dept., Transportation Planner	▪ No comments
	Georgia Department of Transportation	▪ No comments

Standards for Consideration

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

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

The site plan provided by the applicant clearly defines the limits and amounts of land disturbance within the twenty-five (25) foot State Buffer, fifty (50) foot undisturbed natural buffer, and within the twenty-five (25) foot impervious surface setback. The site plan indicates the following:

- 2,462 S.F. of existing impervious surface in the twenty-five (25) foot impervious surface setback.
- 1,351 S.F. of existing impervious surface in the fifty (50) foot undisturbed natural buffer.
- 1,847 S.F. of proposed impervious surface in the twenty-five (25) foot impervious surface setback.
- 484 S.F. of proposed impervious surface in the fifty (50) foot undisturbed natural buffer.
- 2,113 S.F. of proposed land disturbance within the fifty (50) foot undisturbed natural buffer.
- A new below ground non-potable rainwater harvesting system.

The proposed new home will have no impact to the state buffer. The proposed new home will have less impact to the 25-50 ft. setback than the existing home. The proposed new home will have less impact to the 50-75 ft. setback than the existing home. The existing home has no storm water management system. The proposed house will have a rain water harvesting system to be utilized for gray water use and landscape irrigation.

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

The applicant has provided site plans and photographs indicating the subject property to be wooded and to have a rough parallelogram shape. A stream runs diagonally (east to west) through the property. Primarily, the lot slopes from the North Island Drive right-of-way toward the portion of the stream located at the back of the lot.

The applicant states the property consists of 88,531 sq. ft. (2.03 acres) of which 13,555 sq. ft. is the buildable footprint based upon front yard and side yard setbacks and the stream buffer setback.

Recommended Condition(s)

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

- 1) The new residence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received October 7, 2008 by the Department of Community Development, for the variance herein, showing a reduction in the reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty-five (25) foot undisturbed natural buffer to allow for land disturbance and to a 37.36 foot undisturbed natural buffer for the proposed house where necessary to accommodate the proposed encroachment(s) only. The aforementioned land disturbance within the fifty (50) foot undisturbed natural buffer is limited to 2,113 square feet.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, and patios shall be constructed of pervious pavers.
- 3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into 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 soil for filtration before entering the stream or artificial filtration with proof of maintenance required.
- 5) Stream crossings shall be as narrow as possible and shall be pervious.
- 6) Streams shall not be channelized or straightened. Small-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.
- 8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.
- 9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.

- 10) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.

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



Variance Petition No. V08-061

HEARING & MEETING DATES

Board of Zoning Appeals Hearing

December 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Corporate Campus, LLC	Corporate Campus, LLC	David Levine

PROPERTY INFORMATION

Address, Land Lot, and District 1140 & 1150 Hammond Drive
Land Lot 18, District 17

Council District 5

Frontage and Area 796.39 feet of frontage along the north side of Hammond Drive and 1,076.38 feet of frontage along the east side of Peachtree-Dunwoody Road. The subject property has a total area of 19.4274 acres.

Existing Zoning and Use MIX (Mixed Use District) conditional under RZ07-038 /CV07-028/U07-015, currently developed with office and retail.

Overlay District PCID

Interim 2025 Comprehensive Future Land Use Map Designation Live Work Regional (LWR)

INTENT

The applicant is requesting a primary variance from Section 33.26.E.9 of the Zoning Ordinance to exceed the maximum allowed size for two (2) suspended signs from three (3) square feet to 16.67 square feet.

Parcel Map

1140 Hammond Dr.



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

CASE NUMBER: V08-061

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

REQUEST:

The applicant is requesting a primary variance from Section 33.26.E.9 of the Zoning Ordinance to exceed the maximum allowed size for two (2) suspended signs from three (3) square feet to 16.67 square feet.

ANALYSIS:

The subject site is located at 1140 & 1150 Hammond Drive, situated on the Northeast side of the intersection of Peachtree Dunwoody and Hammond Drive. The property is zoned MIX (Mixed Use District) conditional under RZ07-038 /CV07-028/U07-015, currently developed with office and retail.

This property is developed with several buildings. The building subject of this variance is located on the northern section of the property and it is identified as a building K; it is used for office and retail. Due to the design of the building two of the retail tenants have little or no exposure to the traveling public. The center of the building includes an outdoor atrium glass tower and canopy that extend approximately 16.5 feet beyond the main store front of the building. These two tenants are located behind the tower and as a result, their store frontage is significantly blocked, not allowing for the placement of a wall sign or minimizing the exposure of a wall sign.

The applicant states: tenant No.1 is located just to the right of the canopy and the wall sign and suite location are considerably obstructed from the street view. Tenant No.2 is located on the left side of the canopy. A wall sign can't be located and the store frontage is not visible from the street.

The applicant proposes to install two (2) suspended signs 16.67 sqft each, intended to provide identification to the two (2) tenants. The applicant has indicated the primary reason for the petition is for visibility.

Article 33.26.E.9 Suspended Signs of the Zoning Ordinance provides: *In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) suspended non-illuminated sign per entrance used shall be allowed. Suspended signs shall adhere to the following: not exceed three (3) square feet in area; be uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; be suspended from the eave or soffit of the building; and maintain a minimum of seven (7) feet clearance between the bottom of the sign and the walkway below.*

According to the applicant the clearance between the canopy and the finished grade of the walkway below is fifteen (15) feet. The sign will be suspended approximately 3.5 feet. Therefore, the clearance between the bottom of the sign and the walkway below is approximately 11.5 feet.

The signs are to be non-illuminated. Fabricated of aluminum panel with white polyurethane finish and vinyl graphics applied to surface.

Department Comments

The staff held a Focus Meeting on November 5, 2008 at which time the following departmental comments were provided:

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

Standards for Consideration

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

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

The applicant stated: this relief, if granted, would allow for the tenants of these two suites to properly identify themselves to current and potential customers by providing signage. This request is in harmony with the general intent of the sign regulations and would allow them to effectively use their signs as a way of communication.

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the business which would be in harmony with the intent of the zoning ordinance.

2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of*

its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;

The applicant stated there are many variables taken into consideration when creating a sign package for a business. One of the most important variables is ensuring easy and safe identification for passing motorists.

Motorists traveling on Dunwoody Road can't see these businesses, because the building is perpendicular to the road and the main building façade is facing the parking lot.

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

The applicant has indicated that the purpose for the variance is mainly to provide signage visibility, as the sign installed otherwise would be completely obscured by the building tower, it is necessary to provide proper visibility for businesses.

The applicant indicated the requested suspended sign will dramatically increase these businesses chances of being seen by motorists from a safe distance to allow them to make safe driving decisions while navigating to their property.

Recommended Condition(s)

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

1. The suspended signs located on the South elevation of the building for tenant # 1 and tenant # 2 shall not exceed seventeen (17) square feet of sign area and shall be installed pursuant to the building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development.

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



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

**Meeting Date: December 11, 2008 Project: Corporate Campus Petition No. V08-061
Sign Variance**

VARIANCE TABLE

Variance Request	DRB Action	Proposed Condition	Comments
The applicant is requesting a primary variance from Section 33.26.E.9 of the Zoning Ordinance to exceed the maximum allowed size for two (2) suspended signs from three (3) square feet to 16.67 square feet.	Not in the Sandy Springs Overlay.	The suspended signs located on a non-street facing wall on the South elevation of the building shall not exceed seventeen (17) square feet of sign area and shall be installed pursuant to the building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development.	The clearance between the bottom of the sign and the walkway below is approximately 11.5 feet.



Variance Petition No. V08-062

HEARING & MEETING DATES

Design Review Board
October 28, 2008

Board of Zoning Appeals Hearing
December 11, 2008

APPLICANT/PETITIONER INFORMATION

Property Owner
Windridge, LLC

Petitioner
Windridge Apartments

Representative
David Baker

PROPERTY INFORMATION

Address, Land Lot,
and District. 1800 Windridge Drive
Land Lot 25, District 17

Council District 2

Frontage and Area Approximately 1,121.59 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 26.40 acres (114,984.0 square feet).

Existing Zoning
and Use A (Medium Density Apartment District) conditional under Fulton County zoning case 1978Z-054, currently developed with Apartments.

Overlay District Suburban District.

2027
Comprehensive
Future Land Use
Map Designation Living-Working Neighborhood (LWN).

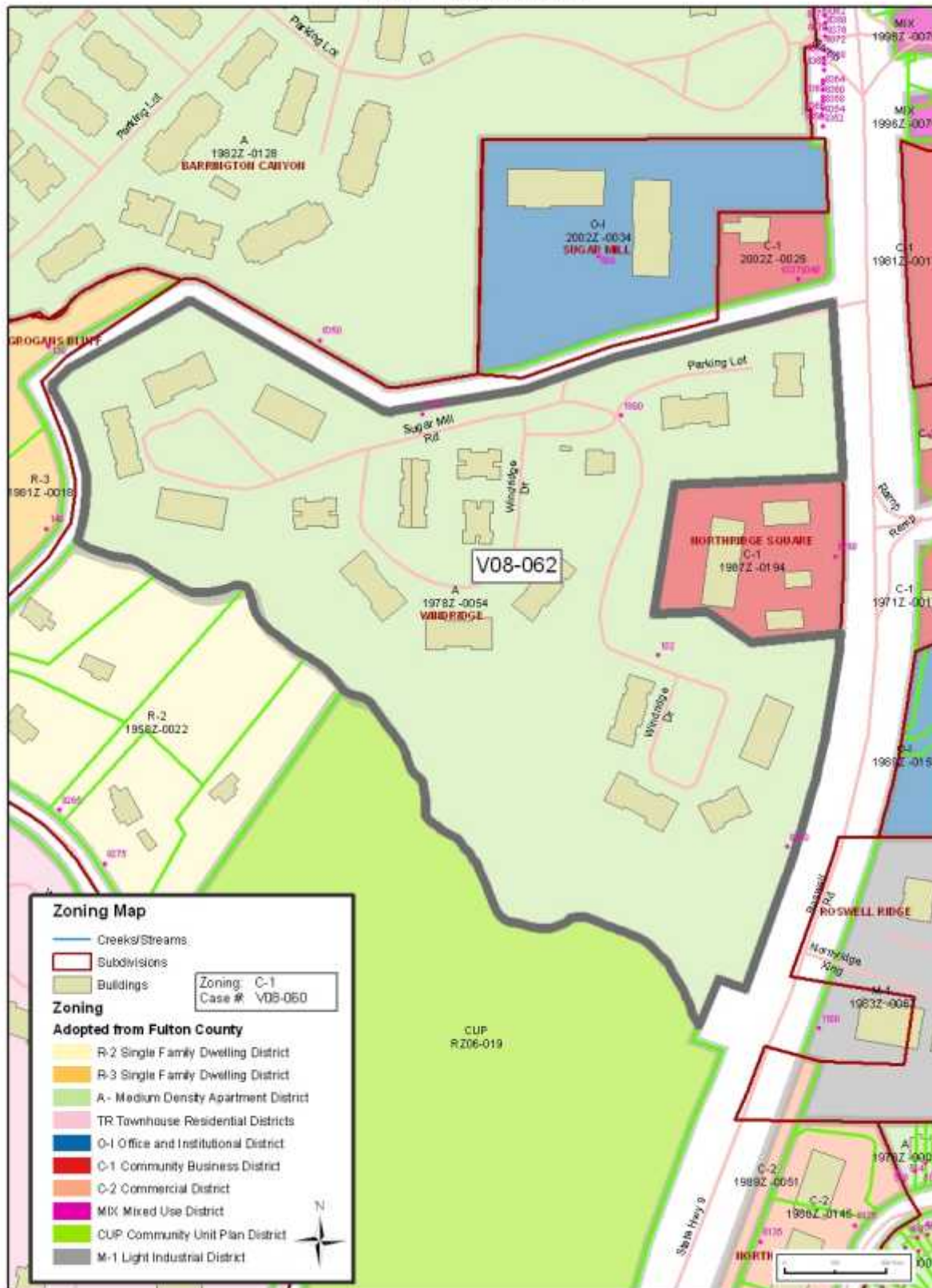
INTENT

The applicant is seeking a primary variance from Section 33.18.A of the Zoning Ordinance to allow two (2) temporary free standing marketing signs that are not identified as permitted signs for or a period of two (2) years.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the October 28, 2008 DRB meeting. The request was recommended for APPROVAL (5-0, Gregory, Landeck, Mobley, Richard, Westmoreland for; Porter not voting, Lichtenstein absent) as presented.

1800 Windridge Dr.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 11, 2008

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V08-062

STAFF CONTACT:

Cristina Nelson, City Planner 770-206-1516

E-mail: cristina.nelson@sandyspringsga.org

REQUEST:

The applicant is seeking a primary variance from Section 33.18.A of the Zoning Ordinance to allow two (2) temporary free standing signs that are not identified as permitted signs for a period of two (2) years.

Staff Analysis:

The site is located on the west side of Roswell Road (SR 9) at the intersection of Roswell Road and Northridge Drive. The property is zoned A (Medium Density Apartment District) under Fulton County zoning case 78Z-0054 and is located within the Suburban District of the Sandy Springs Overlay District. The Future Land Use designation for the property is LWN (Living-Working Neighborhood).

The applicant is seeking relief from Section 33.18.A of the Zoning Ordinance to maintain two existing free standing signs for a period two (2) years, indicating direction to the Windridge apartment. The applicant states the sign have been at this location for several years. Its location allows cars to identify the location of the Windridge property prior to making a turn at the intersection of Roswell Road and Northridge Road.

The applicant states that in February 2004 they were notified of the construction of the median, thereby permanently blocking any left turn into the Windridge property. These signs are extremely important for identification purposes, as the permanent identification sign sits north of the Roswell Road and Northridge Road intersection. The purpose of the two (2) signs is to capture visibility from both directions: Northbound and southbound traffic. The applicant's opinion is: "without these signs the property will be very hard to find and it will have a severe negative impact on the property."

The applicant proposes to maintain two 12.14 square foot signs for two (2) years, approximately six (6) feet height, single faces, with an angle between faces of approximately 90 degrees. The signs are located approximately thirty-seven (37) feet off Roswell Road and up a hill approximately twenty (20) feet above Roswell Road finished grade. The signs are non-illuminated.

Prior to the 2007 amendment the Zoning Ordinance provided for apartment directional signs. Such signs were allowed, sixteen (16) square feet or four (4) square feet depending on the adjacent road classification and permitted for six (6) months contingent to the submittal of an affidavit from the apartment owner affirming that the occupancy rate of the advertised

apartment development was less than 90 percent. As a result of the 2007 Zoning Ordinance amendments these types of signs are not allowed. Currently, Staff is preparing a text amendment to incorporate this type of sign in the Zoning Ordinance.

Staff notices this development has two (2) permanent Identification monuments.

Department Comments

The staff held a Focus Meeting on November 5, 2008 at which time the following departmental /divisional comments were provided:

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

Standards for Consideration

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

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

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

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance.

Recommended Conditions:

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

1. The temporary freestanding signs shall not exceed 12.14 square feet each, pursuant to the sign design detail, submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development.
2. The freestanding signs shall be located at the proposed location for not more than two (2) years from the date of this approval.

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.A of the Zoning Ordinance to allow two (2) signs for two (2) years that are not identified as permitted signs.	The Design Review Board approved this application V08-062 as presented.	1. The temporary freestanding signs shall not exceed 12.14 square feet each, pursuant to the sign design detail, submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development. 2. That the freestanding signs should stay at the proposed location for not more than two (2) years from the day of this approval.	Currently Staff is preparing a text amendment to incorporate this type of sign in the Zoning Ordinance.



Variance Petition No. V08-063

HEARING & MEETING DATES		
Design Review Board October 28, 2008		Board of Zoning Appeals Hearing December 11, 2008
APPLICANT/PETITIONER INFORMATION		
Property Owner The Prado, LLC	Petitioner Taco Mac	Representative Stephanie Schleicher
PROPERTY INFORMATION		
Address, Land Lot, and District.	5600 Roswell Road (SR 9) Land Lot 91, District 17	
Council District	6	
Frontage and Area	1,415 feet of frontage along the west side of Roswell Road (SR 9) and 1,460 feet of frontage along the south side of Lake Placid Drive. The subject property has a total area of 30.44 acres.	
Existing Zoning and Use	C-1 (Community Business District) conditional under Z05-0050 and ZM07-05, currently developed with a retail shopping center.	
Overlay District	Urban District.	
2027 Comprehensive Future Land Use Map Designation	Living-Working Community (LWC).	
INTENT		

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

- 1) Variance from Section 33.18.H to allow a sign to extend vertically above the roof line of a building.
- 2) Variance from Section 33.26.H.2.a to allow for an additional wall sign on a wall that does not have street frontage.

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the October 28, 2008 DRB meeting. The motions were as follows:

Action 1. For the sign to extend vertically above the roof line the DRB recommended APPROVAL (4-1, Gregory, Mobley, Richard, Westmoreland for; Landeck against; Porter not voting, Lichtenstein absent) as presented.

Action 2. For an additional wall sign the DRB recommended Denial (2-3, Landeck and Mobley for; Gregory, Richard, Westmoreland against; Porter not voting; Lichtenstein absent). The motion failed.

Action 3. For an additional wall sign the DRB recommended APPROVAL (3-2, Gregory, Richard, Westmoreland for; Landeck and Mobley against; Porter not voting; Lichtenstein absent) as presented.

5600 Roswell Rd.



Prepared by the City of Sandy Springs Department of Community Development for the Board of Zoning Appeals Hearing on December 11, 2008

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER: V08-063

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

REQUEST:

The applicant is seeking two (2) primary variances from the Zoning Ordinance: 1) variance from Section 33.18.H to allow a sign to extend vertically above the roof line of a building and 2) variance from Section 33.26.H.2.a to allow for an additional wall sign on a wall that does not have street frontage.

Staff Analysis:

The site is located on the west side of Roswell Road (SR 9) 1/3 mile south of I-285. The property is zoned C-1 (Community Business District) under Fulton County zoning case 2005Z-0050 and is located within the Urban District of the Sandy Springs Overlay District. The property received approval for a zoning modification (ZM07-005) from The Mayor and City Council, Sandy Springs on September 18, 2007. The Future Land Use designation for the property is LWC (Living-Working Community).

The applicant has indicated that the purpose for these variances is mainly to provide signage visibility for the business as signage installed otherwise would be obscured by the surrounding buildings. It is necessary to provide proper visibility for businesses from all points and entries of the development.

The subject of this variance is an existing one story building housing a restaurant ("Frankie's") that has been at this location for many years now to be "Taco Mac". The building entrance is approximately 100 feet from Roswell Road. The Applicant is requesting a variance to include signage on the south elevation of the building and east elevation of the "tower" feature in order to provide this business visibility from the main public right-of-way (Roswell Road.) The building when viewed from the south there are the new shops and parking deck sited along the hill in front of the store, when viewed from the east there is a building between the restaurant and Roswell Road. This signage will also help pedestrians and motorists alike, to locate this business once they enter this vertically integrated site from all directions.

The restaurant is going under a major renovation. The renovation includes the installation of wall signs. The owner built an entrance tower that protrudes above the lower portion of the roof of the building, but at the same level as the higher elevation of the building. The staff of the Planning and Zoning Division reviewed the proposed sign location and determined that because of its location, the sign is classified as a roof sign. Therefore, a variance was needed to allow the sign, as Article 33.18.H of the Sandy Springs Zoning Ordinance prohibits signs that extend vertically above any portion of a roof or parapet of the applicable wall. In addition, the

applicant is only allowed to have one wall sign and is asking to have two wall signs, on the east and south elevations. The applicant states that the sign on the south elevation is intended to capture visibility from the vehicular and pedestrian traveling public on the main access interior to the development.

The applicant proposes to install a sixty-two (62) square foot sign, as set forth in Section 26 H (2) of the Sandy Springs Zoning Ordinance, which entitles businesses to one wall sign on the exterior wall of the building up to 5% of the total wall area. The east elevation of the building contains a total of 1,406.6 square feet of wall area which qualifies the building elevation for a wall sign up to 70.4 square feet. The sign will be a typical flush mounted channel letter sign non-illuminated with plexi faces and black trim caps. The south elevation is proposed to have an eleven (11) square foot sign. The south elevation of the building contains a total of 680 square feet of wall area which qualifies the building elevation for a wall sign up to thirty-four (34) square feet.

Department Comments

The staff held a Focus Meeting on November 5, 2008 at which time the following departmental /divisional comments were provided:

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

Standards for Consideration

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

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

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

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the restaurant and would be in harmony with the intent of the zoning ordinances.

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

The applicant states the design of the existing building creates many challenges for using signage effectively to promote vehicular and pedestrian awareness. The building does not offer an opportunity to display wall signs. In order to alleviate the problem an architectural element was designed.

In addition the applicant indicated the requested additional wall sign will dramatically increase Taco Mac chances of being seen by motorists and pedestrian from a safe distance to allow them to make safe driving decisions while navigating through the property. This request would allow Taco Mac to maximize visibility through the project, where existing and new buildings sited on the unique topography of the site which partially, and in some cases entirely, block the visibility of the retailers from the existing public right-of-way, as well as from vantage points within the project itself.

Recommended Conditions:

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

1. To allow for a wall sign above the roof line on the east elevation of the building to be located on the tower over the entry, not to exceed 5% of the applicable wall.
2. To allow for an additional wall sign on the south elevation of the building not to exceed 5% of the applicable wall and to be located pursuant to the building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development.

VARIANCE TABLE

Variance Request	DRB Action	Proposed Conditions	Comments
The applicant is seeking two (2) primary variances from the Zoning Ordinance: 1.Variance from Section 33.18.H to allow a sign to extend vertically above the roof line of a building. 2.Variance from Section 33.26.H.2.a to allow for an additional wall sign on a wall that does not have street frontage.	The application was heard at the October 28, 2008 DRB meeting. The motions were as follows: Action 1. For the sign to extend vertically above the roof line the DRB recommended approval (4-1, Gregory, Mobley, Richard, Westmoreland for; Landeck against; Porter not voting, Lichtenstein absent) as presented. Action 2. For an additional wall sign the DRB recommended Denial (2-3, Landeck and Mobley for; Gregory, Richard, Westmoreland against; Porter not voting; Lichtenstein absent). The motion failed. Action 3. For an additional wall sign the DRB recommended approval (3-2, Gregory, Richard, Westmoreland for; Landeck and Mobley against; Porter not voting; Lichtenstein absent) as presented.	1. To allow for a wall sign above the roof line on the east elevation of the building to be located on the tower over the entry, not to exceed 5% of the applicable wall. 2. To allow for an additional wall sign on the south elevation of the building not to exceed 5% of the applicable wall and to be located pursuant to the building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development.	Currently the property owner is applying for a zoning modification to have the "Main Street" entrance to the project classified as a private road.