

To: John McDonough, City Manager

From: Angela Parker, Director, Community Development Department 

Date: March 5, 2012 for Submission onto the March 6, 2012 Regular Meeting Agenda

Agenda Item: Variance Compliance Sampling Project

Background

In the past the Board of Appeals has received complaints from the community regarding the compliance of projects with the variance approvals granted by the Board. Based on these complaints, at the November 10, 2011 meeting the Board discussed the possible need for additional staff to review and enforce approved variances. Community Development Staff recommended a random sampling of variances to determine if an issue actually exists with compliance of approved variances.

Variance Sampling Project

Variances were randomly selected from the total number of approved variances in Year 2010 (39) and Year 2011 (54). Staff took every 4th approved variance starting with the first variance approved in 2010 and every 4th approved variance starting with the second variance approved in 2011. A total of eighteen variances were selected.

Inspection Results

Out of the eighteen variances selected sixteen were in compliance with the approved conditions and two have not been constructed. The chart below breaks the randomly sampled variances into types. The attached Variance Sampling Spreadsheet provides additional detail regarding the results of the sampling project.

Variance Type	Compliant	Not Compliant	Not Constructed
Signs (9)	8	0	1
Setback (5)	4	0	1
Stream Buffers (2)	2	0	0
Flood Plain (1)	1	0	0
Overlay District (1)	1	0	0

Attachment:

Variance Sampling Spreadsheet

Variance Sampling Project 2012

	A	B	C	D	E	F	G	H
1	Variance Number	Address	Project Name (if any)	Details	Meetings	Permit Number	Department	Findings
2	V10-001	8600 Roswell Rd	Meineke Car Care Center	Primary variance from Section 33.22.C. of the Zoning Ordinance to reduce the required 10 foot minimum sign setback from the R-O-W to 1' foot.	BOA 3-11-10	SGM10-0929	Sign	Sign Installed per approved variance
3	V10-005	516 Londonberry		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 25 feet to allow for construction of a sunroom, retaining wall, bluestone walkway and to allow for the existing house.	BOA 4-8-10	08/00001841 10/00000946 10/00001248	Land Development	Followed approved plan as directed by variance.
4	V10-009	1155 Perimeter Center West		The applicant is requesting a primary variance from Section 33.26.D.1.c of the Zoning Ordinance (frontage more than 1,000 lineal feet) to allow a second monument sign where only one is permitted.	BOA 5-13-10	SGM10-0982	Signs	Sign installed per approved variance
5	V10-015	5870 Pine Brook Rd		Primary variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required side yard setback from 10 feet to 7.5 feet to allow for enclosure and expansion of an existing carport.	BOA 7-8-10	No Permit	Building	Not constructed
6	V10-023	1035 Old Powers Ferry Rd	Richard O'Connell	Primary variance from Section 6.2.3.D of the Zoning Ordinance to reduce the required rear yard setback from 40 feet to 30 feet to allow an outdoor kitchen.	BOA 8-12-10	10/00001820 BP2006-470 Pool2006-12 FRW2006-48	Building	Installed per approved variance
7	V10-030	6065 Roswell Road	Signature Bank	Primary variance from Section 33.26.H.2.a to allow two wall signs on non-street facing walls (North and South elevations).	BOA 11-10-10	10-444, 10-445	Signs	Sign installed per approved variance
8	V10-038	980 Hammond Drive	Argosy University	Primary variance from Section 33.26.D.2 of the Zoning Ordinance to allow a wall sign on the parking which serves the building in which the applicant has office space and classrooms.	BOA 1/13/11		Signs	Sign installed per approved variance
9	V10-044	100 Highland Park Trail	Alara Highland Park Apartments	Primary variance from Section 33.26.C.1 of the Zoning Ordinance to allow: 1) an additional ID Monument not at the entrance to the development and 2) to reduce the required set back from the ROW to 1'.	BOA 2/10/11	SGM11-1100	Signs	Sign installed per approved variance
10	V11-003	5720 Lake Island Drive		Primary variance from Section 109-225a (1) and (2) to reduce the 75' stream buffer to 25' to allow an addition and Section 103-73c (9) to reduce the minimum driveway setback from 10' to 0'.	BOA 3/10/11	11/00000920 11/00001343	Land Development	Followed approved plan as directed by variance.
11	V11-006	530 Tanacrest Dr	Christopher Galaner	Primary variance from Section 109-113 (1) to allow new construction of a principal building in the flood plain (deck and stairs) and 109-114 (a)(1) to allow new construction of a principal building in the flood plain (deck and stairs)	BOA 3/10/11	10/00001959	Land Development	Followed approved plan as directed by variance.
12	V11-011	7475 Roswell Rd.	Classic Collision	Primary variance from Section 33.26.H.2.a from the Zoning Ordinance to allow a wall sign on a non street facing wall.	DRB 04/12/11 BOA 5/12/11	12-0400067	Signs	Sign installed per approved variance

Variance Sampling Project 2012

	A	B	C	D	E	F	G	H
13	V11-016	94 West Belle Isle Road		To reduce minimum pool setback	BOA 6/9/11	11/00000966 11/00000967 11/00000968 BP2007-00395	Building	Installed per approved variance
14	V11-021	7878 -R Roswell Rd	O'Reilly Automotive Store, Inc.	A variance from Section 12B.5.H to allow reflective and/or opaque glass.	DRB 5/10/11 BOA 6/9/11	10/00001624	Building	Opaque glass remained per approved variance
15	V11-026	8879 Roswell Road	North River Tavern	Variance to allow a sign above the roof line	DRB 06/14/11 BOA 07/14/11		Signs	Sign has not been installed
16	V11-030	130 Hemmingwood Way		6.4.3.D To reduce the required minimum rear yard setback from 35' to 22' to construct an addition	BOA 08/11/11	11/00000721 BP2007-01246	Building	Installed per approved variance
17	V11-036	275 Heards Ferry Rd	3	6.1.3.B to reduce the front yard setback from 60' to -- to allow a storage shed, 6.1.3.C to reduce the side setback from 25' to -- to allow a shed, 6.1.D to reduce the rear setback from 50' to -- to allow an existing shed, 6.1.3.I to allow an existing accessory structure in the front yard.	BOA 09/08/11	11/00001319 11/00001517 11/00001739 11/00001740 11/00002360 LDP2006-39	Building	Final Plat has been approved by Sandy Springs
18	V11-040	901 Abernathy Rd	Serrano	To allow vacancy signs to be allowed for an additional 120 days.	BOA 10/13/11	SGV11-1491 SGV11-0061 SGV11-0062	Signs	Vacancy signs were displayed for the additional 120 days. New vacancy permits were issued on 12/4. Staff contacted the applicant and the vacancy signs should be removed within the next 2 weeks.
19	V11-044	1145 Mt Vernon Hwy	Chick-fil-A	To allow and additional menu board where only one is allowed.	BOA 11/10/11	SGM11-1248 SGM11-1249	Signs	Sign Installed per approved variance