



Variance Petition No. V09-028

HEARING & MEETING DATES

Board of Appeals Hearing

October 8, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Zainabia Non Profit Inc	Zainabia Center	Vick Gardezi

PROPERTY INFORMATION

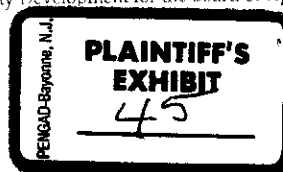
Address, Land	1100 Hope Road
Lot(s), and District	Land Lot 363, District 6
Council District	2
Frontage and Area	130.3 feet of frontage along the north side of Hope Road. The subject property has a total area of approximately 1.01 acres.
Existing Zoning and Use	The lot is zoned C-1(Commercial Business District) under Fulton County zoning case Z65-0050. The property is currently developed with a meeting congregation facility.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Commercial

INTENT

The applicant is requesting five (5) primary variances from the Zoning Ordinance:

- 1) Variance from Section 4.23.1.A of the Zoning Ordinance to reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
- 2) Variance from Section 4.23.2 of the Zoning Ordinance to allow for a parking lot without the required parking islands.
- 3) Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking spaces from 57 to 42.
- 4) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (parking lot) within a landscape strip.
- 5) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) for relief from the requirement of planting a large shade tree every 6 parking spaces. All variances to allow for the reconfiguration and expansion of an existing nonconforming parking lot.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009



At the September 10, 2009 BOA meeting the Board deferred the application to the October 8, 2009 BOA meeting to discuss a landscape plan with the City Arborist.

The meeting was held on September 22, 2009. The applicant submitted a landscape plan adding tree planting to the proposed site. The plan has been reviewed by the City Arborist. Staff has also added condition number eight (8) stating: The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

- V09-028- 1) APPROVAL CONDITIONAL
- V09-028- 2) APPROVAL CONDITIONAL
- V09-028 -3) APPROVAL CONDITIONAL
- V09-028- 4) APPROVAL CONDITIONAL
- V09-028- 5) APPROVAL CONDITIONAL

BOARD OF APPEALS

V09-028

1100 Hope Road

Zainabia Non-Profit, Inc

Motion: Ruth
Second: Ken 7-0
With trees as Staff
Recommend in Revised
Conditions

Approved

June 22, 2009

Nancy Leathers
Board of Zoning Appeals
7840 Roswell Rd, Bldg 500
Sandy Springs, GA 30350
770.730.5600

RECEIVED

V090028

City of Sandy Springs
Community Development

Re: Parking Variance; Zainabia Non-Profit Inc

Dear Ms Nancy,

We are a small non-profit religious community. Our meeting/congregation facility is located in the City of Sandy Springs, on Hope Rd (near the intersection of Roswell Rd). The premise contains four buildings, built in the 1960's. We plan to replace two of the buildings (located in the rear) with a one building of about equivalent size, and add two restrooms.

The attached plans depict the over-all site layout, the building size, and probable space design. Once we receive acceptance from the city that constructing such a building is permissible, sealed architectural plans – with structural, plumbing, electrical – will be submitted prior to starting any demolition.

Parking Variance Request

For now, I am applying for a variance regarding the parking requirements. The off-street parking requirements for the church type facilities, according to the City ordinance 18.2.1, is one spot for every 30 sft of the the largest meeting area without fixed seating. None of our assembly areas have fixed seating. The largest meeting area is the existing one in the front which is no more than 1,700 sft, while the new replacement building in the rear will be approximately 1,650 sft.


The largest assembly area of 1,700 sft requires 56 parking spots. We can conveniently lay out 42 parking spots on the premise.

Our services are conducted in the building at the front, and the rear building will serve primarily as a break area, and occasional meetings.

There are at the most two or three occasions in a year when we expect to overflow on-premise parking, which would typically occur after business hours. Since we are located right next to a business (NTB Autos) with a large parking area, we made a request to NTB to allow the use of their parking lot, and they have kindly granted us permission to use their parking lot for these rare occasions.

We now request to the City to kindly approve the Variance from the parking requirements, based on the reasons mentioned above.

Please call me for any questions.

Regards, 
Vick Gardezi PE
Construction Committee

RECEIVED

City of Sandy Springs
Community Development

Attachments:

- Variance application;
- Site survey, depicting footprints of replacement and existing buildings, buffer strips, parking spots;
- Replacement building floor plan and isometric;
- Written permission of parking from NTB;
- \$350 fee for variance application;

 **V090028**

June 22, 2009

Nancy Leathers
Board of Zoning Appeals
7840 Roswell Rd, Bldg 500
Sandy Springs, GA 30350
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Community Development

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RECEIVED

Please call me for any questions.

Regards, *Vick Gardezi*
Vick Gardezi PE
Construction Committee

City of Sandy Springs
Community Development

V090028

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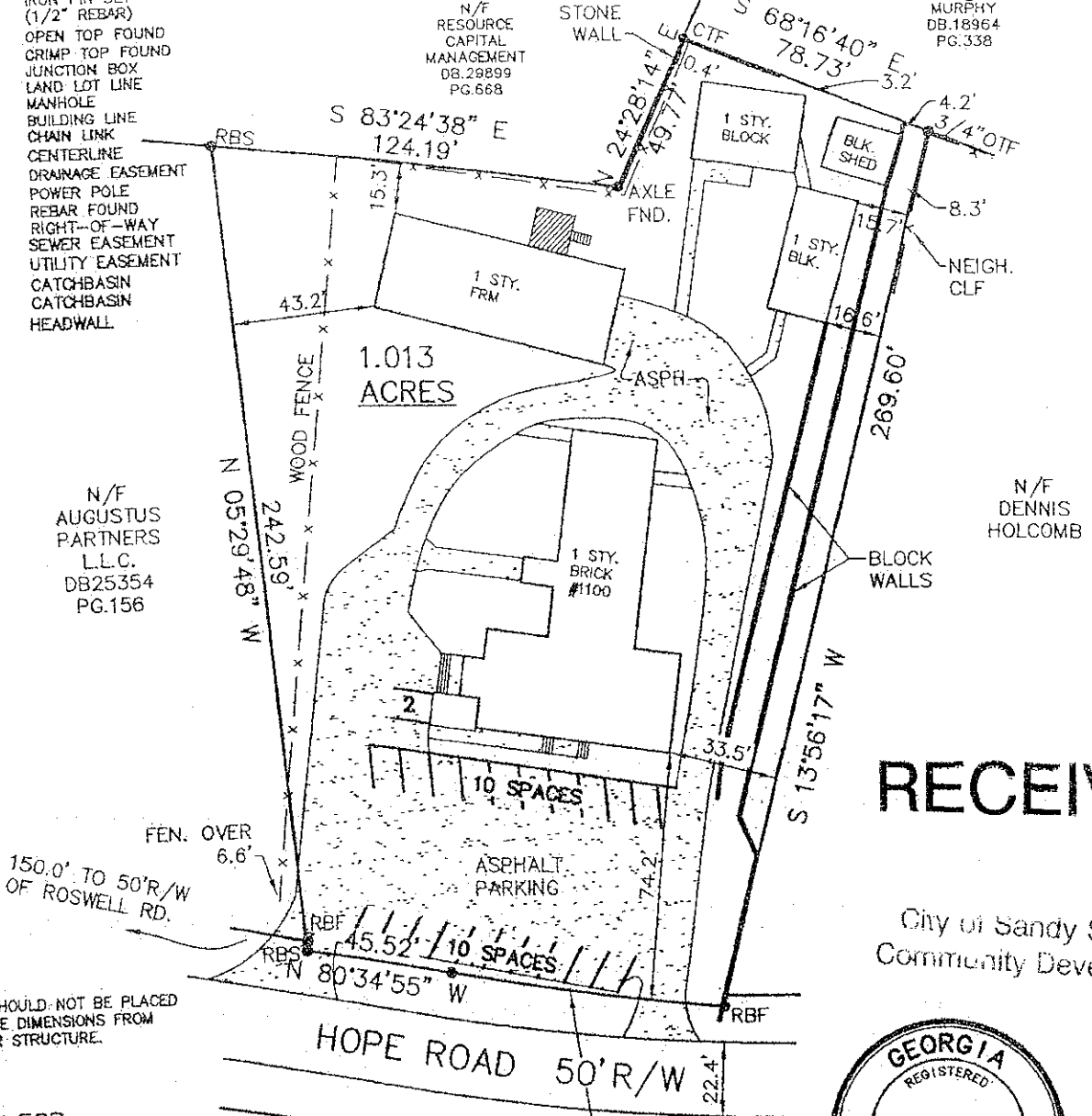
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- IPF
- IPS
- OTF
- CTF
- LL
- MH
- B/L
- CL
- R
- DE
- PP
- RBF
- R/W
- SE
- UE

IRON PIN FOUND
(1/2" REBAR)
IRON PIN SET
(1/2" REBAR)
OPEN TOP FOUND
CRIMP TOP FOUND
JUNCTION BOX
LAND LOT LINE
MANHOLE
BUILDING LINE
CHAIN LINK
CENTERLINE
DRAINAGE EASEMENT
POWER POLE
REBAR FOUND
RIGHT-OF-WAY
SEWER EASEMENT
UTILITY EASEMENT
CATCHBASIN
CATCHBASIN
HEADWALL

CLOSURE OF EASEMENTS FOR SETBACKS
AND FOUND ACCURATE TO WITHIN ONE FOOT
N/F RESOURCE
CAPITAL
MANAGEMENT
DB.29899
PG.668

N/F
WORLD
MURPHY
DB.18964
PG.338



RECEIVED

City of Sandy Springs
Community Development



SURVEY FOR ZAINABIA ISLAMIC CENTER

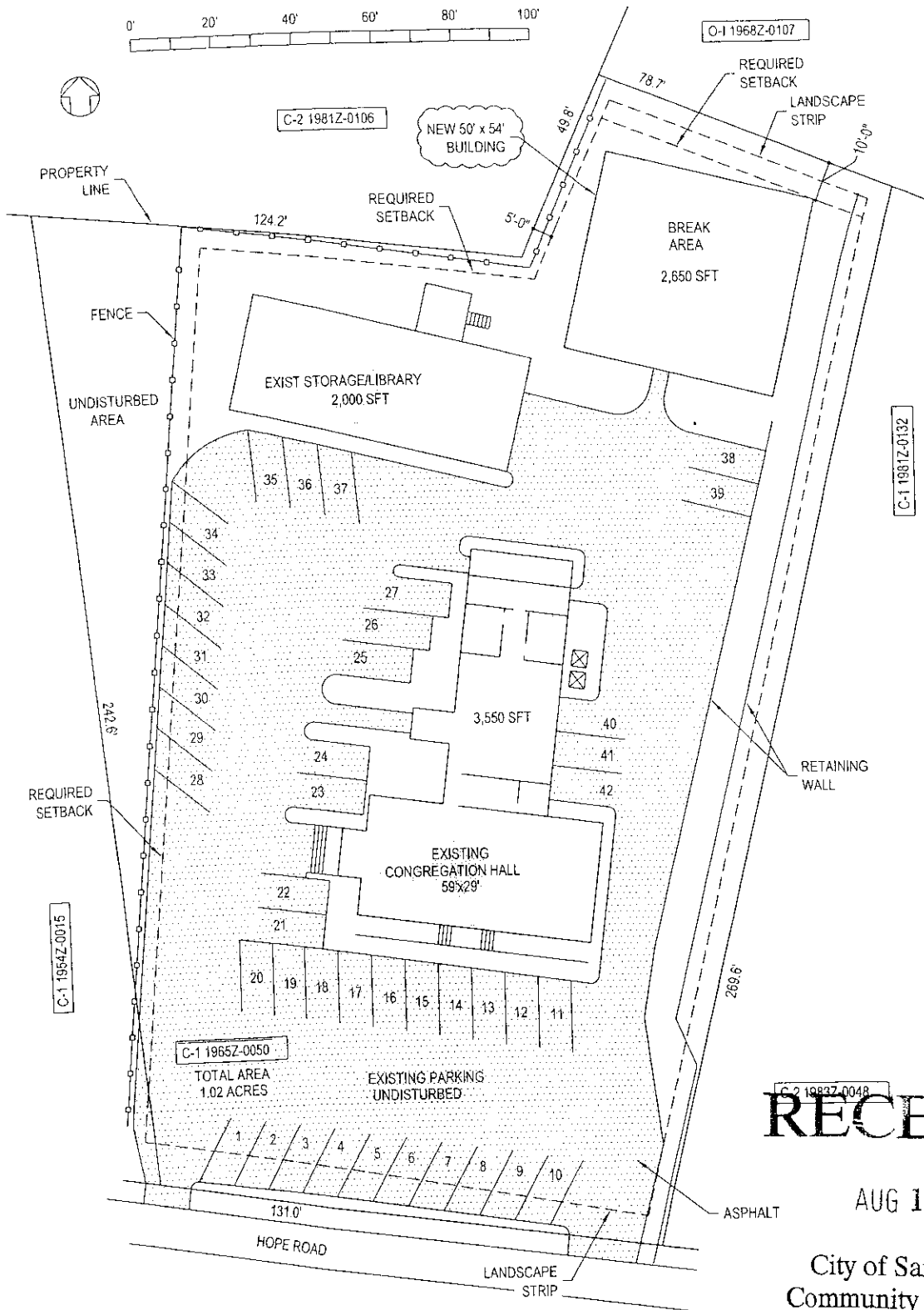
LAND LOT 363 6th DIST.
FULTON COUNTY, GEORGIA
SCALE: 1" = 50' AUGUST 2, 2004
REC. IN DEED BOOK 22486, PG. 115

SCI Development Services

ENGINEERS - SURVEYORS - PLANNERS
2330 HEWATT ROAD - SNELLVILLE, GEORGIA 30039
(770) 736-7666 FAX (770) 736-4625
MAIL@SURVEYCONCEPTS.NET



Marilyn Johnson
Marilyn Johnson
(Notary)
M. J. STEERMAN



RECEIVED

AUG 17 2009

City of Sandy Springs
Community Development

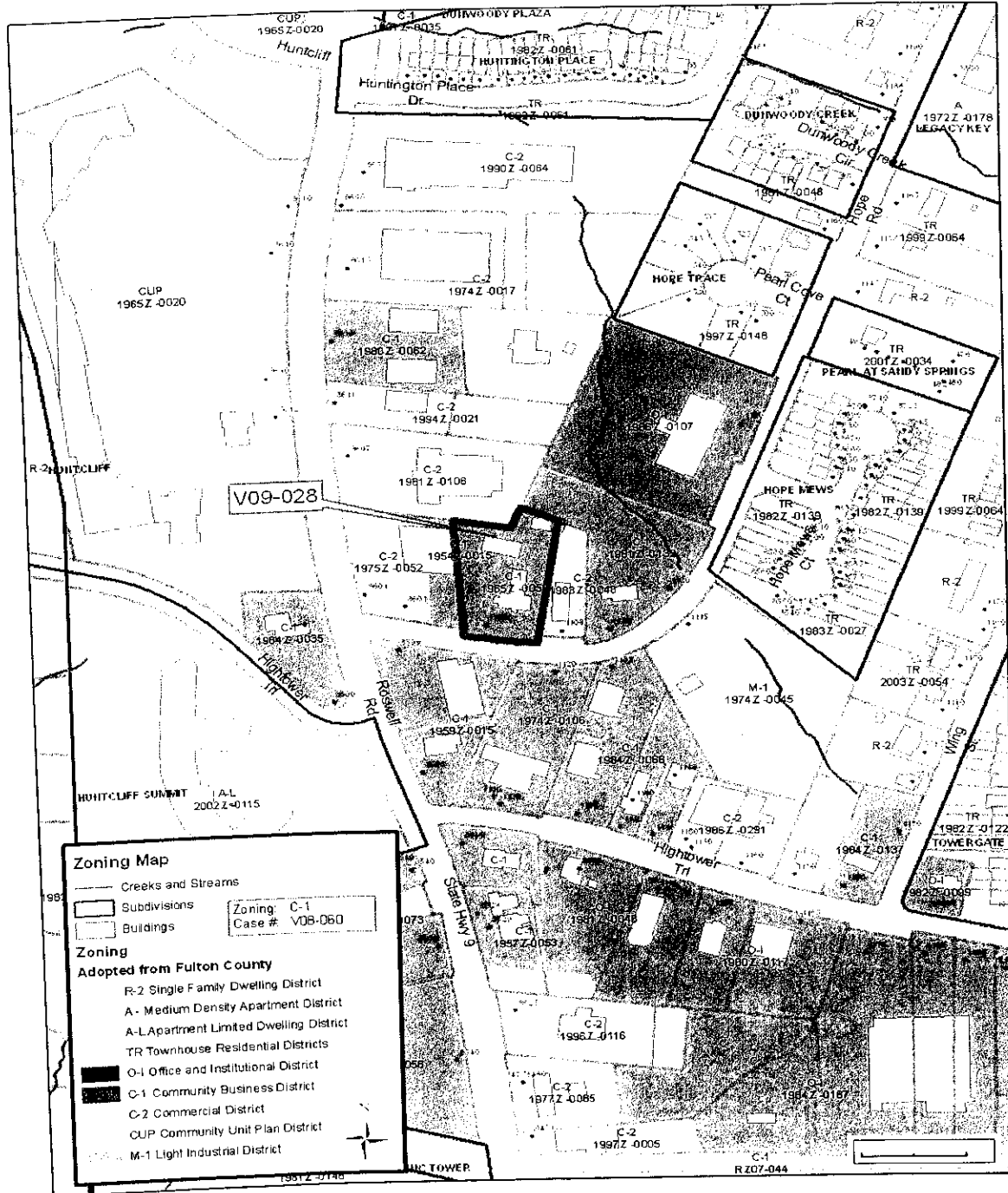
NEW LAYOUT

1:300

NEW LAYOUT
PARKING VARIANCE

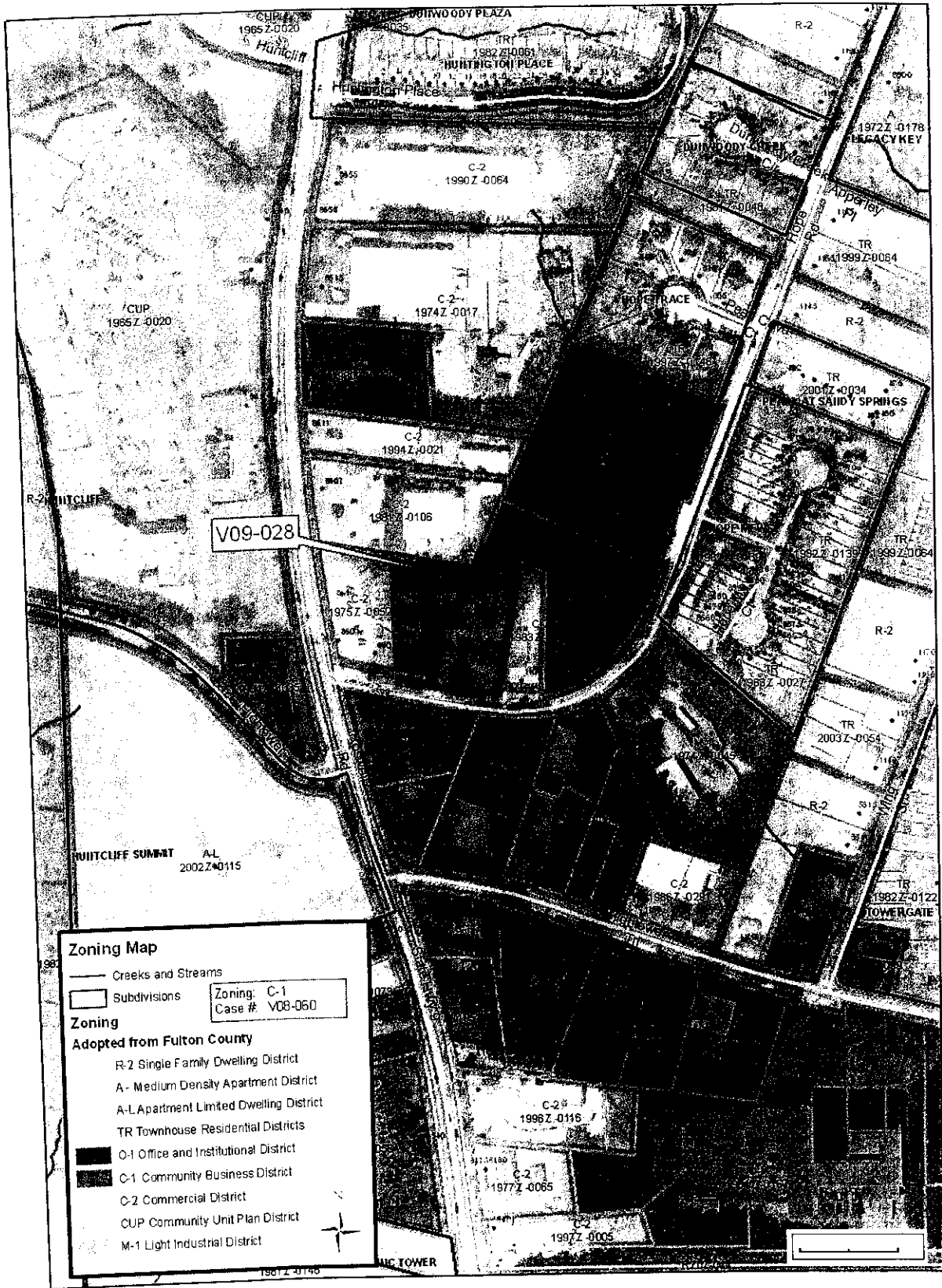
Parcel Map

1100 Hope Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

1100 Hope Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

CITY OF SANDY SPRINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
VARIANCE ANALYSIS

CASE NUMBER:

V09-028

STAFF CONTACT:

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

REQUEST:

The subject parcel is owned by Zainabia Non Profit Inc and has operated as a place of worship in its current location for the past twelve (12) years. The existing parking is not in compliance with the current zoning ordinance. The request to build a new break area requires the nonconforming parking lot to come into compliance with current regulations. The applicant is proposing to replace two (2) buildings totaling 1,800 square feet in the rear of the property with one (1) 2,650 square foot building to be used as a break room. All variances are to allow for the reconfiguration and expansion of an existing nonconforming parking lot. The applicant is requesting relief from Section 4.23.1.A of the Zoning Ordinance to reduce the required 10 foot front landscape strip to one (1) foot to allow for the existing ten (10) parking spaces and the 5 foot side landscape strip to zero (0) feet to allow for the existing parking lot; a variance from Section 4.23.2 of the Zoning Ordinance to allow for a parking lot without the required parking islands; a variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking spaces from 57 to 42; a variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (parking lot) within a landscape strip; and a variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) for relief from the requirement of planting a large shade tree every 6 parking spaces.

ANALYSIS:

The applicant has provided a site plan indicating the subject property to have 131 feet of frontage along Hope Road. The property is accessed by two (2) curb cuts on Hope Road. The property is currently developed with a 3,550 square foot Congregation Hall with a 1,711 square foot assemble area, 2,000 square foot Library and two (2) building totaling 1,800 square feet. The site currently has twenty (20) parking spaces. The site plan also shows a proposed 2,650 square foot break area with an assembly area of 1,650 square feet and the proposed reconfigured parking lot with 42 spaces. The property has a significant topographic change on the west side of the lot with an existing retaining wall.

Staff notes that parking requirements for a church are calculated by one (1) space for every 30 square feet of the largest assembly area without fixed seats. The largest assembly area is 1,700 square feet located in the existing congregation hall. The site would require fifty-seven (57) spaces. The applicant is proposing forty-two (42) spaces. The applicant is also requesting relief from the required landscape island every six (6) spaces with tree planting. The existing parking lot is encroaching into the required landscape strips on the front and west side of the property.

Staff notes the surrounding lots in the immediate vicinity are zoned C-1 (Community Business District) to the south and west. C-1 (Community Business District) and C-2 (Commercial

District) to the north and east. The abutting properties do not currently have landscaping in every six (6) spaces in their parking lots.

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	<ul style="list-style-type: none"> ▪ No comments
	Arborist/Landscape Architect	<ul style="list-style-type: none"> ▪ There is one 28" +/- pine tree in the front that will need to be protected. It doesn't appear that the site meets the minimum canopy requirements.
	Building Plan Reviewer	<ul style="list-style-type: none"> ▪ No comments
FIRE DEPT.	Fire Protection Engineer	<ul style="list-style-type: none"> ▪ Section 3.3.1 of the City of Sandy Springs Fire Ordinance requires that every existing building and all new buildings shall be accessible to fire department apparatus by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width. There shall be a minimum roadway outside turning radius at the curb of 40 feet. There shall be a minimum vertical clearance of thirteen feet, six inches (13'6"). Any dead-end fire department access roadway in excess of 150 feet in length shall include a turnaround at the closed end conforming to county construction standards and specifications, latest edition. ▪ Refer to 120-3-3, modification to the 2003 IFC, "508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet (152 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrant mains shall be provided where required by the local responding fire department or agency. ▪ "Exceptions: "1. For group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m). "2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m)." Fire hydrants may not be omitted unless written approval by the local responding fire department or agency is submitted to this office.
TRANSPORTATION	Public Works Dept., Transportation Planner	<ul style="list-style-type: none"> ▪ No comments
	Georgia Department of Transportation	<ul style="list-style-type: none"> ▪ No comments

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 the outlined requirements is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as adjacent property owners do not have landscape islands. The existing parking lot is currently encroaching in the required landscape strip. Additionally, the church has been located on the site for twelve (12) years with twenty parking spaces without parking problem. Therefore, staff is of the opinion this criteria 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 many other commercial properties in the City. However, the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography. The northwest portion of the property has a significant topographic challenge. Due to the significant topographic change the northwest portion of the property can not be developed and limits the area available for parking. Existing retaining walls to the east also limits available parking. The topography does 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 criteria 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 lot shall be in accordance with the site plan, provided by the applicant dated received August 17, 2009 by the Department of Community Development, for the variance(s) herein, showing a 3,550 square foot existing congregation hall with a 1,711 square foot assembly area, a 2,000 square foot existing library/ storage area, a 2,650 square foot break area.
 - a. To reduce the required number of parking spaces from 57 to 42.
 - b. To reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
 - c. To eliminate the required parking lot landscape islands every 6th space.
 - d. To allow a permanent structure (parking lot) within a landscape strip.
 - e. To allow for the reconfiguration and expansion of an existing nonconforming parking lot.
2. The lot shall be in accordance with the Landscape plan, provided by the City Arborist dated received October 8, 2009 by the Department of Community Development.
 - a. That the eliminated thirteen 3" parking lot shade trees be installed on the site to provide shade to the proposed parking as per a landscape plan approved by the city arborist.
 - b. The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

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

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~~a~~ ~~2~~ To reduce the required number of parking spaces from 57 to 42.

~~b~~ ~~3~~ To reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.

~~c~~ ~~4~~ To eliminate the required parking lot landscape islands every 6th space.

~~d~~ ~~5~~ To allow a permanent structure (parking lot) within a landscape strip.

~~e~~ ~~6~~ To allow for the reconfiguration and expansion of an existing nonconforming parking lot.

~~f~~ ~~7~~ That the eliminated thirteen 3" parking lot shade trees be installed on the site to provide shade to the proposed parking as per a landscape plan approved by the city

arborist.
landscape plan dated Oct. 8, 2009

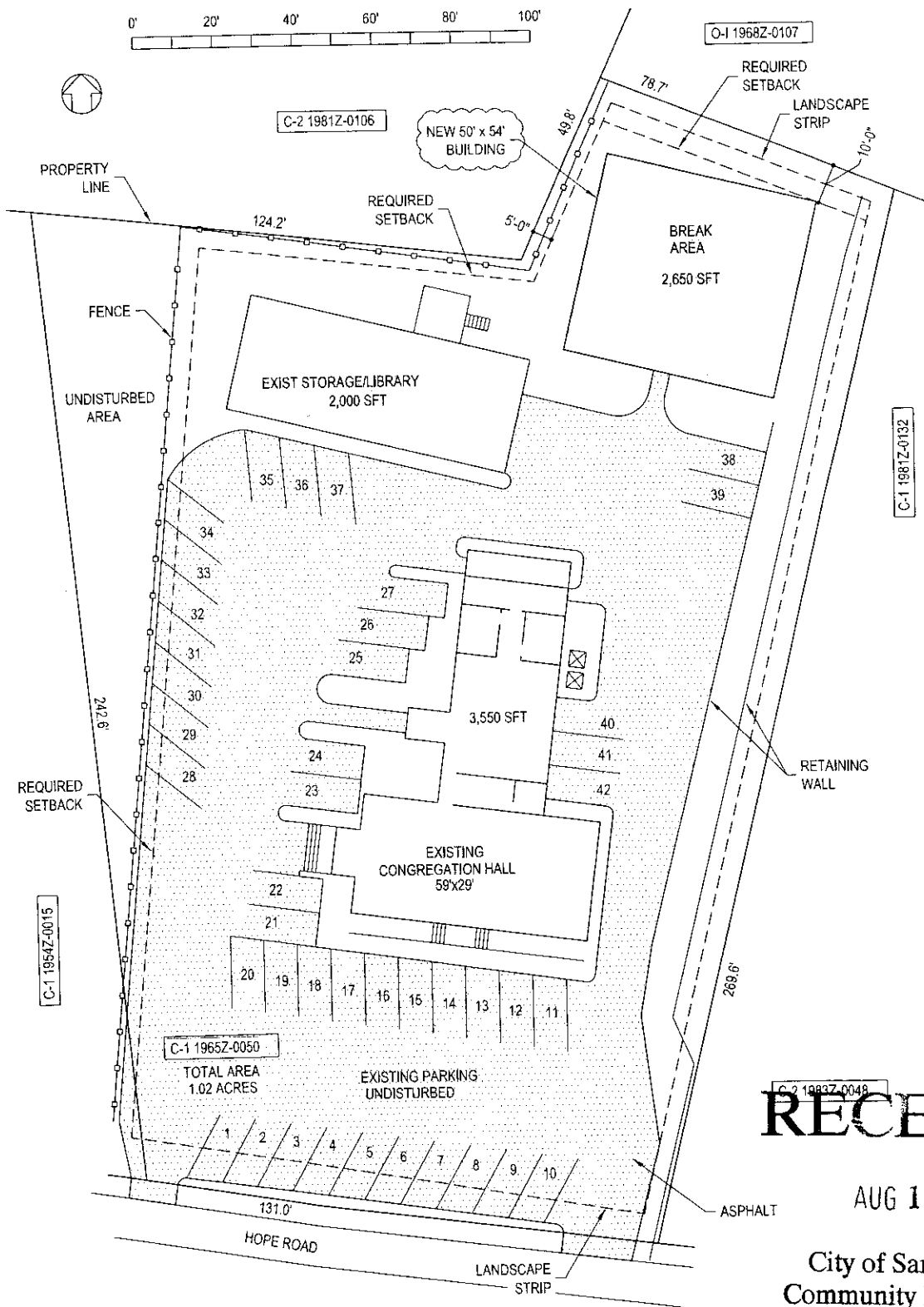
~~b~~ The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

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

WAQAR GARDEZI

ZAINABIA CENTER
1100 HOPE RD, SANDY SPRINGS, GA

FEBRUARY 2009



RECEIVED

AUG 17 2009

City of Sandy Springs
Community Development

NEW LAYOUT



October 19, 2009

Vick Gardezi
175 Parkside Close
Alpharetta, GA 30350

Subject: **Approval of Variance Application** – V09-028 1100 Hope Road, City of Sandy Springs, GA

Dear Mr. Gardezi:

Please be advised, the City of Sandy Springs Board of Appeals approved variance petition V09-028 for property located at 1100 Hope Road for relief from Section 4.23.2 of the Zoning Ordinance, General Provisions, Parking lot landscaping to delete the parking lot landscape requirement, Section 18.2.1 of the Zoning Ordinance, Off Street Parking and Loading, Basic Off-Street Parking Requirements to reduce the required number of parking spaces from 57 to 41, Section 4.23.1 of the Zoning Ordinance, General Provision, Minimum Landscape Strips and buffers, section A.4 of the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices- Landscape Strips, Buffers and Parking to allow a permanent structure (parking lot) within a landscape strip, and Section F.1 Tree Conservation Ordinance, Administrative Standards, & Best Management Practices- Landscape Strips, Buffers and Parking for relief from the requirement of planting a large shade tree every six (6) parking spaces. The Board approved the variance(s) at the October 8, 2009 hearing, subject to the following condition(s):

1. The lot shall be in accordance with the site plan, provided by the applicant dated received August 17, 2009 by the Department of Community Development, for the variance(s) herein, showing a 3,550 square foot existing congregation hall with a 1,711 square foot assembly area, a 2,000 square foot existing library/ storage area, a 2,650 square foot break area.
 - a. To reduce the required number of parking spaces from 57 to 41.
 - b. To reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
 - c. To eliminate the required parking lot landscape islands every 6th space.
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- b. The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

If it is necessary to resubmit plans or apply for any additional permits associated with this project, please submit a copy of this letter as an attachment. Should you have any questions or need any additional information regarding this project, please do not hesitate to contact me or Linda Abaray at (770) 730-5600.

Sincerely,

A handwritten signature in cursive script that reads "Patrice S. Ruffin".

Patrice S. Ruffin, AICP
Assistant Director of Planning and Zoning

Certification of Approval	
I hereby certify that the subject case was approved by the Board of Appeals of the City of Sandy Springs with the associated conditions on the above stated hearing date.	
A handwritten signature in cursive script that reads "Michael D. Casey". Michael D. Casey City Clerk	<u>10/21/2009</u> Date

CC: Linda Abaray, Planner I
PR/la