



**Board of Zoning Appeals
January 10, 2008**

Meeting Minutes

Board Members Present	Al Pond (Chair), Mark King (Vice Chair), Ken Moller, Paul Reale, Oswald Hill
Board Members Absent	Ron Carpinella and Ruth Coan
Staff Present	Nancy Leathers, Wendell Willard, Harmit Bedi, Cesar Geraldo, Dennis Payne, Michael Barnett, Doug Trettin, Terry Robinson and Shelia Staton

CALL to Order	Al Pond called the meeting to order at 7:00 p.m.
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I.	PREVIOUS ACTION REPORT
	ACTION: Oz Hill moved to approve the Action Report from the December 13, 2008 meeting. Paul Reale seconded. The Action Report was APPROVED (5-0, Pond, King, Hill, Moller, and Reale for).
II.	PREVIOUS MINUTES
	ACTION: Oz Hill moved to approve the Minutes from the December 13, 2008 meeting. Paul Reale seconded. The Minutes were APPROVED (5-0, Pond, King, Hill, Moller and Reale for).
III.	REQUEST FOR INITATION
A.	V07-057 5511 Wing Street <i>Applicant: Sears Partners, LLC</i> <i>Representative: Craig Sears</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ A variance application for property located at 5511 Wing Street, V07-057, seeking relief from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a 25 foot undisturbed buffer to allow for a retaining wall, was denied at the BZA hearing on October 11, 2007. Applicant Presentation: Craig Sears (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Patty Berkowitz, address on file, in opposition to the petition. Trisha Thompson, 145 River North Drive, in opposition to the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Oz Hill moved to deny the request to initiate a variance application by waiving the six (6) month waiting period for an application for the same variance. Paul Reale seconded. (5-0, Pond, King, Hill, Moller and Reale for).
	Condition(s): N/A
IV.	NEW CASES

A.	V07-074 6309 Roswell Road <i>Applicant: Sandy Springs Plaza Associates, LLC.</i> <i>Representative(s): Pam Pellon</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Primary variance from Section 33.18.P of the Zoning Ordinance to allow for 2 projecting signs. Applicant Presentation: Pam Pellon (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Trisha Thompson, 145 River North Drive, in support of the petition. • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to approve. Paul Reale seconded. The motion was APPROVED (5-0, Pond, King, Hill, Moller and Reale for) subject to the following condition(s): Condition(s): 1) That the projecting signs shall be installed pursuant to the sign design detail (Exhibit 1) and sign site plan location (Exhibit 2) submitted by the applicant, dated received October 2, 2007 by the Department of Community Development.
B.	V07-080 7250-7316 Roswell Road (SR 9) <i>Applicant(s): North Springs Associates, LLLP</i> <i>Representative(s): Mark Forsling & Donna Chimberoff</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Secondary variance: Appeal to the Department of Community Development Director's determination to require interparcel access between the North Springs Shopping Center and the adjacent Chevron gas station. Applicant Presentation: Mark Forsling & Donna Chimberoff (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Trisha Thompson, 145 River North Drive, in opposition to the petition. Ted Sandler, 6400 Power's Ferry Road, in opposition to the petition. Zachary Thompson, 4125 Providence Square, in opposition to the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to affirm the requirement for interparcel access between the North Springs Shopping Center and the adjacent Chevron gas station. Oz Hill seconded. The affirmation was APPROVED (5-0, Pond, King, Hill, Moller and Reale for). Condition(s): N/A

C.	V07-081 165 Seville Chase <i>Applicant: Steen & Gitte Hagensen</i> <i>Representative: Steen Hagensen</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Four primary variances: 1) variance from Section 4.24.9.C of the Zoning Ordinance to construct a new structure over a Special Flood Hazard Area, 2) variance from Section 14.3.5.a.i of the Floodplain Management/Flood Damage Prevention Ordinance to allow new construction of a principal building within the limits of the future-conditions floodplain, 3) variance from Section 14.3.5.a.xi of the Floodplain Management/Flood Damage Prevention Ordinance to allow improvement to a structure which is not compliant with the provisions of the ordinance that furthers or replaces the non-conformity, and 4) variance from Section 14.3.5.b.i.a of the Floodplain Management/Flood Damage Prevention Ordinance to allow new construction of principal building within the limits of the future-conditions floodplain. All variances to allow for additions to a single-family house. Applicant Presentation: Steen Hagensen (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Patty Berkowitz, address on file, in opposition to the petition. • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to approve. Oz Hill seconded. The motion was APPROVED (5-0, Pond, King, Hill, Moller and Reale for), subject to the following condition(s): Condition(s): 1) That the proposed additions be constructed in accordance with the Site Plan, provided by the applicant dated received November 5, 2007 by the Department of Community Development, showing the encroachment into the flood plain only where necessary to accommodate the portion of the shown encroachment. 2) That the building plans, including foundation and footing plans, for all proposed new construction requiring a variance shall bear the seal and signature of a professional engineer or architect and shall include certification signed by the design professional that the new construction is anchored to prevent flotation, collapse, or lateral movement of the structure and that the improvements shall be constructed with materials resistant to flood damage.
D.	V07-82 225 Trimble Crest Drive <i>Applicant(s): Lee & Sheryl Bagel</i> <i>Representative(s): Lee & Sheryl Bagel</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a 10 foot undisturbed buffer to allow for a swimming pool on an existing deck. Applicant Presentation: Lee Bagel & Michael Beck (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Patty Berkowitz, address on file, in opposition to the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to approve. Paul Reale seconded. The motion was APPROVED (5-0, Pond, King, Hill, Moller and Reale for) subject to the following condition(s): Condition(s): 1) That the proposed pool shall be constructed in accordance with the Proposed Site Plan, provided by

	the applicant dated received November 5, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a ten (10) foot undisturbed natural buffer to accommodate the portion of the encroachment only. 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or 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 has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting 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 has 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 applicable permit for the site. 12) That a Department of Natural Resource's Environmental Protection Division twenty-five (25) foot state tributary buffer variance be granted to the subject property for the subject pool before issuance of a City of Sandy Springs' pool permit.
E.	V07-83 5470 Meridian Mark Road Applicant(s): <i>GPH Atlanta, LLC.</i> <i>Representative: Melanie Frechette</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 33.26.C of the Zoning Ordinance to allow one wall sign on a nursing home building. Applicant Presentation: Melanie Freschette (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to approve. Ken Moller seconded. The motion was APPROVED (5-0, Pond, King, Hill, Moller and Reale for) subject to the following condition(s): Condition(s): That the wall sign shall not exceed 113 square feet, as shown on the sign design detail submitted by the

	applicant, dated received November 6, 2007 by the Department of Community Development.
F.	V07-084 8085 Brandon Mill Road <i>Applicant(s): Lyon Management Group</i> <i>Representative: Ron Cole</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 33.26.C.1 of the Zoning Ordinance to increase the permitted 16 square feet of 2 single-faced freestanding signs where only 2 are allowed. The signs are for residential developments. Applicant Presentation: Ron Cole (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Oz Hill moved to approve. Ken Moller seconded. The motion was APPROVED (4-0, Pond, Hill, Moller and Reale for; King recused) subject to the following condition(s):
	Condition(s): 1) That the sign area of each sign shall not exceed 28.53 square feet, pursuant to the sign design detail, submitted by the applicant, dated received January 2, 2008 by the Department of Community Development. 2) That the existing sign for Grogans Bluff residential development be maintained on the northernmost side of the entrance to the property, not exceeding 10.22 square feet of sign area. 3) That the existing "center" sign, identifying the development, be removed prior to the installation of the proposed signs. 4) That the owner/developer comply with the conditions set forth and recommended by the Design Review Board (DRB) at the December 26, 2007 DRB meeting as follows: A) That the background be made of stone. B) That the height of the signs letters be reduced to 24".
G.	V07-085 5545-5565 New Northside Drive & 17-0205-LL070 <i>Applicant(s): Wachovia</i> <i>Representative: Jessica Hill</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ 1) variance from Section 18.2.1 of the Zoning Ordinance to reduce the required number of parking spaces from 131 parking spaces to 90 parking spaces and 2) variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a minimum of a 40 foot undisturbed buffer. Both variances for the construction of branch bank. Applicant Presentation: Jessica Hill (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Patty Berkowitz, address on file, in support of the petition. Richard Dropp, 1034 Hammond Drive, in support of the petition. • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion)

ACTION: Mark King moved to approve. Paul Reale seconded. The motion was APPROVED (5-0, Pond, King, Hill, Moller and Reale for) subject to the following condition(s):

Condition(s): 1) That the proposed development shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received December 17, 2007 by the Department of Community Development, showing 85 parking spaces and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a minimum of a forty (40) foot undisturbed natural buffer (for a maximum of 45 square feet of an existing impervious retaining wall and for a maximum of 561 square feet of an existing impervious drive) to accommodate the portion(s) of the encroachment only.

2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting device.

3) When garages or parking pads are located in areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either soil for filtration before entering the stream or artificial filtration with proof of maintenance required.

4) Stream crossings shall be as narrow as possible and shall be pervious.

5) 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.

6) That the area of removed impervious surface be planted to riparian buffer standards as approved by the City of Sandy Springs Arborist.

7) 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.

8) Stream bank restoration shall be installed as required by the Director of the Community Development Department.

9) 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 applicable permit for the site.

10) After the proposed building is constructed, the entire subject property shall be in compliance with the minimum parking requirements unless relief from the parking requirements is granted under a separate application.

H.

V07-086

5160 Vernon Springs Trail

Applicant(s): Sally & Jerry White

Representative: Jerry White

SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 6.3.3.B of the Zoning Ordinance to reduce the minimum front yard setback from 60 feet to 48 feet to allow for additions to a single-family house.

Applicant Presentation: Jerry White

(Invitation for public comment in support of and in opposition to the petition)

• **Support for the Petition:**

Walter Brown, 5135 Vernon Springs Trail, in support of the petition (Did not speak, but read into the record).

• **Against the Petition:**

None

(Close of public hearing. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller moved to approve. Oz Hill seconded. The motion was APPROVED (5-0, Pond, King, Hill, Moller and Reale for) subject to the following condition(s):

Condition(s): 1) That the addition(s) be constructed in accordance with the Site Plan, provided by the applicant dated received November 6, 2007 by the Department of Community Development, showing the sixty (60) foot minimum front yard setback reduced to forty-eight (48) feet where necessary to accommodate the portion of the encroachments only.

I.

V07-087

490 Franklin Road

Applicant(s): Westfield Partners, Inc.

Representative: Scott Riser

SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a minimum of a 20 foot undisturbed buffer to allow for the construction of an impervious driveway.

Applicant Presentation: Scott Riser

(Invitation for public comment in support of and in opposition to the petition)

• **Support for the Petition:**

• **Against the Petition:**

Patty Berkowitz, address on file, in support of the petition.

(Close of public hearing. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale moved to approve. Al Pond seconded. The motion was APPROVED (3-2, Pond, Hill and Reale for; Moller and King against) subject to the following condition(s):

Condition(s): 1) That the proposed pool shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received November 7, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to a minimum of a twenty (20) foot undisturbed natural buffer to allow for a maximum of approximately 2,161 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer to install an impervious driveway, parking pad/turn-around, walkway (& steps), and walls, and to allow for a maximum of approximately 1,719 square feet of impervious driveway, parking pad/turn-around, walkway (& steps), and walls within the twenty-five (25) foot impervious surface setback to accommodate the portion of the encroachment(s) only.

2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all parking pads, paths, and patios shall be constructed of pervious pavers and/or stepping stones.

3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such infiltration promoting 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 has 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.

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| | <p>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 applicable permit for the site.</p> <p>12) That surface water drainage, resulting from the proposed construction, be completely directed into a Best Management Practices (BMP) filtration detention device as approved by the City Chief Engineer. The aforementioned BMP filtration detention device shall be located at the west side of the proposed driveway.</p> <p>13) That a Department of Natural Resource's Environmental Protection Division twenty-five (25) foot state tributary buffer variance be granted to the subject property for the subject driveway before issuance of a City of Sandy Springs' permit for the proposed work.</p> |
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Meeting Adjournment	The meeting was adjourned at 10:20 p.m.
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Approval Signatures	
Date Approved	2-14-08
Al Pond, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	
Bridgette Gray, Administrative Coordinator	