



## Board of Zoning Appeals February 12, 2009

### Meeting Minutes

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| <b>Board Members Present</b> | Mark King (C), Ron Carpinella (VC), Ruth Coan, Lane Frostbaum, Oz Hill, Ken Moller, Paul Reale                                                                                |
| <b>Board Members Absent</b>  | None                                                                                                                                                                          |
| <b>Staff Present</b>         | Chris Miller, Patrice Ruffin, Blake Dettwiler, Michael Barnett, Nathan Ippolito, William Martin, Mark Moore, Christina Nelson, Terry Robinson, Jocelyn Stephens, Doug Trettin |
| <b>CALL to Order</b>         | Mark King called the meeting to order at 7:00 p.m.                                                                                                                            |

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|    | <b>ADOPTION OF AGENDA</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|    | <b>ACTION:</b> Ron Carpinella moved to recommend adoption of the Agenda. Paul Reale seconded. The motion was APPROVED (7-0, Carpinella, Coan, Frostbaum, Hill, King, Moller, and Reale for).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|    | <b>PREVIOUS MEETING'S MINUTES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|    | <p><b>ACTION:</b> Paul Reale moved to recommend approval of the Minutes from the January 8, 2009 meeting. Ron Carpinella seconded. The motion was APPROVED (7-0, Carpinella, Coan, Frostbaum, Hill, King, Moller, and Reale for).</p> <p><b>ACTION:</b> Ken Moller motioned the Board of Zoning Appeals (BZA) to show appreciation to Al Pond, a former BZA member and its first Chairman, and then each Board member thanked Al for his great passion, service, insight, and guidance. Paul Reale seconded. The motion was APPROVED (7-0, Carpinella, Coan, Frostbaum, Hill, King, Moller, and Reale for).</p>                                                                                                                                                                                                                                                                                     |
|    | <b>DEFERRED CASES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1. | <p><b>V08-070</b><br/>435 Conway Point Drive<br/><i>Applicant: Vinings Building Group.</i> <span style="float: right;"><i>Representative: Nathan V. Hendricks, III</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Doug Trettin/ Primary variance from Section 6.4.3.D of the Zoning Ordinance to reduce the required 35 foot minimum rear yard setback to 30 feet to allow for the construction of a single-family house.</p> <p><b>Applicant Presentation:</b> Nathan V. Hendricks, III</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>Jewell Chadd, 6249 Johnson Street, Douglasville, Georgia 30134</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Board of Zoning Appeals questions and discussion)</b></p> |

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|           | <p><b>ACTION:</b> Ron Carpinella moved to recommend denial of the application. Ken Moller seconded. The motion FAILED (2-5, Carpinella and Moller for; Coan, Frostbaum, Hill, King, and Reale against).</p> <p><b>ACTION:</b> Ruth Coan moved to recommend approval of the application subject to conditions. Paul Reale seconded. The motion was APPROVED (5-2, Coan, Frostbaum, Hill, King, Reale for; Carpinella and Moller against).</p> <p><b>Condition(s):</b></p> <p>The new residence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received December 2, 2008 by the Department of Community Development, for the variance(s) herein, showing a reduction in the required thirty-five (35) rear setback to no less than thirty (30) feet where necessary to accommodate the portion of the encroachment(s) only.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|           | <p><b>NEW CASES</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>2.</p> | <p><b>V08-071</b><br/>         6900 Roswell Road (SR9)<br/> <i>Applicant: Highgate at Sandy Springs. Representative: Jessica Westin</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 33.18.A to allow a sign (temporary free standing sign) that is not identified as permitted sign under the apartment and the overlay districts and 2) variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 6 feet.</p> <p><b>Applicant Presentation:</b> <i>Jessica Westin</i></p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <p>• <b>Support for the Petition:</b><br/>         None</p> <p>• <b>Against the Petition:</b><br/>         Tom Gorman, 6900 Roswell Road, Sandy Springs, Georgia<br/>         Sheryle Rosier, 6900 Roswell Road, Unit G4, Sandy Springs, Georgia</p> <p><b>(Close of public hearing. Board of Zoning Appeals questions and discussion)</b></p> <p><b>ACTION:</b> Ron Carpinella moved to recommend approval of the application subject to conditions. Lane Frostbaum seconded. The motion was APPROVED (6-1, Carpinella, Coan, Frostbaum, Hill, King, and Moller for; Reale against).</p> <p><b>Condition(s):</b></p> <p>1) The temporary freestanding sign shall not exceed sixteen (16) square feet of sign area; 5.5 feet tall pursuant to the sign design detail, submitted by the applicant, and dated received November 25, 2008 by the Department of Community Development.</p> <p>2) Allow the temporary freestanding sign to be located at the proposed location, six (6) feet from the right of way for not more than one (1) year from the date of this approval or to be removed when occupancy reach 95% sold, not to include re-sale, whichever comes first.</p> |

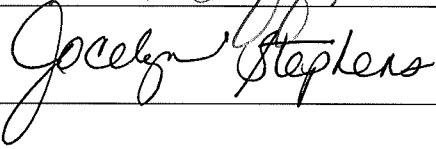
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| 3. | <p><b>V08-072</b><br/> 6475 Roswell Road (SR9)<br/> <i>Applicant: Sandy Springs Toyota.</i> <i>Representative: Michael Jackson</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Doug Trettin/ Primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow for an additional wall sign on a wall that does not have street frontage.</p> <p><b>Applicant Presentation:</b> <i>Michael Jackson</i></p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>None</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Board of Zoning Appeals questions and discussion)</b></p>                                                                                                                                             |
|    | <p><b>ACTION:</b> Ken Moller moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (7-0, Carpinella, Coan, Frostbaum, Hill, King, Moller, and Reale for).</p> <p><b>Condition(s):</b></p> <p>The proposed wall sign on the south elevation shall not exceed twenty-nine (29) square feet, pursuant to the sign design detail, submitted by the applicant, and dated received December 2, 2008 by the Department of Community Development.</p>                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4. | <p><b>V08-073</b><br/> 8350 Valley Tarn<br/> <i>Applicant: Lisa Banov.</i> <i>Representative: Lisa Banov</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Doug Trettin/ Primary variance from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the required 25 foot impervious surface setback to 6 feet to allow for a deck addition to a single-family house.</p> <p><b>Applicant Presentation:</b> Lisa Banov</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/> Natalie Cagle<br/> Dick Farmer, 6080 Glenridge Drive<br/> Gary Rubadoux, 2079 East Roxboro Road, Atlanta, Georgia 30324</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Board of Zoning Appeals questions and discussion)</b></p> |
|    | <p><b>ACTION:</b> Ron Carpinella moved to recommend approval of the application subject to conditions. Ken Moller seconded. The motion was APPROVED (6-1, Carpinella, Coan, Frostbaum, Hill, King, Moller, and; Reale against).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|    | <p><b>Condition(s):</b></p> <p>1) The subject deck and spa shall remain constructed in accordance with the proposed site plan, provided by the applicant dated received December 2, 2008 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a fifty (50) foot undisturbed natural buffer and a six (6) foot impervious surface setback where necessary to accommodate the portion of the encroachment only.</p> <p>2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been</p>                                                                                                                                                               |

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|    | <p>reduced, all driveways, paths, and patios shall be constructed of pervious material.</p> <p>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.</p> <p>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.</p> <p>5) Stream crossings shall be as narrow as possible and shall be pervious.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>9) Stream bank restoration shall be installed as required by the Director of the Community Development Department.</p> <p>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.</p> <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 the applicable permit(s) for the site.</p> <p>12) A landscape plan shall be submitted by the owner/applicant and the plants shall be installed and maintained as approved by the City Arborist.</p> |
| 5. | <p><b>V08-074</b><br/> Lake Forrest Drive<br/> <i>Applicant: Department of Public Works. Representative: William Martin, Mark Moore</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Doug Trettin/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 an 18 undisturbed natural buffer to allow for the construction of sidewalks.</p> <p><b>Applicant Presentation:</b> William Martin, Mark Moore</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <p>• <b>Support for the Petition:</b><br/> Karen Meinzen McEnery<br/> Debra Sharker, 80 Forrest Place, Sandy Springs, Georgia 30328</p> <p>• <b>Against the Petition:</b><br/> Dick Farmer, 6080 Glenridge Drive<br/> Pamela Jeter, 5680 Lake Forrest Drive<br/> Stan Jones, 225 Cliff Overlook, Atlanta, Georgia 30350<br/> Susan Yeosock, 785 Lake Summit Drive, Atlanta, Georgia 30342</p> <p><b>(Close of public hearing. Board of Zoning Appeals questions and discussion)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|    | <p><b>ACTION:</b> Ken Moller moved to recommend denial of the application. Oz Hill seconded. The motion FAILED (1-6, Moller for; Carpinella, Coan, Frostbaum, Hill, King, and Reale against).</p> <p><b>ACTION:</b> Ron Carpinella moved to recommend deferral of the case up to 90 days (May 14, 2009 meeting) to allow the applicant time to explore alternative sidewalk locations. Paul Reale seconded. The motion was APPROVED (6-1, Carpinella, Coan, Hill, King, Moller, and Reale for; Frostbaum against).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|    | <p><b>Condition(s):</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 6. | <p><b>V08-075</b><br/> 8995 Roswell Road (SR9)<br/> <i>Applicant: AEC, Inc.</i> <span style="float: right;"><i>Representative: Brad Riffel</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 3 feet and 2) variance from Section 33.26.H.1.a of the Zoning Ordinance to increase the maximum permitted square footage for a free standing sign from 32 square feet to 40 square feet and to allow for a free standing sign to exceed the maximum height permitted from 6 feet to 10 feet.</p> <p><b>Applicant Presentation:</b> Brad Riffel</p> <p>(Invitation for public comment in support of and in opposition to the petition)</p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>None</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p>(Close of public hearing. Board of Zoning Appeals questions and discussion)</p>                                                                                                                                                                                        |
|    | <p><b>ACTION:</b> Ruth Coan moved to recommend approval of the application with conditions. Paul Reale seconded. The motion was APPROVED (7-0, Carpinella, Coan, Frostbaum, Hill, King, Moller, and Reale for).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|    | <p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1) The freestanding sign shall be located not less than three (3) feet from the right-of-way, pursuant to site plan, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.</li> <li>2) The freestanding sign shall not exceed forty (40) square feet, pursuant to the sign design detail, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.</li> <li>3) The freestanding sign shall not exceed ten (10) feet height, pursuant to the sign design detail, submitted by the applicant, and dated received December 8, 2008 by the Department of Community Development.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 7. | <p><b>V08-076</b><br/> 5101 Powers Ferry Road<br/> <i>Applicant: Riley Terrace, LLC.</i> <span style="float: right;"><i>Representative: Nathan V. Hendricks, III</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Doug Trettin/Two primary variances from the Floodplain Management Ordinance: 1) variance from Section 109-89.a.1 to raise the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot and 2) variance from section 109-89.a.2 to reduce the base flood or future-conditions regulatory flood storage capacity. Both variances for the construction of a single-family house.</p> <p><b>Applicant Presentation:</b> <i>Nathan V. Hendricks, III</i></p> <p>(Invitation for public comment in support of and in opposition to the petition)</p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/> Edie Dreaden, 5274 Powers Ferry Road, Atlanta, Georgia 30327<br/> Lovick Evans, 603 Macy Drive, Roswell, Georgia 30076</li> <li>• <b>Against the Petition:</b><br/> Dick Farmer, 6080 Glenridge Drive<br/> Stan Jones, 225 Cliff Overlook, Atlanta, Georgia 30350</li> </ul> <p>(Close of public hearing. Board of Zoning Appeals questions and discussion)</p> |

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|  | <p><b>ACTION:</b> Ruth Coan moved to recommend approval of the application with conditions. Lane Frostbaum seconded. The motion was APPROVED (7-0, Carpinella, Coan, Frostbaum, Hill, King, Moller, and Reale for).</p>                                                                                                                                                                                                                                                                                           |
|  | <p><b>Condition(s):</b></p> <p>1) The site preparation and grading shall be performed in accordance with the proposed site plan, provided by the applicant dated received February 2, 2009 by the Department of Community Development, for the variance herein, showing site preparation and grading where necessary to prepare the site as indicated only.</p> <p>2) When the lot is redeveloped, the lowest finished floor of the new house shall be at least four (4) feet above the base flood elevation.</p> |

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| <b>Meeting Adjournment</b> | The meeting was adjourned at 10:47 p.m. |
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| Approval Signatures                                        |                                                                                    |
|------------------------------------------------------------|------------------------------------------------------------------------------------|
| Date Approved                                              | 03-12-09                                                                           |
| Mark King, Chairman                                        |  |
| Patrice Ruffin, Assistant Director of Planning and Zoning  |   |
| Jocelyn Stephens, Transcriber/<br>Administrative Assistant |   |