



**Board of Zoning Appeals
February 14, 2008**

Meeting Minutes

Board Members Present	Al Pond (Chair), Mark King (VC), Ron Carpinella, Ruth Coan, Oz Hill, Ken Moller, Paul Reale
Board Members Absent	None
Staff Present	Michael Barnett, Harmit Bedi, Cesar Geraldo, Nancy Leathers, Chris Miller, Cristina Nelson, Terry Robinson, Jocelyn Stephens, Doug Trettin

CALL to Order	Al Pond called the meeting to order at 7:00 p.m.
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PREVIOUS MINUTES	
	ACTION: Paul Reale moved to approve the Minutes from the January 10, 2008 meeting as amended, indicating Mr. Hill as a member present. Oz Hill seconded. The Minutes were APPROVED (7-0, Pond, King, Carpinella, Coan, Hill, Moller, and Reale, for)
NEW CASES	
1.	V07-088 4934 Peachtree-Dunwoody Road & 1700140002034 <i>Applicant: Richard & Donna Aiken.</i> <i>Representative:</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking three primary variances from the Zoning Ordinance: 1) variance from Section 6.2.3.C to reduce the minimum side yard setback from 15 feet to 7 feet for lot 34, 2) variance from Section 6.2.3.D to reduce the minimum rear yard setback from 40 feet to 7 feet for lot 33, and 3) variance from Section 4.24.9.G to allow for residential development on property that less than 70% of the buildable land area lies above the base flood elevation, a minimum of 1 foot, or less than 50% of the minimum lot area required by the zoning district is above the base flood elevation for lots 33 & 34. All variances are to allow for the reconfiguration of 2 existing lots and the construction of 2 single-family homes. Please note that the homeowner is submitting a letter to withdraw the application. The homeowner is now representing the case. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Pete Rodrigue, 1090 Kingston Drive, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Paul Reale moved to approve the applicant's request for withdrawal of the application. Oz Hill seconded. The motion was APPROVED (7-0, Pond, King, Carpinella, Coan, Hill, Moller, and Reale, for)
	Condition(s): N/A

2.

V07-089

300 Mark Trail (Parcel 1700870008051)

Applicant: Jim LaVallee.

Representative(s):

SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking a primary variance from Section 6.4.3.F of the Zoning Ordinance to allow for a house to be located on a section of the lot that does not meet the 100 foot minimum lot width required.

Applicant Presentation: Jim Lavallee

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

• **Support for the Petition:**

Ivan Smith, 100 Mark Trail, Atlanta, GA 30328, 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 with conditions. Ron Carpinella seconded. The motion was APPROVED (7-0, Pond, King, Carpinella, Coan, Hill, Moller, and Reale, for) subject to the following condition(s):

Condition(s):

That the proposed house be constructed in accordance with the proposed Site Plan provided by the applicant dated received December 4, 2007 by the Department of Community Development showing a fifty (50) foot front building line where a minimum lot width of seventy-two (72) feet is achieved.

Note: The following conditions are between the applicant and the HOA and Ms. Williamson at 290 Mark Trail. only. They are listed here for recording purposes and are not adopted as actual conditions since they are in conflict with City ordinances and regulations.

HOA Agreements:

1. Two copies of **final** building plans and specification be provided to the LFCA. These plans should include:

- a) nature, kind, and shape of structure
- b) type of materials
- c) finishes and colors of all exterior surfaces, including roof coverings
- d) location on lot and floor plan
- e) front, side, and rear elevations
- f) location of drives and parking areas
- g) name of builder

2. All construction to be performed between the hours of 7:00 A.M. and 6:00 P.M. on any day except Sunday and legal holidays.
3. All construction to be completed within six months.
4. Architectural shingles must be used for roofing material.
5. Metal roofing only to be used as accent and accounting for no more than 5% of total roof area.
6. No use of exposed concrete, concrete block, or cinder block for any exterior surfaces, including retaining walls.
7. Final construction consistent with drawings provided.

Applicant's Agreement with Ms. Williamson:

1. We will, at no cost to you, remove the steps, brick pavers and the railroad ties that are on your side of the common property line in the location noted as area "A" on the attached plat Exhibit "1."
2. We will, at not cost to you, remove the section of railroad tie retaining wall that is located on your property, and which is parallel to the front elevation of your home, and which crosses our common property line noted as area "B" on the attached plat Exhibit "1."
3. We will, at no cost to you, use fill dirt between these areas to create a sloping bank from the street towards the

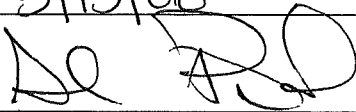
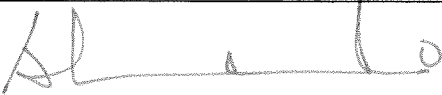
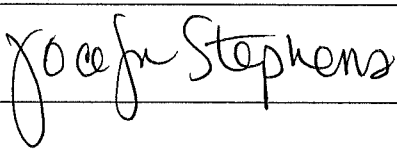
	creek. The slope will have a swale or other design features to channel water in this area towards the creek and away from your residence. We will install decorative rock and plant material into the newly created bank to prevent erosion. We will, in good faith, eliminate or try to limit the use of retaining walls along this newly treated bank, if possible and financially practical, but the final design will have to meet engineering and City of Sandy Springs standards. 4. Mrs. Williamson agrees to execute a construction easement or other documents required by the City of Sandy Springs to acknowledge the owners of 300 Mark Trail's authority to make the changes contemplated herein to and on the property located at 290 Mark Trail. Execution and approval of such documents will not be unreasonably withheld and time shall be of the essence. 5. In carrying out the conditions set forth above in items 1-3, we agree to assume all liability, if any, for our acts or omissions occurring on or within your property of 290 Mark Trail and to jointly and severally indemnify, defend and hold harmless you, your heirs and assigns for any liability arising out of same. 6. Execution of this document shall serve as your withdrawal of any opposition to the variance requested from the City of Sandy Springs GA, known as V07-089, by the owners of 300 Mark Trail. This letter shall not in any way constitute a waiver of the constitutional rights of you, or your heirs and assigns, with respect to the properties discussed herein including, without limitation, the rights and protections afforded by the Constitution of the United States, the Constitution of the State of Georgia of 1983, and the covenants prescribed by the Lost Forest Civic Association. (Attached Exhibits 1 and 2)
3.	V07-091 8710 The 5th Green <i>Applicant(s): Michael Stacio & Miriam Garrett. Representative(s):</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicants are seeking a 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 33 foot undisturbed buffer to allow for additions to an existing single-family house. Applicant Presentation: Michael Stacio & Miriam Garrett (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Alan Killebrew, 80 N. Christopher Run, Milton, GA 30004, in support of the petition Jim Stockslager, 8685 The 5th Green, in support of the petition • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to approve with conditions. Paul Reale seconded. The motion was APPROVED (7-0, Pond, King, Carpinella, Coan, Hill, Moller, and Reale, for) with the following conditions. Condition(s): 1) That the proposed addition(s) shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received December 4, 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 thirty-three (33) foot undisturbed natural buffer to accommodate the portion of the proposed encroachment only and showing 676 square feet of total land disturbance associated with the proposed addition. 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 directly into a rain garden or other 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 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 the applicable permit(s) for the site.
4.	V07-092 4570 Windsor Gate Court Applicant: Katia Castillo. <i>Representative:</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking a primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the 25 foot impervious surface setback (of the 75 foot stream buffer) to 4 feet to allow for the construction of a swimming pool and pool deck. Applicant Presentation: Katia Castillo (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Odis Miller, 1501 Shetland Long Ct., Suwanee, GA 30024 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ron Carpinella moved to adjust the agenda to allow petition V07-092 to be heard after item #5 (V07-093), Ruth Coan seconded. The motion was APPROVED (7-0, Pond, King, Carpinella, Coan, Hill, Moller, and Reale, for). Ruth Coan moved to approve with conditions. Paul Reale seconded. The motion was APPROVED (7-0, Pond, King, Carpinella, Coan, Hill, Moller, and Reale, for) with the following conditions: Condition(s): 1) That the proposed pool shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received December 4, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a four (4) foot impervious surface setback 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 directly into a rain garden or other 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 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 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) The proposed pool deck shall be constructed completely of pervious pavers.
5.	V07-093 227 Sandy Springs Place Applicant(s): <i>Baskin-Robbins Ice Cream</i> Representative: <i>Rick Berg</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting a primary variance from Section 33.18.P of the Zoning Ordinance to allow for a projecting sign (perpendicular to the wall to which is attached). Applicant Presentation: Rick Berg (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ruth Coan moved to approve deferral until a date uncertain and to allow Staff to review possible right-of-way issues regarding the proposed sign and to allow the applicant to have additional signage that is attached to either side of the storefront awning (perpendicular to the wall) but no bigger than the awning, until petition V07-093 is acted upon. Ken Moller seconded. Denied (2-5, Coan and Moller, for; Pond, King, Hill, Reale, and Carpinella, against). Ron Carpinella motioned to approve with conditions. Oz Hill seconded. The motion was APPROVED (5-2, Pond, King, Carpinella, Hill, and Reale, for; Coan and Moller, against) subject to the conditions listed. Condition(s): 1) That the projecting sign shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibits 1 & 2), submitted by the applicant, dated received December 7, 2007 by the Department of Community Development. 2) That the projecting sign shall not exceed thirty-nine (39) square feet of sign area, pursuant to the sign design detail (Exhibit 3), submitted by the applicant, and dated received December 7, 2007 by the Department of Community Development. 3) The City Staff review the subject application/proposed sign for any issues regarding right-of-way regulations.

Meeting Adjournment

The meeting was adjourned at 8:28 p.m.

Approval Signatures	
Date Approved	3/13/08
Al Pond, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Coordinator	

February 13, 2008

Mr. Jim LaVallee
6706 Ridge Mill Lane
Atlanta, GA 30328

RE: Variance File Number V07-089

Dear Mr. LaVallee,

Thank you for meeting with the Board of the Lost Forest Civic Association and neighbors on Sunday, February 10, 2008. I think the meeting was very productive.

After speaking with many residents, reviewing all documents, and inspecting and reading all drawings, the Board of the LFCA along with most residents of Lost Forest request the following stipulations be met in order to receive the support of the LFCA. We recognize that most of these are already part of your plans, however, we would require them in writing if we are to actively support your variance petition and application for building permit.

1. Two copies of **final** building plans and specification be provided to the LFCA.
These plans should include:
 - a. Nature, kind, and shape of structure.
 - b. Type of materials.
 - c. Finishes and colors of all exterior surfaces, including roof coverings.
 - d. Location on lot and floor plan.
 - e. Front, side, and rear elevations.
 - f. Location of drives and parking areas.
 - g. Name of builder.
2. All construction to be performed between the hours of 7:00 A.M. and 6:00 P.M. on any day except Sunday and legal holidays.
3. All construction to be completed within six months.
4. Architectural shingles must be used for roofing material.
5. Metal roofing only to be used as accent, and accounting for no more than 5% of total roof area.
6. No use of exposed concrete, concrete block, or cinder block for any exterior surfaces, including retaining walls.
7. Final construction consistent with drawings provided.

The purpose of these requirements is to ensure our residents that the proposed construction will be in harmony with the existing structures in Lost Forest. Also, that the general quality be in comparison with the existing structures in Lost Forest.

If you are in agreement with the above terms, please acknowledge such by executing this letter below.

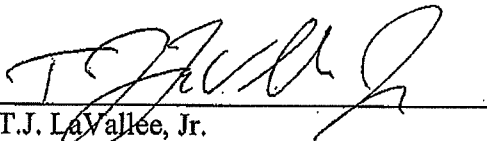
We look forward to you and your family becoming part of our neighborhood.

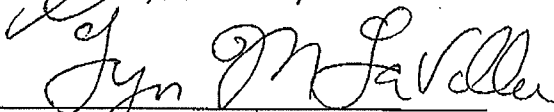
Sincerely,

Ivan Smith
President, Lost Forest Civic Association

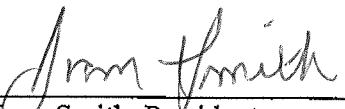
Acknowledged and agreed to this 14 day of February, 2008.

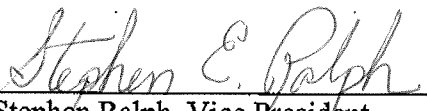
Owners 300 Mark Trail


T.J. LaVallee, Jr.


Lyn LaVallee

Lost Forest Civic Association


Ivan Smith, President


Stephen Ralph, Vice President

JIM LAVALLEE

6706 RIDGE MILL LANE
ATLANTA, GA 30328

PHONE AND FAX 404-847-9080

February 11, 2008

Mary Ann B. Williamson

290 Mark Trail
Sandy Springs, Georgia 30328

RE: Variance File Number V07-089
300 Mark Trail

Dear Mrs. Williamson,

Following our meeting this evening to discuss the above referenced variance request and the impact of constructing a new home, along the common property line of lots 290 Mark Trail and 300 Mark Trail, we have agreed to the following conditions as part of our constructing a new house on lot 300 Mark Trail:

- 1) We will, at no cost to you, remove the steps, brick pavers and the rail road ties that are on your side of the common property line in the location noted as area "A" on the attached plat Exhibit "1".
- 2) We will, at no cost to you, remove the section of rail road tie retaining wall that is located on your property, and which is parallel to the front elevation of your home, and which crosses our common property line noted as area "B" on the attached plat Exhibit "1".
- 3) We will, at no cost to you, use fill dirt between these areas to create a sloping bank from the street towards the creek. The slope will have a swale or other design features to channel water in this area towards the creek and away from your residence. We will install decorative rock and plant material into the newly created bank to prevent erosion. We will, in good faith, eliminate or try to limit the use of retaining walls along this newly created bank, if possible and financially practical, but the final design will have to meet engineering and City of Sandy Springs standards.

- 4) Mrs. Williamson agrees to execute a construction easement or other documents required by the City of Sandy Springs to acknowledge the owners of 300 Mark Trail's authority to make the changes contemplated herein to and on the property located at 290 Mark Trail. Execution and approval of such documents will not be unreasonably withheld and time shall be of the essence.
- 5) In carrying out the conditions set forth above in items 1-3, we agree to assume all liability, if any, for our acts or omissions occurring on or within your property of 290 Mark Trail and to jointly and severally indemnify, defend and hold harmless you, your heirs and assigns for any liability arising out of same.
- 6) Execution of this document shall serve as your withdrawal of any opposition to the variance requested from the City of Sandy Springs GA, known as V07-089, by the owners of 300 Mark Trail. This letter shall not in any way constitute a waiver of the constitutional rights of you, or your heirs and assigns, with respect to the properties discussed herein including, without limitation, the rights and protections afforded by the Constitution of the United States, the Constitution of the State of Georgia of 1983, and the covenants prescribed by the Lost Forest Civic Association.

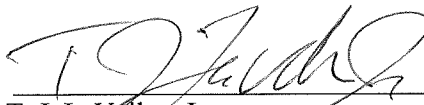
I have also attached Exhibit "2" which is the original version of the survey used to make Exhibit "1". If you are in agreement with the above terms, please acknowledge such by executing this letter below.

Sincerely,

Jim LaVallee

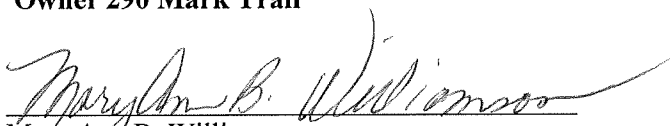
Acknowledged and agreed to this 14 day of February, 2008.

Owners 300 Mark Trail


T. J. LaVallee, Jr


Lyn M. LaVallee

Owner 290 Mark Trail

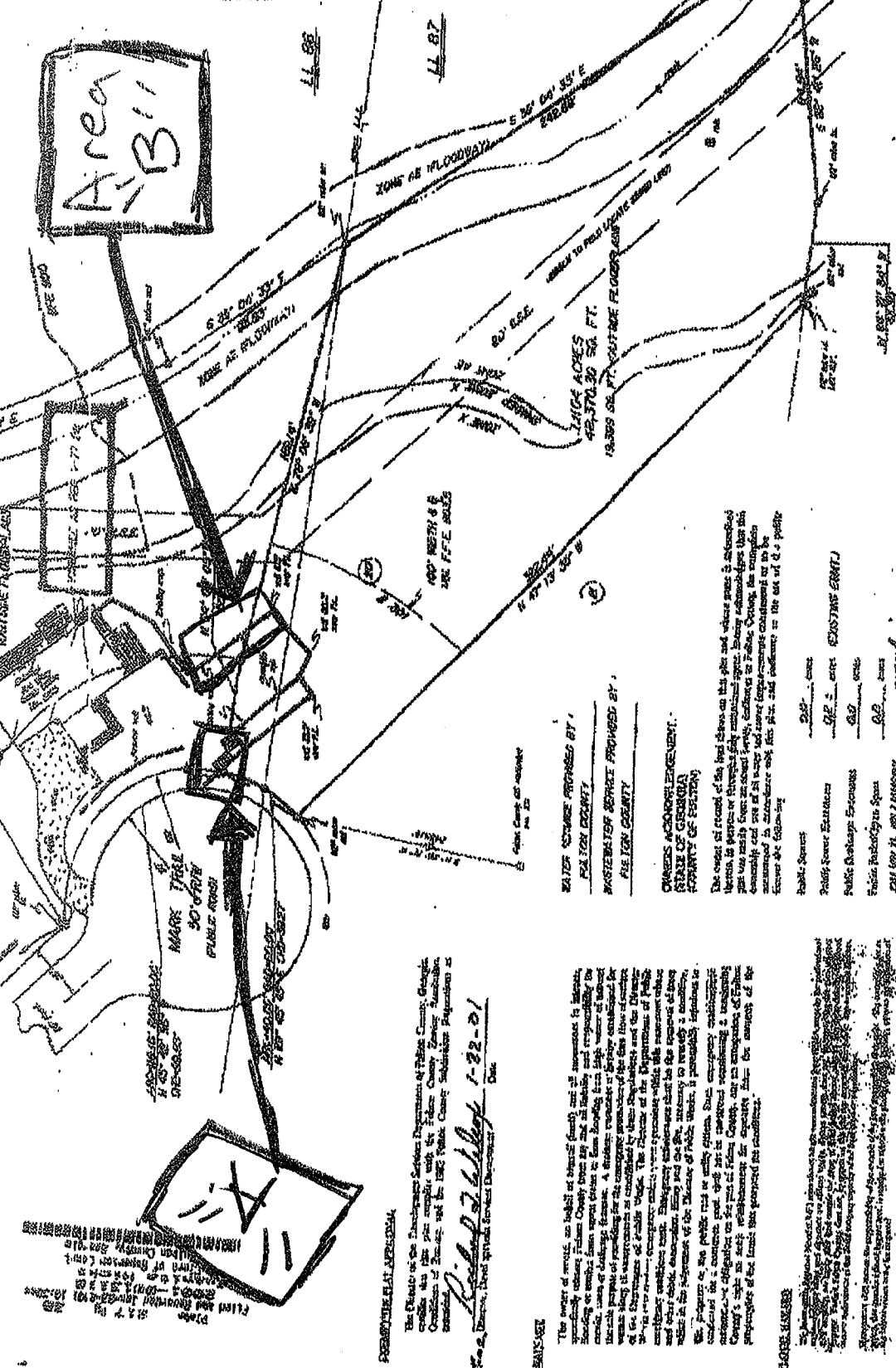

Mary Ann B. Williamson

1. The purpose of this report is to provide information on the location and extent of the flood hazard area shown on the map.

2. The flood hazard area is located in the vicinity of the intersection of the main highway and the railroad tracks.

3. The flood hazard area is shown on the map as a shaded area.

4. The flood hazard area is shown on the map as a shaded area.



5. The flood hazard area is shown on the map as a shaded area.

6. The flood hazard area is shown on the map as a shaded area.

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13. The flood hazard area is shown on the map as a shaded area.

