



BOARD OF APPEALS

Ruth Coan, Post 7 –Chair
Paul Reale, Post 5- Vice Chair
Lane Frostbaum, Post 1
Jim Squire, Post 3
Ted Sandler, Post 4
Ron Carpinella, Post 2 – Chair
Ken Moller, Post 6

Thursday, March 10, 2011

Regular Meeting Minutes

7:00 PM

Board Members Present	Ruth Coan (Chair), Paul Reale (Vice Chair), Ken Moller, Ron Carpinella, Lane Frostbaum, Jim Squire and Ted Sandler
Board Members Absent	None
Staff Present	Chris Miller, Patrice Ruffin, Cecil McLendon, Linda Abaray, Gloria Goins, Bennett White, and Syreeta Whitfield
Call to Order	Ruth Coan called the meeting to order at 7:00 p.m.

ADOPTION OF AGENDA

Motion and Vote: Squire moved to approve the Agenda for March 10, 2010. Reale seconded the motion. Approved (7-0, Carpinella, Coan, Moller, Frostbaum, Reale, Squire, and Sandler for).

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Carpinella moved to approve the Minutes for December 9, 2010. Frostbaum seconded the motion. The motion was approved (7-0, Carpinella, Coan, Moller, Frostbaum, Reale, Squire, and Sandler for).

NEW CASES

V10-037

5765 Northside Drive

Applicant: Gaylord O. Coan

SUMMARY/STAFF PRESENTATION:

Primary variance 1) 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 50 feet ; three (3) primary variances from the Zoning Ordinance: 1) from Section 6.1.3.B to reduce the required from setback from 60 feet to 54 feet, 2) from Section 6.1.3.C to reduce the required side setback from 25 feet to 22.5 feet, and 3) from Section 6.1.3.D to reduce the required rear setback from 50 feet to 45 feet to allow for the construction of a single family residence, pool, studio, and greenhouse; and a primary variance from Section 103-73 of the

Development Regulations Ordinance to reduce the required ten (10) foot driveway setback to three (3) feet.

APPLICANT PRESENTATION:

Greg Dean, 5905 Steeplechase Blvd S-300, Cumming GA. 30040
Lewis Reeves, 9280 St. Georgen Cir N, Duluth, GA. 30097

(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)

Motion and Vote: Sandler moved to approve withdrawl of the application, Squire seconded. Approved the withdrawal of the application (7-0 Carpinella, Coan, Reale, Moller, Frostbaum, Squire, and Sandler for)

V10-046

55 Old Vermont Place

Applicant: Gia Partain

SUMMARY/STAFF PRESENTATION:

Two (2) primary variances: 1) from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 25 feet to allow a guest house, retaining wall, pool, pool deck, pool equipment, fireplace, and covered patio; and 2) from Section 6.3.3.D to reduce the rear yard setback from 40 feet to 10 feet to allow a guest house.

APPLICANT PRESENTATION:

Kevin Cotter, 290 Burdette Rd, Atlanta, GA. 30327
Miriam Specht, 6510 River Chase Circle, Sandy Springs, GA. 30328

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Patty Berkovitz, On File

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

Motion and Vote 1: Sandler moved for approval. Squire seconded. Approval of the variance (2-5 Squire and Sandler for; Carpinella, Coan, Reale, Moller, Frostbaum against) subject to Staff's recommendations. Motion failed

Motion and Vote 2: Moller moved for approval. Frostbaum seconded. Approved (5-2 Carpinella, Coan, Reale, Moller, Frostbaum for; Squire, and Sandler against) subject to the following conditions:

1) The subject covered patio and fire place shown on the site plan, provided by the applicant dated received February 18, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty- five (25) foot buffer (covered patio and fire place) where necessary to accommodate the portion of the stream buffer and impervious setback encroachment only.

2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

4) To reduce the required forty (40) foot rear setback to thirty-seven (37) feet to allow for an accessory structure (fire place only).

V11-001

8610 & 8612 Roswell

Applicant: Sandy Springs Diner

SUMMARY/STAFF PRESENTATION:

Variance from Section 4.23.1 to reduce the required 5 foot landscape area to 3 feet to allow the subdividing of a parcel.

APPLICANT PRESENTATION:

Ardit Curl, 8612 Roswell Rd.,

(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)

Motion and Vote: Frostbaum moved to approve, Reale seconded. Approved (7-0, Carpinella, Coan, Moller, Frostbaum, Reale, Squire, and Sandler for) subject to the following conditions:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received December 30, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required five (5) foot landscape strip to three (3) feet on the east side of the property line and zero (0) feet on the west side of the property line, where necessary, to accommodate the portion of the encroachment (s) only.

V11-002

1600 Dunwoody Club Drive

Applicant: Old Cobblestone Homeowners Association

SUMMARY/STAFF PRESENTATION:

Secondary Variance to appeal department's issuance of administrative permit for driving range net to Dunwoody Country Club.

APPLICANT PRESENTATION:

Bill Grant, 2050 Old Dominion Rd,

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

SUPPORT FOR THE PETITION:

Bob Metz, 2257 Old Dominion Rd, Dunwoody, GA. 30338

Danny Ross, 1859 Tennille Ct, Dunwoody, GA. 30338

Steven Fuller, 590 Old Cobblestone Dr, Dunwoody, GA. 30350

Doug Black, 606 Old Cobblestone Dr., Atlanta, GA. 30350

AGAINST THE PETITION:

Woody Galloway, 3500 Lenox Rd, Suite 760, Atlanta, GA. 30326

Jerry Satrum, 545 Old Cobblestone Dr, Atlanta, GA. 30350

James Clark, 415 Ivy Hall, Atlanta, GA. 30350

Matthew C Adams, 1878 Stapleton Court, Dunwoody, GA. 30350

Michael Dausch, 3965 Heathwood Land, Norcross, GA. 30092

Wayne Thantcher, 850 Waddington Ct, Sandy Springs, GA

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

Motion and Vote:

Carpinella moved affirm Director's decision. Sandler seconded. Approved (5-1 Carpinella, Coan, Moller, Frostbaum, and Sandler for; Squire against; Reale recused)

V11-003

5720 Lake Island Drive

Applicant: Douglas Diamond

SUMMARY/STAFF PRESENTATION:

Primary variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot setback to zero (0) feet to allow a fence.

APPLICANT PRESENTATION:

Douglas I. Diamond, 5720 Lake Island Dr., Atlanta, GA.

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Patty Berkovitz, On File

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

Motion and Vote: Carpinella moved to approve. Reale seconded. Approval (6-1 Carpinella, Reale, Moller, Frostbaum, Squire, and Sandler for; Coan against).

1) The subject addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received January 3, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet (proposed structure encroachment of forty-one (41) feet and limits of disturbance of nine (9) feet for a total encroachment of fifty (50) feet) to allow for a seventy-one (71) square foot second story addition and deck, where necessary to accommodate the portion of the encroachment only.

2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

4) Variance from Section 103-73 of the Development Regulation to reduce the required ten (10) foot driveway setback to three (3) feet as shown on the site plan provided by the applicant dated received January 3, 2011 by the Department of Community Development.

V11-004

5720 Riley Terrace Road

Applicant: Raj Pandya

SUMMARY/STAFF PRESENTATION:

Primary variance from Section 6.3.3.D to reduce the required 40' rear yard setback to 32' to enclose an existing deck.

APPLICANT PRESENTATION:

Woody Vaughan, 4779 S. Atlanta Rd, Ste 250, Smyrna, GA. 30080

(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)

Motion and Vote: Squire moved for approval. Frostbaum seconded. Approved (7-0, Coan, Carpinella, Reale, Moller, Frostbaum, Sandler, and Squire for; Moller) with the following conditions:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received January 4, 2011 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required forty (40) foot minimum rear yard setback to thirty-two (32) feet to allow an addition (enclosed deck), where necessary, to accommodate the portion of the encroachment (s) only.

V11-005**5350 Powers Ferry Road & 12 Powers Chase Circle**

Applicant: Julian LeCraw, Jr.

SUMMARY/STAFF PRESENTATION:

Primary variance from Section 109-225a (1) and (2) to reduce the 75' stream buffer to 25' to allow light poles, fire pit and shed.

APPLICANT PRESENTATION:

Carl Westmoreland, 1075 Peachtree St. Ste 2500, Atlanta, GA. 30309

Julian Lecraw Jr., 12 Powers Chase Cir, Atlanta, GA. 30327

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

SUPPORT FOR THE PETITION:

Patty Berkovitz, On File

AGAINST THE PETITION:

None

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

Motion and Vote: Real moved for approval. Squire seconded. Approved (7-0, Coan, Carpinella, Reale, Moller, Frostbaum, Sandler, and Squire for) with the following conditions:

- 1) The subject shed shall be constructed in accordance with the proposed site plan, provided by the applicant dated received January 4, 2011 by the Department of Community Development, for the

variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to forty-one (41) feet to allow a patio and 290 square foot accessory structures (shed and fire pit), where necessary to accommodate the portion of the encroachment only.

2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

4) Riparian vegetation shall be installed on slope of the lake.

5) The fire pit shall be reduced to meet the Sandy Springs Fire Code requirements by April 22, 2011.

6) Additional plantings shall be installed to provide screening of the shed. (12 foot Cryptomeria behind existing Holly trees, 30 Cryptomeria on the north property line and 12-15 holly trees to screen the front of the shed). The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

V11-006

530 Tanacrest Drive

Applicant: Christopher Galaner

SUMMARY/STAFF PRESENTATION:

Primary variance from Sections 109-113 (1) to allow new construction of a principal building in the flood plain (deck and stairs) and 109-114 (a)(1) to allow new construction of a principal building in the flood plain (deck and stairs).

APPLICANT PRESENTATION:

Nathan V Hendricks, 6085 Lake Forrest Dr., Suite 200, Sandy Springs, GA. 30328

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

SUPPORT FOR THE PETITION:

Ron Gudger, 7000 Peachtree Dunwoody

AGAINST THE PETITION:

Patty Berkovitz, On File

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

Motion and Vote: Sandler moved to approve. Frostbaum seconded. Approved (7-0 Carpinella, Coan, Reale, Moller, Frostbaum, Squire, and Sandler for) with the following conditions:

- 1) The subject deck and stairs shall be constructed in accordance with the proposed site plan, provided by the applicant dated received January 4, 2011 by the Department of Community Development, for the variance herein, showing a subject deck and stairs located in the flood plain, where necessary to accommodate the portion of the encroachment only.
- 2) The area below the proposed deck shall not be enclosed and the proposed deck shall not have a roof.

V11-007

4915 Spruce Bluff Drive

Applicant: Mark Baylin

SUMMARY/STAFF PRESENTATION:

Primary variance from Section 109-225a (1) and (2) to reduce the 25' impervious setback to 10' to allow a pool and pool deck.

APPLICANT PRESENTATION:

Ron Gudger, 7000 Peachtree Dunwoody
Marc Baylin, 12 Graymoor Rd, Livingston, NJ. 07039

(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)

Motion and Vote 1: Sandler moved to approve. Reale seconded. Approval of the variance (3-4 Reale, Sandler and Coan for; Carpinella, Moller, Frostbaum and Squire against) subject to Staff's recommendations and the addition of pervious decking material. Motion failed

Motion and Vote 2: Moller moved to approve. Frostbaum seconded. Approved (6-1 Coan, Reale, Moller, Frostbaum for; Squire, and Sandler for; Carpinella against) subject to the following conditions:

- 1) The subject pool deck and retaining wall shall be constructed in accordance with a revised site plan, to be provided by the applicant to the Department of Community Development, for the variance herein, showing a reduction in the 25 foot impervious surface setback to ten (10) feet (proposed pool deck encroachment of thirteen (13) feet and limits of disturbance of two (2) feet for a total encroachment of fifteen (15) feet) to allow for a pool deck and retaining wall, where necessary to accommodate the portion of the encroachment only.

2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

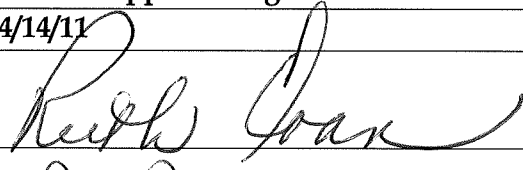
4) Pool deck shall be constructed of a pervious type material that will allow water to drain through.

DISCUSSION ITEMS

None

ADJOURNMENT

Meeting adjourned at 11:13 p.m.

Approval Signatures	
Date Approved	4/14/11
 Ruth Coleman (Chairman)	
Patrice Ruffin, Assistant Director, Planning & Zoning	
Gloria Goins, Administrative Coordinator/Transcriber	