



BOARD OF APPEALS

THURSDAY, MARCH 12, 2015

Work Session - 6:00 p.m.

Meeting - 7:00 p.m.

CITY COUNCIL CHAMBERS, CITY HALL, 7840 ROSWELL ROAD, BUILDING 500

Roll Call

Staff Members:

Angela Parker, Joe Cooley, Brittany Anderson and Gloria Goins

Members Present: Johnson, Johnson, Moller, Nodvin and Sandler

Members Absent: Carpinella and Coan

1. **001028** **Adoption of Agenda**

A motion was made by Nodvin, seconded by Vice Chair Johnson, to approve. The motion carried by the following vote:

Yes: 5 - Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 2 - Carpinella and Coan

2. **001029** **Approval of Previous Meeting's Minutes**

Approval of minutes from the February 12, 2014 Board of Appeals meeting

Documents: [Minutes board-of-appeals 2015-02-12-38.pdf](#)

A motion was made by Vice Chair Johnson, seconded by Johnson, to approve. The motion carried by the following vote:

Yes: 5 - Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 2 - Carpinella and Coan

3. **001030** **Attendance Log**

Documents: [Attendance 03.12.15.pdf](#)

4. **14.2406** **535 Franklin Road**

Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer for construction of a single family dwelling unit.

Petitioner: 535 Franklin, LLC

Documents: [Staff Report 201402406.pdf, Site Plan Proposal 'B'.PDF](#)

APPLICANT PRESENTATION:



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Jeff Stein & Jim Brown, 450 Franklin Road, Atlanta, GA. 30342

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA. 30327

A motion was made by Vice Chair Johnson, seconded by Nodvin, to approve. The motion carried by the following vote:

Yes: 4 - Johnson, Johnson, Nodvin and Sandler

No: 1 - Moller

Absent: 2 - Carpinella and Coan

5. 15.0013

6430 Roswell Road

Primary variances from:

1) Section 33.22.C. to reduce the sign setback from the right of way from 3' to 0 along the Roswell Road frontage.

2) Section 33.26.H.2.a. to allow a wall sign on a non-street facing wall (north elevation).

Petitioner: Sherwin-Williams

Documents: [Staff Report 201500013.pdf](#)

APPLICANT PRESENTATION:

Colleen Allen, 2800 Century Pkwy, Ste 1000, Atlanta, GA. 30345

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

None

A motion was made by Moller, seconded by Nodvin, to approve. The motion carried by the following vote:

Yes: 5 - Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 2 - Carpinella and Coan

6. 15.0020

5350 Powers Ferry Road



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A primary variance from Section 109.225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the 50 foot undisturbed and 75 impervious surface buffers to extend an existing driveway.

Petitioner: State Bank & Trust Co c/o William J. Sheppard

Documents: [Staff Report 201500020.pdf](#)

APPLICANT PRESENTATION:

William Sheppard, 3399 Peachtree Rd #1700, Atlanta, GA. 30326

(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

A motion was made by Moller, seconded by Vice Chair Johnson, to defer to April 9, 2015 meeting. The motion carried by the following vote:

Yes: 5 - Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 2 - Carpinella and Coan

7. **15.0024**

6251 Mountain Brook Way

A primary variance from Section 6.3.3 c) of the Zoning Ordinance to encroach into the minimum sideyard to build a pergola.

Petitioner: James & Lori Welch

Documents: [Staff Report 201500024.pdf](#)

APPLICANT PRESENTATION:

James Welch

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

None

A motion was made by Moller, seconded by Johnson, to approve. The motion carried by the following vote:

Yes: 5 - Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 2 - Carpinella and Coan



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8. 15.0025

5730 Pine Brook Road

A primary variance from Section 109.225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the 25 undisturbed buffer to enclose a carport.

Petitioner: Ron Zaken

Documents: [Staff Report 201500025.pdf](#)

APPLICANT PRESENTATION:

Ron Zaken

(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

A motion was made by Vice Chair Johnson, seconded by Johnson, to approve. The motion carried by the following vote:

Yes: 5 - Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 2 - Carpinella and Coan

9. 15.0032

4995 Rebel Trail

A primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback to allow a driveway.

Petitioner: Woody King

Documents: [Staff Report 201500032.pdf](#)

APPLICANT PRESENTATION:

Nick Humphries, 1021 S. McDonough Street, Decatur, GA. 30030

(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

A motion was made by Johnson, seconded by Nodvin, to defer to April 9, 2015 meeting. The motion carried by the following vote:

Yes: 5 - Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 2 - Carpinella and Coan



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Adjournment

8:39 p.m.

Work Session

None

Discussion

None

Approved Signatures

Date Approved _____

A handwritten signature in black ink, appearing to be "Lee Duncan", written over a horizontal line.

Lee Duncan, Chairman

A handwritten signature in black ink, appearing to be "Joe Cooley", written over a horizontal line.

Joe Cooley, Director of Planning and Zoning

A handwritten signature in black ink, appearing to be "Gloria Coins", written over a horizontal line.

Gloria Coins, Administrative Coordinator/Transcriber

Rita Talbert