



Board of Zoning Appeals March 13, 2008

Meeting Minutes

Board Members Present	Al Pond, Mark King, Ken Moller, Paul Reale, Ron Carpinella, and Oz Hill (7:40 p.m.)
Board Members Absent	Ruth Coan
Staff Present	Linda Abaray, Michael Barnett, Harmit Bedi, Mark Moore, Cristina Nelson, Terry Robinson, Jocelyn Stephens, Andrew Thompson, Doug Trettin
CALL to Order	Al Pond called the meeting to order at 7:00 p.m.

	PREVIOUS MINUTES
	ACTION: Ron Carpinella moved to approve the Minutes from the February 14, 2008 meeting. Paul Reale seconded. The Minutes were APPROVED (5-0, Pond, King, Moller, Reale, Carpinella, for).
	INTRODUCTION OF NEW STAFF MEMBER
	ELECTION OF CHAIR
	ACTION: Ron Carpinella moved to elect Mark King as Chair for the 2008 year. Paul Reale seconded. The motion was APPROVED (5-0, Pond, King, Moller, Reale, Carpinella, for).
	ELECTION VICE CHAIR
	ACTION: Paul Reale moved to elect Ron Carpinella as Vice Chair for the 2008 year. Ken Moller seconded. The motion was APPROVED (5-0, Pond, King, Moller, Reale, Carpinella, for).
1.	V08-001 6317 Roswell Road (SR 9) <i>Applicant: KC Pit BBQ.</i> <i>Representative: Eric Burton, Sign Super Center</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking a primary variance from Section 33.18.H of the Zoning Ordinance to allow for a sign to extend vertically above the roof line of a building. Should the Board approve, Staff recommends two conditions. Applicant Presentation: Eric Burton (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to recommend approval of the application. Al Pond seconded. The motion was APPROVED (5-0, Pond, King, Moller, Reale, Carpinella, for) subject to the conditions listed. Condition(s): 1) That the roof sign shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit

	1) submitted by the applicant, dated received January 2, 2008 by the Department of Community Development. 2) That the roof sign shall not exceed 42.5 square feet of sign area, pursuant to the sign design detail (Exhibit 1), submitted by the applicant, and dated received January 2, 2008 by the Department of Community Development.
2.	V08-002 415 & 425 Morgan Falls Road Applicant: FF Realty, LLC. Representative(s): John Jay SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking a primary variance from Section 33.26.C.1 of the Zoning Ordinance to allow for a free standing sign to exceed the maximum height permitted from 6 feet to 8 feet 4 inches. Should the Board choose to approve, Staff recommends one condition. Applicant Presentation: John Jay (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: Al Pond moved to approve the application. Ron Carpinella seconded. The motion was APPROVED (5-0, Pond, King, Moller, Reale, Carpinella, for) subject to the condition listed. Condition(s): That the free standing sign shall not exceed thirty-two (32) square feet of sign area, and eight (8) feet four (4) inches height pursuant to the sign design detail (Exhibit 1), submitted by the applicant, dated received January 2, 2008 by the Department of Community Development.
3.	V08-003 765 Crest Valley Drive/5210 Powers Ferry Road Applicant(s): 5210 Powers Ferry LLC. Representative(s): Brent Conway SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking two primary variances: 1) Variance from Section 4.11.B of the Zoning Ordinance to reduce the required 20 foot setback of vehicular gates from a public right-of-way to 10 feet 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 29 foot undisturbed buffer to allow for construction of a fence and vehicular access gates. Should the Board choose to approve the application, Staff recommends twelve (12) conditions. Applicant Presentation: Brent Conway (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Petty Vargo, 3871 Powers Ferry Road, Atlanta, GA 30342 • Against the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30327 Antoinette Dwyer, 775 Crest Valley Drive, Sandy Springs, GA 30327 Arthur A. Dwyer, 775 Crest Valley Drive, Sandy Springs, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Al Pond moved to deny the first variance request from Section 4.11.B of the Zoning Ordinance to reduce the required twenty (20) foot setback of vehicular gates from a public right-of-way to ten (10) feet and moved to approve the second variance request from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback to a twenty-nine (29) foot undisturbed buffer to allow for construction of the fence only. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill, for) subject to the conditions listed.

Condition(s):

- 1) That only the proposed wall(s) shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a minimum of a twenty-nine (29) foot undisturbed buffer to allow for approximately sixteen (16) square feet of land disturbance within the fifty (50) foot undisturbed natural buffer for construction of only the fence.
- 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. 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.
- 12) That the owner/developer provide the City a sedimentation control plan for the land disturbance to occur during all the proposed fence construction, including the portion of the proposed fence that is shown to adjoin the existing semi-circular retaining wall located adjacent to the existing driveway. The aforementioned sedimentation control plan shall be approved by the City prior to the issuance of a permit.

4.

V08-004

735 Starlight Lane

Applicant: Harry Foster III.

Representative: Harry Foster III

SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking a primary variance from Section 6.4.3.D of the Zoning Ordinance to reduce the required 35 foot minimum rear yard setback to 23 feet to allow for additions to an existing single-family house.

Applicant Presentation: Harry Foster III

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

• **Support for the Petition:**

• **Against the Petition:**

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

	ACTION: Ron Carpinella moved to approve the application. Ken Moller seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill, for) subject to the conditions listed. Condition(s): 1) That the proposed addition(s) shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the minimum thirty-five (35) foot rear yard setback reduced to a minimum of twenty-three (23) feet where necessary to accommodate the portion of the encroachment only. 2) The exterior construction material, color, and design of the proposed addition shall be similar to the maximum possible extent to the existing structure.
5.	V08-005 4630 High Point Road <i>Applicant(s): Mike Nicklaus.</i> <i>Representative: Steve Roberson</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting five primary variances: 1) variance from Section 4.3.5 of the Zoning Ordinance to allow a privately owned structure (fence) to be located within the public right-of-way, 2) variance from Section 4.11.B of the Zoning Ordinance to reduce the required 20 foot setback of vehicular gates from a public right-of-way to 3 feet, 3) variance from Section 4.11.D.4 of the Zoning Ordinance to reduce the required 3 foot landscape strip between a fence and a right-of-way to 0 feet, 4) variance from Section 4.11.F of the Zoning Ordinance to reduce the required 3 foot setback of a fence from a public right-of-way to 0 feet, and 5) variance from Section 14.8.III.D.1.b of the Tree Preservation Ordinance to allow for a permanent structure (fence) within the required landscape strip. Applicant Presentation: Steve Roberson (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: Al Pond motioned to deny the application without prejudice. Ken Moller seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill, for). Condition(s): N/A
6.	V08-006 6225 Roswell Road (SR 9) <i>Applicant(s): Sandy Springs Plaza, L.P.</i> <i>Representative: Art Fix</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting a primary variance from Section 12B.2.A of the Zoning Ordinance to allow a time extension of the previously approved phased installation of the required Main Street Overlay District streetscape improvements. Applicant Presentation: Art Fix (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)

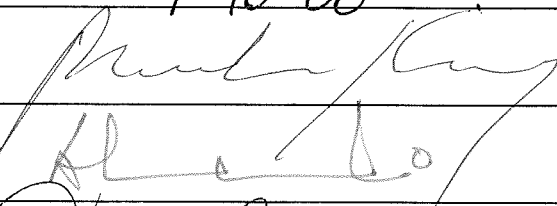
	ACTION: Al Pond moved to deny the application. Ron Carpinella seconded. The motion was APPROVED (5-1, Pond, King, Moller, Carpinella, Hill, for; Reale against).
	Condition(s): N/A
7.	V08-007 4608 Dalmer Road <i>Applicant: Sean R. Mikula.</i> <i>Representative(s):</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking two primary variances: 1) variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 6.3 feet on the north side yard and to 5.3 feet on the south side yard setback 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 zero foot undisturbed buffer. Both variances to allow existing structures to remain for the reconfiguration of the residential lot. Applicant Presentation: (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: Ken Moller moved to approve the applicant's request for deferral until the April 10, 2008 meeting. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill for). Condition(s): N/A
8.	V08-008 4600 Dalmer Road <i>Applicant: Jonathan & Angela Goldman.</i> <i>Representative(s):</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking two primary variances: 1) variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 6 feet on the north side yard 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 zero foot undisturbed buffer. Both variances to allow existing structures to remain for the reconfiguration of the residential lot. Applicant Presentation: (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: Ken Moller moved to approve the applicant's request for deferral until the April 10, 2008 meeting. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill for). Condition(s): N/A

9.	V08-009 4590 Dalmer Road <i>Applicant: Michael Kaeding.</i> <i>Representative(s):</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking two primary variances: 1) variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 4.49 feet (house) on the north side yard and to 4 feet (accessory structure with deck) on the south side yard 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 zero foot undisturbed buffer. Both variances to allow existing structures to remain for the reconfiguration of the residential lot. Applicant Presentation: (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: Ken Moller moved to approve the applicant's request for deferral until the April 10, 2008 meeting. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill for). Condition(s): N/A
10.	V08-010 380 Pine Forest Road <i>Applicant: Tom Elias.</i> <i>Representative(s):</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is 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 41 foot undisturbed buffer to allow existing structures to remain for the configuration of the residential lot. Applicant Presentation: (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: Ken Moller moved to approve the applicant's request for deferral until the April 10, 2008 meeting. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill for). Condition(s): N/A
11.	V08-011 354 Pine Forest Road <i>Applicant: Denny & Amy Brown.</i> <i>Representative(s):</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking two primary variances: 1) variance from Section 6.6.3.C of the Zoning Ordinance to reduce the required 7 foot minimum side yard setback to 5.1 feet on the east side yard 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 13 foot undisturbed buffer. Both variances to allow existing structures to remain for the reconfiguration of the residential lot.

	Applicant Presentation: (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: Ken Moller moved to approve the applicant's request for deferral until the April 10, 2008 meeting. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill for). Condition(s): N/A
12.	V08-012 4700 Dudley Lane <i>Applicant: Stephanie Lucke. Representative(s): Stephanie Lucke</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking three primary variances: 1) variance from Section 4.11.D.4 of the Zoning Ordinance to reduce the minimum required 3 foot landscape strip between a wall and a right-of-way to 7 inches, 2) variance from Section 4.11.F of the Zoning Ordinance to reduce the minimum required 3 foot setback of a wall from a public right-of-way to 7 inches, and 3) variance from Section 14.8.III.D.1.b of the Tree Preservation Ordinance to allow for a permanent structure (wall) within the required landscape strip. Applicant Presentation: Stephanie Lucke (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: Ron Carpinella moved to approve the application. Oz Hill seconded. The motion was APPROVED (6-0, Pond, King, Moller, Reale, Carpinella, Hill for) subject to the conditions listed. Condition(s): 1) That the wall shall be completed in accordance with the Proposed Site Plan, provided by the applicant dated received February 6, 2008 by the Department of Community Development, showing a permanent structure (fence/wall) within the required landscape strip. The proposed site plan also shows the minimum three (3) foot landscape strip between a wall and a public right-of-way reduced to a minimum of seven (7) inches and shows the minimum three (3) foot setback of a wall from a public right-of-way reduced to a minimum of seven (7) inches where necessary to accommodate the portion of the encroachment only. 2) That the owner/developer provides the City an indemnification agreement that will indemnify the City and prevent liability to be incurred by the City from any issues regarding the subject wall.

Meeting Adjournment

The meeting was adjourned at 9:40 p.m.

Approval Signatures	
Date Approved	4-10-08
Mark King, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Coordinator	