



Board of Zoning Appeals April 10, 2008

Meeting Minutes

Board Members Present	Mark King (C), Ron Carpinella (VC), Ruth Coan, Oz Hill, Al Pond, Paul Reale
Board Members Absent	Ken Moller
Staff Present	Harmit Bedi, Cesar Geraldo, Mark Moore, Cristina Nelson, Terry Robinson, Jocelyn Stephens, Doug Trettin

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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ADOPTION OF THE AGENDA	
	ACTION: Ron Carpinella moved to adopt the agenda. Paul Reale seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for).
PREVIOUS MINUTES	
	ACTION: Ron Carpinella moved to approve the Minutes from the March 13, 2008 meeting. Paul Reale seconded. The Minutes were APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for).
DEFERRED CASES	
1.	V08-007 4608 Dalmer Road <i>Applicant: Sean R. Mikula.</i> <i>Representative: Pete Hendricks</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: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Al Pond moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for).
	Condition(s): 1) That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed

Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 6.3 feet on the north side yard and to 5.3 feet on the south side yard and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a zero (0) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot.

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.

2.

V08-008

4600 Dalmer Road

Applicant: Jonathan & Angela Goldman.

Representative(s): Pete Hendricks

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: Pete Hendricks

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

• **Support for the Petition:**

Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328

• **Against the Petition:**

None

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

ACTION: Al Pond moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for).

Condition(s):

1) That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 6 feet on the north side yard and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a zero (0) foot

	undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot. 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.
3.	V08-009 4590 Dalmer Road Applicant(s): <i>Michael Kaeding.</i> Representative(s): <i>Pete Hendricks</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: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Al Pond moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for). Condition(s): 1) That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 4.5 feet on the north side yard (for house) and to 4 feet on the south side yard (shed/deck) and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a zero (0) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential

	lot. 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.
4.	V08-010 380 Pine Forest Road Applicant: <i>Tom Elias.</i> <i>Representative: Pete Hendricks</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: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Al Pond moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for). Condition(s): 1) That the newly configured lot shall have existing non-conforming structures to remain 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 forty-one (41) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot. 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.

5.

V08-011

354 Pine Forest Road

Applicant(s): Denny & Amy Brown.

Representative: Pete Hendricks

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: Pete Hendricks

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

• **Support for the Petition:**

Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328

• **Against the Petition:**

None

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

ACTION: Al Pond moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for).

Condition(s):

1) That the newly configured lot shall have existing non-conforming structures to remain in accordance with the Proposed Site Plan, provided by the applicant dated received January 2, 2008 by the Department of Community Development, showing the required 7 foot minimum side yard setback reduced to 5 feet on the east side yard and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a thirteen (13) foot undisturbed buffer where necessary to accommodate the portion of the encroachment(s) only. All variances are to allow existing structures to remain for the reconfiguration of the residential lot.

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.

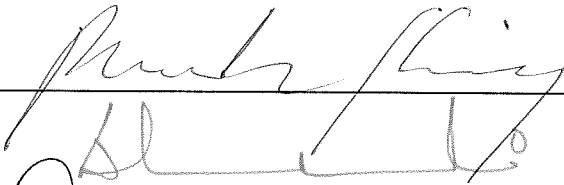
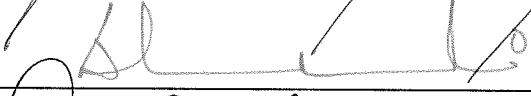
3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, downspouts shall be directed away from the structure directly into a rain garden or other Best Management Practices (BMP) filtration detention device.

	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.
	NEW CASES
6.	V08-013 5640 Claire Rose Lane <i>Applicant(s): Tony Morgan. Representative: Doug Borke</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking a primary variance from Section 6.3.3.D of the Zoning Ordinance to reduce the required 40 foot minimum rear yard setback to 23 feet to allow for a pool house. Applicant Presentation: Doug Borke (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: Paul Reale moved to recommend approval of the application with conditions. Reale amended the motion to add an additional special condition. Al Pond seconded. The motion was APPROVED (4-2, King, Hill, Pond, Reale, for; Carpinella and Coan against). Condition(s): 1) That the proposed pool house shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received February 5, 2008 by the Department of Community Development, showing the minimum forty (40) 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 pool house shall be similar to the maximum possible extent to the existing structure. 3) That the proposed pool house shall be constructed in accordance with the Proposed Elevation Drawing, provided by the applicant dated received April 15, 2008 by the Department of Community Development, showing the proposed structure's maximum height to be nine (9) feet as measured from finished grade to the highest part of the structure.
7.	V08-015 260 Trimble Crest Drive <i>Applicant(s): Charles Sechler. Representative: Woody Galloway</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 25 foot undisturbed buffer to allow for the construction of a pool and existing structures on

	the lot. Applicant Presentation: Woody Galloway (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Mark King moved to recommend approval with modified and amended conditions. Ron Carpinella seconded. The motion was DENIED (1-5, Reale for; King, Carpinella, Hill, Coan, and Pond against). Mark King moved to deny the application as proposed. Ron Carpinella seconded. Mark King withdrew the motion to deny the application. Mark King moved to approve a deferral of the application until the May 8, 2008 meeting. Oz Hill seconded. The motion was APPROVED (5-0-1, King, Carpinella, Hill, Reale, Pond, for; Coan abstained). Condition(s):
8.	V08-017 352 Sandy Springs Circle <i>Applicant(s): Crye-Leike Realtors. Representative: Mike Dahl</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking three primary variances from the Zoning Ordinance: 1) variance from Section 33.22.B to allow for a sign to be located in the right-of-way, 2) variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to 0 feet, and 3) variance from Section 33.26.H.1.a to allow for a second freestanding sign where only one is allowed on property with less than 500 feet of frontage. Applicant Presentation: Mike Dahl (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 recommend denial of the application. Paul Reale seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for). Ruth Coan interjected during the process of voting on the motion and stated that her intent is to allow the applicant to resubmit modified plans/sign which will be more in harmony with the sign ordinance). No one opposed to this statement. Ruth Coan moved to recommend denial without prejudice. Oz Hill seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for). Condition(s): N/A
9.	V08-019 1100 Hammond Drive <i>Applicant(s): Delta Community Credit Union. Representative: Jeff Hall</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting a primary variance from Section 33.26.F.2 of the Zoning Ordinance to allow for a wall sign on a wall that does not have street frontage. Applicant Presentation: Jeff Hall (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 recommend approval of the application with conditions. Paul Reale seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for). Condition(s): 1) That the wall sign shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received February 5, 2007 by the Department of Community Development. 2) That the wall sign shall not exceed 24.22 square feet of sign area, pursuant to the sign design detail (Exhibit 1), submitted by the applicant, and dated received February 5, 2007 by the Department of Community Development.
10.	V08-020 3670 Spalding Drive <i>Applicant(s): Watts & Browning Engineers, Inc. Representative:</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking three primary variances: 1) variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along Coley Oaks Drive, 2) variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along Coley Oaks Drive, and 3) variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along Coley Oaks Drive. All variances to allow the construction of a single-family development. 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: Paul Reale moved to recommend denial of the application. Ron Carpinella seconded. The motion was APPROVED (5-1, King, Carpinella, Coan, Hill, Reale, for; Pond against). Condition(s): N/A
	DISCUSSION
	ADJOURNMENT
	ACTION: Ron Carpinella moved to adjourn the meeting. Mark King seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Hill, Pond, Reale, for).

Meeting Adjournment	The meeting was adjourned at 9:22 p.m.
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Approval Signatures	
Date Approved	5-8-08
Mark King, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Coordinator	