

Board of Zoning Appeals
Meeting Minutes
Thursday, April 12, 2007

Board Members Present: Al Pond (Chairman), Mark King (Vice Chairman), Ruth Coan, Oz Hill, Ken Moller, Paul Reale, and Ron Carpinella

Staff Present: Nancy Leathers, Cesar Geraldo, Michael Barnett, Mark Moore, Shaun Suggs, Patrice Ruffin, Cristina Nelson, Doug Trettin and Bridgette Gray

Call to Order: Al Pond called the meeting of the City of Sandy Springs Board of Zoning Appeals to order at 7:00 p.m.

I. APPROVAL OF MEETING MINUTES

ACTION: Ruth Coan motioned that the Minutes from the meeting of March 8, 2007 be approved. Oz Hill seconded. The Minutes were APPROVED (7-0) as corrected via correspondence.

II. APPROVAL OF ACTION REPORT

ACTION: Ruth Coan motioned that the Action Report from the meeting of March 8, 2007 be approved. Oz Hill seconded. The Action Report was APPROVED (7-0) AS SUBMITTED.

III. Election of Officers

Ruth Coan motioned to approve the re-election of Al Pond as Chairman. Paul Reale seconded. The motion was APPROVED (6-0-1) with Al Pond abstaining.

Ken Moller motioned to approve the re-election of Mark King as Vice Chairman. Ron Carpinella seconded. The motion was APPROVED (7-0).

IV. CHANGE IN SEQUENCE OF AGENDA

Ron Carpinella motioned to approve the change in the sequence of the agenda. Mark King seconded. The motion was APPROVED (7-0).

V. VARIANCES

V07-018

5193 and 5195 Northside Drive and
60 Finch Forest Trail

Applicant: John C. Portman

Primary variance from Section 6.1.3.A of the Zoning Ordinance to exceed the maximum height allowed for a single family house from 40 feet to 69 feet 9 inches.

(Invitation for public comment in support of an in opposition of the application)

Norman Underwood, 600 Peachtree Street, in support of the application.

John Portman, 5195 Northside Drive, in support of the application.

Steve Persons, 1120 Mt. Vernon Highway, in support of the application.

Brett Oliver, 4720 Creekside Villas Way, in support of the application.

David Cole, 58 Finch Forest Trail, in opposition of the application.

Keith Chambers, 5125 Vernon Springs Trail, in opposition of the application.

Marty Gillin, 4545 Harris Trail, in opposition of the application.

Trisha Thompson, 145 River North Drive, in opposition of the application.

Sara Robinson, 5125 Vernon Springs Trail, in opposition of the application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ron Carpinella motioned to deny the application. Paul Reale seconded. The motion was APPROVED (7-0) to deny the application.

V07-008

Ison Road (17 0225 LL042)

Applicant: Donnie Chapman

SUMMARY: Three primary variances:

- 1) Variance from Section 12B.4 of the Zoning Ordinance to allow relief of Suburban Street Overlay District streetscape standard requirement along the Ison Road frontage of the subject property.
- 2) Variance from Section 8.2.4 of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the Ison Road frontage of the subject property.
- 3) Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along the Ison Road frontage of the subject property. All variances to allow for the construction of a single-family development.

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(Invitation for public comment in support of an in opposition of the application)

Tim Raines, 8315 Ison Road, in support of the application.

Nathan V. Hendricks III, in support of the application.

Les Callahan, 6100 River Chase Circle, in support of the application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

Cecil McLendon, City Attorney, directed the Board back to the provisions and the code of ordinances in regards to the required sidewalk improvements.

ACTION: Paul Reale motioned to approved variance from Section 12B.4 of the zoning ordinance to allow relief of the Suburban Overlay District streetscape standard requirements along the Ison Road frontage of the subject property. Ruth Coan seconded. The motion was APPROVED (5-2) with Ken Moller and Ron Carpinella against.

Ron Carpinella motioned to deny the variances from Section 8.2.4. of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the Ison Road frontage of subject property and from chapter 16 of the Sandy Springs Code of Ordinance to allow relief of the required sidewalk improvements along the Ison Road frontage of the subject property. Paul Reale seconded. The motion was APPROVED (4-3) with Oz Hill, Mark King and Al Pond against.

V06-145

969 Crest Valley Road

Applicant: Southern Civil Engineers

SUMMARY: Four primary variances:

- 1) Variance from Section 19.3.12.B.1 of the zoning ordinance to allow for a swimming pool to be located in the front yard of a single family house.
- 2) Variance from Section 6.1.3.1 of the zoning ordinance to allow an accessory pool house to be located in the front yard of a single family house
- 3) Variance from Section 14.8.III.D.1b of the Tree Preservation Ordinance to allow for permanent structures within the required landscape strip of a storm water detention facility.
- 4) 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) for a branching stream to unknown setbacks. All variances for the construction of a swimming pool and a pool equipment house.

(Invitation for public comment in support of an in opposition of the application)

Thomas Slater, 5085 Jeff Forest Trail, in opposition of the application.

Patty Berkowitz, 800 Crest Valley Drive, in support of the application with conditions.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller motioned to approve deferral until May 10, 2007 to clarify the scope of the application. Ron Carpinella seconded. The motion was APPROVED (7-0) to defer the application.

V07-009

25 Cates Ridge Road

*Applicant: Patrick Pittard, Earl J. Shell
and Cates Ridge Homes Association*

SUMMARY: Appeal to the Department of Community Development Director's determinations made in a letter dated December 21, 2006, regarding the effect of the City's incorporation on a parcel subdivision and the recognition of Fulton County's authority at that time.

(Invitation for public comment in support of an in opposition of the application)

Carl Westmoreland, Attorney for applicant

Cecil McLendon, City Attorney speaking in support of the Director of Community Development's decision.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Al Pond motioned to not sustain the appeal. Ken Moller seconded. The motion was APPROVED (7-0) to sustain the appeal.

V07-011

5137 Middlebury Lane

250 Londonberry Road and

256 Londonberry Road

Applicant: Edwin and Sara Neel

SUMMARY: Primary variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 3 legal nonconforming flag lots to be achieved at a distance greater than the sum of the required minimum rear yard setback for the reconfiguration of internal lot lines of the 3 legal nonconforming flag lots.

(Invitation for public comment in support of an in opposition of the application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve with conditions. Al Pond seconded. The motion was APPROVED (7-0) subjected to the following conditions:

- 1) That the site be developed in accordance with the site plan provided by the applicant dated received March 16, 2007 by the Department of Community Development.
- 2) That if the properties numbered 250 and 256 Londonberry Road remains as two single family lots, they be developed having one curb cut and a shared single driveway located central to the entire frontage of both 250 and 256 Londonberry Road. The aforementioned shared single driveway shall be a minimum length of two hundred feet from the Londonberry Road right-of-way.
- 3) That the subject properties numbered 250 and 256 Londonberry Road and 5137 Middlebury Lane remain in the configuration as approved in V07-011 and that they be developed in compliance with all the development standards for the R-2 zoning district as set forth in the Zoning Ordinance.

V07-015

645 Londonberry Road

Applicant: Adly Girgis and Elham Makram

SUMMARY: Five primary variances:

- 1) Variance from Section 4.24.C of the Zoning Ordinance to allow a structure to extend over a special flood hazard area
- 2) Variance from Section 4.24.G of the zoning ordinance to allow for residential development in the special flood hazard area
- 3) Variance from Section 14.3.5.a.i of the Sandy Springs Land Development Regulations to allow for new construction of a principal building within the limits of a floodplain
- 4) Variance from Section 14.3.5.g.i.A of the Sandy Springs Land Development Regulations to allow for new construction of a residential building within the limits of a floodplain.
- 5) Variance from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum required lot width of 150 feet. All variances for the construction of a single family home.

John Miles, 671 Main Street, speaking on behalf of the applicant

(Invitation for public comment in support of an in opposition of the application)

Lisa Barnett 652 Londonberry Road, in opposition of the application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

Leonard Barkin, 665 Londonberry Road, allowed to speak after public hearing was closed by the Chairman in regards to support of the application.

ACTION: Paul Reale motioned to approve with conditions. Oz Hill seconded. The motion was APPROVED (7-0) subjected with the following conditions:

- 1) That the site be developed in accordance with the site plan provided by the applicant dated received April 2, 2007 by the Department of Community Development.
- 2) That the proposed house be located primarily over the footprint of the former house except as necessary to locate the proposed house outside of the stream buffer adjacent to Londonberry Road.

V07-016

5035 Lake Forrest Drive

Applicant: William V. Lawson

SUMMARY: Primary variance from Section 4.2.10 of the zoning ordinance to allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback for the purpose of subdividing an existing lot into 2 lots.

David Tash, 108 Gold Mill Place, representing the applicant.

(Invitation for public comment in support of an in opposition of the application)

Jo Rabaut Elliot, 5051 Lake Forrest Drive, speaking also for Billy Clay, 27 Spruell Springs Road, Nina Cramer, President of the Long Island Coalition speaking in opposition of the application.

Penelope Malone, 4655 Lake Forrest Drive, speaking in opposition of the application.

Steve Harrell, 20 Brookside Walk, speaking in opposition of the application.

Patty Berkowitz, 800 Crest Valley Drive, speaking in opposition of the application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to deny the application. Ron Carpinella seconded. The motion was APPROVED (7-0) to deny the application.

V07-017

5157 & 5173 Northland Drive

Applicant: Scott J. Mattison

SUMMARY: Two primary variances from the Tree Preservation Ordinance:

- 1) Variance from Section 8.5 to allow for the removal of twelve specimen trees and the encroachment into the critical root zone of one specimen tree
 - 2) Variance from Section 8.III.C.2.a to waive the specimen tree recompense cost.
- Both variances to allow for the construction of three single family houses.

(Invitation for public comment in support of an in opposition of the application)

Tricia Thompson, 145 River North Drive, speaking in opposition of the application.

Sandy Hill 5595 Kingsport Drive, speaking in opposition of the application.

O.M. Walstad, Jr, speaking in support of the application.

Gabby Mattison, 5173 Northridge Drive, applicant

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve with conditions. Ron Carpinella seconded. The motioned was APPROVED (6-1) with Oz Hill opposing. Here is a list of conditions:

- 1) That the Applicant complete tree recompense as set forth in the new Tree Conservation Ordinance adopted February 6, 2007 as opposed to the old tree preservation ordinance.
- 2) That the site be developed in accordance with the site plan provided by the applicant dated received February 9, 2007 by the Department of Community Development showing the encroachment into the critical root zone of a specimen tree identified as "C" – a forty inch oak and showing the removal of twelve specimen trees identified as tree "A" ten inch dogwood, "D" a ten inch cherry, "E" a ten inc dogwood, "F"- a ten inch dogwood, "G" a ten inch dogwood, "H" – a ten inch dogwood, "I" – a twenty-eight inch oak, "J" – a twenty-eight inch oak, "K" – a thirty-six oak, "L" – a thirty-six inch oak, "M" a thirty-six inch poplar, and "N" a twenty-eight inch oak.

V07-001

8290 Roswell Road (SR9)

Applicant: Lamar Advertising

SUMMARY: Secondary variance: Appeal to the Department of Community Development Director's interpretation of the zoning ordinance regarding structural changes to a nonconforming sign.

Adam Webb, Attorney, representing the applicant.

Michael Reese, representing the applicant.

James Fisher

(Invitation for public comment in support of an in opposition of the application)

Joan Brown, 830 North Island Drive, speaking in opposition of the application.

Trisha Thompson, 145 River North Drive, speaking in opposition of the application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Mark King motioned not to sustain the appeal. Oz Hill seconded. The motion was APPROVED (7-0) to sustain the appeal.

V07-027

8290 Rswell Road (SR9)

Applicant: Lamar Advertising

SUMMARY: Primary variance from Article 33, Signs, Section 33.6, general sign regulations, Section 33.6.3. nonconforming signs, A. of the zoning ordinance to allow an existing nonconforming sign to be structurally altered to change the manner in which the sign currently operates.

(Invitation for public comment in support of an in opposition of the application)

Joan Brown, 830 North Island Drive, speaking in opposition of the application.

Trisha Thompson, 145 River North Drive, speaking in opposition of the application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Al Pond motioned to deny the application. Oz Hill seconded. The motion was APPROVED (5-2) to deny the application, with Paul Reale and Ron Carpinella opposed.

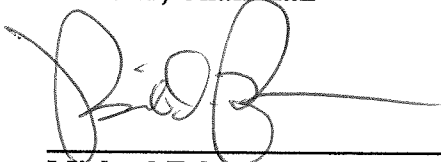
The meeting was adjourned at 11:20 p.m.

SIGNATURE APPROVAL PAGE

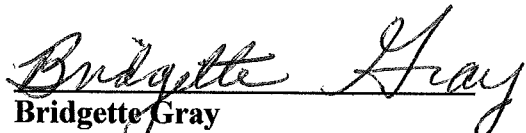
Date Approved: May 10, 2007



Al Pond, Chairman



Michael Zehner
Assistant Director – Planning and Zoning



Bridgette Gray
Administrative Assistant/Transcriber