



BOARD OF APPEALS

Ruth Coan, Post 7 –Chair
Paul Reale, Post 5- Vice Chair
Alvin Johnson, Post 1
Eric Johnson, Post 3
Ted Sandler, Post 4
Ron Carpinella, Post 2
Ken Moller, Post 6

Thursday, April 12, 2012	Regular Meeting Minutes	7:00 PM
Board Members Present	Ruth Coan (Chair), Paul Reale (Vice Chair), Ken Moller, Ted Sandler, Al Pond, Alvin Johnson, and Eric Johnson	
Board Members Absent	None	
Staff Present	Angela Parker, Patrice Dickerson, Cristina Nelson, Linda Abaray, Michael Barnett, Bennett White, Gloria Goins, Nathan Ippolito and Melissa Rixey	
Call to Order	Ruth Coan called the meeting to order at 7:00 p.m.	

ADOPTION OF AGENDA

Motion and Vote: Sandler moved to approve the Agenda for May 10, 2012. Reale seconded the motion. Approved (7-0, Coan, Reale, Squire, Moller, A. Johnson, Pond, E. Johnson and Sandler for).

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Reale moved to approve the Minutes for March 8, 2012. A. Johnson seconded the motion. Approved (7-0, Coan, Reale, Squire, Moller, A. Johnson, Pond, E. Johnson and Sandler for).

DEFERRED CASES

V11-051
1140 Hammond Drive
Applicant: Perimeter Dental

SUMMARY/STAFF PRESENTATION: Two (2) primary variances from Section 33.26.E.9 to allow a suspended sign not at the entrance of the tenant space and to allow a suspended sign to exceed the maximum size permitted.

APPLICANT PRESENTATION:
None

(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 Appeals questions and discussion)

Motion and Vote: Sandler moved to approve the request to withdraw, Reale seconded. Approval of Withdrawal (7-0, Coan, Reale, Squire, Moller, A. Johnson, Pond, E. Johnson and Sandler for)

V11-053**1340 West Garmon Road****Applicant: K. Morgan Varner III**

SUMMARY/STAFF PRESENTATION: Two (2) primary variances: 1) from Section 109.225(a)(b) 1 and 2 of the Stream Buffer Protection Ordinance to allow construction of a new single family residence; and 2) from Section 6.1.3.C of the Zoning Ordinance to reduce the twenty-five (25) foot side setback to twenty (20) feet to allow construction of a new single family residence.

APPLICANT PRESENTATION:

Jonathan Hicks, 259 14th Street #104, Atlanta, GA. 30309

Charles Moore, 4920 Roswell Rd, B211

Larry Stauffer, 4370 Paran Pl, Atlanta, GA. 30327

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Ashish Bahl, 4549 Harris Trail, Atlanta, GA.

Patty Bervovitz, On File

Debora Bahl, 4549 Harris Trail, Atlanta, GA. 30327

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

Motion and Vote: Reale moved to withdraw, A. Johnson seconded. Approved (6-1, Coan, Reale, Squire, Moller, A. Johnson, Pond, and E. Johnson and for; Sandler against) Subject to the following conditions:

1. The subject house shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 23, 2012 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 twenty-five (25) feet and limits of disturbance of twenty-five (25) feet) to allow a single family house, garage, retaining walls, and rain gardens, where necessary to accommodate the portion of the encroachment only.

2. To reduce the twenty-five (25) foot side setback to thirteen (13) feet to allow construction of a single family house.
3. Direct runoff from roof area and impervious areas adjacent to house to stormwater storage facilities that provide capacity for 1.2 inches of runoff from these impervious areas to infiltrate into soil subject to approval of Community Development.
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 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.
5. 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.
6. Underground rainwater storage devices shall not be installed on the site.

DEFERRED CASES

V12-002

5555 Glen Errol Road

Applicant: Jerry Warshaw

SUMMARY/STAFF PRESENTATION: Two (2) primary variances: 1) from Section 109.225(a)(b) 1 and 2 of the Stream Buffer Protection Ordinance to reduce the required stream buffer from 75 feet to 40 feet to allow construction of a new single family residence; and 2) from Section 6.2.3.B of the Zoning Ordinance to reduce the sixty (60) foot front setback to forty (40) feet to allow construction of a new single family residence.

APPLICANT PRESENTATION:

Jerry Warshaw, 5325 Riverview Road, Sandy Springs, GA. 30327

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Nina Cramer, 5280 Long Island Dr. Sandy Springs, GA. 30327

Anano Duttam, 5560 Lake Island Dr. Atlanta, GA.

Kara Dutta, 5560 Lake Island Dr. Atlanta, GA.

Patty Berkvitz, On File

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

Motion and Vote: Sandler moved to approve, E. Johnson seconded. Approved (7-0, Coan, Reale, Squire, Moller, A. Johnson, Pond, E. Johnson and Sandler for) Subject to the following conditions: 1) The subject house shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 6, 2012 by the Department of Community Development, for the variance herein, showing a reduction of the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to forty (40) feet (proposed house

encroachment of thirty-two (32) feet and limits of disturbance of three (3) feet for a total encroachment of thirty-five (35) feet) to allow for the construction of a new single family home, where necessary to accommodate the portion of the encroachment only.

2) To reduce the sixty (60) foot front setback to forty (40) feet seven (7) inches to allow for the construction of an attached garage.

3) 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.

4) 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.

V12-003

4912 Carol Lane

Applicant: Joshua Hanna/Sharon Funk

SUMMARY/STAFF PRESENTATION: Primary variance from Section 109.225(a)(b) 1 and 2 of the Stream Buffer Protection Ordinance to reduce the required impervious surface setback from 25 feet to zero (0) feet to allow construction of a retaining wall.

APPLICANT PRESENTATION:

Sharon Funk/ Josh Hanna

(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 Appeals questions and discussion)

Motion and Vote: Pond moved to approve, E. Johnson seconded. Approved (7-0, Coan, Reale, Squire, Moller, A. Johnson, Pond, E. Johnson and Sandler for) Subject to the following conditions:

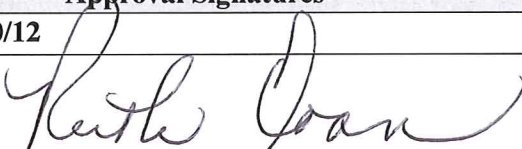
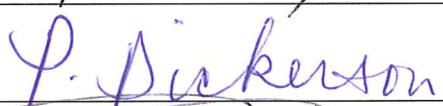
1) The subject retaining wall, pool and pool deck shall be constructed in accordance with the proposed site plan, provided by the applicant dated received February 7, 2012 by the Department of Community Development, for the variance herein, showing a reduction in the twenty-five (25) foot impervious surface setback) to zero (0) feet (proposed addition encroachment of twenty-three (23) feet and limits of disturbance of two (2) feet for a total encroachment of twenty-five (25) feet) to allow for the removal of existing pool and the construct of a retaining wall (4' to 7'), where necessary to accommodate the portion of the encroachment only.

DISCUSSION ITEMS

None

ADJOURNMENT

Meeting adjourned at 8:28P.M.

Approval Signatures	
Date Approved	5/10/12
Ruth Coan (Chairman)	
Patrice Dickerson, Manager of Planning & Zoning	
Gloria Goins, Transcriber	