



Board of Appeals
April 15, 2009

Meeting Minutes

Board Members Present	Mark King (Chair), Ron Carpinella, Ruth Coan, Lane Frostbaum, Ken Moller, Paul Reale
Board Members Absent	Oz Hill
Staff Present	Michael Barnett, Cesar Geraldo, Nathan Ippolito, Cristina Nelson, Terry Robinson, Jocelyn Stephens, and Doug Trettin

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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	ELECTION OF OFFICERS
	ACTION: Ken Moller moved to re-elect Mark King as Chair. Paul Reale seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, Reale for; Hill absent). Paul Reale moved to re-elect Ron Carpinella as Vice Chair. Ken Moller seconded. The motion was approved (6-0, King, Carpinella, Coan, Frostbaum, Moller, Reale for; Hill absent).
	ADOPTION OF AGENDA
	ACTION: Ron Carpinella moved to adopt the agenda. Lane Frostbaum seconded. The motion was approved (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent).
	PREVIOUS MEETING'S MINUTES
	ACTION: Paul Reale moved to recommend approval of the Minutes from the March 12, 2009 meeting. Ken Moller seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent).
	NEW CASES
1.	V09-002 230 Hammond Drive <i>Applicant: CK City Walk Owner, LLC</i> <i>Representative: Louis Bridges</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 33.26.H.1.a to increase the maximum permitted square footage for an existing free standing sign from 32 square feet to 72 square feet (Sandy Springs Circle) on a lot frontage with less than 500 linear feet and 2) variance from Section 33.26.H.1.b to increase the maximum permitted square footage for two existing free standing signs from 64 square feet to 72 (Hammond Drive) and 67 (Sandy Springs Place) square feet on lot frontages with more than 500 linear feet and up to 1,000 lineal feet. Applicant Presentation: Louis Bridges (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 Zoning Appeals questions and discussion) ACTION: Ken Moller moved to recommend approval of the application subject to conditions. Paul Reale seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent). Condition(s): 1) The sign area for the free standing sign located on Sandy Springs Circle (Sign C) shall not exceed seventy-two (72) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development. 2) The sign area for the free standing sign located on Hammond Drive west entrance (Sign B) shall not exceed seventy-two (72) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development. 3) The sign area for the free standing sign located on Sandy Springs Place (Sign D) shall not exceed sixty-seven (67) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received February 25, 2009 by the Department of Community Development. 4) Display street address on all freestanding signs. Address must be showing horizontal and not blocked by landscaping.
2.	V09-003 301 Johnson Ferry Road <i>Applicant: Sandy Springs Christian Church, Inc. Representative: W. Bryant McDaniel</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Two primary variances from the Zoning Ordinance: 1) variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 5 feet and 2) variance from Section 33.26.H.1.a. to increase the maximum permitted square footage for a free standing sign from 32 square feet to 35 square feet on a lot frontage with less than 500 linear feet (Johnson Ferry Road), to allow for a free standing sign to exceed the maximum height permitted from 6 feet to 7 feet, and to allow a changeable copy. Applicant Presentation: W. Bryant McDaniel (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Tom Tyson, 3152 Wicks Lake Drive, Marietta, GA 30062 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Real moved to recommend approval of the application subject to conditions. Ruth Coan seconded. The motion was APPROVED (5-1, King, Carpinella, Coan, Frostbaum, and Reale for; Moller against; Hill absent). Condition(s): 1) Allow the freestanding sign to be located at the proposed location (Phase 1), five (5) feet from the right of way contingent to GDOT approval and until the construction project requires the sign to be moved, pursuant to the site plan submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development. 2) The freestanding sign shall not exceed thirty- five (35) square feet of sign area pursuant to the sign design detail, submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development. 3) The freestanding sign shall not exceed seven (7) feet height pursuant to the sign design detail, submitted by the applicant, and dated received February 3, 2009 by the Department of Community Development. 4) Allow the freestanding sign to have manual changeable copy.

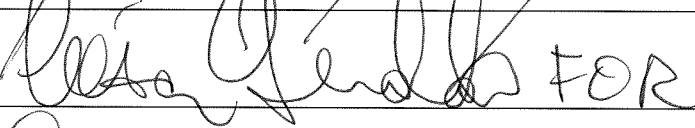
3.	V09-004 175 Spalding Mill <i>Applicant: John W. & Marie T. Brumbach. Representative: John W. Brumbach</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Primary variance from Section 6.2.3.C. of the Zoning Ordinance to reduce the required 15 foot minimum side yard setback to 8.5 feet to allow for the construction of a detached garage. Applicant Presentation: John W. Brumbach (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 Zoning Appeals questions and discussion) ACTION: Ken Moller moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (5-0, King, Carpinella, Coan, Frostbaum, Moller for; Reale recused; Hill absent). Condition(s): 1) The site preparation, removal of the swimming pool and deck, and grading shall be performed in accordance with the proposed site plan, provided by the applicant dated received February 2, 2009, by the Department of Community Development, for the variance herein, showing site preparation and grading where necessary to prepare the site as indicated only. 2) The subject detached garage shall be constructed in accordance with the proposed site plan, provided by the applicant dated received February 2, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the 15 foot side yard setback to 8.5 ft where necessary to accommodate the portion of the encroachment only.
4.	V09-005 355 Glencastle Drive <i>Applicant: Chris Wagner. Representative: Chris Wagner</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Two primary variances from the Floodplain Management Ordinance: 1) variance from Section 109-89.a.2 to allow a reduction in the base flood or future –conditions regulatory flood storage capacity and 2) variance from Section 109-113.1 to allow new construction of principal building within the limits of future-conditions floodplain. Both variances to allow for an addition to a single-family house. Applicant Presentation: Chris Wagner (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 Zoning Appeals questions and discussion)
	ACTION: Ruth Coan moved to recommend approval of the application subject to conditions. Lane Frostbaum seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent).
	Condition(s): 1) The proposed porch shall be constructed in accordance with the proposed site plan, provided by the applicant dated

	received February 3, 2009 by the Department of Community Development, for the variance(s) herein, showing a reduction in the base flood or future –conditions regulatory flood storage capacity and showing new construction of principal building within the limits of future-conditions floodplain where necessary to accommodate the portion of the encroachment(s) only.
5.	V09-006 165 Stone Mill Trail Applicant: Josh & Lara Tolchin. Representative: Josh Tolchin SUMMARY/STAFF PRESENTATION: Doug Trettin/ Two primary variances: 1) variance from Section 109-225.a.1 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a minimum 26 foot undisturbed natural buffer to allow for a porch, walkway, and driveway additions and 2) variance from Section 6.4.3.C. of the Zoning Ordinance to reduce the required 10 foot minimum side yard setback to 9 feet to allow for an addition to a single-family house. Applicant Presentation: Josh Tolchin (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 Zoning Appeals questions and discussion) None
	ACTION: Ron Carpinella moved to recommend approval of the application subject to conditions. Ken Moller seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent).
	Condition(s): 1) The proposed walkway, porch, driveway turn-out and home additions shall be constructed in accordance with the proposed site plan, provided by the applicant dated received February 4, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty six (26) foot undisturbed natural buffer for the proposed walkway, porch, and driveway turn-out to allow for a total of 255 square feet land disturbance within the required fifty (50) foot undisturbed natural buffer where necessary to accommodate the portion of the encroachments only; and to reduce the eastern side yard setback to 9 feet. 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all paths and patios shall be constructed of pervious material. 3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a 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 have 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; areas of disturbance shall be restored. 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.
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	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 by use of tree save fence and two (2) rows of type-C silt fence. 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.
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Meeting Adjournment	The meeting was adjourned at 8:16 p.m.
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Approval Signatures	
Date Approved	05-14-09
Mark King, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	 FOR
Jocelyn Stephens, Transcriber/ Administrative Assistant	