



Board of Zoning Appeals May 8, 2008

Meeting Minutes

Board Members Present	Mark King (C), Ruth Coan, Oz Hill (7:07p.m.), Ken Moller, Al Pond, Paul Reale
Board Members Absent	Ron Carpinella
Staff Present	Michael Barnett, Harmit Bedi, Cesar Geraldo, Cristina Nelson, Jocelyn Stephens, Terry Robinson

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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	ADOPTION OF THE AGENDA
	ACTION: Paul Reale moved to adopt the agenda. Ken Moller seconded. The motion was APPROVED (5-0, King, Coan, Moller, Pond, Reale, for; Carpinella absent; Hill not present for vote).
	PREVIOUS MINUTES
	ACTION: Ruth Coan moved to recommend approval of the Minutes from the April 10, 2008 meeting. Paul Reale seconded. The Minutes were APPROVED (5-0, King, Coan, Moller, Pond, Reale, for; Hill not present for vote).
	DEFERRED CASES
1.	V08-015 260 Trimble Crest Drive <i>Applicant: Charles Sechler.</i> <i>Representative: Woody Galloway</i> SUMMARY/STAFF PRESENTATION: Harmit Bedi/The applicant is requesting a primary variance from Section 14.6.5.a. i and ii 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 25 foot undisturbed natural 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: Ruth Coan moved to recommend approval of the revised application with conditions. Paul Reale seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for; Carpinella absent). Condition(s): 1) That the proposed pool and deck shall be constructed in accordance with the Proposed Site Plan and Landscape Plan, provided by the applicant dated received April 25, 2008 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) impervious surface setback reduced to a minimum of a twenty-

nine (26) foot undisturbed natural buffer where necessary to accommodate the portion of the encroachment of the proposed pool fence, pool deck, pool, pool equipment, and a flo-well storm water leaching system requiring no more than 800 square feet of land disturbance within the fifty (50) foot undisturbed natural buffer, and showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to a twenty-five (25) foot undisturbed natural buffer to allow existing structures (house, garage, driveway, and retaining walls) to remain.

2) All patios and pool decks shall be constructed with a pervious pavers system.

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 into a rain garden or other such infiltration promoting 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) Turf 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 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.

12) The proposed pool shall be a saline pool.

13) The required site plan provided for attaining a pool permit shall show the aforementioned flo-well storm water leaching system relocated further away from the lake than shown on the Proposed Site Plan and Landscape Plan, provided by the applicant dated received April 25, 2008 by the Department of Community Development. The flo-well storm water leaching system shall be located as far away from the lake as feasibly possible as determined by the City Chief Engineer.

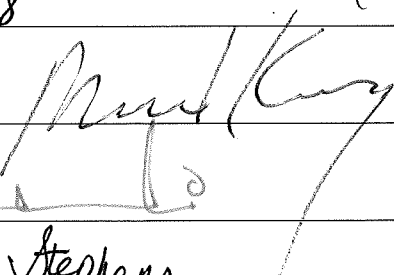
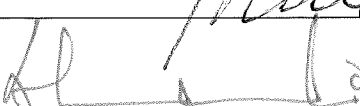
NEW CASES

2. **V08-021**
5511 Wing Street
Applicant: Sears Properties, LLC. Representative(s): Craig Sears
- SUMMARY/STAFF PRESENTATION:** Harmit Bedi/The applicant is requesting a primary variance from Section 14.6.5.a. i and ii 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 25 foot undisturbed natural buffer to allow for a retaining wall.
- Applicant Presentation:** Craig Sears
- (Invitation for public comment in support of and in opposition to the petition)**
- **Support for the Petition:**
Cliff Sears, 990 Buckhorn E., Atlanta, GA 30350
David Smith, 740 Hunterhill Ct., Roswell, GA 30075
 - **Against the Petition:**
Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328
Billy Comer, 1170 Hightower, Atlanta, GA 30350

	(Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to recommend approval of the application with conditions. Oz Hill seconded. The motion was DENIED (2-4, Reale, Hill, for; King, Coan, Moller, and Pond, against). Al Pond moved to recommend denial of the application and that the subject wall is to be deconstructed and removed within sixty (60) days of denial under the direction of the Assistant Director of Land Development. Ken Moller seconded. The motion was APPROVED (5-1, King, Coan, Moller, Reale, Pond, for; Hill against). Condition(s): N/A
3.	V08-022 800 Marseilles Drive <i>Applicant(s): Mark Huff. Representative(s): Mark Huff</i> SUMMARY/STAFF PRESENTATION: Harmit Bedi/The applicant is requesting two primary variances from the Zoning Ordinance: 1) variance from Section 6.1.3.I to allow for an accessory structure (pool house) to be located in the front yard of a single-family dwelling and 2) variance from Section 19.3.8.B.1 to allow for a tennis court to be located in the front yard of a single-family dwelling. Applicant Presentation: Mark Huff (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Laurie S. Robbins, 110 Lameloise Lane, Atlanta, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Al Pond moved to approve, with conditions, the accessory structure (pool house) to be located in the front yard and to deny the tennis court to be located in the front yard. Paul Reale seconded. The motion was APPROVED (4-2, King, Coan, Reale, Pond, for; Moller and Hill, against) Condition(s): 1) That only the proposed pool house shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received March 4, 2008 by the Department of Community Development, showing an accessory structure (pool house) located in the front yard of a single-family dwelling. 2) That the proposed pool house shall have a maximum height of twenty (20) feet. 3) The proposed pool house shall be screened with vegetation as approved by the City Arborist. 4) The exterior construction material, color, and design of the proposed pool house shall be similar to the maximum possible extent to the existing structure.
	CORRECTION
4.	V08-019 1100 Hammond Drive <i>Applicant: Delta Community Credit Union Request By: Staff</i> SUMMARY/STAFF PRESENTATION: Correction of a condition of an approved variance for a wall sign. Wall sign information correction from 24.22 square feet to 35.24 square feet as requested in the original application. ACTION: Ken Moller moved to recommend approval. Oz Hill seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Reale, Pond)

	DISCUSSION
	ADJOURNMENT

Meeting Adjournment	The meeting was adjourned at 8:59 p.m.
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Approval Signatures	
Date Approved	6/12/08
Mark King, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Coordinator	