



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, May 9, 2013	Regular Meeting Minutes	7:00 PM
Board Members Present	Ruth Coan (Chair), Ted Sandler (Vice Chair), Alvin Johnson, Eric Johnson [in at 7:24 P.M.], Ken Moller, and Melissa Nodvin	
Board Members Absent	Ron Carpinella	
Staff Present	Angela Parker, Patrice Dickerson, Cecil McLendon, Cristina Nelson, Gloria Goins, Sonya Fambro, and David Wells	
Call to Order	Ruth Coan (Chair) called the meeting to order at 7:00 p.m.	

ADOPTION OF AGENDA

Motion and Vote: Moller moved to approve, A. Johnson seconded. Approved (5-0, Coan, Sandler, A. Johnson, Moller, and Nodvin; E. Johnson not in attendance yet and Carpinella absent).

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Sandler moved to approve the Minutes for April 11, 2013. A. Johnson seconded. Approved (5-0, Coan, Sandler, A. Johnson, Moller, and Nodvin; E. Johnson not in attendance yet and Carpinella absent).

DEFERRED CASES

201203415

400 Ferry Landing

Applicant: James Dorian

SUMMARY/STAFF PRESENTATION: Two primary variances: 1) from Section 6.3.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to forty (40) feet to allow for the construction of a garage expansion; and 2) from Section 6.3.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to eight (8) feet to allow for the construction of a detached garage.

APPLICANT PRESENTATION:

James Dorian, 400 Ferry Landings, Sandy Springs, GA. 20328

(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 withdraw, Moller seconded. Approved to withdraw (5-0, Coan, Sandler, A. Johnson, Moller, and Nodvin in support; E. Johnson not yet in attendance and Carpinella absent)

201300002

4555 Northside Drive

Applicant: Andrew Perkel

SUMMARY/STAFF PRESENTATION: Three primary variances: 1) from Section 6.1.3.B of the Zoning Ordinance to reduce the required sixty (60) foot front yard setback to fifty-four (54) feet to allow for the construction of a single family residence; 2) from Section 6.1.3.C of the Zoning Ordinance to reduce the required twenty-five (25) and forty (40) foot side yard setbacks to twelve and three-tenths (12.3) and thirty-five and nine-tenths (35.9) feet, respectively, to allow for the construction of a single family residence; 3) from Section 6.1.3.D of the Zoning Ordinance to reduce the required fifty (50) foot front yard setback to twenty-nine and nine-tenths (29.9) feet to allow for the construction of a single family residence.

APPLICANT PRESENTATION:

Andrew Perkel, 710 Old Post Road, Sandy Springs, GA . 30328

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Ann Solo, 4559 Northside Drive, Atlanta, GA. 30327

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

Motion and Vote: Sandler moved to approve, E. Johnson seconded. Approved a modified third variance request (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) Subject to the following conditions:

3) To reduce the required fifty (50) foot rear yard setback to twenty-five (25) feet to allow for the construction of a single family residence.

4) To ensure best management practices are employed to protect the critical root zone of the trees along the adjacent property line, subject to approval of the City's Chief Environmental Compliance Officer.

Motion and Vote: Moller moved to approve, Sandler seconded. Approved first variance request (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) subject to the following conditions:

1) To reduce the required sixty (60) foot front yard setback to fifty (50) feet to allow for the construction of a single family residence, as shown on the site plan dated received January 2, 2013 by the Department of Community Development.

Motion and Vote: Moller moved to deny, Sandler seconded. To Deny the second variance request (3-3, Coan, Sandler, and Nodvin in support; A. Johnson, E. Johnson, and Moller in opposition; Carpinella absent). Motion did not carry.

Motion and Vote: Sandler moved to defer, E. Johnson seconded. Deferred 30 days, to June 13, 2013 (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) to allow the applicant to reevaluate the requested side yard reductions in light of the Board's decisions on the front and rear setback reductions.

201300363

5750 Roswell Road

Applicant: Squire Inn, Inc.

SUMMARY/STAFF PRESENTATION: Three primary variance: 1) from Section 12B.8.A.7 of the Zoning Ordinance to allow parking between the sidewalk and the building; 2) from Section 12B.8.C of Zoning Ordinance to allow a for an increased setback along Roswell Road; and 3) from Section 12B.8.F to allow for the proposed design, seeking relief from the design standards provided in the Zoning Ordinance.

APPLICANT PRESENTATION:

Nathan V. Hendricks. 6085 Lake Forrest Dr. Suite 200, Sandy Springs, GA. 30328

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

SUPPORT FOR THE PETITION:

Mike Aldredje, 6085 Lake Forrest Dr. Suite 300 A, Sandy Springs, GA. 30328

David Schroeder, 3118 East Shadow Lawn Ave, Atlanta, GA.

Nick Sawka, 2004 N. Commerce Dr, Suite 100, Peachtree City, GA. 30269

AGAINST THE PETITION:

None

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

Motion and Vote: E. Johnson moved to approve, A. Johnson seconded. Approved (5-0-1, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin in support; Coan abstaining; Carpinella absent) subject to the following conditions:

- 1) To allow parking between the sidewalk and the building for the construction of an ice rink, as shown on the site plan dated received April 4, 2013.
- 2) To allow for an increased setback along Roswell Road to allow for the construction of an ice rink.
- 3) Relief from the design standards provided in the Zoning Ordinance to allow for the construction of an ice rink.
- 4) Subject to the following conditions from the Design Review Board: 1) Greater use of architectural relief on the west elevation, to include landscaping features to further shield the elevation; 2) Raising of parapets and addition of architectural features on the south elevation; 3) Raise the EIFS along the north elevation; 4) Include additional landscaping, including holly bushes, along the Roswell Road and Northwood Drive frontages, to further shield the parking lot from view, subject to the approval of the City's Chief Environmental Compliance Officer; 5) If possible, include plantings in the GDOT right-of-way along Roswell Road; and 6) Install an irrigation system throughout the site.

201300508

35 Mount Paran Road

Applicant: Mrunalini Patel

SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required fifteen (15) foot side yard setback to five (5) feet to allow the existing house to remain.

APPLICANT PRESENTATION:

Nathan V. Hendricks. 6085 Lake Forrest Dr. Suite 200, Sandy Springs, GA. 30328

(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 withdraw, Moller seconded. Withdrawn (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent)

NEW CASES**201300627****6362 Cherry Tree Lane****Applicant: Kevin Abdel**

SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required ten (10) foot side yard setback to seven (7) feet to allow HVAC units to encroach.

APPLICANT PRESENTATION:

David J. Roberts, 3533 Simpson Farm Drive, Smyrna, GA. 30080

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Stephen Rivas, 6347 Cherry Tree Lane

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

Motion and Vote: Moller moved to approve, Sandler seconded. Approved (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) subject to the following conditions: 1) To reduce the required ten (10) foot side yard setback to allow HVAC units to encroach, as shown on the site plan dated received March 20, 2013 by the Department of Community Development.

201300670**7600 Roswell Road (SR 9)****Applicant: Winthrop Management, L.P.**

SUMMARY/STAFF PRESENTATION: Primary variance from Section 109.225(a)(1) & (2) of the Stream Buffer Protection Ordinance to allow construction of a sidewalk within the fifty (50) foot stream buffer and seventy-five (75) foot impervious surface setback.

APPLICANT PRESENTATION:

Kevin Allaf, 6600 Peachtree Dunwoody Road, Atlanta, GA. 30328

(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, E. Johnson seconded. Approved (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) subject to the following conditions: 1) To reduce the required reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to allow for the construction of a sidewalk, as shown on the site plan dated received March 5, 2013 by the Department of Community Development.

201300686

6360 Powers Ferry Road

Applicant: McDonald's USA

SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.F.14 of the Zoning Ordinance to allow internal signs to be legible from the public right-of-way.

APPLICANT PRESENTATION:

Anthony Lynch, 3615 Braselton Hwy, Suite 201, Dacula, GA. 30019

(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: Nodvin moved to approve, Moller seconded. Approved (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) subject to the following conditions: 1) To allow internal signs to be legible from the public right-of-way pursuant to the sign details, submitted by the applicant, and dated received March 13, 2013 by the Department of Community Development.

201300711

5620 Glenridge Drive

Applicant: MidCity Real Estate Partners, Inc.

SUMMARY/STAFF PRESENTATION: Primary variance from Section 18.4.1 of the Zoning Ordinance to reduce the required aisle width for angled parking from twenty-two (22) feet to eighteen (18) feet.

APPLICANT PRESENTATION:

Woodson Gallaway, 3500 Lenox Rd, Suite 760, Atlanta, GA. 30326

(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, Nodvin seconded. Approved (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) subject to the following conditions: 1) To reduce the required twenty-two (22) foot aisle width to eighteen (18) feet to allow for angled parking, as shown on the site plan dated received March 7, 2013 by the Department of Community Development.

201300720

100, 106, & 110 Mount Paran Road

Applicant: Paul Harney

SUMMARY/STAFF PRESENTATION: Primary variance from Section 103.75(b)(7) of the Development Regulations Ordinance to reduce the required fifty (50) foot street setback to twenty (20) feet to allow construction of a private street.

APPLICANT PRESENTATION:

Paul Harney

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Valerie Wilkinson, 246 Lafayette Way, Atlanta, GA. 30327

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

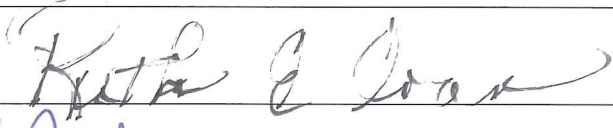
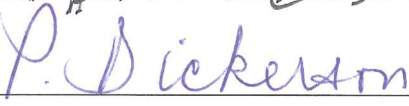
Motion and Vote: Moller moved to approve, Sandler seconded. Approved (6-0, Coan, Sandler, A. Johnson, E. Johnson, Moller, and Nodvin; Carpinella absent) subject to the following conditions: 1) To reduce the required fifty (50) foot street setback to twenty (20) feet to allow for construction of a private street, as shown on the site plan dated received April 25, 2013 by the Department of Community Development.

DISCUSSION ITEMS

None

ADJOURNMENT

Meeting adjourned at 9:33P.M.

Approval Signatures	
Date Approved	6/13/13
Ruth Coan (Chairman)	
Patrice Dickerson, Manager of Planning & Zoning	
Gloria Goins, Transcriber	