



Board of Zoning Appeals
Thursday, May 10, 2007

Meeting Minutes

Board Members Present	Al Pond (Chair), Mark King (Vice Chair), Oz Hill, Ken Moller, Paul Reale, and Ron Carpinella.
Board Members Absent Excused	Ruth Coan
Staff Present	Nancy Leathers, Michael Zehner, Cesar Geraldo, Michael Barnett, Mark Moore, Cristina Nelson and Doug Trettin

CALL to Order	Al Pond called the meeting to order at 7:00 p.m.
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I.	PREVIOUS ACTION REPORT
	ACTION: Ken Moller motioned to approve the Action Report from the April 12, 2007 meeting. Ron Carpinella seconded. The Action Report was APPROVED (6-0).
II.	PREVIOUS MINUTES
	ACTION: Ken Moller motioned to approve the Minutes from the April 12, 2007 meeting. Ron Carpinella seconded. The Minutes were APPROVED (6-0).
III.	DEFERRED CASES
A.	V06-145 969 Crest Valley Road <i>Applicant(s): Southern Civil Engineers</i> <i>Representative(s): Peter Brady, Jr.</i> SUMMARY/PRESENTATION: Cesar Geraldo/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.1.b of the permanent structures within the required landscape strip of a storm water detention facility. 4) Variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the twenty-five foot impervious surface setback and the fifty foot undisturbed natural buffer of a branching stream to a thirty-seven foot undisturbed buffer for one branch and to a fourteen foot impervious surface setback for the other branch. All variances for the construction of a swimming pool and a pool equipment house. Applicant Presentation: Peter Brady (Invitation for public comment in support of and in opposition to the petition) Support for the Petition: Patty Berkowitz, 800 Crest Valley Drive, in support of the petition but opposed to staff's recommendation #10. Against the Petition: None

		(Close of public hearing. Board of Zoning Appeals questions and discussion)
		ACTION: Paul Reale motioned to approve with conditions and amendment listed in the staff report. Ron Carpinella seconded. The motion was APPROVED (6-0) subject to the following conditions:
		Condition(s): 1) That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received April 25, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer of a branching stream reduced to a thirty-seven (37) foot undisturbed buffer for southwesterly branch and to a fourteen (14) foot impervious surface setback for the easterly branch where necessary to accommodate the portion of the encroachment only. 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers. 3) That all new and existing downspouts shall be piped directly into the subject detention facility. 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; 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 through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer. 11) That before approval of a permit application, the applicant shall include construction documents, as a part of the application, that detail all work necessary to bring the existing detention facility into compliance with the original permitted design of the facility. 12) That before approval of a permit application, the applicant shall demonstrate that proper access to the existing detention facility is being provided. The proposed access shall be subject to the approval of the Director of the Public Works Department. 13) That before approval of a permit application, the applicant shall provide planting plans to show existing and proposed landscaping for the landscape strip around the detention area. The proposed planting plans shall be subject to approval of the City Arborist. 14) That before approval of a permit application, the applicant shall include construction documents, as part of the application, showing a layout and details for modifying/installing fencing and access gate surrounding the detention facility as necessary to completely encompass the existing detention facility. The proposed modification/installation of fencing shall be subject to the approval of the Director of the Community Development Department.
IV.		NEW CASE
	A.	V07-020 6100 Roswell Road (SR 9) <i>Applicant(s): Michael Panos. Representative(s):</i> Mike Rogers representing Mellow Mushroom SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Two primary variances from the Zoning Ordinance 1) Variance from Section 33.18.H to allow for a sign to extend vertically above the roof line of a building.

	2) Variance from Section 33.18.P to allow for a projecting sign. Applicant Presentation: Mike Rogers (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: Ron Carpinella motioned to approve. Oz Hill seconded. The motion was APPROVED (5-1), with Paul Reale against. The motion was approved subject to the following conditions: Condition(s): 1) That the projecting sign shall be installed pursuant to the sign detail and building elevations depicting the sign location (Exhibits 4 & 5) submitted by the applicant, dated received March 6, 2007 by the Department of Community Development. 2) That the projecting sign shall not exceed 30.83 square feet, as shown on the sign design detail (Exhibit 4) submitted by the applicant, dated and received March 6, 2007 by the Department of Community Development.
B.	V07-021 4610 Mount Paran Parkway Applicant(s): Marek & Maizanna Omilian Representative(s): Nathan Hendricks III, Attorney SUMMARY/STAFF PRESENTATION: Cesar Geraldo /Primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the 25 foot impervious surface setback 9 of the 75 foot stream buffer) to 12 feet for the construction of a swimming pool for a single-family house. Applicant Presentation: Nathan Hendricks III, Attorney (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Marek Omilian, 4610 Mt. Paran Parkway, in support of the petition. Marissa Cronin, 280 Heritage Walk, in support of the petition. • Against the Petition: Patty Berkowitz, 800 Crest Valley, in support of the petition, but opposed to staff recommendation #10. (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale motioned to approve. Oz Hill seconded. The motion was APPROVED (6-0) subject to the following conditions: Condition(s): 1) That the site be developed in accordance with the "Proposed" site plan provided by the applicant dated and received March 5, 2007 by the Department of Community Development, showing the 25 foot impervious surface setback reduced to no less than a 12 foot impervious surface setback where necessary to accommodate the portion of the encroachment only. 2) In areas where the 50 foot undisturbed natural buffer and the 25 foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.

	3) In areas where the 50 foot undisturbed natural buffer and the 25 foot impervious setback has been reduced, downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed 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 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; 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) Upon a closer review by Staff of any relevant State and/or Federal regulations, the Director of the Community Development Department shall determine whether the owner/developer shall either provide for swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer, or the owner/developer shall provide and alternate discharge method for swimming pool overflow. The aforementioned determination shall occur before the pool is permitted. 11) That the proposed stone deck shown on the approved site plan provide for water drainage and discharge in a sheet flow manner.
C.	CHANGE IN SEQUENCE OF THE AGENDA Change in sequence of the agenda to allow V07-026 to follow V07-021. ACTION: Ken Moller motioned to approve. Paul Reale seconded. The motion was APPROVED (6-0).
D.	V07-026 1913 Old Dominion Drive <i>Applicant(s): Susan & Francisco Tizon</i> <i>Representative(s): Simone Feldman</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Primary variance from Section 5.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from 50 feet to 8.4 feet to allow for an accessory structure (Cat cage). Applicant Presentation: Simone Feldman (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Ed Johnson, 1927 Old Dominion Drive, in opposition of the petition. Cathy Johnson, 1927 Old Dominion Drive, in opposition of the petition. Bill Hosken, 120 Churchill Drive, in opposition of the petition. Jerry Satrum, 545 Old Cobblestone Drive, in opposition of the petition. John Wallace, 505 Old Cobblestone Drive, in opposition of the petition. Birgit Cotts, 1800 Marlborough Drive, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion)

	Action: Ken Moller motioned to deny the application, Paul Reale seconded. The motion was APPROVED (6-0). Condition(s): 1) The applicant shall remove the subject accessory structure (cat cage) by June 9, 2007.
E.	V07-022 5120 Jett Forest Trail <i>Applicant(s): Brenda & David Wisniewski</i> <i>Representative(s): Simone Feldman</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from 60 feet to 54 feet to allow for expansion of the existing garage. Applicant Presentation: Simone Feldman (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 motioned to deny the application. Ron Carpinella seconded. The motion was APPROVED (6-0). Condition(s): N/A
F.	V07-024 7095 Duncourtney Drive <i>Applicant(s): David Brown</i> <i>Representative(s): David Brown</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Primary variance from Section 4.11.B of the Zoning Ordinance to allow for a gate to be setback 3 feet from the right-of-way where 20 feet is the minimum setback required. Applicant Presentation: David Brown (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Juli Collins, 7075 Duncourtney Drive, The applicant entered a letter from his neighbor supporting his petition. • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale motioned to approve with conditions. Ken Moller seconded. The motion was APPROVED (6-0) subject to the following conditions: Condition(s): 1) That the gate be installed in accordance with the Site Plan provided by the applicant dated received March 6, 2007 by the Department of Community Development, showing the setback from the right-of-way reduced to no less than three feet where necessary to accommodate the portion of the encroachment only.

G.

V07-025

4780 Chatworth Court

Applicant(s): Daniel & Sarah Rich

Representative(s): James Lane

SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Primary 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) to 8 feet for the construction of a bathroom addition to a single-family house.

Applicant Presentation: James Lane

(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: Paul Reale motioned to approve. Oz Hill seconded. The motion was APPROVED (6-0) subject to the following conditions:

Condition(s):

1) That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received March 6, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than an eight (8) foot impervious surface setback where necessary to accommodate the portion of the encroachment only.

2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.

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 in such a way that sheet flow can occur or directed 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 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; grass shall not be planted in the fifty (50) foot undisturbed natural buffer.

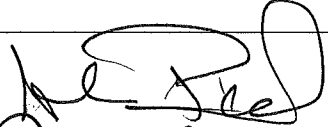
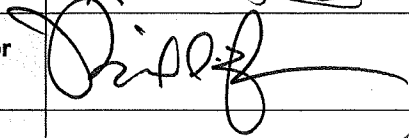
8) All footings for bridges crossing streams and all pipes located under such bridges shall not be located in the streambed(s). All bridge spans shall be sufficiently wide to prevent any obstruction to the flow of water.

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 through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

Meeting Adjournment

The meeting was adjourned at 8:27 p.m.

Approval Signatures	
Date Approved	
Al Pond, Chairman	
Michael Zehner, Assistant Director Planning & Zoning	
Bridgette Gray, Administrative Assistant/Transcriber	