



Board of Appeals

May 13, 2010

Meeting Minutes

Board Members Present	Ron Carpinella (Chairman), Ruth Coan (Vice Chair), Paul Reale, Ken Moller, Lane Frostbaum, and Ted Sandler
Board Members Absent	Jim Squire
Staff Present	Nancy Leathers, Patrice Ruffin, Linda Abaray, Gloria Goins, Michael Barnett, Nathan Ippolito, David Schmid and Terry Robinson

CALL to Order	Ron Carpinella called the meeting to order at 7:00 p.m.
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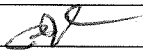
	ADOPTION OF AGENDA
	ACTION: Sandler moved to approve the adoption of the agenda , with an amendment to open the By-Law discussion for public comment, Moller seconded. Approved (6-0, Carpinella, Coan, Frostbaum, Sandler, Moller and Reale for; Squire absent).
	PREVIOUS MEETING'S MINUTES
	ACTION: Frostbaum moved to approve the previous meeting's minutes , Reale seconded. Approved (6-0, Carpinella, Coan, Frostbaum, Sandler, Moller and Reale for; Squire absent).
	NEW CASES
1.	V09-052 210 Wilderglen Court <i>Applicant: Scott & Mary Ellen Garrett.</i> ▪ SUMMARY/STAFF PRESENTATION: Four primary variances from the Zoning Ordinance: 1) variance from Section 4.2.10 to allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, 2) variance from Section 6.2.3.B to reduce the required front yard setback from 60 feet to 15 feet for existing house and to 15 feet for proposed second lot, 3) variance from Section 6.2.3.D to reduce the required rear yard setback from 40 feet to 15 feet for proposed second lot, and 4) variance from Section 19.3.12.B.1 to allow for an existing pool in the front yard. All variances to allow for the subdivision of a single-family lot into 2 flag lots. Applicant Presentation: Kevin Medendorp, 3165 Argonne Dr, Atlanta, GA. 30305 (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 Zoning Appeals questions and discussion)
	ACTION: Reale moved to Deny , Sandler seconded. Approved (5-1, Coan, Frostbaum, Sandler, Moller and Reale for; Carpinella against; Squire absent).

	Conditions: None
2.	V09-056 397 Carriage Drive <i>Applicant: Olivia Lebedev.</i> ▪ SUMMARY/STAFF PRESENTATION: Two primary variances: 1) variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required side yard setback from 10 feet to 0.8 feet and 2) variance from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 25 foot impervious surface setback to 15 feet. Both variances to allow for new additions to existing house. Applicant Presentation: Olivia Lebedev, 397 Carriage Dr, 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: Patty Berkovitz, On File (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Coan moved to approve with conditions, Frostbaum seconded. Approved (6-0, Carpinella, Coan, Frostbaum, Sandler, Moller and Reale for; Squire absent). Subject to the following conditions: Condition(s): 1) The subject house shall be constructed in accordance with the proposed site plan, provided by the applicant dated received February 22, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 25 foot impervious set back to fifteen (15) feet to allow for a new house 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 for building additions and/or other improvements, downspouts shall be directed into a rain garden or a Best Management Practices (BMP) filtration detention device and such facility shall be maintained. 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. 5) To reduce the required ten (10) foot minimum side yard setback to eight (8) feet, where necessary, to accommodate the portion of the main house encroachment (s) only as shown on the site plan, provided by the applicant dated received February 22, 2010 by the Department of Community Development .
3.	V10-006 10 Quarry Lake Court <i>Applicant: Ronald & Wendy Bell.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 109-225.a 1 and 2 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 25 feet to allow for existing berm, existing decorative walls, and driveway. Applicant Presentation: Ed Morales, 1026 Derby Run, Marietta, GA. 30064 Wendy Bell, 10 Quarry Lake Court, Sandy Springs, GA. 30342 (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 Zoning Appeals questions and discussion) ACTION: Moller moved to approve with conditions, Frostbaum seconded. Approved (6-0, Carpinella, Coan, Frostbaum, Sandler, Moller and Reale for; Squire absent). Subject to the following conditions:
	Condition(s): 1) The subject driveway, decorative wall and berm shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 2, 2010 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 berm encroachment of forty-eight (48) feet and limits of disturbance of two (2) feet for a total encroachment of fifty (50) feet) to allow for a driveway, decorative wall and berm., where necessary to accommodate the portion of the encroachment only. 2) 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. 3) 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.
4.	V10-007 7447 Roswell Road (SR9) <i>Applicant: North Springs Charter High School.</i> • SUMMARY/STAFF PRESENTATION: Four primary variances from the Zoning Ordinance: 1) variance from Section 33.18.G to allow banners to be attached to light poles, 2) variance from Section 33.26.B.5 to increase the number of permitted banners from 3 to 6 and to allow banners to be permanent in lieu of the three fourteen day periods permitted per calendar year, 3) variance from Section 33.26.H.1.a (frontage up to and including 500 lineal feet – Dalrymple Road) to increase the monument sign maximum area permitted from 32 square feet to 37.36 square feet, to increase the monument sign maximum height permitted from 6 feet to 9 feet 4 inches, and to allow for a changeable copy sign, and 4) variance from Section 33.26.H.1.b (frontage more than 500 and up to 1,000 lineal feet – Roswell Road) to allow for a changeable copy sign. Applicant Presentation: Judy Roseman, 7447 Roswell Rd., 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 Zoning Appeals questions and discussion) ACTION: Frostbaum moved to approve with conditions, Coan seconded. Approved (6-0, Carpinella, Coan, Frostbaum, Sandler, Moller and Reale for; Squire absent). Subject to the following conditions: Condition(s): 1) To allow banners to be attached to light poles A, B and C pursuant to the site plant submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development.(Exhibit 1)

	2) a. To allow six banners at the same time pursuant to the sign detail submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development.(Exhibit 2) b. To allow banners to be permanent. 3) a. To allow an Identification monument sign with a 37.36 square feet of sign area pursuant to the sign detail submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development (Sign # 2). Dalrymple Road. b. To allow an Identification monument sign 9'-4" height pursuant to the sign detail submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development (Sign # 2). Dalrymple Road. c. To allow a changeable copy sign pursuant to the sign detail submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development (Sign # 2). Dalrymple Road. 4) To allow a changeable copy sign pursuant to the sign detail submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development (Sign # 1). Roswell Road.
5.	V10-008 5630 Roswell Road (SR9) <i>Applicant: Prado, LLC.</i> SUMMARY/STAFF PRESENTATION: Two primary variances from the Zoning Ordinance: 1) variance from Section 33.18.P to allow 2 projecting signs and 2) variance from Section 33.26.H.2.a to allow for wall signs on a non street facing wall. Applicant Presentation: Brian Snelling, 1450 S Johnson Ferry Rd., Atlanta, GA. 30319 Nathan V. Hendricks, 6085 Lake Forrest Dr. Ste. 200, Sandy Springs, GA. 30328 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Patty Berkovitz, On File • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Frostbaum moved to approve with conditions, Reale seconded. Approved (4-0, Carpinella, Frostbaum, Moller and Reale for; Sandler and Coan recused; Squire absent). Subject to the following conditions:
	Condition(s): 1) Allow a projecting sign on the east elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development. 2) Allow a projecting sign on the west elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 2), submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development. 3) Allow two (2) wall signs on the west elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the signs location (Exhibit 3), submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development.
6.	V10-009 1155 Perimeter Center West <i>Applicant: AEW SCT 1155 Perimeter Center West, LLC.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.D.1.c of the Zoning Ordinance (frontage more than 1,000 lineal feet) to allow for a second monument sign where only one is permitted.

	Applicant Presentation: Nathan V. Hendricks, 6085 Lake Forrest Dr. Ste. 200, Sandy Springs, GA. 30328 Lorry Jensen, 1155 Perimeter Center West, Sandy Springs, GA. 30338 (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: Moller moved to approve with conditions, Coan seconded. Approved (5-0, Carpinella, Frostbaum, Moller, Reale and Coan for; Sandler recused; Squire absent). Subject to the following conditions:
	Condition(s): 1) To allow a second Identification monument sign along the Perimeter Center West. The sign shall not exceed thirty-five (35) square feet of sign area; 7'-10" height pursuant to the sign detail, submitted by the applicant, and dated received March 2, 2010 by the Department of Community Development.
7.	V10-010 200 North Mill Court Applicant: <i>Erick Varah & Kelli Godfrey</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.3.3.C of the Zoning Ordinance to reduce the required 15 foot side yard setback to 7.5 feet to allow for additions to a single-family house. Applicant Presentation: Eric Varah, 200 North Mill Ct. (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: Frostbaum moved to approve with conditions, Coan seconded. Approved (5-0, Carpinella, Coan, Frostbaum, Sandler, Moller for; Squire and Reale absent). Subject to the following conditions:
	Condition(s): 1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received March 3, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required fifteen (15) foot minimum side yard setback to seven (7) feet six (6) inches to allow the addition and a three (3) car garage, where necessary, to accommodate the portion of the encroachment (s) only.
8.	Discussion: BOA By-Laws Amendment
	Recommendations: ▪ Section 7 (Article 5) - Add time limit ▪ Article 5 - Verify ethics language from the State ▪ Section 6 (Article 5) - Change shall to may in the third sentence. ▪ Section 7 (Article 5) Move numbers 3 and 5

Meeting Adjourned: 9:20 p.m.	
Approval Signatures	
Date Approved 	6/10/2010
Ron Carpinella, Acting Chairman	 10 June 2010
Patrice Ruffin, Assistant Director of Planning and Zoning	
Gloria Goins, Transcriber/ Administrative Coordinator	