



Board of Appeals May 14, 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	Nancy Leathers, Angela Parham, Linda Abaray, Michael Barnett, Cesar Geraldo, Mark Moore, Terry Robinson, Jocelyn Stephens, and Doug Trettin
CALL to Order	Mark King called the meeting to order at 7:00 p.m.

	ADOPTION OF AGENDA
	ACTION: Ron Carpinella moved to recommend adoption of the Agenda. Paul Reale seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, Reale for; Hill absent).
	PREVIOUS MEETING'S MINUTES
	ACTION: Ruth Coan moved to recommend approval of the Minutes from the April 15, 2009 meeting. Ron Carpinella seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent).
	NEW CASES
1.	V09-007 5095 Roswell Road (SR9) & 220 Forest Hills Drive <i>Applicant: Fountainbleau 2006, LLC</i> <i>Representative: Ray S. Smith, III</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Secondary variance: Appeal to the Department of Public Works denial of the request for relief from the required frontage improvements along Forest Hills Drive. Applicant Presentation: Ray S. Smith, III (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 denial of the application. Lane Frostbaum seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent).
	Condition(s): N/A

2.	V09-008 8350 Roswell Road (SR9) <i>Applicant: Pointe at Canyon Ridge, LLC</i> <i>Representative: Natalie Sincezich</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 33.22.B to allow for a sign to be located in the right-of-way and 2) variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way to 0 feet. Applicant Presentation: Natalie Sincezich (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Stan Jones, 225 Cliff Overlook, Sandy Springs, Georgia 30350 Jim Stockslager, 8685 The 5th Green, Sandy Springs, Georgia 30350 Kathleen Zamer, 9848 Trace Valley, Sandy Springs, Georgia 30350 (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ruth Coan moved to recommend approval of the application subject to conditions. Ron Carpinella seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent). Condition(s): 1) Allow an identification sign, in accordance with the sign proposed, to be located in the right-of-way, replacing the existing sign in its current location, and to encroach no more than 6.4' into the Roswell Road right-of-way, contingent to the Georgia Department of Transportation approval. 2) Allow the identification sign setback from the right-of-way to be reduced to zero (0) feet. 3) Allow the identification sign contingent upon the applicant signing the City's standard indemnification agreement for encroachment into the right-of-way.
3.	V09-009 6018 Kayron Drive <i>Applicant: William Andersen</i> <i>Representative: Ryan Andersen, Donald Andersen</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/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 a 19 foot undisturbed natural buffer to allow for a fence. Applicant Presentation: Ryan Andersen, Donald Andersen (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Patty Berkovitz, Watershed Alliance of Sandy Springs, 800 Crest Valley Drive, Sandy Springs, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ruth Coan moved to recommend denial of the application. Ken Moller seconded. Coan withdrew the motion. Coan moved to recommend approval of the application subject to conditions. Lane Frostbaum seconded. The motion was APPROVED (5-1, King, Carpinella, Coan, Frostbaum, Moller for; Reale against; Hill absent).

Condition(s):

- 1) The proposed chain link fence shall be constructed in accordance with a revised site plan, provided by the applicant, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a twenty-five (25) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachment(s) only. The area of land disturbance shall be limited to no more than 5.9 square feet within the fifty (50) foot undisturbed natural buffer.
- 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 material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other 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; 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) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site. Per Blake Dettwiler, the typical requirement to use a tree save fence and two (2) rows of type-C silt fence shall be waived if the applicant is building only a chain link fence, with no columns or trenching. 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.
- 11) The applicant shall provide a revised drainage and erosion plan showing the proposed fence set back no less than nineteen (19) feet from the wrested vegetation of the subject stream and showing plantings as approved by the City Arborist.

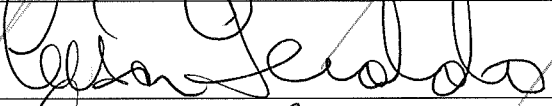
4. **V09-010**
Northridge Road right-of-way
Applicant: Northridge Forest Community Association. Representative: Lorelei Fischer
- SUMMARY/STAFF PRESENTATION:** Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 4.3.5 to allow a privately owned structure within a public right-of-way and 2) variance from Section 33.22.B to allow for a sign to be located in the right-of-way. Both variances to allow for a neighborhood entrance.
- Applicant Presentation:** Lorelei Fischer
- (Invitation for public comment in support of and in opposition to the petition)**
- **Support for the Petition:**
Jade Hartrampf, 1744 Northridge Road, Atlanta, Georgia 30350
 - **Against the Petition:**
None
- (Close of public hearing. Board of Zoning Appeals questions and discussion)**

	ACTION: Ron Carpinella moved to recommend approval of the application subject to conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Frostbaum, Moller, and Reale for; Hill absent).
	Condition(s): 1) The subject rock pillars having wing walls, neighborhood sign (except the sign copy), and fencing shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 3, 2009 by the Department of Community Development, for the variance herein, showing privately owned structures and a sign located within a right-of-way. 2) The proposed rock pillars having wing walls, neighborhood sign, and fencing shall not be closer than seven (7) feet from any back of curb or, in the absence of curbing, asphalt. 3) The applicant shall sign the City's standard indemnification agreement for encroachment into the right of way. 4) The applicant signing a maintenance agreement with the City to cover all construction proposed in the right-of-way.
5.	V09-011 155 Sheridan Point Lane Applicant: Ted Peyser Representative: Ted Peyser SUMMARY/STAFF PRESENTATION: Doug Trettin/ Two primary variances from the Zoning Ordinance: 1) variance from Section 6.4.3.D to reduce the required 35 foot minimum rear yard setback to 29 feet and 2) variance from Section 6.4.3.I to allow for an accessory structure to be located within a required minimum yard setback. Both variances to allow for a gazebo. Applicant Presentation: Ted Peyser (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: Lane Frostbaum 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 gazebo shall be constructed in accordance with the proposed site plan, provided by the applicant dated received March 3, 2009 by the Department of Community Development, for the variance(s) herein, showing a reduction in the required thirty-five (35) rear setback to no less than twenty-nine (29) feet where necessary to accommodate the portion of the encroachment(s) only.
6.	V09-012 1140 Hammond Drive Applicant: Corporate Campus, LLC. Representative: Scott Morgan SUMMARY/STAFF PRESENTATION: Doug Trettin/ Four primary variances: 1) variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure within a landscape strip, 2) variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) for relief from the requirement of planting a large shade tree every 6 parking spaces, 3) variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.6) to allow planting of a smaller caliper shade tree on parking islands than the minimum required 2.5 inch caliper and 4) variance from Section 4.23.2 of the Zoning Ordinance to allow planting of a smaller caliper shade tree on parking islands than the minimum required 3 inch caliper.

	Applicant Presentation: Scott Morgan (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 denial of the variance requests numbered 2, 3, and 4 and moved to recommend approval of the variance request number 1, with conditions. Lane Frostbaum seconded. The motion was APPROVED (5-1, Carpinella, Coan, Frostbaum, Moller, and Reale for; King against; Hill absent).
	Condition(s): 1) The subject retaining wall within a required landscape strip shall remain installed in accordance with the site plan, provided by the applicant dated received March 3, 2009 by the Department of Community Development, for the variance herein.
7.	V09-013 398 Tara Trail Applicant: Joseph & Susan Churchill. Representative: Chad Mattison SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 109-225.a 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 a 50 foot undisturbed natural buffer to allow for a swimming pool. Applicant Presentation: Chad Mattison (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 (4-1, King, Coan, Frostbaum, Moller for; Carpinella against; Coan excused; Hill absent).
	Condition(s): 1) The proposed swimming pool, pool deck, and pool equipment and the existing retaining walls shall be constructed and remain constructed in accordance with the site plan, provided by the applicant dated received April 3, 2009 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a fifty (50) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only. 2) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device. 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 soil for filtration before entering the stream or artificial filtration with proof of maintenance required.

- 4) Stream crossings shall be as narrow as possible and shall be pervious.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) Stream buffer restoration shall be installed as required by the Director of the Community Development Department.
- 9) 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.
- 10) 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.
- 11) In lieu of installing pervious material for all proposed decking/patios, the applicant shall provide a revised drainage and erosion plan showing the proposed pool set back no less than fifty (50) from the wrested vegetation of the subject stream and showing plantings as approved by the City Arborist.

Meeting Adjournment	The meeting was adjourned at 9:54 p.m.
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Approval Signatures	
Date Approved	06-11-09
Mark King, Chairman	
Cesar Geraldo, Zoning Administrator	
Jocelyn Stephens, Administrative Coordinator	