



Board of Appeals June 11, 2009

Meeting Minutes

Board Members Present	Mark King (Chair), Ruth Coan, Lane Frostbaum, Oz Hill, Ken Moller, Paul Reale
Board Members Absent	Ron Carpinella
Staff Present	Nancy Leathers, Wendell Willard, Linda Abaray, Michael Barnett, Cesar Geraldo, Cristina Nelson, Terry Robinson, Jocelyn Stephens

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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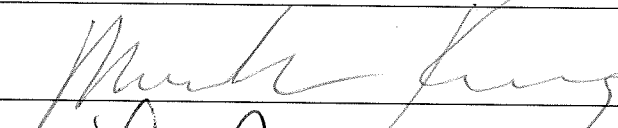
	ADOPTION OF AGENDA
	ACTION: Paul Reale moved to recommend adoption of the agenda. Lane Frostbaum seconded. The motion was approved (6-0, King, Coan, Frostbaum, Hill, Moller, and Reale for; Carpinella absent).
	PREVIOUS MEETING'S MINUTES
	ACTION: Ken Moller moved to recommend approval of the Minutes from the May 14, 2009 meeting. Ruth Coan seconded. The motion was APPROVED (6-0, King, Coan, Frostbaum, Hill, Moller, and Reale for; Carpinella absent).
	NEW CASES
1.	V09-014 1600 Dunwoody Club Drive <i>Applicant: Old Cobblestone Homeowners Association Representative: Kathy Zickert</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Secondary variance: Appeal to the Department of Community Development Director's determination that the golf course netting located on the top of fencing is not part of the fence and as such does not have to meet the fence/wall standards of the Zoning Ordinance and it does not require to be permitted. Applicant Presentation: Kathy Zickert (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: G. Douglas Dillard, 3500 Lenox Road, Suite 760, Atlanta, GA 30326 Jon Knobbe, 1600 Dunwoody Club Drive, Dunwoody, GA 30350 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Ruth Coan moved to recommend deferral of the case until the July 9, 2009 meeting. Oz Hill seconded. The motion was APPROVED (6-0, King, Coan, Frostbaum, Hill, Moller, and Reale for; Carpinella absent).

	Condition(s): N/A
2.	V09-015 7855 Roswell Road (SR9) <i>Applicant: Fantastic Visuals, LLC</i> <i>Representative: Applicant not present</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow for a sign to exceed the 5% permitted square footage of the applicable wall area. Applicant Presentation: Applicant not present (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 deferral of the case until the July 9, 2009 meeting. Lane Frostbaum seconded. The motion was APPROVED (6-0, King, Coan, Frostbaum, Hill, Moller, Reale for; Carpinella absent). Condition(s): N/A
3.	V09-016 4967 Roswell Road (SR9) <i>Applicant: The Chastain School, LLC</i> <i>Representative: Tom Wakefield</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Three primary variances from the Zoning Ordinance: 1) variance from Section 33.3 to allow for a sign with a base less than one-third (1/3) the width of the sign face, 2) variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of-way to 0 feet, and 3) variance from Section 33.26.H.1.b to allow for a second freestanding sign where only one is allowed on property with more than 500 linear feet and up to 1,000 linear feet of frontage. Applicant Presentation: Tom Wakefield (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 deferral of the case until the July 9, 2009 meeting. Ken Moller seconded. The motion was APPROVED (6-0, King, Coan, Frostbaum, Hill, Moller and Reale for; Carpinella absent). Condition(s):

4.	V09-017 8310 Hewlett Road & 06-0361-LL-028 Applicant: Joseph & Katherine Wright Representative: Joseph & Katherine Wright SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Section 4.2.10 of the Zoning Ordinance to allow the required lot width of 2 proposed flag lots to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback and 2) 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 50 foot undisturbed natural buffer and a 6 foot impervious surface setback to allow for an existing out-building, to a 50 foot undisturbed natural buffer and a 15 foot impervious surface setback to allow for an existing driveway, and to a 25 foot undisturbed natural buffer to allow for an existing tennis court. Applicant Presentation: Joseph & Katherine Wright (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Mark Keappler, 1015 Ridge Tarn, Atlanta, GA 30350 • Against the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30327 Gordon Sherman, 8306 Hewlett Road, Atlanta, GA 30350 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Paul Reale moved to recommend approval of the application subject to conditions. Ruth Coan seconded. The motion was APPROVED (5-1, King, Coan, Hill, Moller, and Reale for; Frostbaum against; Carpinella absent).
	Condition(s): 1) The proposed lots shall be in accordance with the proposed site plan, provided by the applicant dated received May 8, 2009 by the Department of Community Development, for the variance(s) herein, showing the subdivision of 8310 Hewlett Road into 2 lots with a reduction of the required minimum lot width being achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback. The property shall also be in accordance with the aforementioned site plan, for the variance(s) herein showing a 50 foot undisturbed natural buffer and a 6 foot impervious surface setback to allow for an existing out-building, a 50 foot undisturbed natural buffer and a 15 foot impervious surface setback to allow for an existing driveway, and a 25 foot undisturbed natural buffer to allow for an existing tennis court.
5.	V09-018 6311 Roswell Road (SR9) Applicant: Sandy Springs Plaza Associates, LP. Representative: Jeff Kirker SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 33.18.P of the Zoning Ordinance to allow for a projecting sign. Applicant Presentation: Jeff Kirker (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Marjie Tyson, 3142 Shadyside Road, Atlanta, GA 30008 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) None

	ACTION: Paul Reale moved to recommend approval of the application subject to conditions. Lane Frostbaum seconded. The motion was APPROVED (6-0, King, Coan, Frostbaum, Hill, Moller, and Reale for; Carpinella absent).
	Condition(s): 1) The sign area for the wall sign shall not exceed fourteen (14) square feet of sign area, pursuant to the sign design detail, submitted by the applicant, dated received April 10, 2009 by the Department of Community Development.

Meeting Adjournment	The meeting was adjourned at 9:05 p.m.
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Approval Signatures	
Date Approved	
Mark King, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Transcriber/ Administrative Assistant	