



Board of Zoning Appeals June 12, 2008

Meeting Minutes

Board Members Present	Mark King (C), Ron Carpinella (VC), Ruth Coan, Oz Hill (arrived at 7:44p.m.), Ken Moller, Al Pond, Paul Reale
Board Members Absent	None
Staff Present	Michael Barnett, Harmit Bedi, Cesar Geraldo, Cristina Nelson, Terry Robinson, Jocelyn Stephens, Doug Trettin

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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	ADOPTION OF THE AGENDA
	ACTION: Ruth Coan moved to recommend adoption of the agenda. Paul Reale seconded. The motion was APPROVED (6-0, King, Carpinella, Coan, Moller, Pond, Reale, for; Hill not present for vote).
	PREVIOUS MINUTES
	ACTION: Ron Carpinella moved to recommend approval of the Minutes from the May 8, 2008 meeting. Ruth Coan seconded. The Minutes were APPROVED (6-0, King, Carpinella, Coan, Moller, Pond, Reale, for; Hill not present for vote).
	NEW CASES
1.	V08-016 5600 Roswell Road (SR 9) <i>Applicant: The Prado, LLC.</i> <i>Representative: Pete Hendricks</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting five primary variances from the Zoning Ordinance: 1) variance from Section 33.18.A to allow signs (internal free standing signs) that are not identified as permitted signs under the commercial and the overlay districts, 2) variance from Section 33.18.G to allow signs to be located on poles, 3) variance from Section 33.18.H to allow signs to extend vertically above the roof line of a building, 4) variance from Section 33.18.P to allow projecting signs (perpendicular to the wall to which is attached), and 5) variance from Section 33.26.H.2.a to allow for additional wall signs on walls that do not have street frontage. Applicant Presentation: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Scott McLane, 1450 S. Johnson Ferry Road, Sandy Springs, GA 30319 Steve Wester, 4521 Industrial Access Road, Douglasville, GA 30134 • Against the Petition: Trisha Thompson, 145 River North Drive, Sandy Springs, GA 30328 (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Al Pond moved to recommend approval of the application with conditions. Ron Carpinella seconded. The motion was APPROVED (6-0, King, Carpinella, Hill, Moller, Pond, Reale, for; Coan recused).

Condition(s):

- 1) That the wall sign located above the roofline on the East elevation of the building for Home Depot shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 2), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 2) That the second wall sign located on a non-street facing wall on the East elevation of the building for Home Depot shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 2), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 3) That the wall sign located above the roofline on the North elevation of the building for Staples shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 3), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 4) That the non-street facing wall sign located on the North elevation of the building for Staples shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 3), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 5) That the non-street facing wall sign located on the West elevation of the building for Publix shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 4), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 6) That the second wall sign located on a non-street facing wall on the West elevation of the building for Publix shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 4), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 7) That the wall sign located above the roofline on the North elevation of the building for Circuit City shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 5), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 8) That the non-street facing wall sign located on the North elevation of the building for Circuit City shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 6), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 9) That the non-street facing wall sign located on the West elevation of the building for Circuit City shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 6), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 10) That the free standing internal signs Type 7, indicating direction shall not exceed 10.2 square feet of sign area and five (5) feet ten (10) inches height, pursuant to the sign design detail (Exhibit 7), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 11) That the drive-thru directional free standing sign Type 7.1, shall not exceed four square feet of sign area and three (3) feet height, pursuant to the sign design detail (Exhibit 8), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 12) That the pole mounted internal signs Type 11, indicating direction shall not exceed 8.84 square feet of sign area, pursuant to the sign design detail (Exhibit 9), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 13) That the projecting signs Type 9, indicating direction shall not exceed 48.25 square feet of sign area, pursuant to the sign design detail (Exhibit 10), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 14) That the projecting signs Type 9.1, indicating direction shall not exceed 41.125 square feet of sign area, pursuant to the sign design detail (Exhibit 11), submitted by the applicant, dated received May 29, 2008 by the Department of Community Development.
- 15) Poles will be of green color to match the streetscape.
- 16) The brackets of the blade signs attached to the building must match the façade of the building they are attached to, with dark green edging. No beige color edging is permitted.
- 17) Freestanding and directional signs shall be of green color to match the light poles.
- 18) Lettering on Project ID signs, "THE PRADO SANDY SPRINGS," must have font size increased to identify the actual

	project and make the name more obvious. This applies to the Project ID sign as well as directional and other similar signs. 19) All wall signs facing Roswell Road for buildings known as "C Building," RBC, Publix, and Starbucks shall be externally illuminated only.
2.	V08-023 6851 Roswell Road (SR 9) <i>Applicant: Foxcroft Condominium Association, Inc. Representative(s): David Hill</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting a primary variance from Section 33.22.C of the Zoning Ordinance to reduce the required 10 foot minimum sign setback from the right-of way to 0 feet. Applicant Presentation: David Hill (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Trisha Thompson, 145 River North Drive, Sandy Springs, GA 30328 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (4-3, Coan, King, Moller, Reale, for; Carpinella, Hill, Pond, against). Condition(s): 1) That the freestanding sign shall be located not less than zero (0) feet from the right-of-way, pursuant to the site plan submitted by the applicant, and dated received April 1, 2008 by the Department of Community Development. 2) That the entrance closest to the freestanding sign must be maintained as an entrance only. 3) That the freestanding sign shall not be approved with a changeable copy face. 4) That the freestanding sign should include the property address. The applicant/owner shall submit an address numbering design to the City for approval. 5) That the freestanding sign shall be conditioned to a signed and approved indemnification agreement with the City.
3.	V08-024 5705 Glen Errol Road <i>Applicant(s): Miles Whitlock. Representative(s): Heath Honeycutt</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting two primary variances: 1) Variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a) (ii) (new section 109-225.a 2), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) to a fifty (50) foot undisturbed natural buffer plus a (16) foot impervious surface setback and 2) variance from Section 6.2.3.D of the Zoning Ordinance to reduce the required 40 foot minimum rear yard setback to 33 feet. Both variances to allow for additions to a single-family house. Applicant Presentation: Heath Honeycutt (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Gloria McCurdy, 5695 Glen Errol Road, Sandy Springs, GA 30328 (<i>supports with conditions</i>) Miles Whitlock, 5705 Glen Errol Road, Atlanta, GA 30327 Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328 • Against the Petition:

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

ACTION: Al Pond moved to recommend approval with conditions. Ruth Coan seconded. The motion was APPROVED (7-0, King, Carpinella, Coan, Hill, Moller, Pond, Reale, for).

Condition(s):

- 1) That the proposed additions shall be constructed in accordance with the proposed site plan provided by the applicant dated received May 16, 2008 by the Department of Community Development, for the variance herein, showing the twenty-five (25) foot impervious surface setback reduced to a minimum of a sixteen (16) foot impervious surface setback and showing the forty (40) foot minimum rear yard setback reduced to a minimum of a thirty-three (33) foot rear yard setback where necessary to accommodate the portions of the encroachments 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) All downspouts and water runoff from the proposed additions shall be directed away from the structure directly 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) 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.
- 11) 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.
- 12) The exterior construction material, color, and design of the proposed pool house shall be similar to the maximum possible extent to the existing structure.
- 13) That eight (8) foot tall Cherry Laurel trees shall be planted six (6) feet on center from the back corner of the stucco house to the end of the storage shed. The aforementioned Cherry Laurel trees shall be maintained as long as the proposed additions remain.

- 4. V08-025**
4800 & 4824 Northside Drive
Applicant: Julia Dowda. *Representative: Joel Bowman*
- SUMMARY/STAFF PRESENTATION:** Doug Trettin/The applicant is requesting a primary variance from Section 14.6.5.a. i and ii (new 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 zero (0) foot undisturbed natural buffer to allow for restoration of a pipe, and construction of new driveways.
- Applicant Presentation:** Joel Bowman

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

• **Support for the Petition:**

Jerry and Jeannie Bell, 4740 Harris Trail NW, Sandy Springs, GA 30327
Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30328
Bill Harrison, 4880 Northside Drive, Sandy Springs, GA 30327
Michael Skop and Lara Watkins, 4864 Northside Drive, Sandy Springs, GA 30327

• **Against the Petition:**

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

ACTION: Ron Carpinella moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (7-0, King, Carpinella, Coan, Hill, Moller, Pond, Reale, for).

Condition(s):

1) That the proposed redevelopments shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 21, 2008 by the Department of Community Development, for the variances herein, showing the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) reduced to zero (0) feet to allow for the redevelopment of the subject properties and to re-pipe an area the existing and proposed driveways where the stream flows where necessary to accommodate the portions of the encroachments only. The item indicated as "Proposed Asphalt Driveway, 12' Wide" on the aforementioned proposed site plan shall refer only to the portion of the new driveway to be located outside of the required seventy-five (75) foot stream buffer that may be constructed using asphalt or similar material.

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) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly 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.

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 natural disturbed areas shall be restored to the original state to the maximum possible extent.

11) 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.

5.

V08-026

120 Burdette Trail

Applicant: Sandy Springs Properties, LLC.

Representative: David Shinker

SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting a primary variance from Section 19.3.12.B.1 of the Zoning Ordinance to allow for a swimming pool in a front yard.

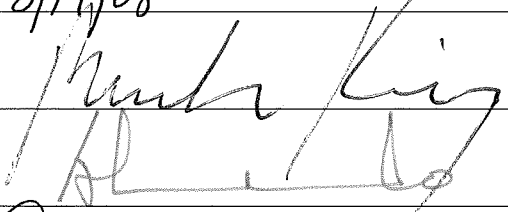
	Applicant Presentation: David Shanker (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Ron Carpinella moved to recommend approval with conditions. Paul Reale seconded. The motion was APPROVED (7-0, King, Carpinella, Coan, Hill, Moller, Pond, Reale, for).
	Condition(s): 1) That the proposed swimming pool, pool deck, and pool equipment shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received April 4, 2008 by the Department of Community Development, showing a swimming pool, pool deck, and pool equipment located in the front yard of a single-family dwelling. The aforementioned proposed site plan shall be revised to show additional landscaping as presented at the June 12, 2008 Board of Zoning Appeals meeting. 2) Visual screening from Long Island Drive shall be maintained as long as a swimming pool remains constructed as proposed.
6.	V08-027 131 & 141 Burdette Road and 70 Chevaux Court <i>Applicant: Christelle & Howard Williams. Representative: Bill Harrison</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting eight primary variances: 1) Variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road (existing flag lots) 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 of the Zoning Ordinance to reduce the minimum front yard setback from sixty (60) feet to twenty-one (21) feet to allow for an existing attached garage at 131 Burdette Road, 3) Variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from fifteen (15) feet to eight (8) feet to allow for an existing rock step structure at 131 Burdette Road, 4) Variance from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback required from any property line from ten (10) feet to one (1) foot for 141 Burdette Road, 5) Variance from the City of Sandy Springs Stream Buffer Protection Ordinance, Article 6 Section 5(a)(i) and (ii) (new section 109-225.a 1 and 2), to reduce the seventy-five (75) foot Buffer and Setback requirements (50 feet of an undisturbed natural buffer plus 25 feet of an impervious surface setback) to a fifty (50) foot undisturbed natural buffer plus a thirteen (13) foot impervious surface setback at 131 Burdette Road to allow for an existing structure (play area) and to a minimum of an eleven (11) foot undisturbed natural buffer at 70 Chevaux Court to allow for existing structures (gazebo, pool & equipment, pool deck, tennis court, walkways, and house), 6) Variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to a minimum of 13.5 feet for 70 Chevaux Court to allow for existing structures (gazebo and tennis court), 7) Variance from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width required (only at the beginning of the buildable area) from 150 feet to 146 feet for 141 Burdette Road, and 8) Variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from forty (40) feet to eleven (11) feet for 131 Burdette Road to allow the construction of a proposed guest house/garage. Applicant Presentation: Bill Harrison (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Gary M. Goldsmith, 365 Pilgrimage Point, Alpharetta, GA 30022 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Al Pond moved to recommend approval of the application with conditions. Oz Hill seconded. The motion was APPROVED (6-1 Carpinella, Coan, Hill, Moller, Pond, Reale, for; King against)
	Condition(s):

- 1) That the three subject lots be configured and existing nonconforming structures remain in accordance with the Proposed Site Plan, provided by the applicant dated received August 29, 2008 by the Department of Community Development, showing a: minimum lot width of 131 & 141 Burdette Road to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, minimum 21 foot front yard setback for an existing attached garage at 131 Burdette Road, minimum 8 foot east side yard setback for an existing rock step structure at 131 Burdette Road, minimum 146 foot lot width (only at the beginning of the buildable area) for 141 Burdette Road, minimum 1 foot pool equipment setback for 141 Burdette Road, reduction of the twenty-five (25) foot impervious surface setback to thirteen (13) feet at 131 Burdette Road to allow for an existing structure (play area) and a reduction of the fifty (50) foot undisturbed natural buffer to a minimum of eleven (11) feet at 70 Chevaux Court to allow for existing structures (gazebo, pool & equipment, pool deck, tennis court, walkways, and house), minimum 13.5 foot rear yard setback for 70 Chevaux Court to allow for existing structures (gazebo and tennis court), and a 11 foot rear yard setback for 131 Burdette Road to allow construction of a proposed guest house/garage.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has 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 has 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 in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
- 11) Additional landscaping will be provided to screen the proposed garage/guest house from the view of homes addressed on Chevaux Court as approved by the City Arborist.
- 12) That the written agreements, included within the V08-027 variance application, between the Burdette Homeowners Association and homeowners in the Paddocks North Subdivision shall be legally recorded as a matter of record.

DISCUSSION

Meeting Adjournment

The meeting was adjourned at 9:42 p.m.

Approval Signatures	
Date Approved	8/14/08
Mark King, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Coordinator	