



Board of Appeals July 9, 2009

Meeting Minutes

Board Members Present	Mark King (Chair), Ruth Coan, Lane Frostbaum, Oz Hill, Ken Moller, Paul Reale, Ron Carpinella
Board Members Absent	
Staff Present	Nancy Leathers, Chris Miller, Patrice Ruffin, Doug Trettin, Linda Abaray, Gloria Goins, Michael Barnett, Mark Moore, Terry Robinson, Cesar Geraldo, and Cristina Nelson
CALL to Order	Mark King called the meeting to order at 7:00 p.m.

	ADOPTION OF AGENDA
	ACTION: Reale motioned to adopt the agenda , Coan seconded. Approved (7-0).
	PREVIOUS MEETING'S MINUTES
	ACTION: Coan motioned to approve the previous meeting's minutes , Reale seconded. Approved (7-0).
	NEW CASES
1.	V09-014 1600 Dunwoody Club Drive <i>Applicant: Old Cobblestone Homeowners Association</i> SUMMARY/STAFF PRESENTATION: 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: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Kathy Zickert, 1230 Peachtree St, # 3100, Atlanta, GA. 30309 Bill Grant, 2050 old dominion Rd, Sandy Springs • Against the Petition: John Farrell 2035 Dunwoody Club Way, Dunwoody, GA. 30338 G. Douglas Dillard, 3500 Lenox Road, Suite 760, Atlanta, GA 30326 Jon Knobbbe, 1600 Dunwoody Club Drive, Dunwoody, GA 30350 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Carpinella motioned to reverse the Department of Community Development Director's decision that the golf course netting located along the edge of the driving range is not a fence and as such does not have to meet the fence/wall standards of the Zoning Ordinance and therefore it does not require a permit. BOA asks for the MCC to clarify section 19.3.4 of the zoning ordinance with regards to golf courses , Reale seconded. Approved (5-2).

	Condition(s): N/A
2.	V09-015 7855 Roswell Road (SR9) Applicant: <i>Fantastic Visuals, LLC</i> Representative: <i>Applicant not present</i> ▪ SUMMARY/STAFF PRESENTATION: 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: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Alan Begner, Attorney, 1280 West Peachtree #230, Atlanta, GA. 30309 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Reale motioned to Approve with conditions, Frostbaum seconded. Approved (7-0). Subject to the following condition(s): 1) Allow a new wall sign to be erected at 7855 with a maximum area of 31.2 square feet. 2) The proposed wall sign shall be consistent with the plans submitted to the City dated April 7, 2009 Condition(s): 1) Allow a new wall sign to be erected at 7855 with a maximum area of 31.2 square feet. 2) The proposed wall sign shall be consistent with the plans submitted to the City dated April 7, 2009
3.	V09-016 4967 Roswell Road (SR9) Applicant: <i>The Chastain School, LLC</i> Representative: <i>Tom Wakefield</i> SUMMARY/STAFF PRESENTATION: 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: Tom Wakefield, 4967 Roswell, Rd, Sandy Springs, GA. 30342 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Frostbaum motioned to Approve with conditions, Reale seconded. Approved (7-0). Subject to the following condition(s): 1) The sign and sign installation shall be consistent with: the design drawings received on April 16, 2009 by the City, the site plan received on April 7, 2009 by the City, and the letter from Kristen A. Ware dated April 30, 2009. 2) Allow the identification sign setback from the right-of-way to be reduced to zero (0) feet.

	Condition(s): 1) The sign and sign installation shall be consistent with: the design drawings received on April 16, 2009 by the City, the site plan received on April 7, 2009 by the City, and the letter from Kristen A. Ware dated April 30, 2009. 2) Allow the identification sign setback from the right-of-way to be reduced to zero (0) feet.
4.	V09-019 8725 Roswell Road (SR9) <i>Applicant: 8725, LLC</i> SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.H.1.a the Zoning Ordinance to increase the maximum permitted square footage for 2 monument signs from 32 square feet to 116 square feet and to increase the maximum height permitted for 2 monument signs from 6 feet to 15 feet on a lot which has up to 500 linear feet of frontages (Roswell Road & Dunwoody Place). Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Tracy Billings, 60 Ridgeview Dr., Jonesboro, GA. David Cappotto/ Atlanta Signs on Demand, 4451 Atlanta Rd suite 104, Smyrna, GA. 30080 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Coan motioned to defer the case until the August 13, 2009 meeting, To include the third sign on the property to the application. Frostbaum seconded. Approved (7-0).
	Condition(s):
5.	V09-020 6180 Roswell Road (SR9) <i>Applicant: Georgia Alabama Commercial</i> ▪ SUMMARY/STAFF PRESENTATION: Two primary variances from the Zoning Ordinance: 1) variance from Section 12B.7.B.b to allow for an Automotive Repair Garage use in the Main Street District and 2) variance from Section 12B.7.B.c to allow for an Automotive & Light Truck Sales/Leasing use in the Main Street District of the Overlay Districts. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Trisha Thompson • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) None

	ACTION: Moller motioned to Approve with conditions, Carpinella seconded. Approved (7-0). Subject to the following condition(s): 1) The permitted uses on the subject property shall include an Automotive Repair Garage. On-site auto repair shall not include: painting, body repair, and overhaul of major components. The portion of the development utilized for auto repair shall remain in accordance with the site plan, provided by the applicant dated received May 5, 2009 by the Department of Community Development, for the variance herein.
	Condition(s): 1) The permitted uses on the subject property shall include an Automotive Repair Garage. On-site auto repair shall not include: painting, body repair, and overhaul of major components. The portion of the development utilized for auto repair shall remain in accordance with the site plan, provided by the applicant dated received May 5, 2009 by the Department of Community Development, for the variance herein.

6.	V09-021 1985 Old Dominion Road <i>Applicant: Nancy and Gary Fayard</i> ▪ SUMMARY/STAFF PRESENTATION: Two primary variances from the Zoning Ordinance: 1) variance from Section 6.2.3.D to reduce the rear yard setback from 40 feet to 20 feet to allow for a detached garage and 2) variance from Section 6.2.3.I. to allow an accessory structure (pool house) to be located within a front yard. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Gary Fayard, 1985 Old Dominion Rd, 30350 Den Web, 1230 Peachtree St. Suite 310, Atlanta, GA. 30309 • Against the Petition: Casmira Leo, 2980 Spalding Dr., Sandy Springs, GA. (Close of public hearing. Board of Zoning Appeals questions and discussion) None
	ACTION: Carpinella motioned to defer the case until the August 13, 2009 meeting, To discuss the following items: 1) No overnight stays in pool house. 2) Whether a full kitchen will be added. 3) Screening of the pool house. 4) Location of pool equipment. 5) Elevation of garage and pool house. Frostbaum seconded. Approved (7-0).
	Conditions: None
7.	V09-022 277 Colewood Way <i>Applicant: Bryan & Lauren Kaplan</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection

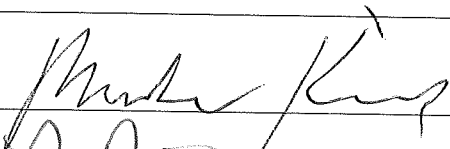
	Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to 40 feet to allow for existing and proposed fence. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Bryan Kaplan, 277 Colewood Way, Sandy Springs, GA. 30328 • Against the Petition: Barbara Malone, 240 Colewood Way, Sandy Springs, GA. 30328 (Close of public hearing. Board of Zoning Appeals questions and discussion) None
	Action: Carpinella motioned to Approve with conditions, Reale seconded. Approved (7-0). Subject to the following condition(s): 1) The proposed removal and proposed chain link fence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 12, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a forty (40) foot undisturbed buffer, where necessary to accommodate the portions of the encroachments 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, and 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.
	Conditions: 1) The proposed removal and proposed chain link fence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 12, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a forty (40) foot undisturbed buffer, where necessary to accommodate the portions of the encroachments 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, and 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.

8.	V09-023 6780 Roswell Road (SR9) <i>Applicant: Brei Holdings – Sandy Springs, LP</i> SUMMARY/STAFF PRESENTATION: Two primary variances from the Zoning Ordinance: 1) variance from Section 33.26.H.1.a to allow for 2 monument sign(s) and to increase the maximum height permitted for the monument sign(s) from 6 feet to 6' 8" feet on a lot with less than 500 lineal feet of frontage and 2) variance from Section 33.26.H.2.b to allow for a third wall sign on a wall that does not have street frontage. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Bryan Ross, 6780 Roswell Rd, Suite C200, Sandy Springs, 30328 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) None
	Action: Coan motioned to deny Moller seconded. Denied (7-0).
	Conditions: None
9.	V09-024 Riverside Drive & Riverside Way Rights-of-way <i>Applicant: North Riverside Neighborhood Association</i> SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.22.B of the Zoning Ordinance to allow for a monument sign to be located in rights-of-way and closer than 20 feet to an intersection of 2 rights-of-way. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Cheryl Barlow, 74 River Park Dr. • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) None
	Action: Carpinella motioned to Approve with conditions, Frostbaum seconded. Approved (7-0). Subject to the following condition(s): 1) The subject columns shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2009 by the Department of Community Development, for the variance herein. 2) To meet AASHTO clear zone standards, any sign must be located no closer to the back of curb of Riverside Drive than 18' and no closer to the back of curb of Riverside Way than 10'. 3) The applicant's variance to sign location should be conditioned to a signed and approved indemnification agreement with the City.
	Conditions: None

10.	V09-026 7160 & 7180 Brandon Mill Road <i>Applicant: North Riverside Neighborhood Association</i> SUMMARY/STAFF PRESENTATION Primary variance from Section 33.22.C of the Zoning Ordinance to reduce the required ten (10) foot minimum sign setback from the right-of-way to 0 feet. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Cheryl Barlow, 74 River Park Dr. • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) None
	Action: Carpinella motioned to Approve with conditions, Frostbaum seconded. Approved (7-0). Subject to the following condition(s): 1) The subject columns shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2009 by the Department of Community Development, for the variance herein. The subject columns shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2009 by the Department of Community Development, for the variance herein. 2) The proposed columns shall not be closer than two (2) feet from the back of right-of-way.
	Conditions: 1) The subject columns shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2009 by the Department of Community Development, for the variance herein. The subject columns shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2009 by the Department of Community Development, for the variance herein. 2) The proposed columns shall not be closer than two (2) feet from the back of right-of-way.

Meeting Adjourned: 10:28 p.m.

Approval Signatures

Date Approved	
Mark King, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Gloria Goins, Transcriber/ Administrative Coordinator	