



BOARD OF APPEALS

THURSDAY, JULY 9, 2015

Work Session - 6:00 p.m.

Meeting - 7:00 p.m.

CITY COUNCIL CHAMBERS, CITY HALL, 7840 ROSWELL ROAD, BUILDING 500

Roll Call

Members Present: Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Members Absent: Coan

1. **001132** **Approval of Previous Meeting's Minutes**

Documents: [Minutes board-of-appeals 2015-06-11.pdf](#)

A motion was made by Carpinella, seconded by Johnson, to approve. The motion carried by the following vote:

Yes: 6 - Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 1 - Coan

2. **001131** **Adoption of Agenda**

A motion was made by Vice Chair Johnson, seconded by Carpinella, to move agenda items 6 (201501476) and 8 (201501482) before item 5 (201501422). Minutes reflect order in which cases were heard. The motion carried by the following vote:

Yes: 6 - Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 1 - Coan

Variances

3. **001125** **20150032**

4995 and 4985 Rebel Trail

Relief from the 75' stream buffer to allow a driveway

Documents: [Agenda Item 201500032 BOA 070915.pdf](#)

In support:

None

In opposition:

Patty Berkovitz, Watershed Alliance of Sandy Springs

This case was on the agenda for the third time. The applicant did not appear at the hearing.

A motion was made by Vice Chair Johnson, seconded by Carpinella, to deny. The motion carried by the following vote:

Yes: 6 - Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 1 - Coan

4. **001126** **201501102**

282 Underwood Drive

Variance from the 50' and 75' stream buffers and setbacks to construct a garage

Documents: [Agenda Item 201501102 BOA 070915.pdf](#)

In support:

Joseph Glaza, applicant.

Applicant requested deferral for 30 days. Applicant failed to follow variance ordinance (did not display advertisement sign as appropriate following the June BOA deferral).

In opposition:



BOARD OF APPEALS

THURSDAY, JULY 9, 2015

Work Session - 6:00 p.m.

Meeting - 7:00 p.m.

CITY COUNCIL CHAMBERS, CITY HALL, 7840 ROSWELL ROAD, BUILDING 500

Ronda Smith, Montaire Springs Neighborhood Association

Patty Berkovitz, Watershed Alliance of Sandy Springs

Executive discussion: Discussion regarding case deferral due to applicant's failure to properly advertise.

A motion was made by Moller, seconded by Nodvin, to defer. The motion carried by the following vote:

Yes: 6 - Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 1 - Coan

5. 001128

201501476

6890 Peachtree Dunwoody Rd

1. Reduce impervious setback in stream buffer for proposed parking struct (Sec. 109.225)

Proposed multifamily development (Rezoning 201300397)

Documents: [Agenda Item 201501476 BOA 070915.pdf](#)

In support:

Nathan Hendricks, representative for applicant.

Javad Oskoei, applicant/property owner

In opposition:

Tochie Blad, Sandy Springs Council of Neighborhoods

Patty Berkovitz, Watershed Alliance of Sandy Springs

Public commentary: Need for variance only came about during LDP application process. MCC ruled on site-specific rezoning in 2013 rezoning case.

Executive session: BOA seeks clarification on details of site-specific 2013 rezoning, specifically, the significance of the applicant's commitment to stay out of the stream buffer.

A motion was made by Vice Chair Johnson, seconded by Moller, to defer. The motion carried by the following vote:

Yes: 6 - Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 1 - Coan

6. 001130

201501482

1140 Churchill Downs Rd

1. Encroach into stream buffer for proposed development (Sec. 109.225)

2. Encroach into front yard setback for proposed development (Sec. 6.4.3B)

Proposed single fam. home; demolish existing house

Property abutting a stream

Documents: [Agenda Item 201501482 BOA 070915.pdf](#)



BOARD OF APPEALS

THURSDAY, JULY 9, 2015

Work Session - 6:00 p.m.

Meeting - 7:00 p.m.

CITY COUNCIL CHAMBERS, CITY HALL, 7840 ROSWELL ROAD, BUILDING 500

In support:

Earl Moccia, applicant/property owner

Michael Connor, neighbor

David Markovitz, neighbor

In opposition:

Sherry Epstein, Watershed Alliance of Sandy Springs

Public commentary and executive session regarded discussion of existing and proposed stormwater infrastructure.

BOA requested that staff inform on city stormwater requirements for lots less than 1 acre in size.

A motion was made by Carpinella, to approve recommendation.

A motion was made by Vice Chair Johnson, seconded by Carpinella, to amend previous motion to include one further condition regarding stormwater runoff - no additional runoff may occur due to the proposed development. The motion carried by the following vote:

Yes: 4 - Carpinella, Johnson, Johnson and Nodvin

No: 2 - Moller and Sandler

Absent: 1 - Coan

7. 001127

201501422

5035 Riverview Road

1. Encroach into minimum side yard for an existing accessory structure (Sec. 5.1.3C)
Existing single fam. home

Documents: [Agenda Item 201501422 BOA 070915.pdf](#)

In support:

Marsha Decker, applicant

In opposition:

none

A motion was made by Moller, seconded by Johnson, to approve with staff conditions. The motion carried by the following vote:

Yes: 6 - Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 1 - Coan

8. 001129

201501478

7589 Van Eyck Way

1. Accessory struct in front yard (Sec. 6.4.3(1))
 2. Swimming pool in front yard (Sec. 19.3.15B)
- In conjunction w/ admin use permit (pool)
Existing single fam. home
-



BOARD OF APPEALS

THURSDAY, JULY 9, 2015

Work Session - 6:00 p.m.

Meeting - 7:00 p.m.

CITY COUNCIL CHAMBERS, CITY HALL, 7840 ROSWELL ROAD, BUILDING 500

Documents: [Agenda Item 201501478 BOA 070915.pdf](#)

In support:

Landis Frye, applicant/owner

In opposition:

none

A motion was made by Moller, seconded by Nodvin, to approve with staff conditions. The motion carried by the following vote:

Yes: 6 - Carpinella, Johnson, Johnson, Moller, Nodvin and Sandler

Absent: 1 - Coan

9. 001145

Adjournment

A motion was made by Moller, seconded by Nodvin, to adjourn.

Approval Signatures

Date Approved 8/13/15
Ted Sandler, Chair [Signature]
Joe Cooley, Mayor
Michelle Alexander, Director [Signature]
Cecilia Leal, Planner/Transcriber [Signature]
