



Board of Zoning Appeals July 12, 2007

Meeting Minutes

Board Members Present	Al Pond (Chair), Mark King (Vice Chair), Ruth Coan, Ron Carpinella, Oz Hill, Ken Moller and Paul Reale
Board Members Absent	N/A
Staff Present	Nancy Leathers, Cristina Nelson, Michael Zehner, Doug Trettin, Michael Barnett, Alex Hofelich, Cesar Geraldo, Shaun Suggs and Bridgette Gray

CALL to Order	Al Pond called the meeting to order at 7:00 p.m.
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I.	PREVIOUS ACTION REPORT
	ACTION: Ruth Coan moved to approve the Action Report from the June 14, 2007 meeting. Paul Reale seconded. The Action Report was APPROVED (7-0, Pond, King, Coan, Carpinella, Hill, Moller and Reale for).
II.	PREVIOUS MINUTES
	ACTION: Ruth Coan moved to approve the Minutes from the June 14, 2007 Meeting. Paul Reale seconded. The Meeting Minutes were APPROVED (7-0, Pond, King, Coan, Carpinella, Hill, Moller and Reale for).
III.	NEW CASES
A.	V07-035 5330 High Point Road <i>Applicant: Tim Rice.</i> <i>Representative: Tim Rice</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Three primary variances: 1) Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property, 2) Variance from Section 8.2.4.C.b of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property, and 3) Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along sections of the High Point Road frontage of the subject property. All variances to allow for the construction of a single-family development. Applicant Presentation: Tim Rice (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Nancy Early, 5220 High Point Road, in support of petition. • Against the Petition: N/A (Close of public hearing. Board of Zoning Appeals questions and discussion)

Note: Ruth Coan suggested the motion be voted on in two parts that the portion in place of the sidewalk be retained as is. The second part of the motion is that she would like the sidewalk against the road as a compromise to the community and to be consistent with the rest of the community for the remainder of the development. Since the owner/developer has offered recompense, she would like to suggest that for the lost of trees, either in the existing portion any trees that were lost for the part of the sidewalk that was already installed or for the part of the sidewalk that will be installed, that there be at least one-to-one replacement of trees along the sidewalk to give the community some additional coverage for any lost trees.

Oz Hill suggested the intent to safeguard the well-being of many trees as possible, that serious consideration be given to the technical assessment and recommendation of the staff with the knee wall because ultimately that enhances the well-being of the trees that are there.

ACTION: Ruth Coan moved to approve. Ken Moller seconded. The motion was APPROVED (5-2, King, Coan, Hill, Moller and Reale for; Carpinella and Pond against) with the staff conditions as follows:

Condition(s):

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received June 14, 2007 by the Department of Community Development, showing the existing sidewalk improvements along High Point Road to remain without the required two (2) foot landscape strip.
2. The owner/developer shall install the required two foot landscape strip, on the north portion of the subdivision along High Point Road.
3. The sidewalks that are in place be retained as is. The sidewalk against the road to be consistent with the rest of the community for the remainder of the development.
4. Recompense for the trees that have been removed and will be removed in the future will be deemed appropriate by the staff and the Director of Community Development and to work with the City Arborist to reduce the impact on trees that would result from the installation of the aforementioned sidewalk.

B.

V07-036

6210 Peachtree Dunwoody Road

Applicant: Monadnock Barringer Place

Representative: Kelly Reece

SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Two primary variances:

1. Variance from Section 33.22.C to reduce the required ten foot minimum sign setback from the right-of-way to three feet.
2. Variance from Section 33.26.E.1b to allow for a second free standing sign on property that has more than 500 linear feet and up to 1,000 linear feet of frontage.

Applicant Presentation: Kelly Reece

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

• **Support for the Petition:**

N/A

• **Against the Petition:**

N/A

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

ACTION: Ruth Coan moved to approve. Paul Reale seconded. The motion was APPROVED (7-0, Pond, Hill, King, Coan, Carpinella, Moller and Reale for) with the staff conditions as follows:

Condition(s):

1. That the freestanding sign shall be located not less than three (3) feet from the right-of-way, in accordance with the site plan provided by the applicant, dated received June 8, 2007 by the Department of Community Development.

	2. That the freestanding sign shall not exceed thirty-two (32) square feet of sign area and seven (7) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received April 27, 2007 by the Department of Community Development. 3. The area around the base of the sign shall be landscaped. Prior to the issuance of a sign permit for the subject sign, a landscape plan for the sign shall be approved by the City of Sandy Springs Arborist.
C.	V07-037 6560 Roswell Road <i>Applicant: Midas</i> <i>Representative: Sharon Jaynes</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Two primary variances from the Zoning Ordinance to allow for a second free standing sign along the Roswell Road (SR 9) street frontage of the property. 1. Variance from Section 33.22.C to reduce the required ten foot minimum sign setback from the right-of-way to three feet. 2. Variance from Section 33.26.H.1.a to allow for a second free standing sign on property that has up to and including 500 feet of the frontage. Applicant Presentation: Sharon Jaynes and Jim Witek (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: N/A • Against the Petition: N/A (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to approve. Paul Reale seconded. The motion was APPROVED (7-0, Pond, Hill, King, Coan, Carpinella, Moller and Reale for) with staff conditions as follows: Condition(s): 1. That the freestanding sign shall be located not less than three (3) feet from the right-of-way, pursuant to the site plan submitted by the applicant, dated received April 27, 2007 by the Department of Community Development. 2. That the freestanding sign shall not exceed twenty-one (21) square feet of sign area and six (6) feet in height, as shown on the sign design detail submitted by the applicant, dated received April 27, 2007 by the Department of Community Development. 3. The area around the base of the sign shall be landscaped. Prior to the issuance of a sign permit for the subject sign, a landscape plan for the sign shall be approved by the City of Sandy Springs Arborist.
D.	V07-039 Mr. & Mrs. Cheek 750 Wood Duck Court <i>Applicant(s): Mr. & Mrs. Cheek</i> <i>Representative: John Hopkins</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ A primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the twenty-five foot impervious surface setback of the seventy-five foot stream buffer to twenty feet to allow for a family room addition. Applicant Presentation: John Hopkins (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: N/A

● **Against the Petition:**

Nina Cramer, 5220 High Point Rd, in opposition of the petition.

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

ACTION: Paul Reale moved to approve. Oz Hill seconded. The motion was APPROVED (7-0, Pond, Hill, King, Coan, Carpinella, Moller and Reale for) with staff conditions as follows:

Condition(s):

1. That the site be developed in accordance with the Proposed Site Plan, provided by the applicant dated received May 1, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a twenty (20) foot impervious surface setback to accommodate the portion of the encroachment only.
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 to be directed into rain garden only – no sheet flow.
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.

E.

V07-040

1720 Winterthur Close

Applicant: Julie Blasé

Representative: Don Hanlon

SUMMARY/STAFF PRESENTATION: Cesar Geraldo/A primary variance from Section 14.6.5.a.i and ii of the Sandy Springs Land Development Regulations to reduce the fifty foot undisturbed natural buffer and the twenty-five foot impervious surface setback to a twenty-six foot undisturbed buffer for the conversion of an existing deck into a covered porch.

Applicant: Julie Blasé

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

● **Support for the Petition:**

N/A

● **Against the Petition:**

Nina Cramer, 5220 High Point Rd, in opposition of the petition, (states that she is representing Patty Berkowitz).

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

ACTION: Paul Reale moved to approve. Ruth Coan seconded. The motion was APPROVED (5-2, Pond, Reale, Coan, King and Carpinella for; Hill and Moller against) with staff conditions as follows:

Condition(s):

1. That the proposed loggia be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received May 1, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a twenty-six (26) foot undisturbed buffer to accommodate the portion of the encroachment only.
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 to be directed into rain garden or infiltration device – no sheet flow
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.

F.

V07-042

5560 Glen Errol Road

Applicant: Keith Morris

Representative: Keith Morris

SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Three primary variances:

- 1) Variance from Section 4.3.5 of the Zoning Ordinance to allow for a privately owned structure (fence) to be located on public right-of-way.
- 2) Variance from Section 4.11.D.4 of the Zoning Ordinance to allow relief from the required minimum three-foot landscape strip between a fence and a public right-of-way.
- 3) Variance from Section 4.11.F of the Zoning Ordinance to reduce the required three (3) foot minimum fence setback from the right-of-way to zero (0) feet. All variances are to allow for the construction of a fence on public right-of-way.

Applicant: Keith Morris

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

• **Support for the Petition:**

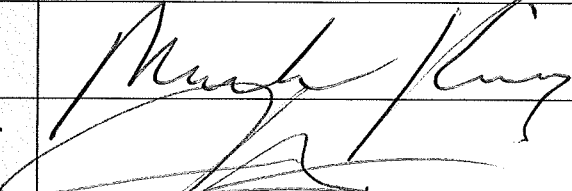
N/A

• **Against the Petition:**

N/A

(Close of public hearing. Board of Zoning Appeals questions and discussion)	
ACTION: Mark King moved to approve. Oz Hill seconded. The motion was APPROVED (7-0, Pond, Hill, King, Coan, Carpinella, Moller and Reale for) with staff conditions as follows:	
Condition(s):	
1. That the fence be constructed in accordance with the Site Plan, provided by the applicant dated received May 3, 2007 by the Department of Community development, showing the proposed fence located in the right-of-way. 2. The owner shall provide an indemnification agreement to absolve the City of Sandy Springs of any responsibility in connection with any fence installed on the right-of-way, adjacent to the subject property, as shown on the Site Plan, provided by the Applicant dated received May 3, 2007 by the Department of Community Development.	

Meeting Adjournment	The meeting was adjourned at 8:30 p.m.
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Approval Signatures	
Date Approved	
Mark King, Vice Chairman	
Michael Zehner, Assistant Director Planning & Zoning	
Bridgette Gray, Administrative Assistant/Transcriber	