



BOARD OF APPEALS

Ruth Coan, Post 7 –Chair
Paul Reale, Post 5- Vice Chair
Lane Frostbaum, Post 1
Jim Squire, Post 3
Ted Sandler, Post 4
Ron Carpinella, Post 2
Ken Moller, Post 6

Thursday, July 14, 2011	Regular Meeting Minutes	7:00 PM
Board Members Present	Ruth Coan (Chair), Paul Reale (Vice Chair), Ron Carpinella, Lane Frostbaum, Jim Squire and Ted Sandler	
Board Members Absent	Ken Moller	
Staff Present	Cecil McLendon, Patrice Ruffin, Cristina Nelson, Linda Abaray, Michael Barnett, Bennett White, Gloria Goins, Nathan Ippolito, Taylor Baxter and Syreeta Whitfield	
Call to Order	Ruth Coan called the meeting to order at 7:00 p.m.	

ADOPTION OF AGENDA

Motion and Vote: Frostbaum moved to approve the Agenda for July 14, 2011. Reale seconded the motion. Approved (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent).

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Squire moved to approve the Minutes for June 9, 2011. Sandler seconded the motion. Approved (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent).

DEFERRED

V11-009
201 Mt. Vernon Highway
Applicant: SCI Management

SUMMARY/STAFF PRESENTATION: 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 25 feet to allow installation of storm drainage piping.

APPLICANT PRESENTATION:

Jessica Hill, 1075 Peachtree St. Suite 2500, Atlanta, GA. 30309

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Patty Berkovitz On File

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

Motion and Vote: Sandler moved to Defer, Reale seconded. Deferred (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) to the September 8, 2011 meeting.

V11-016

94 West Belle Isle Road

Applicant: William Paul Wendlandt

SUMMARY/STAFF PRESENTATION: Primary variance from Section 19.3.15.B.1 of the Zoning Ordinance to reduce the required 10 foot pool equipment setback.

APPLICANT PRESENTATION:

Paul Wendlandt, 94 West Belle Isle Rd, Atlanta, GA. 30342

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

SUPPORT FOR THE PETITION:

Tim Myers, 102 W. Belle Isle Road, Atlanta, GA. 30342

AGAINST THE PETITION:

None

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

Motion and Vote: Carpinella moved to approve, Frostbaum seconded. Approved (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) with the following conditions:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received June 17, 2011 by the Department of Community Development, for the variance herein, showing a reduction of the required 10-foot minimum side yard setbacks to 3 feet on the east side to construct pool equipment, where necessary, to accommodate the portion of the encroachment(s) only.

V11-020

6205, 6305, & 6325 Peachtree Dunwoody Road

Applicant: Cox Enterprises, Inc

SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.18.Q of the Zoning Ordinance to allow the use of LED technology.

APPLICANT PRESENTATION:

Nathan V. Hendricks, 6085 Lake Forrest Dr. Suite 200, Sandy Springs, GA. 30328

(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)

Motion and Vote: Squire moved to Withdraw, Carpinella seconded. Approval of Withdrawal (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) based on the councils approval of the use of LED for internal illumination text amendment at Tuesday July 12, 2011 meeting.

NEW CASES

V11-023

216 E. Belle Isle Road

Applicant: Belle Isle Animal Clinic

SUMMARY/STAFF PRESENTATION: Primary from Section 33.22.C of the Zoning Ordinance to reduce the minimum sign setback from the right-of-way from ten (10) feet to zero (0) feet.

APPLICANT PRESENTATION:

Riva Wolkow, 2368 Delverton Dr. Dunwoody, GA. 30338

(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)

Motion and Vote: Carpinella moved to approve, Sandler seconded. Approved (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) with the following conditions:

1. To reduce the required sign setback from ten (10) feet to zero (0) feet.

2. To the sign location and detail submitted by the applicant, dated received April 27, 2011 by the Department of Community Development.

V11-024

4755 Northside Drive

Applicant: Carl Bolch

SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.1.3.I of the Zoning Ordinance to allow a one hundred (100) square foot accessory structure (storage building) to be constructed in the front yard.

APPLICANT PRESENTATION:

Matt Tollison, 416 E. Paces Ferry Rd., Atlanta, GA. 30305

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Pat Daly, 950 Davis Dr., Sandy Springs, GA.

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

Motion and Vote: Reale moved to approve, Sandler seconded. Approved (4-2, Coan, Reale, Squire, and Sandler for; Frostbaum and Carpinella against; Moller absent) with the following conditions:
1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received April 28, 2011 by the Department of Community Development, for the variance herein, showing a 100-square-foot structure adjacent to an existing tennis court in the front yard.

V11-025

210 Wilderglen Court

Applicant: Scott & Mary Ellen Garrett

SUMMARY/STAFF PRESENTATION: Four (4) primary variances: 1) from Section 4.2.10 of the Zoning Ordinance to allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front and rear yard setbacks; 2) from Section 6.2.3.B of the Zoning Ordinance to reduce the required front yard setback from sixty (60) feet to fifteen (15) feet; 3) from Section 6.2.3.D of the Zoning Ordinance to reduce the required rear yard setback from forty (40) feet to fifteen (15) feet; and 4) from Section 19.3.12.B.1 of the Zoning Ordinance to allow the existing pool to be located in the front yard.

APPLICANT PRESENTATION:

Nathan V. Hendricks, 6085 Lake Forrest Dr., Sandy Springs, GA. 30328

Scott & Mary Ellen Garrett, 210 Wilderglen Ct, Atlanta, GA. 30328

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

SUPPORT FOR THE PETITION:

Edward J. Dovin, 105 Wilderbluff Court, Atlanta, GA. 30328
David Perlow, 7490 Wildercliff Dr, Atlanta, GA. 30328
John Hastings, 7365 WilderCliff Dr, Atlanta, GA. 30328
Charlie Roberts, 310 Wilderlake Ct, Sandy Springs, GA.

AGAINST THE PETITION:

Betty Shelton, 125 Wilderbluff Ct, Atlanta, GA. 30328
Patty Berkovitz, On File
Fred Aycook, 110 Wilderbluff Ct, Atlanta, GA. 30328
Sue Johnson, 7380 Wildercliff Dr, Sandy Springs, GA. 30328
Steven Leff, 215 Wildgerglen Ct, Sandy Springs, GA
Susan Methvin, 700 Wilderbluff Ct, Atlanta, GA. 30328

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

Motion and Vote 1 : Squire moved to Defer, Sandler seconded. Deferral (3-3, Reale, Squire, and Sandler for; Coan, Frostbaum, and Carpinella against; Moller absent). Motion failed.

Motion and Vote 2 : Squire moved to Approval, Reale seconded. Approval (2-4, Reale and Squire for; Coan, Frostbaum, Carpinella and Sandler against; Moller absent). Motion failed

Motion and Vote 3 : Carpinella moved to Denial, Frostbaum seconded. Denied (4-2, Coan, Frostbaum, Carpinella and Sandler for; Reale and Squire against; Moller absent).

V11-026

8879 Roswell Road (SR 9)

Applicant: North River Tavern

SUMMARY/STAFF PRESENTATION: Two (2) primary variances: 1) from Section 33.18.H of the Zoning Ordinance to allow a roof sign on the north elevation of the existing building; and 2) from Section 33.18.H of the Zoning Ordinance to allow a roof sign on the west elevation of the existing building.

APPLICANT PRESENTATION:

North River Tavern, 8879 Roswell Road
Robert , 8879 Roswell Rd, Sandy Springs, GA.

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Garry Post, 9695 Roberts Dr.

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

Motion and Vote 1: Frostbaum moved to approve, Sandler seconded. Approval (1-5, Frostbaum for; Coan, Reale, Squire, Carpinella, and Sandler against; Moller absent) Motion failed

Motion and Vote 2: Carpinella moved to deny, Sandler seconded. Carpinella withdrew the motion

Motion and Vote 3: Carpinella moved to defer, Squire seconded. Deferred (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) to the August 11, 2011 meeting for the applicant to seek some other options.

V11-027

6355 Peachtree-Dunwoody Road

Applicant: Finger-FSC Perimeter, Ltd.

SUMMARY/STAFF PRESENTATION Primary variance from Section 33.26.E.2 of the Zoning Ordinance to allow a second wall sign on the south elevation of the building for a period of 180 days or until the apartment building achieves 85% occupancy, whichever comes sooner.

APPLICANT PRESENTATION:

Wayne Edy, 6355 Peachtree Dunwoody Rd, Sandy Springs, GA. 30328

(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)

Motion and Vote: Carpinella moved to approve, Reale seconded. Approved (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) with the following conditions:

1. To allow a temporary wall sign on the south elevation of the building.
2. The temporary wall sign shall not exceed thirty-two (32) square feet of sign area pursuant to the sign detail submitted by the applicant, and dated received May 3, 2011 by the Department of Community Development.
3. To allow the proposed wall sign for a period of 180 days from the approval of this va-riance or until the occupancy reach 85%, whichever occur first.

V11-028**185 Allen Road****Applicant: BPH Holdings, LLC**

SUMMARY/STAFF PRESENTATION: Four (4) primary variances: 1) from Section 4.23.1 of the Zoning Ordinance to reduce the required five (5) foot landscape strip to two (2) feet along the east property line; 2) from Section 4.23 of the Zoning Ordinance to allow a retaining wall to be located in the ten (10) foot landscape strip adjacent to the edge of the sidewalk; 3) from Section 12B.8.F.3 of the Zoning Ordinance to allow less than 60% transparent glazing of the ground level facades; and 4) from Section 33.26.H.2.a of the Zoning Ordinance to allow a wall sign on a non-street facing wall.

APPLICANT PRESENTATION:

Jeff Powers, 4658 Jefferson Township Lane, Marietta, GA. 30066

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Patty Berkovitz, On File

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

Motion and Vote: Squire moved to approve, Carpinella seconded. Approved (5-0-1, Coan, Frostbaum, Reale, Squire, and Carpinella for; Sandler recused; Moller absent) with the following conditions:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received May 5, 2011 by the Department of Community Development, for the variance(s) herein, where necessary, to accommodate the portion of the encroachment (s) only.
2. To reduce the required five (5) foot landscape strip to two (2) feet on the east property line.
3. To allow a retaining wall to be located in the 10 foot landscape strip adjacent to the sidewalk on the north property line.
4. To reduce the required 60% of the ground level facades transparent glazing.
5. To allow a wall sign on a non-street facing wall (east elevation).

V11-029**5501 & 5503 Long Island Drive****Applicant: William Perkins & Joseph and Yolandra Alexander**

SUMMARY/STAFF PRESENTATION: Primary variance from Section 4.2.10 of the Zoning Ordinance to allow a lot to meet the minimum width at a distance greater than the sum of the minimum front and rear setback.

APPLICANT PRESENTATION:

George Protos, 5501 Long Island Dr.

(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)

Motion and Vote: Carpinella moved to approve, Frostbaum seconded. Approved (6-0, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller absent) with the following conditions:

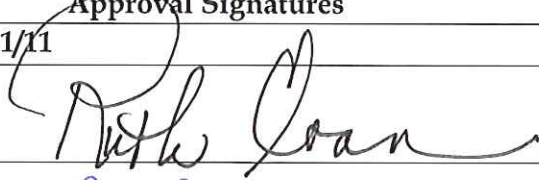
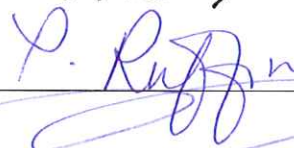
1. The proposed lots shall be in accordance with the proposed site plan, provided by the applicant dated received May 6, 2011 by the Department of Community Development, for the variance(s) herein, showing the subdivision of 5501 Long Island Drive (17-0122-0003-036) and 5503 Long Island Drive (17-0122-0003-035).

DISCUSSION ITEMS

None

ADJOURNMENT

Meeting adjourned at 10:04 p.m.

Approval Signatures	
Date Approved	8/11/11
Ruth Coan (Chairman)	
Patrice Ruffin, Manager of Planning & Zoning	
Gloria Goins, Administrative Coordinator/Transcriber	