

BOARD OF ZONING APPEALS

MEETING MINUTES

Thursday, July 27, 2006, 7:00 p.m.

Board Members Present: Al Pond (Chair), Mark King (Vice Chair), Ruth Coan, Oswald Hill, Paul Reale, and Ken Moller

Members Absent (Excused): Ron Carpinella

Staff Present: Michael Zehner, Cesar Geraldo, Christina Nelson, Josh Lontz, and Angela Lawson

Call to Order: Al Pond called the meeting to order at 7:00 p.m. It is noted that this is a Special Call Meeting rescheduled from the regular July 13, 2006 meeting.

I. APPROVAL OF ACTION REPORT

ACTION: Ruth Coan moved that the Action Report be approved. Ken Moller seconded. The Action Report for the previous meeting of June 8, 2006 was APPROVED (4-0).

II. DEFERRED

A. VO6-021

200 Hanover Park Road

Applicant: Sun River XX, LLC.

Summary: Two primary variances: 1) Variance from Section 18.3.1(e) of the zoning ordinance to allow parking within the 40 feet front and side-street setbacks where off street parking is not permitted, and 2) Variance from Section 12B.5 of the zoning ordinance to reduce the required landscape strip(s) from 10 feet required to 0 feet on Roswell Road. Both variances are for the construction of a commercial building.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan moved for a motion to defer to a subsequent session with both parties being prepared to go forward. Ken Moller seconded. The application is DEFERRED until the September BZA meeting per Staff's recommendation. In addition Staff is directed to meet with both parties to assist in the presentation to the BZA.

B. V06-030

351, 361, 371 Windsor Pkwy and 354, 364, 382, 380 Pine Forest Road

Applicant: Tom Elias

Summary: Primary variance for Section 12.6.5.a. (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 25 feet to allow room for the construction of a house (lot #10), a street cul-de-sac, and a storm water detention area to be able to subdivide the seven (7) existing lots into thirteen (13) lots.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller moved for denial. Ruth Coan seconded. The application was **DENIED (3-1)**. Oz Hill, *Opposed*.

III. NEW

A. V06-034

4420 Crestwicke Pointe

Applicant: Robert Douglas

Summary: Primary variance from Section 14.6.5.a. (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 32 feet to allow for the construction of a 110 feet long by 10 feet high modular block retaining wall with a 4 foot black aluminum fence attached at the top.

[7:58 p.m. Paul Reale joins meeting]

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan moved for approval and recommend that suggestions 1-4 by Staff be incorporated with conditional verification regarding 100 Year Flood Plan and vegetation. Paul Reale seconded. The application was **APPROVED (5-0)**.

B. V06-035

5457 Roswell Road (SR9)

Applicant: First Multiple Listing Service

Summary: Primary variance from Section 33.6.8 of the Sandy Springs Zoning Ordinance to reduce the required monument sign front yard setback from 10 feet to 2.5 feet.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale moved for approval of this application. Ruth Coan seconded. The application was APPROVED subject to Staff recommendations and conditions (5-0).

C. V06-036
4682 Dudley Lane
Applicant: Michael Ivey

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to encroach into the critical root zone of two specimen trees to construct a driveway.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller moved for approval of application subject to staff recommendations and hiring of an arborist and specifications regarding design and construction. Paul Reale seconded. The application was APPROVED (5-0).

D. V06-037
4615 Lake Forest Drive
Applicant: Steven Wheeler

Summary: Two primary variances: 1) Variance from Section 6.4.3 B of the Zoning Ordinance to decrease the required front yard setback from 50 feet to 25 feet, and 2) variance from Section 8.5 of the Tree Preservation Ordinance to remove one specimen tree from the property to allow for the construction of two (2) houses.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Oz Hill moved for denial. Paul Reale seconded. The application was DENIED (5-0).

E. V06-039
2200 Spalding Drive
Applicant: Mark Schussler

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to remove six (6) specimen trees to construct a single-family house.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale moved for approval. Ken Moller seconded. The application was **APPROVED (5-0)**, subject to Staff recommendation(s).

F. V06-040
225 Zeblin Road
Applicant: Ian Silverstone

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to remove one (1) specimen tree to grade the backyard.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale moved to approve. Ruth Coan seconded. The application was **APPROVED (4-1)**. Ken Moller, *Opposed*.

G. V06-041
4994 & 4986 Long Island Drive
Applicant: Design-Construction by Craftmaster, Inc.

Summary: Three (3) primary variances from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum required lot width of 150 feet for three (3) proposed R-2 zoned lots to 112 feet, 121 feet, and 134 feet for the purpose of subdividing two (2) residential lots into three (3) residential lots.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller moved for denial. Oz Hill seconded. The application was **DENIED (3-1-1)**. Paul Reale, *Opposed*. Ruth Coan, *Absent*.

H. V06-042
4785 Dudley Lane
Applicant: Stewart Weinhoff

Summary: Primary variances from Section 8.5 of the Tree Preservation Ordinance to remove one (1) specimen tree and to encroach into the critical root zone of three specimen trees for the construction of a single-family house.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller moved for approval. Ruth Coan seconded. The application was APPROVED (5-0), subject to all Staff recommended and Board condition(s).

I. V06-046

305 Brixham Court

Applicant: Jeffrey & Joanne Schimelman

Summary: Primary variance from section 14.6.5.a.(ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 55 feet to allow for the construction of home additions and to bring the existing house into compliance.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller moved to approve. Ruth Coan seconded. The application was APPROVED (5-0).

J. V06-068/V06-16

5030 Rebel Trail

Applicant: Aaron Baranan

Summary: A variance application for property located at 5030 Rebel Trail, V06-016, seeking relief from Section 19.3.5, Guest House, of the Sandy Springs Zoning Ordinance and Section 14.6.5.a (i) and (ii), Stream Buffer Protection, of the Sandy Springs Development Regulations to allow for the construction of a new home on the site and the conversion of the existing house into a guest house, was denied at the BZA hearing on May 11, 2006. A new application for said property, V06-068, seeking relief from Section 14.6.5.a. (i) and (ii), Stream Buffer Protection, of the Sandy Springs Development Regulations and Section 6.2.3.B, R-2 District Development Standards, of the Sandy Springs Zoning Ordinance to allow for the construction of a second-story addition to the existing single-family house, has been filed with the City for the September 14, 2006 BZA hearing. Section 22.13.13 of the Zoning Ordinance states that, "the same variance shall not be considered until at least six months has elapsed from the date of the decision or new information pertinent to the subject property, not previously considered, is submitted by the petitioner and the 6-month period is waived by the BZA."

Staff requests the BZA to determine whether the new application is sufficiently different from the old application in order to know whether the Staff should accept the new application or whether the new application needs to wait for the expiration of the 6-month waiting period.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale moved for approval. Al Pond seconded. The application was **APPROVED (5-0)** and scheduled to be heard at the October BZA session.

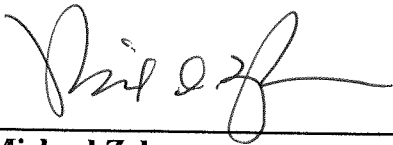
The meeting was adjourned at 9:45 p.m.

APPROVAL SIGNATURE PAGE

Date Approved: 11/09/06



Al Pond, Chairperson



Michael Zehner
Assistant Director – Planning and Zoning



Angela Lawson
Administrative Assistant/Transcriber