

BOARD OF ZONING APPEALS

MEETING MINUTES

Thursday, August 10, 2006, 7:00 p.m.

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

Staff Present: Nancy Leathers, Michael Zehner, Cesar Geraldo, Doug Trettin, Cristina Nelson, Josh Lontz, Michael Barnett, Blake Dettwiler, and Angela Lawson

Call to Order: Al Pond called the meeting to order at 7:00 p.m.

I. APPROVAL OF ACTION REPORT

ACTION: Ron Carpinella moved that the Action Report be approved. Paul Reale seconded. The Action Report for the previous meeting of July 27, 2006 was APPROVED (6-0).

II. NEW

A. VO6-043

236 Johnson Ferry Road

Applicant: Georgetown Healthcare

Summary: Primary variance from Section 12B.6.A of the zoning ordinance to allow for a free standing sign on property which has a total area of less than 40,000 square feet.

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

R. Stephan Bayani: 236 Johnson Ferry Road spoke in support of application.

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

ACTION: Paul Reale moved for approval of application. Ron Carpinella seconded. The application is APPROVED (6-0), subject to the following condition(s): 1) That the monument sign of 32 square feet in area and 6 feet in height, shall be constructed in accordance with the site plan (Exhibit 1) provided by the applicant dated received May 17, 2006 by the Department of Community Development. 2) That the sign shall be constructed in accordance with the sign design details (Exhibit 2) provided by the applicant dated received May 17, 2006 by the Department of Community Development. 3) That fencing and landscaping be permitted and installed to screen and buffer existing mechanical items as approved by the Design Review Board prior to the issuance of a sign permit.

B. V06-043
236 Johnson Ferry Road
Applicant: Jason Yowell

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree for the construction of a single-family house.

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

Jason Yowell: 435 & 461 Johnson Ferry Road spoke in support of application.

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

ACTION: Mark King moved for approval of application. Ken Moller seconded. The application was APPROVED (6-0), subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received TBD by the Department of Community Development. 2) That the site be developed in accordance with the Landscape Plan provided by the applicant dated received TBD by the Department of Community Development. 3) That the City Arborist approve a tree protection plan, provided by the applicant, for existing specimen trees to have critical root zone encroachment.

C. V06-047
135 Hilderbrand Road
Applicant: Heritage Sandy Springs

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 25 feet to allow for the construction of an amphitheater.

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

D.J. Delong: 30 Cameron Glen Drive spoke in support of application.

Brad Jones: 6801 Lake Pkwy spoke in support of application.

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

ACTION: Ruth Coan moved for approval of application. Ron Carpinella seconded. The application was APPROVED (6-0) subject to the following condition(s): 1) That the site be developed in accordance with the Site Plans provided by the applicant dated received June 5, 2006 by the Department of Community Development. 2) All driveways, paths, or patios in the 75-foot stream buffer shall be constructed of pervious materials, as directed by City Staff, with consideration to public safety. 3) Downspouts shall not be located within the 75-foot stream buffer. Downspouts shall be directed away from the structure in such a way

that sheet flow can occur or directed into a rain garden or other such flow-directing device. 4) Stream crossings shall be as narrow as possible and shall be pervious. 5) Streams shall not be channelized or straightened. Small-unramed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs. 6) The 25-foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25-foot buffer. 7) 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. 8) Stream bank restoration shall be installed as required by the Director of the Community Development Department.

D. V06-048

6344 Roswell Road (SR9)

Applicant: Cornerstone Bank

Summary: Primary variance from Section 12B.6.A.2, of the zoning ordinance to allow the erection of a second identification monument sign in a shopping center when only one (1) sign is allowed.

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

John O'Shea Sullivan: 800 Old Creek Trail spoke in support of application.

Mark Connell: 1876 Defoor Avenue, Atlanta, GA 30318 spoke in support of application.

Chris Burnett: President and CEO of Cornerstone Bank spoke in support of application.

Pam Pellon: Spoke in support of application.

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

ACTION: Ron Carpinella motioned to defer this application for 60 days. Ken Moller seconded. The application was DEFERRED with the following recommendation(s): 1) The Board requested the applicant work with the landlord, DRB, and Staff to explore other signage options to include tenant signage.

E. V06-049

5252 Roswell Road (SR9)

Applicant: Stafford Properties

Summary: Primary variance from Section 33.6.8 of the zoning ordinance to allow for an identification monument sign to reduce the minimum required sign setback from the right of way of 10 feet to 0 feet.

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

Tom Tyson: 5252 Roswell Road spoke in support of application.

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

ACTION: Ken Moller motioned for approval of application. Paul Reale seconded. The application was APPROVED (6-0) subject to the following condition(s): 1) That the sign be constructed in accordance with the Site Plan provided by the applicant dated received June 6, 2006 by the Department of Community Development. 2) That the sign be constructed pursuant to the sign design submitted by the applicant dated received June 6, 2006 by the Department of Community Development. 3) The sign shall be located not less than 16' from the back of curb and shall not exceed 32 square feet in sign area and shall not exceed 6 feet in height.

F. V06-051
23 Ball Creek Hill
Applicant: Kim Woolson

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree to construct additions to a single-family house.

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

Charlie Morgan: (Attorney) Alston & Byrd, LLP spoke in support of application.

Kim Woolson: Applicant, 23 Ball Creek Hill spoke in support of application.

G. P. Rodriguez (Pete): 1090 Kingston Drive, Atlanta GA 30342, spoke in opposition of application.

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

ACTION: Paul Reale moved for approval of this application. Ron Carpinella seconded. The application was APPROVED (6-0) subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received June 8, 2006 by the Department of Community Development.

G. V06-053
5549 Long Island Drive
Applicant: Mark and Lisa Wolfe

Summary: Primary variance from Section 6.1.3.I of the Zoning Ordinance to allow an accessory pool-house to be located in the front yard of the house.

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

Brad Heppner: 758 Livingstone Place, Decatur GA 30030 spoke in support of application.

Nina Cramer: 5289 Long Island Drive spoke in support of application.

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

ACTION: Ken Moller moved for approval. Mark King seconded. The application was **APPROVED (6-0)**, subject to the following condition(s): 1) That the site be developed in accordance with the Site Plans provided by the applicant dated received June 6, 2006 by the Department of Community Development.

H. V06-54
1155 Windsor Parkway
Applicant: B. Darrel Shepard

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 3 feet to bring an existing garage into compliance.

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

Sherill Shepherd: 1155 Windsor Pkwy spoke in support of application.

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

ACTION: Paul Reale moved to approve. Ron Carpinella seconded. The application was **APPROVED (6-0)** subject to the following condition(s): 1) That the site be developed in accordance with the Site Plans provided by the applicant dated received July 7, 2006 by the Department of Community Development. 2) All driveways, paths, or patios in the 75-foot stream buffer shall be constructed of pervious pavers. 3) Downspouts shall not be located within the 75-foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow-directing device. 4) When garages or parking pads are located inside the 75 foot stream buffer, 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-unrained tributaries shall not be concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs. 7) The remaining sections of the 25-foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25-foot 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 spasms 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) That the City Arborist approves a tree protection plan for existing specimen trees to have critical root zone encroachment.

I. V06-055

6363 Roswell Road (SR9)

Applicant: Paradise Development Group, LLP

Summary: Two (2) primary variances: 1) Variance from Section 12B.8.a.7 of the Sandy Springs Zoning Regulations to allow parking between sidewalk and the building, and 2) variance from Section 12.B.8.c.1b to increase the maximum yard adjacent to a public street from 21' to 155'. Both variances are for the construction of a drugstore building. Tree removal variance will be required. To allow parking between sidewalk and building and to increase the maximum required yard adjacent to a public (specimen tree removal under separate application)

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

Julian Thome: 100 Glenridge Point Pkwy spoke in support of application.

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

ACTION: Ron Carpinella motioned for deferral. Ken Moller seconded. The application was DEFERRED (6-0) with the following recommendation(s): 1) The applicant return to the DRB, if so desired. 2) To allow the application for tree removal to be heard concurrently with application V06-055.

J. V06-056

150 North Devereux Ct.

Applicant: Bob & Brooke Blasberg

Summary: Primary variances from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree to construct a detached garage and a mother-in-law suite.

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

Brooke Blasberg: 150 N. Devereux Ct. spoke in support of application.

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

ACTION: Paul Reale moved for approval. Ron Carpinella seconded. The application was APPROVED (6-0), subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received June 6, 2006 by the Department of Community Development.

K. V06-057
950 Telfair Close
Applicant: View Point Homes, LLC

Summary: Primary variance from section 7.4.3.D. of the Zoning Ordinance to reduce the minimum rear yard setback from 20 feet to 14.17 feet for the construction of townhouses.

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

William Richard Young: View Point Homes, LLC, 4120 Presidential Pkwy spoke in support of application.

Michael Wrigley: Spoke in support of application.

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

ACTION: Ken Moller moved to approve. Ron Carpinella seconded. The application was **APPROVED (6-0)** subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received June 6, 2006 by the Department of Community Development.

L. V06-058
980 West Kingston Drive
Applicant: Scott Hazelrigs

Summary: Two primary variances: 1) variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback adjacent to an interior line from 15 feet to 10 feet, and 2) variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from 40 feet to 2.5 feet. Both variances are to allow for the construction of a detached garage.

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

Scott Hazelrigs: Applicant, spoke in support of application.

G.P. Rodriguez (Pete): 1090 Kingston Drive, Atlanta GA 30342 (represented by Harriet Mills - 975 West Kingston Dr.) spoke in opposition of application.

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

ACTION: Ron Carpinella motioned for deferral of this application. Paul Reale seconded. The application was **DEFERRED (6-0)** for 30 days with the following recommendation(s): 1) The applicant work with staff and neighbors to provide a revised site plan indicating less setback encroachment.

M. V06-059
535 Greenland Road
Applicant: Stephen Flanagan

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree to construct a single-family house.

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

Stephen Flanagan: 535 Greenland Road spoke in support of application.

Edward R. Hodgkist: Not opposed to application, but upset at not getting notification, no objection to variance request.

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

ACTION: Paul Reale moved to approve. Ron Carpinella seconded. The application was **APPROVED (6-0)** subject to the following condition(s): 1) The driveway shall be constructed with pavers and not poured concrete. The driveway shall consist of two tracks and it shall not be solid. 2) That the site be developed in accordance with the Site Plan provided by the applicant dated received July 27, 2006 by the Department of Community Development.

[9:00 P.M. OZ HILL ATTENDS MEETING.]

N. V06-083
8212 Hewlett Road
Applicant: JCRM Properties

Summary: Two (2) primary variances: 1) variance from Section 8.5 of the Tree Preservation Ordinance to allow encroachment into the critical root zone of seven (7) specimens trees, and 2) variance from Section 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 35 feet to allow for the construction of a single-family house.

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

Jim Cook: 8212 Hewlett Road, applicant-requesting deferral.

Lynn Tinley: Spoke in opposition of application.

Patty Berkovitz: Spoke in opposition of application.

Steven and Debra Taylor: (Comments read into minutes) **8242 Hewlett Road** in opposition of application.

Penny Raney: 8390 High Turn spoke in opposition of application.

Janet and Jim Baldwin: 1230 Tynecastle Way spoke in opposition of application.

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

ACTION: Ron Carpinella moved for deferral. Ken Moller seconded. The application was DEFERRED (6-0) for 30 days with the following recommendation(s): 1) That the applicant work with the neighbors to resolve any issues.

O. V06-060
110, 100, 106 Mount Paran Road
Applicant: Weyford Development

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of four (4) specimen trees to allow for the subdivision of three (3) residential lots into six (6) residential lots.

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

Doug Estes: Estes Shields Engineering, Inc. spoke in support of application.

Rob Granberry: 5220 Forest Ridge Circle spoke in opposition of application.

Mrs. Wilson McClure: 5271 Lake Forest Drive spoke in opposition of application.

Mr. Wilson McClure: 5271 Lake Forest Drive spoke in opposition of application.

Nina Cramer: 5280 Long Island Drive (Long Island Coalition) spoke in opposition of application.

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

ACTION: Ron Carpinella moved to defer. Ruth Coan seconded. The application was APPROVED (7-0) with the following recommendation(s): 1) The applicant work with the neighbors and Staff to ensure that the proposed subdivision meets all regulations of the City of Sandy Springs.

P. V06-061
6225 Roswell Road (SR9)
Applicant: Silverman Construction/Sandy Springs Plaza Associates, L.P.

Summary: Primary variance for relief from Section 12B2.2 of the Zoning Ordinance to allow phased construction of the Main Street Overlay District streetscape requirements per approved plans.

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

Art Fix: Representative for Silverman Construction Program Management spoke in support of application.

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

ACTION: Ruth Coan moved to approve. Ron Carpinella seconded. The application was **APPROVED (6-0-1)**. Al Pond, *Abstaining*, subject to the following condition(s): 1) That the site be developed in accordance with the Hardscape and Landscape Development Plans provided by the applicant dated received June 12, 2006 by the Department of Community Development. 2) That the Main Street Overlay District streetscape requirements be installed in three (3) phases as follows: Phase 1- Landscape along Johnson Ferry Road and Roswell Road, work to be commenced the first quarter 2007; Phase 2 - Sidewalks, decorative paving, and decorative lighting along Johnson Ferry Road, twelve (12) months after completion of Phase 1, first quarter 2008; and Phase 3 - Sidewalks, decorative paving, and decorative lighting along Roswell Road, twelve (12) months after completion of Phase 2, first quarter 2009. Total completion of all three (3) phases to be on or before March 31, 2009.

Q. V06-062

6225a Roswell Road (SR9)

Applicant: Permit Resources, Inc./Sandy Springs Plaza Associates, L.P.

Summary: Eleven primary variances: Two (2) variances from Section 33.7.F.5 of the Zoning Ordinance to allow two (2) signs on walls that they are not exterior walls of the businesses, two variances from Section 33.7.F.5 of the Zoning Ordinance to allow one (1) sign on a wall that it is not an exterior wall of the business and to allow this sign to exceed the 5% of the applicable wall area, and seven variances from Section 12B.6.B.2.a to allow seven (7) wall signs on the front of the businesses to exceed the 5% of the applicable wall area.

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

Jan Sapertein: Spoke in support of application.

Pam Pellon: Spoke in support of application.

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

ACTION: Ruth Coan moved to approve. Oz Hill seconded. The application was **APPROVED (7-0)** subject to the following condition(s): 1) All signs, included in this application, that are not in compliance with Fulton County's interpretation of the Zoning Ordinance shall not be installed. 2) All signs for new tenants, including those proposed to be located on off premises walls, shall be in compliance with the Sandy Springs Zoning

Ordinance. 3) All replacement signs for existing tenants shall be in compliance with the Sandy Springs Zoning Ordinance.

R. V06-063

4980 Powers Ferry Road

Applicant: Stephen & Jennifer Young

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to encroach into the critical root zone of one (1) specimen tree to construct a single-family house.

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

Walter McDonald: Spoke in support of application.

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

ACTION: Ruth Coan moved to approve. Paul Reale seconded. The application was **APPROVED (7-0)** subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant at the August 10, 2006 Board of Zoning Appeals meeting detailing a 16% encroachment into the critical root zone. .

S. V06-064

5540 Roswell Road (SR9)

Applicant: The Sembler Company

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of twelve (12) specimen trees to allow for the construction of a commercial development.

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

Nathan V. Hendricks, III: 6085 Lake Forest Drive, Attorney, spoke in support of application.

Scott McLane: 1506 Larson Hwy, applicant, spoke in support of application.

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

ACTION: Mark King moved to approve. Ken Moller seconded. The application was **APPROVED (7-0)** subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received June 15, 2006 by the Department of Community Development.

T. V06-065
4610 Mount Paran Parkway
Applicant: Atlanta Classic Pools, Inc.

Summary: Primary variance from section 14.6.5.a. (ii) of the Sandy Springs Development Regulations to reduce the 75-foot stream buffer to 50 feet to allow for the construction of a swimming pool.

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

Marek Omilian: Applicant, spoke in support of application.

Todd Rogers: 123 Breckenridge Drive spoke in support of application.

Patty Berkovitz: Spoke in opposition of application.

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

ACTION: Paul Reale moved for denial. Ken Moller seconded. The motion for approval was **DENIED (4-3)**. Ron Carpinella, Ruth Coan, Oz Hill, and Mark King, *Opposed*.

U. V06-084
765 Crest Valley Drive
Applicant: 5210 Powers Ferry, LLC

Summary: Secondary variance: Appeal to Department of Community Development Director's interpretation of the 75-foot stream buffer.

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

Brent Conway: Spoke in support of application.

George H. Freisem: Spoke in support of application.

Jonathan Weintraub: 125 Clairemont Avenue, Suite 520, Decatur GA 30030 spoke in opposition of application.

Arthur Dwyer: 775 Crest Drive spoke in opposition of application.

Patty Berkovitz: Spoke in opposition of application.

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

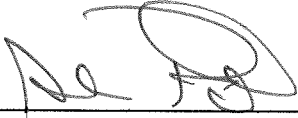
ACTION: Ruth Coan moved to deny. Ken Moller seconded. The application was **DENIED (7-0)** with the following comment(s): 1) The Board agrees with the Director's

interpretation of the zoning ordinance and that the request for a secondary variance be denied.

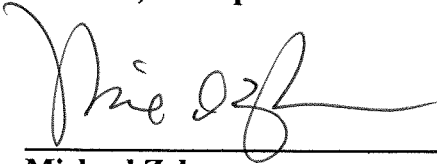
The meeting was adjourned at 11:55 p.m.

APPROVAL SIGNATURE PAGE

Date Approved: 11/09/06



Al Pond, Chairperson



Michael Zehner
Assistant Director – Planning and Zoning



Angela Lawson
Administrative Assistant/Transcriber