



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, August 11, 2011	Regular Meeting Minutes	7:00 PM
Board Members Present	Ruth Coan (Chair), Paul Reale (Vice Chair), Ron Carpinella, Lane Frostbaum, Jim Squire, Ken Moller and Ted Sandler	
Board Members Absent	None	
Staff Present	Nancy Leathers, Cecil McLendon, Patrice Ruffin, Cristina Nelson, Linda Abaray, Michael Barnett, Gloria Goins, Nathan Ippolito, and Syreeta Whitfield	
Call to Order	Ruth Coan called the meeting to order at 7:00 p.m.	

ADOPTION OF AGENDA

Motion and Vote: Squire moved to approve the Agenda for August 14, 2011. Frostbaum seconded the motion. Approved (7-0, Coan, Frostbaum, Reale, Squire, Carpinella, Moller and Sandler for).

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Sandler moved to approve the Minutes for July 14, 2011. Frostbaum seconded the motion. Approved (6-0-1, Coan, Frostbaum, Reale, Squire, Carpinella and Sandler for; Moller abstained) with the amendment to page 3 case V11-023: The motion and vote section should read Carpinella moved to approve.

DEFERRED

V11-026
8879 Roswell Road
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:
Mike Norton, 8879 Roswell Road, Sandy Springs, GA. 30350

(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: Sandler moved to Approve, Frostbaum seconded. Approved (7-0, Coan, Frostbaum, Reale, Squire, Carpinella, Moller and Sandler for) with the following conditions:

1. To allow a channel letter sign on the roof of the applicable wall on the west elevation of the building pursuant to the sign detail submitted by the applicant dated received August 11, 2011 by the Department of Community Development.
2. The sign shall not exceed the 5% of the applicable wall of the building for the west elevation as submitted by the applicant and dated received August 11, 2011 by the Department of Community Development.

NEW CASES

V11-030

130 Hemmingwood Way

Applicant: Kris and Patricia Cooper

SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.4.3.D of the Zoning Ordinance to reduce the required minimum rear yard setback from thirty-five (35) feet to twenty-two (22) feet to construct an addition to the existing single family residence.

APPLICANT PRESENTATION:

Kris Cooper, 130 Hemmingwood Way, Atlanta, GA. 30350

(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 approve, Sandler seconded. Approved (7-0, Coan, Frostbaum, Reale, Squire, Carpinella, Moller and Sandler for) with the following conditions:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received June 6, 2011 by the Department of Community Development, for the variance(s)

herein, showing a reduction of the required thirty-five (35) foot minimum rear yard setback to twenty-two (22) feet to allow an addition (breakfast area), where necessary, to accommodate the portion of the encroachment (s) only.

V11-031**6590 Powers Ferry Road****Applicant: Medica Stand-up MRI, LLC**

SUMMARY/STAFF PRESENTATION: Two (2) primary variances: 1) from Section 33.26.E.1.b of the Zoning Ordinance to allow an additional monument sign along the Powers Ferry Road frontage and 2) from Section 33.22.C. of the Zoning Ordinance to reduce the required sign setback from ten (10) feet to zero (0) feet.

APPLICANT PRESENTATION:

Lewis Hollond, 6845 Shiloh Road, Alpharetta, GA 30005

Tonya Haynes, 6590 Powers Ferry, Atlanta, GA 30339

Tammy Kerst, 6590 Powers Ferry, Atlanta, GA 30339

(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 (5-2, Coan, Reale, Squire, Carpinella and Sandler for; Frostbaum and Moller against) with the following conditions:

1. To allow an additional monument sign along the Powers Ferry Road frontage on mixed use property that has more than 1,000 linear feet of frontage.
2. That the sign distance from the right-of-way shall be subject to the approval of the Director of Public Works.
3. That the proposed ID monument shall be constructed as follows: Double sided; faces to be aluminum and backed with acrylic with applied vinyl, mounted over a base of Stucco, Brick, or Stone, externally illuminated.

V11-033**70 Chevaux Court****Applicant: Howard Williams**

SUMMARY/STAFF PRESENTATION: Primary 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 a retaining wall and pervious paver driveway.

APPLICANT PRESENTATION:

Bill Caldwell, 3198 Cains Hill Place, Atlanta, GA 30305

William H. Harrison, 3198 Cains Hill Place, Atlanta, GA 30305

Howard Williams, 70 Chevaux Court, Sandy Springs, GA 30342

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

SUPPORT FOR THE PETITION:

Jerry Cleary, 1500 Chevon Way, Sandy Springs, GA 30350

AGAINST THE PETITION:

Patty Berkovitz, On File

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

Motion and Vote: Sandler moved to approve, Frostbaum seconded. Approved (6-1, Coan, Frostbaum, Moller, Squire, Carpinella and Sandler for; Reale against) with the following conditions:

1) The subject shed shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 7, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-five (25) feet to allow a four (4) foot retaining wall, where necessary to accommodate the portion of the encroachment only.

2) 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 have been reduced, grates used for drainage of these areas (where oil, grease or antifreeze might flow) shall have either vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

NEW BUSINESS

Patty Berkovitz, On File

Raised concerns about the following items:

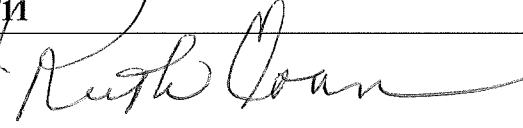
- Gazebo built in the front yard at 4755 Northside Drive was not shown on site plan of previous variance application.
- The accuracy of plans submitted to the Board
- The Board and citizens are not getting all the information in the packets
- Forgiveness on what has been done without a variance.
- Is the Board entitled to do follow up on previous cases?

DISCUSSION ITEMS

None

ADJOURNMENT

Meeting adjourned at 8:33 P.M.

Approval Signatures	
Date Approved	9/8/11
Ruth Coan (Chairman)	
Patrice Ruffin, Manager of Planning & Zoning	
Linda Abaray, Senior Planner	