



Board of Appeals August 12, 2010

Meeting Minutes

Board Members Present	Ron Carpinella (Chairman), Ruth Coan (Vice Chair), Paul Reale, Ken Moller, Lane Frostbaum, Jim Squire and Ted Sandler
Board Members Absent	None
Staff Present	Nancy Leather, Cecil McLendon, Blake Dettwiler, Linda Abaray, Gloria Goins, Colleen Allen, Michael Barnett and Terry Robinson

CALL to Order	Ron Carpinella called the meeting to order at 7:00 p.m.
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	ADOPTION OF AGENDA
	ACTION: Reale moved to approve the adoption of the agenda , Sandler seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for).
	PREVIOUS MEETING'S MINUTES
	ACTION: Squire moved to approve the previous meeting's minutes , Frostbaum seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for).
	NEW CASES
1.	V10-016 5855 Riverside Drive <i>Applicant: Tabula Rasa, The Language Academy.</i> • SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.B.1.a of the Zoning Ordinance to allow an additional monument sign (private school) on a single-family residential lot occupied by an institutional use. Applicant Presentation: Ellen W. Smith, 100 Galleria Parkway, Suite 600, Atlanta, GA. 30339 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Barbara Malone, 240 Colewood Way, Atlanta, GA. 30328 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Sandler moved to defer the case until the September 15, 2010 meeting, Frostbaum seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for). Conditions: None
2.	V10-018 5865 Brookgreen Road <i>Applicant: Jill Levenson.</i>

	SUMMARY/STAFF PRESENTATION: Two primary variances from the Zoning Ordinance: 1) variance from Section 6.4.3.B to reduce the required front yard setback from 50 feet to 45.4 feet and 2) variance from Section 6.4.3.C to reduce the required side yard setback from 10 feet to 8.9 feet, both variance to enclose an existing carport . Applicant Presentation: Jill Levenson, 5865 Brookgreen 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)
	ACTION: Motion #1 Coan moved to move the case to the end of the agenda to give the applicant time to get to the meeting, Squire seconded. (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for). Motion #2 Reale moved to approve with conditions, Frostbaum seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for). Subject to the following conditions:
	Condition(s): 1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received June 2, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required fifty (50) foot front yard setback to forty-five (45) feet four (4) inches and the ten (10) foot minimum side yard setback to eight (8) feet nine (9) inches to allow for the repairs to, and enclosure of, the existing carport.
3.	V10-019 600 North Harbor Drive <i>Applicant: North Harbor Neighborhood Association.</i> ▪ 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 restroom facility. Applicant Presentation: John Kelly, 520 N. Harbor Dr., Atlanta, GA. 30328 (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) ACTION: Coan moved to approve with conditions, Frostbaum seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for). Subject to the following conditions:
	1) Condition(s): The subject restroom facility and new catch basin shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 1, 2010 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 a twenty- five (25) foot buffer (proposed restroom facility and new catch basin encroachment of forty-seven (47) feet and limits of disturbance of three (3) feet for a total encroachment of fifty (50) feet) to allow for a restroom facility and new catch basin, 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.
4.	V10-021 5067 Green Pine Drive <i>Applicant: Gregory & Allison Broms.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.2.3.C of the Zoning Ordinance to reduce the required side yard setback from 15 feet to 5 feet. Applicant Presentation: Scott Covloy, 5068 Green Pine 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) ACTION: Moller moved to Deny, Coan seconded. Approved (5-2, Carpinella, Coan, Frostbaum, Sandler, Moller, for; Squire and Reale against). Condition(s): None
5.	V10-022 546 Londonberry Road <i>Applicant: Tom & Terri Sewell.</i> ▪ 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, courtyard, walkway, and fire pit. Applicant Presentation: Tom Sewell, 546 Londonberry Rd, Sandy Springs, GA. 30327 Hannah Smith, 546 Londonberry Rd, Sandy Springs, GA. 30327 (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 Barbara Huto, 540 Londonberry Rd, Sandy Springs, GA. 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion)

	ACTION: Coan moved to defer the case until the September 15, 2010 meeting, Squire seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for); to allow staff an opportunity to review the proposed landscape plan and alternatives to address the draining from the proposed patio.
	Condition(s): None
6.	V10-023 1035 Old Powers Ferry Road <i>Applicant: Richard O'Connell.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.2.3.D of the Zoning Ordinance to reduce the required rear yard setback from 40 feet to 30 feet to allow an outdoor kitchen. Applicant Presentation: Carl Westmoreland, 1075 Peachtree St. Ste 2500, Atlanta, GA. 30309 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Richard O'Connell, 1035 Old Powers Ferry Rd, Atlanta, GA. 30327 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Moller moved to approve with conditions, Reale seconded. Approved (5-2, Frostbaum, Sandler, Moller, Squire and Reale for; Carpinella and Coan against). Subject to the following conditions:
	Condition(s): 1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received June 11, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required forty (40) foot minimum rear yard setback to thirty (30) feet to allow an outdoor kitchen, where necessary, to accommodate the portion of the encroachment (s) only.
7.	V10-025 7475 Trowbridge Road <i>Applicant: Congregation Or Hadash.</i> ▪ SUMMARY/STAFF PRESENTATION: Three primary variances from the Zoning Ordinance: 1) from Section 4.23.1 of the Zoning Ordinance to reduce the required 5 foot landscape strip along the proposed property line to 2 feet on the east side and 0 feet on the west side; 2) from Section 18.2.1 to reduce the parking on the western tract from 213 to 200; and, 3) from Section 18.3.1.F to allow parking in the required 10 foot landscape strip. Applicant Presentation: Carl Westmoreland, 1075 Peachtree St. Ste 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: None (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Squire moved to approve with conditions, Sandler seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for). Subject to the following conditions:

	Condition(s): 1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received July 2, 2010 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required five (5) foot landscape strip to two (2) feet on the east side of the property line and zero (0) feet on the west side of the property line and allow parking within ten (10) feet from a property line, where necessary, to accommodate the portion of the encroachment (s) only.
	RESOLUTIONS
8.	A Resolution to Amend the Bylaws of the Sandy Springs Board of Appeals
	ACTION: The Board has requested additional time to review the Bylaws. Comments must be submitted to Planning and Zoning by September 1, 2010.

Meeting Adjourned: 8:58 p.m.	
Approval Signatures	
Date Approved	9/15/2010
Ron Carpinella, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Gloria Goins, Transcriber/ Administrative Coordinator	