



Board of Zoning Appeals August 14, 2008

Meeting Minutes

Board Members Present	Mark King (C), Ruth Coan, Oz Hill, Ken Moller, Al Pond, Paul Reale
Board Members Absent	Ron Carpinella
Staff Present	Michael Barnett, Harmit Bedi, Cesar Geraldo, Nancy Leathers, Mark Moore, Cristina Nelson, Terry Robinson, Jocelyn Stephens, Doug Trettin

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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ADOPTION AND MODIFICATION OF THE AGENDA	
	ACTION: Oz Hill moved to recommend the adoption and modification of the Agenda for administrative expediency by shifting Item No. 8, V08-041, to Item No. 1. Paul Reale seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for).
PREVIOUS MINUTES	
	ACTION: Ruth Coan moved to recommend approval of the Minutes from the June 12, meeting. Oz Hill seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for).
NEW CASES	
1.	V08-041 5600 Roswell Road (SR 9) <i>Applicant: The Prado, LLC.</i> <i>Representative: Pete Hendricks</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Two primary variances from the Zoning Ordinance: 1) variance from Section 33.18.H to allow a sign to extend vertically above the roof line of a building and 2) variance from Section 33.26.H.2.a to allow for an additional wall sign on a wall that does not have street frontage. Applicant Presentation: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Doug Bartolomeo, Target Corporation, 1000 Nicollet Mall, Minneapolis, MN 55403 Scott McLane, 1450 S. Johnson Ferry Road, Sandy Springs, GA 30319 • Against the Petition: Trisha Thompson, 145 River North Drive, Sandy Springs, GA 30328 (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to recommend approval of the application subject to conditions. Oz Hill seconded. The motion was APPROVED (4-2, King, Hill, Pond, Reale, for; Coan and Moller; against). Condition(s): 1) That the wall sign located above the roofline on the East elevation of the building shall be installed pursuant to the sign

	detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received June 10, 2008 by the Department of Community Development. 2) That the wall sign located on the East elevation of the building shall not exceed eighty-one (81) square feet of sign area, be installed pursuant to the sign detail (Exhibit 1), submitted by the applicant, dated received June 10, 2008 by the Department of Community Development. 3) That the wall sign located on the East elevation of the building shall be back-lit reverse channel letters pursuant to the sign detail (Exhibit 2), submitted by the applicant, and dated received June 10, 2008 by the Department of Community Development.
2.	V08-029 6098 Riverchase Circle <i>Applicant: Greg Crawford & Sean Reilly. Representative(s): Greg Crawford</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Primary variance from Section 6.3.3.D of the Zoning Ordinance to reduce the required 40 foot minimum rear yard setback to 10 feet to allow for a detached garage. Applicant Presentation: Greg Crawford (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ken Moller moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for). Condition(s): 1) The proposed garage shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 5, 2008 by the Department of Community Development, for the variance herein, showing the rear yard setback reduced to not less than ten (10) feet where necessary to accommodate the portion of the encroachment only. 2) The exterior construction material, color, and design of the proposed garage shall be similar to the maximum possible extent to the existing structure. 3) Prior to construction, an approval letter from the holder of the rear drainage easement shall be submitted to the Community Development Department, and the removal of the drainage easement shall occur.
3.	V08-030 5780 Long Grove Drive <i>Applicant(s): Dale Dyer. Representative(s): Michael Cochran</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Primary variance from Section 19.3.12.B.1 of the Zoning Ordinance to allow for a swimming pool to be located in the front yard of a single-family dwelling. Applicant Presentation: Michael Cochran (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ruth Coan moved to recommend approval of the subject to conditions. Paul Reale seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for).

	Condition(s): 1) The proposed swimming pool and pool deck shall be constructed in accordance with the proposed site plan, provided by the applicant, dated received May 5, 2008 by the Department of Community Development, for the variance herein, showing a swimming pool and pool deck located in the front yard of a single-family dwelling. 2) Visual screening from Long Island Drive shall be maintained as long as a swimming pool remains constructed as proposed. 3) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy.
4.	V08-031 700 Dalrymple Road Applicant: <i>Metro PCS Georgia, LLC.</i> Representative: <i>Sean Cash</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Primary variance from Section 19.3.1(2).B.1 of the Zoning Ordinance to allow for a cell tower and accessory structures to be setback from a residential zoning district a distance smaller than the proposed height of the tower. Applicant Presentation: Sean Cash (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Al Pond moved to recommend approval of the application subject to conditions. Ken Moller seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for). Condition(s): 1) That the proposed height addition/co-location to the existing cell tower and associated equipment shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 5, 2008 by the Department of Community Development, for the variance herein, showing a cell tower having 180 feet in overall height and showing the minimum setback distance for the tower and accessory structures of approximately 139 feet from all property lines of any residential district. 2) A landscape screening/buffering plan shall be submitted to the City for approval by the City Arborist. 3) The electrical drawings as a part of the V08-031 application shall be signed and sealed by a qualified electrical engineer. The aforementioned electrical drawings shall be resubmitted to the City for the record and permitting process.
5.	V08-034 7965 Monticello Drive Applicant: <i>Ronald Mann.</i> Representative: <i>Ronald Mann</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ 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 a 30 foot undisturbed natural buffer to allow for additions to a single-family house. Applicant Presentation: Ronald Mann (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30327

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

ACTION: Mark King moved to recommend approval with conditions. Ken Moller seconded. The motion was APPROVED (4-1 Coan, Hill, Moller, Pond, for; King, against; Reale, recused).

Condition(s):

- 1) That the proposed additions shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 7, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a thirty (30) foot undisturbed natural buffer for the proposed northern side addition and reduced to a fifty (50) foot undisturbed natural buffer plus an eleven (11) foot impervious surface setback for the southern stream (addition to the middle of the house) and reduced to a fifty (50) foot undisturbed natural buffer plus a twenty-two (22) foot impervious surface setback for the western stream (addition to the middle of the house) where necessary to accommodate the portions of the encroachments only.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device.
- 4) 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 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-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs.
- 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural 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 spans 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) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.
- 11) The exterior construction material, color, and design of the proposed additions shall be similar to the maximum possible extent to the existing structure.
- 12) The existing cabana/shed shown on the proposed site plan, provided by the applicant dated received May 7, 2008 by the Department of Community Development, shall be removed before the issuance of a certificate of completion for the proposed additions, and the land beneath the aforementioned cabana/shed shall be restored with natural landscaping as approved by the City Arborist.

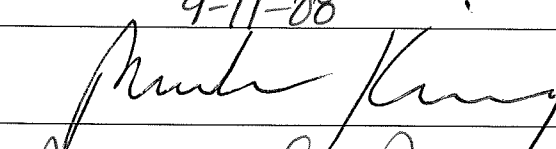
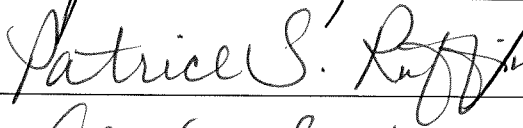
6. **V08-035**
130 Blenheim Place
Applicant: Cathy & Chris Kapsimalis. *Representative: Brad Renken*
- SUMMARY/STAFF PRESENTATION:** Cesar Geraldo/ Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a 44 foot undisturbed natural buffer to allow for the construction of a swimming pool.
- Applicant Presentation:** Brad Renken
- (Invitation for public comment in support of and in opposition to the petition)**
- **Support for the Petition:**

	Diane L. Wynocker, (supports with reservations), 7960 Spalding Hills, Sandy Springs, GA 30350 • Against the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Al Pond moved to recommend deferral of the case until the September 11, 2008 meeting. Ken Moller seconded. The motion was APPROVED (5-0 King, Coan, Hill, Moller, Pond, for; Reale, recused).
	Condition(s): N/A
7.	V08-036 7000 Riverside Drive <i>Applicant: Tony & Sara Rich. Representative: Dan Wideman</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Six primary variances: 1) variance from Section 4.24.9.B.1.b of the Zoning Ordinance to allow expansion of a non-conforming use (mudroom) located in a floodplain, 2) variance from Section 4.24.9.C of the Zoning Ordinance to allow a new structure to be constructed over a special flood hazard area (mudroom and new deck), 3) variance from Section 4.24.9.E of the Zoning Ordinance to allow the finished floor elevation of a structure (mudroom) to be less than 3 feet above the base flood elevation, 4) variance from Section 109-113.6 of the Floodplain Management Ordinance to allow HVAC, electrical, ventilation, plumbing components associated with a structure (mudroom) to be located less than 3 feet above the base flood elevation, 5) variance from Section 109-114.a.2 of the Floodplain Management Ordinance to allow substantial improvement of principal structure to have the finished floor less than 3 feet above the base flood elevation (mudroom), and 6) 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 a 50 foot undisturbed natural buffer. All variances to allow for additions to a single-family house. Applicant Presentation: Dan Wideman (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Ruth Coan moved to accept the withdrawal of variances numbered 1, 3, 4, 5, and 6 and to approve, with conditions, variance No. 2 from Section 4.24.9.C of the Zoning Ordinance (structure constructed over a special flood hazard area). Ken Moller seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for) subject to condition.
	Condition(s): 1) At the rear of the existing house, only the addition of the proposed covered porch shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 30, 2008 by the Department of Community Development, for the variances herein, showing the proposed covered porch within a flood plain.
8.	V08-040 315 Ivy Brooke Court <i>Applicant: Randall Grimes. Representative: Scott Shelton</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Four primary variances: 1) variance from Section 4.24.12.A.2 of the Zoning Ordinance to allow a reduction in the flood storage capacity, 2) variance from Section 109-89.a.2 of the Floodplain Management Ordinance to reduce the base flood or future conditions regulatory flood storage capacity, 3) variance from Section 109-91.1 of the Floodplain Management Ordinance to allow for encroachment into the floodway, including earthen fill, and 4) 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 a 30 foot undisturbed natural buffer. All variance to allow for pool, pool deck, and retaining walls on a single-family property. Applicant Presentation: Scott Shelton

	(Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Al Pond moved to recommend deferral of the case until the September 11, 2008 meeting. Oz Hill seconded. The motion was APPROVED (5-1, King, Coan, Hill, Pond, Reale, for; Moller, against).
	Condition(s): N/A
9.	V08-037 285 Bruton Way <i>Applicant: Patricia & Wayne Norsworthy. Representative: Pete Hendricks</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/Two primary variances: 1) variance from Section 6.4.3.B of the Zoning Ordinance to reduce the required 50 foot minimum front yard setback to 46 feet and 2) 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 a 49 foot undisturbed natural buffer. Both variances to allow for existing structures. Applicant Presentation: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Ken Moller moved to recommend approval subject to conditions. Oz Hill seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for).
	Condition(s): 1) The house on the subject property shall be in accordance with the site plan, provided by the applicant dated received June 12, 2008 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a forty-nine (49) foot undisturbed natural buffer and showing the fifty (50) foot minimum front yard setback reduced to forty-six (46) feet where necessary to accommodate the portions of the encroachments only. 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material. 3) All downspouts and water runoff from the proposed additions shall be directed into a rain garden or other Best Management Practices (BMP) filtration detention device. 4) 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 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-unnamed tributaries shall not have concrete poured along the banks. The applicant shall provide proper stream bank restoration if disturbance to the stream bank occurs. 7) The remaining fifty (50) foot undisturbed natural buffer shall remain untouched in its current state; grass shall not be planted in the fifty (50) foot undisturbed natural 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 spans 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) The owner/developer shall provide for swimming pool water overflow to discharge in a manner that is compliant with the Department of Community Development Pool Discharge Policy. 11) All approved encroachments into the fifty (50) foot undisturbed stream buffer shall be clearly delineated both on the approved site plan and on site by use of tree save fence and two (2) rows of type-C silt fence. Additionally, the limits of encroachment into the buffer must be field-verified by staff during a pre-construction meeting before issuance of the applicable permit(s) for the site.
10.	V08-038 4934 Powers Ferry Road <i>Applicant: Tatiana Kardivar.</i> <i>Representative: Al Brickman</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street. Applicant Presentation: Al Brickman (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Patty Berkovitz, 800 Crest Valley Way, Sandy Springs, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Ruth Coan moved to recommend denial of the application. Ken Moller seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for).
	Condition(s): N/A
11.	V08-039 3045 River North Parkway <i>Applicant: Gregory L. Anderson & Mary F. Mattson.</i> <i>Representative: Woody Galloway</i> SUMMARY/STAFF PRESENTATION: Cesar Geraldo/ Primary variance from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street. Applicant Presentation: Woody Galloway (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Woodson Galloway, 3500 Lenox Road Suite 760, Atlanta, GA 30326 Mike Gustafson, 3060 River North Parkway Buddy McDowell, 170 River North Circle, Atlanta, GA 30328 • Against the Petition: Jerome Mersberger, 3055 River North Parkway, Atlanta, GA 30328 Carolyn S. Rudé, 3065 River North Parkway, NW, Sandy Springs, GA 30328 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Paul Reale moved to recommend denial of the application. Ken Moller seconded. Paul Reale moved to withdraw the motion to deny the application and to defer the case until the September 11, 2008 meeting. Ken Moller seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale, for).
	Condition(s): N/A

Meeting Adjournment	The meeting was adjourned at 10:37 p.m.
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Approval Signatures	
Date Approved	9-11-08
Mark King, Chairman	
Patrice Ruffin, Interim Assistant Director of Planning and Zoning	
Jocelyn Stephens, Transcriber/ Administrative Assistant	