SANDY SPRINGS
GEORGIA

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, September 8, 2011	Regular Meeting Minutes	7:00 PM

Board Members Present	Ruth Coan (Chair), Paul Reale (Vice Chair), Lane Frostbaum, Jim Squire, Ken Moller and Ted Sandler
Board Members Absent	Ron Carpinella
Staff Present	Ed Shoucair, Nancy Leathers, Patrice Ruffin, Linda Abaray, Michael Barnett, Bennett White, Taylor Baxter, 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: Frostbaum moved to approve the Agenda for September 8, 2011. Reale seconded the motion. Approved (6-0, Coan, Frostbaum, Reale, Squire, Moller and Sandler for; Carpinella absent).

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Sandler moved to approve the Minutes for August 14, 2011. Frostbaum seconded the motion. Approved (6-0, Coan, Frostbaum, Reale, Squire, Moller and Sandler for; Carpinella absent

DEFERRED

V11-009
201 Mount Vernon Highway
Applicant: SCI Management

SUMMARY/STAFF PRESENTATION: A 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 installation of storm drainage piping.

APPLICANT PRESENTATION:
Carl Westmoreland, 1075 Peachtree Street, Atlanta, GA 30309

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

Morgan Falls Office Park
7840 Roswell Road, Building 500
Sandy Springs, GA 30350

SUPPORT FOR THE PETITION:
None

AGAINST THE PETITION:
Patty Berkovitz, On File

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

Motion and Vote: Squire moved to defer to the November 10, 2011 meeting, Sandler seconded. Approved (6-0, Coan, Frostbaum, Reale, Squire, Moller and Sandler for; Carpinella absent).

NEW CASES

V11-034
6295 Rivershore Parkway
Applicant: Sarah M. Wharton

SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.4.3.C of the Zoning Ordinance to reduce the required minimum rear yard setback from ten (10) feet to two (2) feet to construct a boat house.

APPLICANT PRESENTATION:
Sarah Wharton, 6295 Rivershore Parkway, Sandy Springs, GA 30328
Randy Rhins, 6295 Rivershore Parkway, 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:
Larry Young, 260 Riverhill Drive, Sandy Springs, GA 30328
Jeff Schneider, 350 Colewood Way, Sandy Springs, GA 30328

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

Motion and Vote: Squire moved to defer to the October 13, 2011 meeting, Frostbaum seconded. Approved (6-0, Coan, Frostbaum, Reale, Squire, Moller and Sandler for; Carpinella absent).

V11-035
6230 Mountain Brook Lane
Applicant: Clay and Paula Cibula

SUMMARY/STAFF PRESENTATION: A 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 50 feet to allow an addition to the existing residence.

APPLICANT PRESENTATION:
David Ogram, 1708 Peachtree Street, Atlanta, GA
Jason Lamp, 305 South Talbot Court
Clay Cibula, 6230 Mountain Brook Lane, 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)

Motion and Vote Frostbaum moved to defer to the October 13, 2011 meeting, Moller seconded. Approved (6-0, Coan, Frostbaum, Reale, Squire, Moller and Sandler for; Carpinella absent).

V11-036
275 Heards Ferry Road
Applicant: Christelle Alves

SUMMARY/STAFF PRESENTATION: Five (5) primary variances: 1) from Section 4.2.10 of the Zoning Ordinance to allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback; 2) from Section 6.1.3.B of the Zoning Ordinance to reduce the required front yard setback from sixty (60) feet to thirty-nine (39) feet to allow an existing storage building; 3) from Section 6.1.3.C of the Zoning Ordinance to reduce the required side yard setback from twenty-five (25) feet to nine (9) feet to allow an existing shed; 4) from Section 6.1.3.D of the Zoning Ordinance to reduce the required rear yard setback from fifty (50) feet to fifteen (15) feet to allow an existing shed; and 5) from Section 6.1.3.I of the Zoning Ordinance to allow existing structures to be located in the front yard.

APPLICANT PRESENTATION:
Tom Williams, 125 North Mill Road, 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)

Motion and Vote: Sandler moved to approve, Frostbaum seconded. Approved (6-0, Coan, Frostbaum, Moller, Squire, Reale and Sandler for; Carpinella absent) with the following conditions:

1. The proposed lots shall be in accordance with the proposed site plan, provided by the applicant dated received July 20, 2011 by the Department of Community Development, for the variance(s) herein, showing the combination of 17-0133- LL-096 (275 Heards Ferry Road) and 17-0123-LL-048.

2. To allow the required lot width of a proposed flag lot to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback.

3. To reduce the front yard setback from 60' to 39' to allow an existing storage building.

4. To reduce the side yard setback from 25' to 9' to allow an existing shed and batting cage.

5. To reduce the rear setback from 50' to 15' to allow an existing shed.

6. To allow existing accessory structures to be located in the front yard.

NEW BUSINESS

Response to Public Comment Received at August Board of Appeals Meeting

Staff Presentation:

At the August 11, 2011 Board of Appeals (BOA) meeting, the BOA requested that staff respond to issues raised during the general Public Comment portion of the agenda. Below, please find the review, findings, and action to be taken regarding the four (4) items discussed.

1 - Request for history of each property on agenda including permits, violations, and previous applications heard by the BOA.

Staff finds that this request is reasonable and will begin providing Property History Reports, to include the details mentioned, as an attachment to the standard staff report package where a report is necessary. Staff has included sample reports for two of the cases heard at the August meeting. Should staff determine that there is no previous history on a particular property; a note will be placed within the standard staff report indicating such.

2 - Request for Google or Bing aerial photographs of property for use as a visual comparison with plans submitted as a part of an application.

Staff has and will continue to provide the best available aerial photography in the city records in the reports provided to all city boards. Staff finds that the reports and additional information provided on the current maps as prepared by our Geographic Information Systems (GIS) staff (e.g. zoning, property boundaries) is necessary to establish the record for each agenda item. As such, neither Google nor Bing maps are recommended for use in the reports.

3 - Request for a copy of a FEMA panel map for subject property and surrounding area.

Staff finds that this request is reasonable and will begin providing the FEMA panel maps for those applications where there is a floodplain variance request or where the map is determined to be relevant to the review of the case.

4 - Request for additional language to be included in Opening Statement regarding inaccurate applications and/or presentations.

The Director and the City Attorney have reviewed this request and have determined that adding such language to the Opening Statement is not necessary and may, in fact, undermine the public participation process. As such, staff will maintain the opening statement as it is currently written.

Board Discussion:

Board requested items be taken to Mayor and City Council for review. Staff will prepare a draft memorandum.

DISCUSSION ITEMS

Ron Carpinella is being deployed to Afghanistan and has requested a leave of absent until May. The Board is very grateful for Mr. Carpinella's contributions and that additionally wish him well and safety and a quick, safe and speedy return.

Motion and Vote: Moller moved to approve, Sandler seconded. Approved (6-0, Coan, Frostbaum, Moller, Squire, Reale and Sandler for; Carpinella absent)

ADJOURNMENT

Meeting adjourned at 8:52 P.M.

Approval Signatures	
Date Approved	**10/13/11**
Ruth Coan (Chairman)	Ruth Coan
Patrice Ruffin, Manager of Planning & Zoning	P. Dickerson
Linda Abaray, Senior Planner	Linda Abaray