



**Board of Appeals
September 10, 2009**

Meeting Minutes

Board Members Present	Paul Reale, Ken Moller, Lane Frostbaum, Ruth Coan, and Oz Hill
Board Members Absent	Mark King, Ron Carpinella
Staff Present	Nancy Leathers, Patrice Ruffin, Cesar Geraldo, Linda Abaray, Michael Barnett, Terry Robinson, and Cristina Nelson

CALL to Order	Paul Reale called the meeting to order at 7:00 p.m.
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	ADOPTION OF AGENDA
	ACTION: Ken Moller moved to recommend adoption of the agenda. Lane Frostbaum seconded. The motion was approved (5-0).
	PREVIOUS MEETING'S MINUTES
	ACTION: Lane Frostbaum moved to recommend approval of the previous meeting's minutes. Oz Hill seconded. The motion was approved (6-0).
	NEW CASES
1.	V09-028 1100 Hope Road <i>Applicant: Zainabia Non-Profit, Inc.</i> SUMMARY/STAFF PRESENTATION: Five primary variances: 1) variance from Section 4.23.1.A of the Zoning Ordinance to reduce the required 10 foot front landscape strip to 1 foot and the 5 foot side landscape strip to 0 feet, 2) variance from Section 4.23.2 of the Zoning Ordinance to allow for a parking lot without the required parking islands, 3) variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking spaces from 57 to 42, 4) variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (parking lot) within a landscape strip, and 5) variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) for relief from the requirement of planting a large shade tree every 6 parking spaces. All variances to allow for the reconfiguration and expansion of an existing nonconforming parking lot. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Vick Gardezi, 175 Parkside Close, Alpharetta, GA 30022 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Lane Frostbaum motioned to defer the case until the October 9, 2009 to discuss a tree plan with the City Arborist. Oz Hill seconded. The motion was approved (5-0).

	Condition(s): N/A
2.	V09-029 215 Northwood Drive <i>Applicant: Copeland Village Shopping Center</i> SUMMARY/STAFF PRESENTATION: Two primary variances from the Zoning Ordinance: 1) variance from Section 4.6 to allow for refuse containers (dumpsters) without the required screening and 2) variance from Section 12B.5.C to allow for refuse containers (dumpsters) without the required screening. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Carole Silverman, 3300 Buckeye Rd, Atlanta, GA. 30341 Gideon Levy, 3300 Buckeye Rd, Atlanta, Ga. 30341 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ruth Coan moved to recommend deferral of the case until the November 12, 2009 meeting to discuss alternative solutions for dumpster screening with the Police Department and Community Development. Ken Moller seconded. The motion was approved (5-0). Condition(s): N/A
3.	V09-030 1140 & 1150 Hammond Drive <i>Applicant: Uncle Julio's</i> SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.18.P of the Zoning Ordinance to allow for a projecting sign. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Pat Chesser, 1140 Hammond Dr., Sandy Springs, Ga. Nathan V. Henedrieks, 6085 Lake Forrest Dr, Suite 200, Atlanta, GA. 30328 Robert Latham, 1100 B, Union Bowen #160, Irving, Tx. 75061 B. Parker Ellen III, 817 W. Peachtree St., Atlanta, GA. 30308 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Oz Hill moved to recommend approval of the application with conditions. Ken Moller seconded. The motion was approved (5-0). Condition(s): 1) Allow a projecting sign on the west elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location, submitted by the applicant, and dated received July 7, 2009 by the Department of Community Development.

	2) The projecting sign located on the west elevation of the building shall not exceed 118 square feet of sign area, as shown on the sign design detail, submitted by the applicant, dated received July 7, 2009 by the Department of Community Development.
4.	V09-031 765 Hammond Drive <i>Applicant: Holiday Inn Express</i> SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.D.2 of the zoning Ordinance to allow for a wall sign on a wall that does not have street frontage. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Neel Shah, 765 Hammond Dr., Sandy Springs, GA. 30328 • Against the Petition: Deboah Miller, 795 Hammond Dr. #1712, Sandy Springs, GA. 30328 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	Action: Ruth Coan moved to recommend approval of the application with conditions. Lane Frostbaum seconded. The motion was approved (5-0).
	Condition(s): 1) Allow a wall sign on the east elevation of the building, to be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 4), submitted by the applicant, and dated received July 7, 2009 by the Department of Community Development. 2) That the wall sign located on the East elevation of the building shall not exceed 122 square feet of sign area, be installed pursuant to the sign detail (Exhibit 5), submitted by the applicant, dated received July 7, 2009 by the Department of Community Development.
5.	V09-034 5324 Long Island Drive <i>Applicant: Joel B. Shapiro</i> SUMMARY/STAFF PRESENTATION: Three primary variances from the Zoning Ordinance: 1) variance from Section 6.2.3.B to reduce the required front yard setback from 60 feet to 22 feet, 2) variance from Section 6.2.3.I to allow for accessory structures within the minimum required front yard, and 3) variance from Section 19.3.12.B.1 to reduce the pool equipment property line setback from 10 feet to 5 feet. All variances to allow for existing and proposed structures. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: David Ogram, 1708 Peachtree St., Atlanta, GA. 30309 Joel Shapiro, 5324 Long Island Dr., Sandy Springs, GA. 30327 Jim Delany, 1864 Colt Dr., Atlanta, GA. 30341 • 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. Lane Frostbaum seconded. The motion was approved (5-0).
	Condition(s): 1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received July 14, 2009 by the Department of Community Development, for the variance(s) herein, showing the existing house and accessory structure (pool house) located in the front yard to accommodate the portion of the encroachment (s) only.

	2) To allow an accessory structure (pool cabana) to be located in the front yard. 3) To reduce the required sixty (60) foot minimum front yard setback to twenty-two (22) feet. 4) To reduce the required ten (10) feet pool equipment property line setback to five (5) feet.
6.	V09-035 4723 Jett Road <i>Applicant: Troy Smalls</i> SUMMARY/STAFF PRESENTATION: Primary variance from Section 109-225.a 2 of the Stream Buffer Protection Ordinance to reduce the 25 foot impervious setback to 0 feet to allow for a new driveway. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Anthony Smalls, 4723 Jett Rd, Atlanta, GA. 30327 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion)
	Action: Ruth Coan moved to recommend approval of the application with conditions. Oz Hill seconded. The motion was approved (5-0).
	Condition(s): 1) The proposed removal and proposed chain link fence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received May 12, 2009 by the Department of Community Development, for the variance herein, showing a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a forty (40) foot undisturbed buffer, where necessary to accommodate the portions of the encroachments only. The area of land disturbance shall be limited to no more than 5.9 square feet within the fifty (50) foot undisturbed natural buffer. 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, and 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. 12) 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.

- 13) The applicant shall provide a revised drainage and erosion plan showing the proposed fence set back no less than forty (40) feet from the wrested vegetation of the subject stream and showing plantings as approved by the City Arborist.

Meeting Adjourned: 9:05 p.m.

Approval Signatures

Date Approved

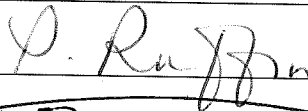
11/12/09

Mark King, Chairman



John Chairman
of the Board

Patrice Ruffin, Assistant Director of
Planning and Zoning



Gloria Goins, Transcriber/
Administrative Coordinator

