



Board of Zoning Appeals September 11, 2008

Meeting Minutes

Board Members Present	Mark King (C), Ron Carpinella (left at 8:00 p.m.), Oz Hill, Ken Moller, Al Pond, Paul Reale
Board Members Absent	Ruth Coan
Staff Present	Michael Barnett, Julie Eldridge, Nancy Leathers, Mark Moore, Cristina Nelson, Dennis Payne, Terry Robinson, Patrice Ruffin, Jocelyn Stephens, Doug Trettin

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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	ADOPTION OF AGENDA
	ACTION: Al Pond moved to recommend adoption of the Agenda. Ron Carpinella seconded. The motion was APPROVED (6-0, King, Carpinella, Hill, Moller, Pond, Reale, for; Coan absent).
	PREVIOUS MEETING'S MINUTES
	ACTION: Paul Reale moved to recommend approval of the Minutes from the August 14, 2008 meeting. Ken Moller seconded. The motion was APPROVED (6-0, King, Carpinella, Hill, Moller, Pond, Reale for; Coan absent).
	DEFERRED CASES
1.	V08-035 130 Blenheim Place <i>Applicant: Cathy & Chris Kapsimalis. Representative: Brad Renken</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/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 50 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: None • Against the Petition: Patty Berkovitz, LICWPA, 800 Crest Valley Drive, Sandy Springs, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Oz Hill moved to recommend approval of the application subject to conditions. Paul Reale seconded. The motion was APPROVED (5-1, King, Carpinella, Hill, Pond, Reale for; Moller against; Coan absent).
	Condition(s): 1) That the proposed swimming pool, pool deck, and fire pit shall be constructed in accordance with the revised proposed site plan, provided by the applicant dated received August 28, 2008 by the Department of Community Development, for the

variance herein, showing fifty (50) square feet of land disturbance within the fifty (50) foot undisturbed natural buffer and showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a fifty (50) foot undisturbed natural buffer where necessary to accommodate the portions of the encroachments only. The aforementioned fifty (50) square feet of land disturbance shall be restored per Staff approval at the time of the subject pool's final inspection.

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 existing and new downspouts and water runoff from the proposed additions and pool overflow shall be directed into a 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.

12) The applicant shall provide a revised drainage and erosion plan showing the proposed pool set back no less than fifty (50) from the wrested vegetation of the subject stream and showing plantings as approved by the City Arborist.

2.

V08-040

315 Ivy Brooke Court

Applicant: Randall Grimes.

Representative(s): Scott Schulten

SUMMARY/STAFF PRESENTATION: Doug Trettin/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 Schulten

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

• **Support for the Petition:**

None

• **Against the Petition:**

Patty Berkovitz, LICWPA, 800 Crest Valley Drive, Sandy Springs, GA 30327

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

was APPROVED (6-0, King, Carpinella, Hill, Moller, Pond, Reale for; Coan absent).

Condition(s):

- 1) The proposed swimming pool, pool deck, and retaining wall shall be constructed in accordance with the revised proposed site plan, provided by the applicant dated received August 28, 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 where necessary to accommodate the portions of the encroachments only.
- 2) The stream buffer shall be landscaped in accordance with the Stream Revegetation Buffer plan, provided by the applicant dated received June 4, 2008 by the Department of Community Development. Prior to final inspection, the City Arborist shall field review, for approval, the plantings that are part of the re-vegetation of the fifty (50) foot undisturbed natural buffer.
- 3) The entire proposed pool deck shall be constructed of pervious material.
- 4) All existing and new downspouts and water runoff from the proposed construction and pool overflow shall be directed into a Best Management Practices (BMP) filtration detention device.
- 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.

3.

V08-039

3045 River North Parkway

Applicant(s): Gregory L. Anderson & Mary F. Mattson. Representative(s): Woody Galloway

SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 6.3.3.B of the Zoning Ordinance to reduce the required 60 foot minimum front yard setback to 35.9 feet to construct a single-family attached garage.

Applicant Presentation: Woody Galloway

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

• **Support for the Petition:**

Gregory Anderson, 3045 River North Parkway, Sandy Springs, GA 30328

• **Against the Petition:**

Mary Lynn Lombardi, 120 River North Parkway, Sandy Springs, GA 30342

Jerome Mensberger, 3055 River North Parkway, Atlanta, GA

Carolyn Rudé, 3065 River North Parkway

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

	ACTION: Ken Moller moved to recommend denial of the application. Paul Reale seconded. The motion was APPROVED (5-0, King, Hill, Moller, Pond, Reale for; Coan absent).
	Condition(s): N/A
	NEW CASES
4.	V08-042 55 & 67 Mount Paran Road <i>Applicant: Michael Raponi.</i> <i>Representative: Laurel David</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 6.2.3.C to reduce the required 15 foot minimum side yard setback to 10 feet for existing structure on 67 Mount Paran Road and 2) variance from Section 6.2.3.F to reduce the minimum lot width required from 150 feet to 149.09 feet for 55 Mount Paran Road and to 147.28 feet for 67 Mount Paran Road. Both variances to allow for the reconfiguration of 2 existing lots. Applicant Presentation: Laurel David (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Brooks Fischer, 656 Darlington Road, Atlanta, GA 30305 Vance Rankin, 6065 Roswell Road, NE, Suite 623, Atlanta, GA 30328 • Against the Petition: Patty Berkovitz, LICWPA, 800 Crest Valley Drive, Sandy Springs, GA 30327 Cathy Hogan, 4805 Pavan Oak Court, Atlanta, GA 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Al Pond moved to recommend approval of the application subject to conditions. Paul Reale seconded. The motion was APPROVED (5-0, King, Hill, Moller, Pond, Reale for; Coan absent).
	Condition(s): 1) The proposed properties shall remain in accordance with the proposed site plan, provided by the applicant dated received June 12, 2008 by the Department of Community Development, for the variance herein, showing the required lot width reduced to 149.09 feet for 55 Mount Paran Road and to 147.28 feet for 67 Mount Paran Road and showing the minimum required side yard setback reduced to ten (10) feet for 67 Mount Paran Road where necessary to accommodate the portion of the encroachment only. 2) The subject properties shall remain a maximum of two (2) lots and shall be platted as lots-of-record in the configuration shown on the proposed site plan, provided by the applicant dated received June 12, 2008 by the Department of Community Development.
5.	V08-043 8294 Grogans Ferry Road <i>Applicant: Maher Al-Soufi.</i> <i>Representative: Maher Al –Soufi</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ 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 32.22 foot undisturbed natural buffer to allow for additions to a single-family house. Applicant Presentation: Maher Al-Soufi (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None

● **Against the Petition:**

Patty Berkovitz, LICWPA, 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 approval of the application with conditions. Paul Reale seconded. The motion was APPROVED (4-1, Hill, Moller, Pond, Reale for; King against; Coan absent).

Condition(s):

- 1) That the proposed addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received July 1, 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 32.22 foot undisturbed natural buffer 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 existing and new downspouts and water runoff from the proposed additions shall be directed into a 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.

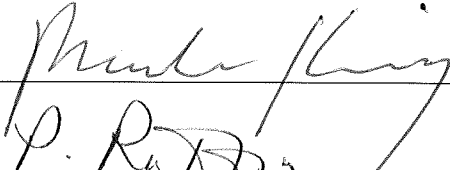
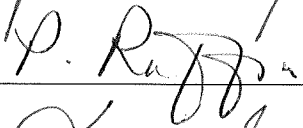
6. **V08-044**
1220 Tynecastle Way, 1625 Sunnybrook Farm Road, and
Parcel (06-0361-0006-0001)
Applicant: Lake Northridge Homeowners Association Representative: Charles Wilson
- SUMMARY/STAFF PRESENTATION:** Doug Trettin/ Primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a 25 foot undisturbed natural buffer to allow for lake maintenance and construction.
- Applicant Presentation:** Charles Wilson
- (Invitation for public comment in support of and in opposition to the petition)**
- **Support for the Petition:**
Arthur Katz, 1240 Tynecastle Way, Sandy Springs, GA 30350
- **Against the Petition:**
None

	(Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Paul Reale moved to recommend approval of the application subject to conditions. Ken Moller seconded. The motion was APPROVED (5-0, King, Hill, Moller, Pond, Reale for; Coan absent).
	Condition(s): 1) That the proposed lake maintenance shall be performed and constructed in accordance with the proposed site plan, provided by the applicant dated received July 1, 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 twenty-five (25) foot undisturbed natural buffer 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.
7.	V08-045 275 Mount Vernon Highway Applicant: Marea Battle. Representative: Sylman Battle SUMMARY/STAFF PRESENTATION: Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to 5 feet and 2) variance from Section 33.26.H.1.a to allow for a second freestanding sign where only 1 is allowed on property with less than 500 feet of frontage. Applicant Presentation: Sylman Battle (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: Ken Moller moved to recommend approval of the application subject to conditions. Paul Reale seconded. The motion was APPROVED (5-0, King, Hill, Moller, Pond, Reale for; Coan absent).
	Condition(s): 1) The freestanding sign shall not be located less than five (5) feet from the right-of-way, pursuant to the site plan submitted by the applicant, and dated received July 1, 2008 by the Department of Community Development. 2) The sign area shall not exceed fifteen (15) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received July 1, 2008 by the Department of Community Development. 3) The freestanding sign should include the property address. 4) That the existing sign, advertising the adjacent business, be removed at the time the advertised business ceases to exist, changes names and/or makes changes to that sign.
8.	V08-046 7020 Hunters Branch Drive <i>Applicant: Scott & Darlene Chatham. Representative: Scott Chatham</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Three primary variances from the Zoning Ordinance: 1) variance from Section 6.3.3.C to reduce the required 15 foot minimum side yard setback to 11 feet, 2) variance from Section 6.3.3.D to reduce the required 40 foot minimum rear yard setback to 11.5 feet, and 3) variance from Section 6.3.3.I to allow for accessory structures to be located within required minimum yard setbacks. All variances to allow for children's playground. Applicant Presentation: Scott Chatham (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: Al Pond moved to recommend approval of the application subject to conditions. Ken Moller seconded. The motion was APPROVED (5-0, King, Hill, Moller, Pond, Reale for; Coan absent).
	Condition(s): 1) That the playhouse shall be constructed in accordance with the proposed site plan, provided by the applicant dated received August 15, 2008 by the Department of Community Development, for the variance herein, showing the rear yard setback reduced to not less than 11.5 feet and showing the southern side yard setback reduced to not less than eleven (11) feet where necessary to accommodate the portions of the encroachments only. 2) The exterior construction material, color, and design of the playhouse shall be similar to the maximum possible extent to the existing structure.
9.	V08-047 4875 Northland Drive <i>Applicant: Jeff & Carla Goldstein. Representative: Jim Lesti and Chris Higdon</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ 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 40 foot undisturbed natural buffer to allow for a driveway and landscaping. Applicant Presentation: Jim Lesti and Chris Higdon (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: Ken Moller moved to recommend deferral of the case until the October 15, 2008 meeting. Paul Reale seconded. The motion was APPROVED (5-0, King, Hill, Moller, Pond, Reale for; Coan absent).
	Condition(s): N/A

Meeting Adjournment	The meeting was adjourned at 10:37 p.m.
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Approval Signatures	
Date Approved	10-15-2008
Mark King, Chairman	
Patrice Ruffin, Interim Assistant Director of Planning and Zoning	
Jocelyn Stephens, Transcriber/ Administrative Assistant	