

BOARD OF ZONING APPEALS

MEETING MINUTES

Thursday, September 14, 2006, 7:00 p.m.

Board Members Present: Al Pond (Chair), Mark King (Vice Chair), Ruth Coan, Oswald Hill, Paul Reale, and Ken Moller

Members Absent (Excused): Ron Carpinella

Staff Present: Nancy Leathers, Michael Zehner, Cesar Geraldo, Christina Nelson, Josh Lontz, Mark Moore, Michael Barnett, Doug Trettin and Angela Lawson

Call to Order: Al Pond called the meeting to order at 7:00 p.m.

I. APPROVAL OF ACTION REPORT

ACTION: Ruth Coan moved that the Action Report be approved. Ken Moller seconded. The Action Report for the previous meeting of August 22, 2006 was APPROVED (6-0).

[NOTE: ITEMS ARE LISTED BASED ON ORDER IN ACTUAL MEETING, PLEASE DISREGARD OUT OF ORDER LETTERING, WHICH IS BASED ON ORIGINAL MEETING AGENDA.]

III. NEW

Q. V06-104
6901 Glenlake Parkway
Applicant: Glenlake Apartment Investments, LLC

Summary: Secondary variance: Appeal to the Department of Community Development Director's interpretation of the Zoning Ordinance to allow changes to a nonconforming sign.

(Invitation for public comment in support of and in opposition of application)

David Eldridge: 1170 Peachtree Street, NE, spoke in support of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Applicant requested a minimum of a 60-day deferral. Mark King motioned to approve the deferral request of a minimum of 60-days with a date uncertain to come back before the Board. Paul Reale seconded. The application was DEFERRED (6-0).

II. DEFERRED

A. VO6-021

200 Hanover Park Road

Applicant: Sun River XX, LLC.

Summary: Two primary variances: 1) Variance from Section 18.3.1(e) of the zoning ordinance to allow parking within the 40 feet front and side-street setbacks where off street parking is not permitted, and 2) Variance from Section 12B.5 of the zoning ordinance to reduce the required landscape strip(s) from 10 feet required to 0 feet on Roswell Road. Both variances are for the construction of a commercial building.

(Invitation for public comment in support of and in opposition of application)

Applicant: Not present.

Jim Stockshager: 8685 The 5th Green, spoke in opposition of application.

Jack Gray: 4 Paris Park Place, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Applicant submitted withdrawal request, but was not present at the meeting. Al Pond motioned to deny application. Ken Moller seconded. The application was DENIED (6-0).

B. V06-055

6363 Roswell Road (SR9)

Applicant: Paradise Development Group, LLP.

Summary: Two (2) primary variances: 1) variance from Section 12B.8.a.7 of the Sandy Springs Zoning Regulations to allow parking between sidewalk and the building, and 2) variance from Section 12.B.8.c.1b to increase the maximum yard adjacent to a public street (Vernon Woods Drive) from 21 feet to 155 feet. Both variances for the construction of a drugstore building.

(Invitation for public comment in support of and in opposition of application)

Nathan V. Hendricks, III: 6085 Lake Forest Drive, attorney for applicant.

Eric Rafalik: 100 Glenridge Point Pkwy, applicant speaking in support of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve application with conditions. Oz Hill seconded. The application was APPROVED (5-0-1). Ruth Coan, *Abstained*. Approval was subject to

the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received September 7, 2006 by the Department of Community Development. 2) That, prior to the issuance of a LDP, the owner/developer shall either provide inter-parcel access with the property to the south or provide staff a written denial of such access from the property owner to the south. Should the property owner to the south not grant inter-parcel access at this time, the owner/developer shall provide a stub-out with consistent grade and easement to the property line allowing for adequate access at some future time, as determined by the Director of the Department of Community Development.

III. NEW

- S. V06-106
6363 Roswell Road (SR9)
Applicant: Paradise Development Group, LLP

(Invitation for public comment in support of and in opposition of application)

Nathan V. Hendricks, III: 6085 Lake Forest Drive, attorney for applicant.

Eric Rafalik: 100 Glenridge Point Pkwy, applicant speaking in support of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve application with conditions. Oz Hill seconded. The application was APPROVED (5-0-1). Ruth Coan, *Abstained*. Approval was subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received September 7, 2006 by the Department of Community Development. 2) That application V06-106 is considered concurrently with V06-055, not to supersede V06-055. 3) That a remedial root mitigation plan by an ISA certified arborist shall be required for the remaining specimen tree(s) requested to incur critical root encroachment. 4) That, prior to the issuance of a LDP, the owner/developer shall either provide inter-parcel access with the property to the south or provide staff a written denial of such access from the property owner to the south. Should the property owner to the south not grant inter-parcel access at this time, the owner/developer shall provide a stub-out and easement to the property line allowing for adequate access at some future time, as determined by the Director of the Department of Community Development, with consistent grade.

II. DEFERRED

- C. V06-058
980 West Kingston Drive
Applicant: Scott Hazelrigs.

Summary: Two (2) primary variances: 1) variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback adjacent to an interior line from 15 feet to 10 feet, and 2) variance from Section 6.2.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from 40 feet to 2.5 feet, both variances to allow for the construction of a detached garage.

(Invitation for public comment in support of and in opposition of application)

Scott Hazelrigs: 980 West Kingston Drive, applicant requesting withdrawal of petition.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale moved to approval withdrawal request. Oz Hill seconded. The request for withdrawal was APPROVED (5-1). Ruth Coan, *Opposed*.

D. V06-083

8212 Hewlett Road

Applicant: JCRM Properties.

Summary: Two (2) primary variances: 1) variance from Section 8.5 of the Tree Preservation Ordinance to allow encroachment into the critical root zone of seven (7) specimen trees, and 2) variance from Section 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 35 feet to allow for the construction of a single-family house.

(Invitation for public comment in support of and in opposition of application)

Dick Wilson: 2899 Paces Ferry Road, attorney for applicant.

Harriet Mills: 975 W. Kingston Drive, spoke in support of application.

Ron Gudger: 7000 Peachtree Dunwoody Road, spoke in support of application.

Toni M. Acree: 1260 Tynecastle Way, spoke in opposition of application.

Ty White: 3136 Hewlett Road, spoke in opposition of application.

Patty Berkovitz: 800 Crest Valley Drive, spoke in opposition of application.

Jonathan Weintraub: 125 Clairemont Avenue, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Mark King moved for denial of this application. Oz Hill seconded. The application was DENIED (4-2). Al Pond and Paul Reale, *Opposed denial*.

III. NEW

A. V06-050

5730 Glenridge Drive

Applicant: 5730 Glenridge Assoc. LLC.

Summary: Four (4) primary variances: 1) variance from Article 8, Section 5 of the Tree Preservation Ordinance to allow removal of four (4) specimen trees and disturbance of the critical root zone of one (1) specimen tree, 2) variance from Section 18.3.1.E of the Zoning Ordinance to allow parking in the minimum front and side yards, 3) variance from Section 4.23.2 to eliminate the required parking lot landscaping, and 4) variance from Section 12B.5.B.1 to eliminate the required 10 foot landscape strip along a segment of Glenridge Drive to respect a 55' x 16' GA Power easement. The applicant intends to create 47 additional parking spaces and improve the office site.

(Invitation for public comment in support of and in opposition of application)

John Goldman: 5800 Timberline Trail, spoke in opposition of application.

Thaea Lloyd: 570 Valley Lane, spoke in opposition of application.

Patty Berkovitz: 800 Crest Valley Drive, NW, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller motioned to approve 60-day deferral to allow staff to work with concerned and adjoining neighbors and with the applicant to revise the site plan. Oz Hill seconded. The application was DEFERRED for 60 days (6-0).

B. V06-066

6346 Vernon Woods Drive

Applicant: Vernon Woods, LLC.

Summary: Primary variances from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree for the construction of a single-family house and septic tank.

(Invitation for public comment in support of and in opposition of application)

Daniel VanDyke: 6347 Vernon Woods Drive, NE spoke in support of application.

Tom Major: 6346 Vernon Woods Drive spoke in support of application.

Patty Berkovitz: 800 Crest Valley Drive, NW spoke in opposition of application.

Bob Beard: 6326 Vernon Woods Drive spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan motioned to approve this application with conditions. Paul Reale seconded. The application as **APPROVED (6-0)** subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received September 6, 2006 by the Department of Community Development, including removal of the proposed contours outside the critical root zone of the thirty-two (32) inch poplar located on the adjacent property to the south and the thirty-three (33) inch poplar located to the north of the lot. 2) That the applicant provides a tree protection plan to be reviewed and approved by the City Arborist.

C. V06-067
490 Franklin Road
Applicant: Westfield Partners, LLC.

Summary: Two variances: 1) primary variance from Section 14.6.5.a. (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 21.6 feet, and 2) minor variance from Section 6.4.3.C of the Zoning Ordinance to reduce the minimum side yard setback required from 10 feet to 9.1 feet. Both variances for the construction of additions to the existing house.

(Invitation for public comment in support of and in opposition of application)

Patty Berkovitz: 800 Crest Valley Drive, NW, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller motioned to approve with conditions. Ruth Coan seconded. The application was **APPROVED (6-0)** subject to the following condition(s):

- 1. That the site be developed in accordance with the Site Plan, proved by the applicant dated received June 27, 2006 by the Department of Community Development, showing a buffer reduced to no less than 21.6 feet.**
- 2. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.**
- 3. Downspouts shall not be located within the 75 foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.**
- 4. When garages or parking pads are located inside the 75 foot stream buffer, 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 21.6 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 21.6 foot 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 Community Development Department.

10. The owner/developer shall provide for the swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.

D. V06-069
485 Tara Trail
Applicant: Historic Designs, Inc.

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of seven (7) specimen trees for the construction of a single-family house.

(Invitation for public comment in support of and in opposition of application)

Nina Cramer: 5280 Long Island Drive representing Long Island Coalition spoke in support of application with conditions.

Abraham Kamar: 468 Tara Trail spoke in support of application.

David Johnston: 5855 Sandy Springs Circle spoke in support of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Al Pond motioned to approve with conditions. Ruth Coan (Mark King) seconded. The application was APPROVED (6-0) subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received June 30, 2006 by the Department of Community Development. 2) That a

remedial root mitigation plan by an ISA certified arborist shall be required for the remaining specimen trees(s) requested to incur critical root encroachment. 3) That the City Arborist approves a plan submitted by the applicant to protect the remaining lot trees and to reconfigure pool location to save the three specimen trees in the proposed pools vicinity.

E. V06-070
1300 West Garmon Road
Applicant: John Stern.

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of eight (8) specimen trees and the encroachment into the critical root zone of twelve (12) specimen trees for the construction of a single-family house.

(Invitation for public comment in support of and in opposition of application)

Nathan V. Hendricks, III: 6085 Lake Forest Drive, attorney for applicant.

Steven Berger: 3860 White Haven Drive spoke in support of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Oz Hill moved to approve with conditions. Paul Reale seconded. The application was APPROVED (5-1). Ken Moller, *Against*, subject to the following condition(s): That the site be developed in accordance with the Site Plan provided by the applicant dated received September 5, 2006 by the Department of Community Development.

H. V06-073
420 North Errol Court
Applicant: Rob Leven

Summary: Primary variances from Section 14.6.5.a (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 32 to allow for construction of home additions.

(Invitation for public comment in support of and in opposition of application)

Patty Berkovitz: 800 Crest Valley Drive, NW, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan motioned to approve with condition(s). Oz Hill seconded. The application as APPROVED (6-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received July 5, 2006 by the Department of Community Development, showing the buffer reduced to no less than thirty-two (32) feet.
2. All driveways, paths, or patios in the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
3. New downspouts shall not be located within the seventy-five (75) foot stream buffer. Downspouts shall be directed into an existing drain.
4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, 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 thirty-two (32) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the thirty-two (32) foot 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.

F. V06-071

351, 361, 371 Windsor Pkwy and 354, 364, 382, 380 Pine Forest Road

Applicant: Tom Elias.

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of four (4) specimen trees to subdivide the seven (7) existing lots into ten (10) lots.

(Invitation for public comment in support of and in opposition of application)

Nathan V. Hendricks, III: 6085 Lake Forest Drive, attorney for applicant.

Patty Berkovitz: 800 Crest Valley Drive, NW, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve with condition(s). Mark King seconded. The application was APPROVED (6-0) subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received September 6, 2006 by the Department of Community Development. 2) To the removal of four (4) specimen trees as shown tree save plan received by the Department of Community Development dated September 6, 2006. 3) That the applicant provide, on the subject property, the necessary tree recompense as approved by the City of Sandy Springs Arborist.

G. V06-072
5095 Roswell Road (SR9)
Applicant: Fountainbleau 2006, LLC

Summary: Three (3) primary variances from the Zoning Ordinance: 1) Variance from Section 12B.4.A to eliminate the requirements for street trees. 2) Variance from Section 12B.4A to reduce the minimum sidewalk width from 9 feet to 6 feet along Roswell Road and 5 feet along Forest Hills Drive, and 3) Variance from Section 12B.4.C to eliminate the requirements for pedestrian lighting. All variances to allow for the renovation of the existing apartment building and single-family home on the subject property.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Administratively removed from agenda.

I. V06-075
6701 Roswell road (SR9)
Applicant: Jolly Development

Summary: Primary variance from Section 4.3.4.B.3 of the Zoning Ordinance to increase the maximum allowed projection of steps into the front yard and side street yard setbacks from 3 feet to 10 feet for the construction of townhouses.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale moved to approve. Ruth Coan seconded. The application was APPROVED (6-0) subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received September 6, 2006 by the Department of Community Development. The units included in this application along Abernathy Road are numbered twenty-nine (29) through fifty-six (56), and the units

included in this application along Roswell Road are numbered one (1) through twenty-eight (28) for a total of fifty-six (56) units proposed to encroach.

J. V06-076
5515 Clair Rose Lane
Applicant: BWC Properties, LLC

Summary: Two primary variances: 1) Variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree and to encroach into the critical root zone of one (1) specimen tree, and 2) variance from Section 14.6.5.a (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 65 feet to construct a single-family house and associated driveway.

(Invitation for public comment in support of and in opposition of application)

Bobby Webb: 206 Stewart Drive, applicant.

Steve Tiller: 5600 Claire Rose Lane spoke in support of application.

Hugo J. Zee, MD: 5515 Whitner Drive spoke in opposition of application.

Nora Zee: 5515 Whitner Drive spoke in opposition of application.

Patty Berkovitz: 800 Crest Valley Drive, NW, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Mark King moved for approval with conditions. Oz Hill seconded. The application was APPROVED (6-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received July 10, 2006 by the Department of Community Development, showing the buffer reduced to no less than sixty-five (65) feet.
2. All driveways, paths or patios located both outside and inside the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.
3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Water flow from downspouts shall be directed away from the structure in such a way that it can be piped into the existing detention area. If the existing detention area is deemed incapable of handling the additional water, then downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.

4. When garage or parking pads are located inside the seventy-five (75) foot stream buffer, 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 sixty-five (65) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the sixty-five (65) foot 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 the swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer

K. V06-077
5525 Claire Rose Lane
Applicant: BWC Properties, LLC

Summary: Two primary variances: 1) Variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees, and 2) Variance from Section 14.6.5.a (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 60 feet to construct a single-family house and associated driveway.

(Invitation for public comment in support of and in opposition of application)

Bobby Webb: 206 Stewart Drive, applicant.

Steve Tiller: 5600 Claire Rose Lane spoke in support of application.

Hugo J. Zee, MD: 5515 Whitner Drive spoke in opposition of application.

Nora Zee: 5515 Whitner Drive spoke in opposition of application.

Patty Berkovitz: 800 Crest Valley Drive, NW, spoke in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Mark King motioned to approve with conditions. Ken Moller seconded. Application **APPROVED (5-0-1)**. Paul Reale, *Absent from vote*, subject to the following condition(s):

- 1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received July 10, 2006 by the Department of Community Development, showing the buffer reduced to no less than sixty (60) feet.**
- 2. All driveways, paths, or patios located both outside and inside the seventy-five (75) foot stream buffer shall be constructed of pervious pavers.**
- 3. Downspouts shall not be located within the seventy-five (75) foot stream buffer. Water flow from downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.**
- 4. When garages or parking pads are located inside the seventy-five (75) foot stream buffer, 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 sixty (60) foot buffer shall remain undisturbed in its current state; grass shall not be planted in the sixty (60) foot 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 Directory of the Community Development Department.**
- 10. The owner/developer shall provide for the swimming pool water overflow to discharge through a vegetated area before sheet flowing through a stream buffer, as approved by the Environmental Engineer.**

- L. V06-079**
5709 Winterthur Lane
Applicant: Michael Beyelfer

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of four (4) specimen trees to construct a single-family house.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve with condition(s). Ken Moller seconded. The application was **APPROVED (6-0)** subject to the following condition(s): That the site be developed in accordance with the Site Plan provided by the applicant dated received July 5, 2006 by the Department of Community Development. The aforementioned site plan shall be considered conceptual only and shall be finalized subject to the Department of Community Development approval.

- M. V06-080**
5345 Roswell Road (SR9)
Applicant: Triton Marketing

Summary: Five primary variances from the Zoning Ordinance: 1) Variances from Section 12B.6.A.1 to allow for a free standing sign on property that is less than 40,000 square feet, 2) Variance from Section 12B.6.A.2.a to increase the maximum allowed height for a free standing sign from 6 feet to 14 feet 3 inches, 3) Variance from Section 12B.6.A.2.b to increase the maximum allowed face size for a free standing sign support to be less than one-third (1/3) of the width of the sign face, and 5) Variance from Section 33.6.8 to reduce the minimum required sign setback from the right of way from 10 feet to 6.5 feet (sign support location). All variances to allow for a free-standing sign.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Applicant requested a 60-day deferral. Paul Reale motioned to approve 60-day deferral. Oz Hill seconded. Request for deferral **APPROVED (6-0)**.

- N. V06-081**
5270 Greenland Road
Applicant: Southern Gentry Developments

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of thirteen (13) specimen trees to construct a single-family development.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan motioned to approve with condition(s). Oz Hill seconded. The application was **APPROVED (6-0)** subject to the following condition(s): 1) To the site plan received by the Department of Community Development dated July 17, 2006. 2) To the removal of six (6) specimen trees and to the encroachment into the critical root zone of nine (9) specimen trees as shown tree-save plan received by the Department of Community Development dated July 17, 2006 and as modified at the September 14, 2006 Board of Zoning Appeals meeting.

O. V06-082
450 Franklin Road
Applicant: Beverly Lewyn

Summary: Primary variance from Section 14.6.5.a. (i) and (ii) of the Sandy Springs Development Regulations to reduce the 75 foot stream buffer to 25 feet to allow for first and second story home additions and construction of a fence.

(Invitation for public comment in support of and in opposition of application)

Beverly Lewyn: 450 Franklin Road, applicant.

Terry Tarcou: 4855 Franklin Pond Road spoke in support of application.

Scott Foerst: 5600 Roswell Road, Ste. N368 (Saw Horse, Inc.) spoke in support of application.

Marc Lewyn: 450 Franklin Road, applicant.

Patty Berkovitz: 800 Crest Valley Drive, NW, spoke in support of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Oz Hill motioned to approve with condition(s). Ken Moller seconded. The application was **APPROVED (6-0)** subject to the following condition(s): 1) that the site be developed in accordance with the Site Plan provided by the applicant dated received July 12, 2006 by the Department of Community Development.

2. The buffer shall be reduced to no less than twenty-five (25) feet as shown on the site plan.

3. All driveways, paths, or patios in the 75 foot stream buffer shall be constructed of pervious pavers.

4. Stream bank restoration shall be installed as required by the Director of Community Development Department.
5. Downspouts shall not be located within the 75 foot stream buffer. Downspouts shall be directed away from the structure in such a way that sheet flow can occur or directed into a rain garden or other such flow directing device.
6. The 25 foot buffer shall remain undisturbed in its current state; grass shall not be planted in the 25 foot buffer.
7. The location of the post(s) should be located at the furthest point from the trunk of the tree as feasible. If the tree is in line with the fence the position of the post(s) should not disturb the major support roots or the structural root plate. Location of post(s) is subject to the approval of the City Arborist.
8. That the roof slope of the proposed addition cause two-thirds (2/3) of any rain to flow toward the front of the house, and that the remaining one-third (1/3) of any rain shall flow into an existing drainage system.

P. V06-085
4674 Mystic Drive
Applicant: Anthony Larson

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees to construct a single-family house.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve with condition(s). Oz Hill seconded. The application was **APPROVED (5-0-1)**, Ruth Coan, *Absent from vote*, subject to the following condition(s): 1) That the site be developed in accordance with the Site Plan provided by the applicant dated received June 18, 2006 by the Department of Community Development.

R. V06-105
295 Mount Vernon Highway
Applicant: Speedway Super America, LLC

Summary: Primary variance from Section 4.23.1.A of the Zoning Ordinance to reduce the landscape strip required at the rear yard setback from 10 feet to 0 feet.

(Invitation for public comment in support of and in opposition of application)

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan motioned to approve with condition(s). Ken Moller seconded. The application was **APPROVED (6-0)** subject to the following condition(s): 1) That the southeast portion of the landscape strip be developed in accordance with the Site Plan provided by the applicant date received August 18, 2006 by the Department of Community Development. 2) The equipment be removed when decommissioned in September of 2010.

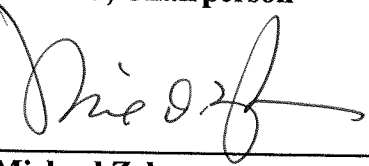
The meeting was adjourned at 12:21 a.m.

APPROVAL SIGNATURE PAGE

Date Approved: 11/09/06



Al Pond, Chairperson



Michael Zehner
Assistant Director – Planning and Zoning



Angela Lawson
Administrative Assistant/Transcriber