



Board of Appeals

September 15, 2010

Meeting Minutes

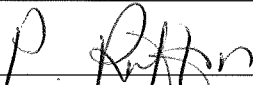
Board Members Present	Ron Carpinella (Chairman), Ruth Coan (Vice Chair), Paul Reale, Ken Moller, Lane Frostbaum, Jim Squire and Ted Sandler
Board Members Absent	None
Staff Present	Nancy Leather, Patrice Ruffin, Linda Abaray, Gloria Goins, Colleen Allen, Michael Barnett, Nathan Ippolito and Terry Robinson
CALL to Order	Ron Carpinella called the meeting to order at 7:00 p.m.

	ADOPTION OF AGENDA
	ACTION: Squire moved to approve the adoption of the agenda , Sandler seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for).
	PREVIOUS MEETING'S MINUTES
	ACTION: Reale moved to approve the previous meeting's minutes , Frostbaum seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for).
	NEW CASES
1.	V10-016 5855 Riverside Drive <i>Applicant: Tabula Rasa, The Language Academy.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.B.1.a of the Zoning Ordinance to allow an additional monument sign (private school) on a single-family residential lot occupied by an institutional use. Applicant Presentation: Ellen W. Smith, 100 Galleria Parkway, Suite 600, Atlanta, GA. 30339 (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: Frostbaum moved to withdrawal the case, Moller seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for). Conditions: None
2.	V10-022 546 Londonberry Road <i>Applicant: Tom and Terri Sewell.</i> ▪ SUMMARY/STAFF PRESENTATION: 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 a retaining wall, courtyard, walkway, and fire pit. Applicant Presentation: Hannah Smith, 546 Londonberry Rd, Atlanta, GA. (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Stan Jones, 225 Cliff Overlook, Sandy Springs, GA. 30350 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Sandler moved to approve with conditions, Squire seconded. Approved (7-0, Carpinella, Coan, Frostbaum, Sandler, Moller, Squire and Reale for). Subject to the following conditions: Condition(s): 1) The subject retaining walls, a stone walkway, courtyard with a fire pit, and steps shall be constructed in accordance with the proposed site plan and Letter of Intent, provided by the applicant dated received August 25, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a twenty- five (25) foot buffer (proposed retaining walls, a stone walkway, courtyard with a fire pit, and steps encroachment of forty-nine (49) feet and limits of disturbance of one (1) feet for a total encroachment of fifty (50) feet to allow for two (2) retaining walls, a stone walkway, courtyard with a fire pit, and steps, where necessary to accommodate the portion of the encroachment only. 2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer. 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
3.	V10-024 555 Elden Drive <i>Applicant: David Wahl.</i> SUMMARY/STAFF PRESENTATION: Two primary variances from the Zoning Ordinance: 1) variance from Section 6.4.3.D to reduce the required rear yard setback from 35 feet to 12 feet and 2) variance from Section 19.3.8.B.1 to allow a recreational court to encroach into a setback. Applicant Presentation: Tod Angel, 3210 Birdnest Ct, Marietta, GA. (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: Frostbaum moved to deny, Moller seconded. Approved (5-2, Carpinella, Coan, Frostbaum, Moller, and Squire for Sandler and Reale against).

	Condition(s): None
4.	V10-026 420 North Errol Court <i>Applicant: Robert Leven.</i> SUMMARY/STAFF PRESENTATION: 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 42 feet to allow an addition to the house. Applicant Presentation: Robert Laven, 420 North Errol Court, Atlanta, GA. 30327 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Lovick Evans, 603 Macy Dr Woody King, 120 W. Wieuca Rd, #200, Atlanta, GA. 30342 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Sandler moved to approve with conditions, Reale seconded. Approved (6-1, Carpinella, Frostbaum, Sandler, Moller, Squire and Reale for; Coan against). Subject to the following conditions: Condition(s): 1) The subject addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received July 6, 2010 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to forty-two (42) feet (proposed structure encroachment of twenty-five (25) feet and limits of disturbance of eight (8) feet for a total encroachment of thirty-three (33) feet) where necessary to accommodate the portion of the encroachment only. 2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer. 3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.
5.	Discussion: BOA By-Laws Amendment
	ACTION: The Board asked that staff require scaled drawings and floor plans to be submitted with variance applications.

Meeting Adjourned: 8:21 p.m.	
Approval Signatures	
Date Approved	10/12/2010

Ron Carpinella, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Gloria Goins, Transcriber/ Administrative Coordinator	