



Board of Zoning Appeals September 19, 2007

Meeting Minutes

Board Members Present	Al Pond (Chair), Mark King (Vice Chair), Paul Reale, Ron Carpinella and Ken Moller.
Board Members Absent	Ruth Coan and Oz Hill
Staff Present	Dennis Payne, Michael Barnett, Cristina Nelson, Jocelyn Stephens, Terry Robinson, Lourdes Rodriguez, Doug Trettin

CALL to Order	Al Pond called the meeting to order at 7:00 p.m.
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I.	PREVIOUS ACTION REPORT
	ACTION: Paul Reale moved to recommend approval of the Action Report from the August 9, 2007 meeting. Mark King seconded. The motion was APPROVED (4-0, King, Reale, Carpinella and Moller for, Pond abstained).
II.	PREVIOUS MINUTES
	ACTION: Paul Reale moved to recommend approval of the Minutes from the August 9, 2007. Mark King seconded. The motion was APPROVED (4-0, King, Reale, Carpinella, and Moller for, Pond abstained).
III.	NEW CASES
A.	V07-038 6600 Powers Ferry Road <i>Applicant: Trammell Crow Residential.</i> <i>Representative: Carl Westmoreland</i> SUMMARY/STAFF PRESENTATION: Dennis Payne/The applicant is requesting two primary variances: 1. Variance from Section 33.26.E.1.c of the Zoning Ordinance to exceed the number of free standing signs on mixed use property that has more than 1,000 linear feet of frontage. 2. Variance from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (fence/wall) within the landscape strip. Both variances of the construction of residential units in a mixed use development. Applicant Presentation: Carl Westmoreland (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Alrich Lynch, 3050 Peachtree Road, Suite 300, in support of the petition. • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Mark King moved to recommend approval of the application with conditions. Ron Carpinella seconded. The motion was APPROVED (5-0, Pond, King, Reale, Carpinella and Moller for) subject to the following conditions:

	Condition(s): 1. That the sign area shall be installed as per sign detail submitted by the applicant and dated received September 6, 2007 by the Department of Community Development. 2. That the fence/wall be constructed in accordance with the Proposed Site Plan provided by the applicant dated received September 6, 2007 by the Department of Community Development, showing the proposed wall located in the required twenty (20) foot landscape strip and setback a minimum of four (4) feet from the right-of-way.
B.	V07-043 280 Amherst Court Applicant: Jeff & Colleen Tyner. Representative: Jeff Tyner SUMMARY/STAFF PRESENTATION: Dennis Payne/The applicant is requesting two primary variances from the Zoning Ordinance: 1. Variance from Section 6.4.3.B to reduce the minimum front yard setback from 50 feet to 32 feet. 2. Variance from Section 6.4.3.C to reduce the minimum side yard setback from 10 feet to 7 feet. Both variances for the construction of additions to a single-family house. Applicant Presentation: Jeff Tyner (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: N/A • Against the Petition: N/A (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to recommend approval of the application with conditions. Ken Moller seconded. The motion was APPROVED (5-0, Pond, King, Reale, Carpinella, Moller for) subject to the following conditions: Condition(s): 1. That the porch be constructed in accordance with the Site Plan provided by the applicant dated received June 1, 2007 by the Department of Community Development showing the front yard setback reduced to no less than thirty-two (32) feet and showing the side yard setback reduced to no less than seven (7) feet where necessary to accommodate the portion of the encroachments only. 2. That the subject porch addition shall be constructed in a completely unenclosed fashion and remain open on the three outer most sides.
C.	V07-049 1055 Windsor Parkway Applicant: Sara S. Knochel. Representative: Dan Hanlon SUMMARY/STAFF PRESENTATION: Dennis Payne/The applicant is requesting a primary variance from Section 14.6.5.a ii of the Sandy Springs Land Development Regulations to reduce the 25 foot impervious surface setback (of the 75 foot stream buffer) to 7 feet to allow for the construction of additions to a single-family house. Applicant Presentation: Dan Hanlon (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: N/A

• **Against the Petition:**

Patty Berkowitz, 800 Crest Valley Drive, in opposition of the petition.

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

ACTION: Ken Moller moved to approve with conditions. Paul Reale seconded. The motion was APPROVED (5-0, Pond, King, Reale, Carpinella, and Moller, for) subject to the following conditions:

Condition(s):

1. That the proposed kitchen and garage addition shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received August 9, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback reduced to no less than a seven (7) foot impervious surface setback to accommodate the portion of the encroachment only.
2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers.
3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure into a rain garden infiltration area.
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 has 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 applicable permit for the site.

D.

V07-051

425 Carriage Drive

Applicant: New Again Real Estate, LLC

Representative: Randy Arkowitz

SUMMARY/STAFF PRESENTATION: Dennis Payne/The applicant is requesting a primary variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a 0 feet undisturbed buffer to allow for the construction of a single-family house.

Applicant Presentation: Randy Arkowitz

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

• **Support for the Petition:**

None

	7. Variance from Section 14.6.5.a. i and ii of the Sandy Springs Land Development Regulations to reduce the 50 foot undisturbed natural buffer and the 25 foot impervious surface setback to a 32 foot undisturbed buffer to allow for additions to a single-family house. All variances to allow for additions to a single-family house. Applicant Presentation: James Johnson (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: James Johnson, 3343 Peachtree Road NE, in support of the petition. Leonard Barkaw, 665 Londonberry Road, in support of the petition. Ron Gudger, 7000 Peachtree-Dunwoody, in support of the petition. • Against the Petition: Patty Berkowitz, 800 Crest Valley Drive, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Paul Reale moved to recommend approval of the application with conditions. Ken Moller seconded. The motion was APPROVED (4-0-1, Pond, Reale, Carpinella, Moller for; King abstained) with the following conditions:
	Condition(s): 1. That the proposed additions shall be constructed in accordance with the Existing Site Conditions Site Plan, provided by the applicant dated received August 07, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) undisturbed natural buffer reduced to no less than a thirty-two (32) foot undisturbed natural buffer to accommodate the portion of the encroachment only. 2. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback has been reduced, all driveways, paths, or patios shall be constructed of pervious pavers. 3. In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have impervious surfaces, all water runoff and downspouts shall be directed away from the structure into a rain garden or other BMP (underground water storage and infiltration 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 has 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 applicable permit for the site. 12. That prior to the issuance of a certificate of occupancy, the owner/developer shall provide written acknowledgment to the Director of Community Development that states the difference between the base flood elevation and the elevation of the of the proposed lowest floor of the addition and acknowledges that the cost of flood insurance will be commensurate with the increased risk resulting from the difference between the base flood elevation and the lowest floor.

Meeting Adjournment	The meeting was adjourned at 8:50 p.m.
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Approval Signatures	
Date Approved	
Al Pond, Chairman	
Nancy Leathers, Director, Community Development	
Jocelyn Stephens, Administrative Assistant/Transcriber	