



Board of Appeals

October 8, 2009

Meeting Minutes

Board Members Present	Mark King, Paul Reale, Ken Moller, Ron Carpinella, Lane Frostbaum, Ruth Coan, and Oz Hill
Board Members Absent	None
Staff Present	Nancy Leathers, Patrice Ruffin, Cesar Geraldo, Cristina Nelson, Linda Abaray, Michael Barnett, Mark Moore, and Terry Robinson

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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	ADOPTION OF AGENDA
	ACTION: Reale motioned to adopt the agenda , Frostbaum seconded. Approved (7-0).
	PREVIOUS MEETING'S MINUTES
	ACTION: Carpinella motioned to approve the previous meeting's minutes , Frostbaum seconded. Approved (7-0).
	NEW CASES
1.	V09-028 1100 Hope Road Applicant: <i>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: <i>Vick Gardezi 175 Parkside Close, Alpharetta, GA. 30022</i> (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: Coan motioned to Approve with conditions, Moller seconded. Approved (7-0). Subject to the following conditions:

Condition(s):

- 1) The lot shall be in accordance with the site plan, provided by the applicant dated received August 17, 2009 by the Department of Community Development, for the variance(s) herein, showing a 3,550 square foot existing congregation hall with a 1,711 square foot assembly area, a 2,000 square foot existing library/ storage area, a 2,650 square foot break area.
 - a. To reduce the required number of parking spaces from 57 to 42.
 - b. To reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
 - c. To eliminate the required parking lot landscape islands every 6th space.
 - d. To allow a permanent structure (parking lot) within a landscape strip.
 - e. To allow for the reconfiguration and expansion of an existing nonconforming parking lot.
- 2) The lot shall be in accordance with the Landscape plan, provided by the City Arborist dated received October 8, 2009 by the Department of Community Development.
 - a. That the eliminated thirteen 3" parking lot shade trees be installed on the site to provide shade to the proposed parking as per a landscape plan approved by the city arborist.
 - b. The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

2.

V09-037

5045 Carol Lane

Applicant: Zeke & Aimee Cassinelli.

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 for construction of a single-family house.

Applicant Presentation: Ben Bengston, 352 Sandy Springs, GA. 30328

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

• **Support for the Petition:**

Neil T. Johnson, 4933 Carol Ln, Atlanta, GA. 30327

Jim Viviano, 5113 Vinings Estates Way, Smyrna, GA. 30126

• **Against the Petition:**

None

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

ACTION: Reale motioned to **Approve with conditions** Coan seconded. Approved (7-0). Subject to the following conditions:

Condition(s):

- 1) The subject house shall be constructed in accordance with the proposed site plan, provided by the applicant dated received August 3, 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) to a twenty-five (25) foot, where necessary 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 have been reduced, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention device.

	3) 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. 4) 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. 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.	V09-038 516 Londonberry Road Applicant: <i>Kawika & Billie Mitchell.</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 for construction of a pool, pool deck, fence, concrete walkway and wood steps and to allow for the existing house. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Terry Baker, 450 Old Peachtree Rd., Suwanee, GA. 30024 • Against the Petition: Patty Berkovitz, on file Edgar F. Mush, 510 Londonbderry Rd. N.W., Atlanta, GA. 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Hill motioned to Deny Carpinella seconded. Approved (7-0). Condition(s): None
4.	V09-039 6074 Roswell Road (SR 9) Applicant: <i>John White.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from the Section 33.18.H of the Zoning Ordinance to allow for 2

	roof signs. ▪ proposed structures. Applicant Presentation: John White, 6074 Roswell Rd (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Hill motioned to defer the case until the November 12, 2009 meeting, To discuss alternative designs with staff. Frostbaum seconded. Approved (4-3). Coan, Carpinella, and King against. Condition(s): None
5.	V09-041 4700 Northside Drive <i>Applicant: Angelia Evert.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.1.3.C of the Zoning Ordinance to reduce the required side yard setback from 25 feet to 15 feet to allow for expansion of an existing single-family house. Applicant Presentation: James M. Ney, 100 Galleria Pkwy, Suite 100, Atlanta, GA. 30339 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Carpinella motioned to Approve with conditions Frostbaum seconded. Approved (7-0). Subject to the following conditions: Condition(s): 1) The proposed addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received September 24, 2009 by the Department of Community Development, for the variance(s) herein, showing a reduction in the required twenty-five (25) side setback to no less than fifteen (15) feet where necessary to accommodate the portion of the proposed second floor addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received September 24, 2009 by the Department of Community Development, for the variance(s) herein, showing a reduction in the required twenty-five (25) side setback to no less than fifteen (15) feet where necessary to accommodate the portion of the encroachment(s) only.
6.	V09-042 6400 Powers Ferry Road <i>Applicant: HSSW Powers Ferry Retail, LLC.</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.E.1.c of the Zoning Ordinance to allow for an additional monument sign on a lot with more than 1,000 linear feet of frontage. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition:

	Ted Sandler, 6400 Powers Ferry Rd. • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Moller motioned to Approve with conditions Reale seconded. Approved (7-0). Subject to the following conditions: Condition(s): 1) The sign and sign installation shall be consistent with the design details received on August 4, 2009 and the site plan dated received August 4, 2009 by the Department of Community Development.
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Meeting Adjourned: 9:31 p.m.	
Approval Signatures	
Date Approved	11/12/2009
Mark King, Chairman	 <i>item chair of the BOA</i>
Patrice Ruffin, Assistant Director of Planning and Zoning	
Gloria Goins, Transcriber/ Administrative Coordinator	