



Board of Zoning Appeals October 11, 2007

Meeting Minutes

Board Members Present	Al Pond (Chair), Mark King (Vice Chair), Ruth Coan, Oz Hill, Paul Reale, Ken Moller
Board Members Absent	Ron Carpinella
Staff Present	Dennis Payne, Doug Trettin, Cesar Geraldo, Michael Barnett, Cristina Nelson, Vann McNeill, Blake Dettwiler, Wendell Willard, and Jocelyn Stephens

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 September 19, 2007 meeting as amended. Ken Moller seconded. The motion was APPROVED (6-0, Pond, King, Coan, Hill, Reale, and Moller for).
II.	PREVIOUS MINUTES
	ACTION: Paul Reale moved to recommend approval of the Minutes from the September 19, 2007 meeting as amended. Ken Moller seconded. The motion was APPROVED (6-0, Pond, King, Coan, Hill, Reale, and Moller for).
III.	NEW CASES
A.	V07-060 5200 South Trimble Road <i>Applicant: City of Sandy Springs</i> <i>Representative: Brad Chambers</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ The applicant is seeking a sign variance from Section 33.22.C to reduce the required ten (10) foot minimum sign setback from the right-of-way from 10 feet to 0 feet. Applicant Presentation: Brad Chambers (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Ruth Coan moved to recommend approval of the application. Oz Hill seconded. The motion was APPROVED (6-0, Pond, King, Coan, Hill, Reale, and Moller for) with the following conditions:
	Condition(s): 1) That the sign shall be located in the exact location of the existing sign proposed to be removed and located not less than ten (10) feet from the back of the curb.

	2) That the sign area shall not exceed thirty-two (32) square feet of sign area and six (6) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received Sept 10, 2007 by the Department of Community Development.
B.	V07-062 254 Johnson Ferry Road Applicant: <i>City of Sandy Springs</i> Representative: <i>Brad Chambers</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting a variance from Section 33.26.H.1.a to allow for an additional free standing sign on a lot that has up to and including 500 feet of frontage. Applicant Presentation: Brad Chambers (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 applicant's request to withdraw. Ken Moller seconded. The motion was APPROVED (6-0, Pond, King, Coan, Hill, Reale, and Moller for). Condition(s):
C.	V07-054 160 Trimble Crest Drive Applicant: <i>Jeremy Daniels</i> Representative: SUMMARY/STAFF PRESENTATION: Doug Trettin/ 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 0 feet to allow for stream bank restoration. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Evan Rogers, 4025 River Cliff Chase, 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: Mark King moved to recommend denial of the application. Ken Moller seconded. The motion was APPROVED (6-0, Pond, King, Coan, Hill, Reale, and Moller for). Condition(s):
D.	V07-056 615 Blue Teal Court Applicant: <i>John & Andrea Pruitt</i> Representative: SUMMARY/STAFF PRESENTATION: Doug Trettin/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 45 foot undisturbed buffer to allow for the construction of additions to a single-family house.

Applicant Presentation:

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

• **Support for the Petition:**

None

• **Against the Petition:**

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

ACTION: Ken Moller moved to recommend approval of the application with conditions. Paul Reale seconded. The motion was APPROVED (6-0, Pond, King, Coan, Hill, Reale, and Moller) with the following conditions:

Condition(s):

1) That the proposed kitchen addition shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received August 7, 2007 by the Department of Community Development, showing the twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural buffer reduced to no less than a forty-five (45) 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 has been reduced, 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 infiltration promoting 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.

E.

V07-057

5511 Wing Street

Applicant: Sears Properties, LLC

Representative: Craig Sears

SUMMARY/STAFF PRESENTATION: Doug Trettin/ 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 25 foot undisturbed buffer to allow for a retaining wall.

Applicant Presentation: Craig Sears

	(Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: T. Thompson, 145 River No. Drive, in opposition of the petition. Patty Berkovitz, 800 Crest Valley Drive, in opposition of the petition. Susan Miller, 330 Forestgate Ct., in opposition of the petition. Frederick Miller, 330 Forestgate Ct., in opposition of the petition. Renee Early, 345 Towergate Place, in opposition of the petition. (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Oz Hill moved to recommend denial of the application. Mark King seconded. The motion was APPROVED (5-1, Pond, King, Coan, Hill, and Moller for; Reale against) and the application denied with the following stipulation(s): Condition(s): That the owner/developer shall restore and remediate the subject backyard in conjunction with the deconstruction and removal of the subject wall. Staff shall approve a remediation plan and oversee the aforementioned deconstruction/removal and remediation.
F.	V07-058 296 Tara Trail Applicant: Karen & Frank Fallon Representative: Nathan V. Hendricks III SUMMARY/STAFF PRESENTATION: Doug Trettin/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 33 foot undisturbed buffer to allow for a retaining wall and to reduce the 25 foot impervious surface setback to 4 feet to allow for the construction of a single-family house. Applicant Presentation: Nathan V. Hendricks III (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Jim Eigel, 50 Mt. Paran Rd., in support of the petition. Frank Fallon, 750 Lake Summit Drive, in support of the petition. • Against the Petition: Paul H. Duckwall, 567 Tara Trail NW, in opposition of 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 deferral of the application until the November 8, 2007 meeting to allow the applicant time to meet with concerned neighbors in an attempt to resolve design issues and to lessen the proposed encroachment into the Stream Buffer. Paul Reale seconded. The motion was APPROVED (6-0 Pond, King, Coan, Hill, Reale, and Moller for).
G.	Condition(s): N/A V07-059 131 & 141 Burdette Road and 70 Chevaux Court Applicant: Christelle & Howard Williams Representative: Gary Goldsmith SUMMARY/STAFF PRESENTATION: Doug Trettin/ The applicant is requesting six primary variances: 1) variance from Section 4.2.10 of the Zoning Ordinance to allow the required minimum lot width of 131 & 141 Burdette Road to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback, 2) variance from Section 6.2.3.B of the Zoning Ordinance to reduce the minimum front yard setback from 60 feet to 21 feet for 131 Burdette Road, 3) variance from Section 6.2.3.C of the Zoning Ordinance to reduce the minimum side yard setback from 15 feet to 13 feet (Gazebo in the back) and 8 feet (steps on east property line) for 131 Burdette Road, 4) variance from Section 6.2.3.F of the Zoning Ordinance to reduce the minimum lot width required (only at the beginning of the buildable area) from 150 feet to 146 feet for 141 Burdette Road, 5) variance from Section 19.3.12.B.1 of the Zoning Ordinance to reduce the minimum pool equipment setback required from any property line from 10 feet to 1 foot for 141

Burdette Road, and 6) 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 0 feet for 131 Burdette Road and to 7 feet for 70 Chevaux Court to allow for existing structures. All variances to allow for the reconfiguration of internal lot lines of 2 legal nonconforming flag lots (131 & 141 Burdette Road) and a conforming lot (70 Chevaux Court).

Applicant Presentation: Gary Goldsmith

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

• **Support for the Petition:**

Bill Harrison, 3198 Cains Hill Pl., in support of the petition.

• **Against the Petition:**

Michael Bull, 55 Chevaux Ct., in opposition of the petition.

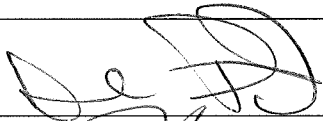
Patty Berkowitz, 800 Crest Valley Drive, in opposition of the petition.

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

ACTION: Paul Reale moved to approve deferral of the application until the November 8, 2007 meeting to allow the applicant time to meet with concerned neighbors in an attempt to resolve issues and to work with Staff to find solutions. Oz Hill seconded. The motion was APPROVED (6-0 Pond, King, Coan Hill, Reale, and Moller for).

Meeting Adjournment

The meeting was adjourned at 9:45 p.m.

Approval Signatures	
Date Approved	
Al Pond, Chairman	
Nancy Leathers, Director, Community Development	
Bridgette Gray, Administrative Assistant/Transcriber	