



Board of Zoning Appeals October 15, 2008

Meeting Minutes

Board Members Present	Mark King (C), Ruth Coan, Oz Hill (arrived at 7:35 p.m.), Ken Moller, Al Pond, Paul Reale
Board Members Absent	Ron Carpinella (VC)
Staff Present	Cesar Geraldo, Mark Moore, Cristina Nelson, Terry Robinson, Patrice Ruffin, Jocelyn Stephens, Doug Trettin

CALL to Order	Mark King called the meeting to order at 7:00 p.m.
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	ADOPTION OF AGENDA
	ACTION: Ken Moller moved to recommend adoption of the Agenda. Paul Reale seconded. The motion was APPROVED (5-0, King, Coan, Moller, Pond, Reale, for; Hill not present for vote; Carpinella absent).
	PREVIOUS MEETING'S MINUTES
	ACTION: Paul Reale moved to recommend approval of the Minutes from the September 11, 2008 meeting. Al Pond seconded. The motion was APPROVED (4-0, King, Moller, Pond, Reale for; Hill not present for vote; Coan abstained; Carpinella absent).
	DEFERRED CASES
1.	V08-047 4875 Northland Drive <i>Applicant: Jeff & Carla Goldstein. Representative: Jim Lesti</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Two primary variances: 1) 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 a 40 foot undisturbed natural buffer and 2) Variance from Section 7.1 of the Subdivision Regulations to allow for a second curb cut on a collector street. Both variances are to allow for a driveway and landscaping. Applicant Presentation: Jim Lesti (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Dr. Dan Gilner, 4867 Northland Drive, Sandy Springs, Georgia 30342 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Al Pond moved to recommend approval of the application subject to conditions. Ruth Coan seconded. The motion was APPROVED (5-0, King, Coan, Moller, Pond, Reale, for; Carpinella absent).

Condition(s):

- 1) The paver driveway and landscaping shall be installed in accordance with the proposed site plan and landscape plan, provided by the applicant dated received July 21, 2008 by the Department of Community Development, for the variance herein, showing two curb-cuts serving a single family dwelling and showing the reduction of the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) of a lake to a forty (40) foot undisturbed natural buffer where necessary to accommodate the portion(s) of the driveway encroachment only. The total land disturbance within the fifty (50) undisturbed natural buffer is 340 square feet (100 square feet for installation of the paver driveway and 240 square feet for the turf grass adjoining the paver driveway). The amount of paver driveway installed within the twenty-five (25) foot impervious surface setback is 525 square feet.
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, or patios shall be constructed of pervious material.
- 3) 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.
- 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 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.
- 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.
- 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) A stream bank revegetation plan shall be submitted by the applicant and shall be reviewed for approval by the City Arborist.
- 10) 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.
- 11) Surface runoff from the subject driveway(s) shall be directed away from the adjacent and downstream properties as approved by the City Chief Engineer.

NEW CASES

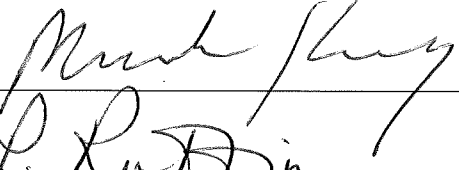
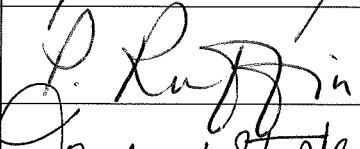
- 2. V08-048**
5565 New Northside Drive
Applicant: Wachovia Bank. Representative: Mike Mackiewicz
- SUMMARY/STAFF PRESENTATION:** Doug Trettin/ Primary variance from Section 33.26.F.2 of the Zoning Ordinance to allow for an additional wall sign on a wall that does not have street frontage.
- Applicant Presentation:** Mike Mackiewicz
- (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:** Ruth Coan moved to recommend approval of the application subject to conditions. Al Pond seconded. The motion was APPROVED (4-2, King, Coan, Pond, Reale for; Hill and Moller against; Carpinella absent).

	Condition(s): 1) The wall sign located on a non-street facing wall on the South elevation of the building shall not exceed forty- eight (48) square feet of sign area and shall be installed pursuant to the sign detail and building elevation depicting the sign location (Exhibit 1), submitted by the applicant, dated received August 5, 2008 by the Department of Community Development.
3.	V08-049 7455 Trowbridge Road Applicant: <i>Sewell Appliance</i> Representative: <i>Richard Swartz</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ Primary variance from Section 33.22.C of the Zoning Ordinance to reduce the required 10 foot minimum sign setback from the right-of way to 0 feet. Applicant Presentation: Richard Swartz (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Andy Sewell, 7455 Trowbridge Road, Sandy Springs, Georgia 30328 • 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 subject to conditions. Oz Hill seconded. The motion was APPROVED (4-1-1, King, Coan, Hill, Moller for; Reale against; Pond abstained; Carpinella absent). Condition(s): 1) The subject freestanding sign shall be located at zero (0) feet from the right-of-way, pursuant to the site plan submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development. 2) The subject freestanding sign shall not exceed eight (8) square feet of sign area and four (4) feet in height, pursuant to the sign design detail, submitted by the applicant, dated received August 5, 2007 by the Department of Community Development. 3) The subject freestanding sign shall include the property address.
4.	V08-050 5840 Roswell Road (SR9) Applicant: <i>Cocktail Cove Grill and Bar.</i> Representative: <i>Bruce Morris & Rubin Schulman</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Three primary variances from the Zoning Ordinance: 1) variance from Section 33.18.C to allow for string lights to be permanently displayed, 2) variance from Section 33.22.C to reduce the required 10 foot minimum sign setback from the right-of way to 1 foot, and 3) variance from Section 33.26.H.a to allow for a sign to exceed the maximum height of 6 feet. Applicant Presentation: Bruce Morris & Rubin Schulman (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: Al Pond moved to recommend approval of the application with conditions. Ruth Coan seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale for; Carpinella absent).

	Condition(s): 1) The freestanding sign shall not be located less than one (1) foot from the right-of-way, pursuant to the sign detail (exhibit 1) submitted by the applicant, and dated received August 5, 2008 by the Department of Community Development. 2) The proposed freestanding sign shall not exceed the six (6) foot allowable height. 3) The subject string lights shall be removed by February 1, 2009. 4) The subject freestanding sign shall include the property address.
5.	V08-052 5995 Riverside Drive Applicant: Amir A. Tahamtan. Representative: Amir A. Tahamtan SUMMARY/STAFF PRESENTATION: Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 4.11.D.4 to reduce the required 3 foot landscape strip between a fence and a right-of-way to 0 feet and 2) variance from Section 4.11.F to reduce the required 3 foot setback of a fence from a public right-of-way to 0 feet. Applicant Presentation: Amir A. Tahamtan (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: Reale moved to recommend approval of the application to allow the applicant to finish the fence in line with the existing fence. No second. The motion FAILED. ACTION: Coan moved to recommend approval of the fence with the condition that there be in addition a sidewalk that is ADA acceptable. Moller seconded. The motion FAILED (Coan, Hill, Moller for; King, Pond and Reale against; Carpinella absent). ACTION: Reale moved to recommend extending the fence and disregard a motion with respect to the sidewalk. Pond seconded. The motion FAILED (King, Pond, Reale for; Coan, Hill, Moller against; Carpinella absent). ACTION: Paul Reale moved to recommend deferral of the case until the November 13, 2008 meeting. Ken Moller seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale for; Carpinella absent).
	Condition(s): N/A
6.	V08-053 4756 Woodvale Drive & 971 Davis Drive Applicant: John & Patricia Inman and 971 Davis Drive, LLC. Representative: Phillip Green and Scott Peters SUMMARY/STAFF PRESENTATION: Doug Trettin/ Two primary variances from the Zoning Ordinance: 1) variance from section 4.2.10 to allow the required minimum lot width of 4756 Woodvale Drive (existing flag lot) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback and 2) variance from section 6.1.3.c to reduce the minimum side yard setback from 25 feet to 4 feet for 4756 Woodvale Drive and to 11 feet for 971 Davis Drive. Both variances are to allow for the reconfiguration of existing lots. Applicant Presentation: Phillip Green and Scott Peters (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: Al Pond moved to recommend approval of the application subject to conditions. Ken Moller seconded. The motion was APPROVED (6-0, King, Coan, Hill, Moller, Pond, Reale for; Carpinella absent).
	Condition(s): 1) The proposed lots and existing structures shall remain in accordance with the proposed site plan, provided by the applicant dated received august 5, 2008 by the Department of Community Development, for the variance herein, showing the required minimum lot width of 4756 Woodvale Drive (existing flag lot) to be achieved at a distance greater than the sum of the required minimum front yard setback and minimum rear yard setback and showing the minimum required side yard setback reduced to 6.2 feet for an attached garage and to 4 feet for an awning at 4756 Woodvale Drive and to 11 feet for a wood deck at 971 Davis Drive where necessary to accommodate the portion(s) of the encroachment(s) only. 2) The subject properties shall be platted as proposed and the final approved and recorded plat shall be restricted as follows: The approval and recording of the this subject plat shall not constitute certification of compliance with, or a variance from, the City of Sandy Springs Stream Buffer Protection Ordinance. Any and all future development, or redevelopment, of the property shall be in conformity with such ordinance, it being noted solely that the existing improvements on the property are "grandfathered" pursuant to Section 4(a) of such ordinance in regard to existing streams, if any, or as restricted per the Director of Community Development.
	Discussion
	Adjournment

Meeting Adjournment	The meeting was adjourned at 9:18 p.m.
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Approval Signatures	
Date Approved	11-13-08
Mark King, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Transcriber/ Administrative Assistant	