



Board of Zoning Appeals November 8, 2007

Meeting Minutes

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

CALL to Order	Al Pond called the meeting to order at 7:00 p.m.
----------------------	--

I.	PREVIOUS ACTION REPORT
	ACTION: Ken Moller moved to recommend approval of the Action Report from the October 11, 2007 meeting. Oz Hill seconded. The motion was APPROVED (6-0, Pond, King, Hill, Reale, Moller and Carpinella for).
II.	PREVIOUS MINUTES
	ACTION: Ken Moller moved to recommend approval of the Minutes from the October 11, 2007 meeting. Oz Hill seconded. The motion was APPROVED (6-0, Pond, King, Hill, Reale, Moller and Carpinella for).
III.	DEFERRED
A.	V07-058 296 Tara Trail <i>Applicant: Karen & Frank Fallon</i> <i>Representative:</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking 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. Applicant Presentation: (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30327, in support of the petition Jim Eigel, 50 Mt. Paran, in support of the petition • Against the Petition: None (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 (6-0, Pond, King, Hill, Reale, Moller, and Carpinella for) with the following conditions:
	Condition(s):

- 1) That the proposed house shall be constructed in accordance with the Proposed Site Plan, provided by the applicant dated received October 26, 2007 by the Department of Community Development, showing the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious surface setback reduced to thirty-three (33) feet for an existing retaining wall.
- 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.

B.

V07-059

131 & 141 Burdette Road and 70 Chevaux Court

Applicant: Christelle & Howard Williams

Representative:

SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is seeking 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:

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

• **Support for the Petition:**

• **Against the Petition:**

Dan Edwards, 5530 Cross Gate Ct., Atlanta, GA 30327, in opposition of the application

Michael Bull, 55 Chevaux Ct., Atlanta, GA 30342, in opposition of the application

Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, GA 30327, in opposition of the application

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

C.	V07-070 6690 Roswell Road (SR9) Applicant: <i>Fidelity Federal LLC</i> Representative: <i>Ryan Harchar</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ The applicant is requesting a primary variance from Section 33.26.H.2.a of the Zoning Ordinance to allow a sign on a wall that is not an exterior wall of the tenant space. Applicant Presentation: Ryan Harchar (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: Mark King moved to recommend approval with conditions. Ron Carpinella seconded. The motion was APPROVED (6-0, Pond, King, Hill, Reale, Moller, and Carpinella for) subject to the following conditions: Condition(s): 1) That the wall sign shall be installed pursuant to the sign detail and building elevation depicting the sign location, submitted by the applicant, dated received October 25, 2007 by the Department of Community Development (as shown in exhibit 1). 2) That the wall sign shall not exceed fifty (50) square feet, pursuant to the sign design detail submitted by the applicant, dated received October 25, 2007 by the Department of Community Development (as shown in exhibit 2).
D.	V07-071 8505 Roswell Road (SR9) Applicant: <i>Car Wash Atlanta, LLC</i> Representative: SUMMARY/STAFF PRESENTATION: Doug Trettin/The applicant is requesting two primary variances: 1) variance from Section 4.23.1.A of the Zoning Ordinance to reduce the required side landscape strip from 10 feet to 3 feet and 2) variance from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance to allow a permanent structure (canopy) within the landscape strip. Both variances to allow for 2 canopies for vacuum stations. Applicant Presentation: (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: Paul Reale moved to recommend approval with conditions. Ron Carpinella seconded. The motion was APPROVED (6-0 Pond, King, Hill, Reale, Moller, and Carpinella for) subject to the following conditions.
	Condition(s): 1) That the two (2) proposed canopies shall be installed in accordance with the Proposed Site Plan provided by the applicant, dated received October 17, 2007 by the Department of Community Development, showing the required ten (10) foot side landscape strip reduced to three (3) feet to accommodate the portion of the encroachment only. 2) That the abandonment process for Powell Street be initiated by the City before or concurrently with the filing of the building permit(s) for the subject canopies.

Meeting Adjournment	The meeting was adjourned at 8:50 p.m.
----------------------------	--

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