

BOARD OF ZONING APPEALS

MEETING MINUTES

Thursday, November 9, 2006, 7:00 p.m.

Board Members Present: Al Pond (Chair), Mark King (Vice Chair), Ruth Coan, Ron Carpinella, Paul Reale, Oswald Hill, and Ken Moller

Staff Present: Nancy Leathers, Michael Zehner, Cesar Geraldo, Christina Nelson, Mark Moore, Michael Barnett, Doug Trettin and Angela Lawson

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

I. MINUTES

ACTION: Mark King moved that the previous meetings' minutes (03-09-06, 04-12-06, 05-11-06, 06-08-06, 07-27-06, 08-10-06, and 09-14-06) be approved. Ruth Coan seconded. The minutes for the previous meeting of (03-09-06, 04-12-06, 05-11-06, 06-08-06, 07-27-06, 08-10-06, and 09-14-06) were APPROVED (7-0).

II. DEFERRED

A. V06-050
5730 Glenridge Drive
Applicant: 5730 Glenridge Association, LLC.

Summary: Four primary variances:

1. Variance from Article 8, Section of the Tree Preservation Ordinance to allow removal of three (3) specimen trees and disturbance of the critical road zone of one (1) specimen tree;
2. Variance from Section 18.3.1.E of the Zoning Ordinance to allow parking in the minimum front and side yards;
3. Variance from Section 4.23.2 to eliminate the required parking lot landscaping; and
4. Variance from Section 12B.5.B.1 to eliminate the require 10-foot landscape strip along a segment of Glenridge Drive to respect a 55' x 16' Bell South easement.

The applicant intends to create 53 additional parking spaces.

(Invitation for public comment in support of and in opposition of application)

David Brooks: 3520 Piedmont Road in support of application.

Scott Carlock: 8995 Roswell Road, Suite 200 speaking in support of application.

Robert Harville: 570 Valley Lane speaking in support of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan moved to approve with conditions. Paul Reale seconded. Application was APPROVED (7-0), subject to the following condition(s):

1. That the site be developed in accordance with the Development Plans provided by the applicant dated received October 26, 2006 by the Department of Community Development showing and limiting the proposed parking lot configuration to be located in the setbacks where necessary to accommodate the portion of the encroachment only.
2. The owner/developer shall plant the ten (10) foot landscape strip along Glenridge Drive to buffer standards, as approved by the City of Sandy Springs Arborist/Landscape Architect. In the area of the Bell South easement, located south of the entry drive, the owner/developer shall submit a modified plan meeting the requirements of Bell South and the Sandy Springs Arborist/Landscape Architect.
3. All new parking areas shall be constructed of pervious paving.
4. That specimen tree recompense shall be used in the parking islands. Any recompense trees remaining and the required parking lot shade trees shall be planted on other locations on site.
5. That a certified arborist provide and implement a remedial root mitigation plan for the tree(s) requested to incur critical root encroachment as approved by the City Arborist.
6. That landscape treatments be planted to buffer standards at the intersection of Glenforest Road and Glenridge Drive as approved by the City Arborist.

B. V06-080
5345 Roswell road (SR9)
Applicant: Triton Marketing

Summary: Five primary variances from the Zoning Ordinance:

1. Variance from Section 12B.6.A.1 to allow for a free-standing sign on the property that is less than 40,000 square feet;
2. Variance from Section 12B.6.A.2.a to increase the maximum allowed height for a free-standing sign from 6 feet to 14 feet 3 inches;
3. Variance from Section 12B.6.A.2.b to increase the maximum allowed face size for a free-standing sign from 32 square feet to 60 square feet;
4. Variance from Section 12B.6.A.5 to allow a free-standing sign support to be less than one-third (1/3) of the width of the sign face; and
5. Variance from Section 33.6.8 to reduce the minimum required sign setback from the right-of-way from 10 feet to 6.5 feet (sign support location).

All variances to allow for a face change of an existing free-standing sign.

(Invitation for public comment in support of and in opposition of application)

Mark Barron: Applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Al Pond moved to deny. Mark King seconded. Application was **DENIED (7-0)**.

C. V06-092
86, 106 and 116 West Belle Isle
Applicant: Estes Shields Engineering, Inc.

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of six (6) specimen trees and the encroachment into the critical root zone of one (1) specimen tree to subdivide three (3) existing lots into six (6) lots for the construction of six (6) single-family homes.

(Invitation for public comment in support of and in opposition of application)

Guy Weiss: 6 Concourse Pkwy, Attorney for applicant

Patty Berkovitz: 800 Crest Valley Drive (Long Island Creek Association) speaking in support of application.

Kline Driver: 1620 St. Julian Street, applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Mark King motioned to approve with conditions. Paul Reale seconded. The application was **APPROVED (7-0)** subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received November 7, 2006 by the Department of Community Development revised to show trees labeled "A" (24 inch pine) and "F" (36 inch pine) as proposed to incur critical root zone encroachment and to show trees labeled "B" (36 inch red oak), "C" (37 inch water oak), "D" (45 inch water oak), and "G" (39 inch maple) proposed to be removed.

2. That a remedial root mitigation plan by an ISA certified arborist shall be provided for the specimen tree(s) requested to have critical root encroachment.

D. VO6-097
94 Silverwood Road
Applicant: Sylvia Jones

Summary: Primary variances from Section 6.4.3.C of the Zoning Ordinance to reduce the minimum west side yard setback from 10 feet to 2 feet to allow for the expansion of the existing carport and the construction of a second-story addition.

(Invitation for public comment in support of and in opposition of application)

Ronald Jones: Applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Applicant requested to withdraw petition. Mark King motioned to approve withdrawal of application. Oz Hill seconded. The application was **WITHDRAWN (7-0)**.

IV. NEW

A. V06-107

8205 Jett Ferry

Applicant: John Wieland Homes and Neighborhoods, Inc.

Summary: Primary variance from the section 11.1.4.L of the Zoning Ordinance to allow for an accessory structure (unoccupied guard house with portico) to be located in the front yard of a single-family house and in the 50 foot perimeter setback of a CUP development.

(Invitation for public comment in support of and in opposition of application)

Bart Conneen: Applicant.

Katherine Freeman: 840 Jett Ferry Manor (Sandy Springs Council of Neighbors, neighborhood association representative).

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller motioned to approve with conditions. Paul Reale seconded. The application was **APPROVED (7-0)** subject to the following condition(s):

1. That the site be developed in accordance with the Site Plans provided by the applicant dated received October 24, 2006 by the Department of Community Development.

B. V06-108

5601 Colton Drive

Applicant: Jason Yowell

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees to construct a townhouse development.

(Invitation for public comment in support of and in opposition of application)

Jason Yowell: Applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller motioned to approve with conditions. Mark King seconded. The application was APPROVED (7-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received August 31, 2006 by the Department of Community Development.

C. V06-109
445 Heards Ferry Road
Applicant: Richard Sosebee, Sr.

Summary: Primary variance from Section 6.1.3.D of the Zoning Ordinance to reduce the minimum rear yard setback from 50 feet to 30 feet to allow for the construction of a pool house.

(Invitation for public comment in support of and in opposition of application)

Richard Sosebee, Jr.: Applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ron Carpinella motioned to approve with conditions. Ken Moller seconded. The application was APPROVED (7-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received August 31, 2006 by the Department of Community Development, showing the rear yard setback reduced to no less than thirty (30) feet where necessary to accommodate the portion of the encroachment only.

2. That the proposed pool house shall be constructed having one wall only.

D. V06-110
160 North Devereaux Court
Applicant: Christopher & Elizabeth Melton

Summary: Two (2) primary variances:

1. Variance from Section 6.5.4.C to reduce the minimum side yard setback from 10 feet to 6 feet; and
2. Variance from Section 6.5.3.D to reduce the minimum rear yard setback from 35 feet to 12 to allow for the construction of a garage and pool cabana.

(Invitation for public comment in support of and in opposition of application)

Elizabeth Melton: Applicant.

Carol M. Wood: 140 N. Devereux. Question regarding the future potential changes to property with variance and zoning changes.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ken Moller motioned to approve with conditions. Oz Hill seconded. The application was APPROVED (7-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan, provided by the applicant dated received November 1, 2006 by the Department of Community Development, showing the rear yard setback reduced to no less than twelve (12) feet and the side yard setback reduced to no less than six (6) feet where necessary to accommodate the portion of the encroachment only.

E. V06-111
590 High Point Lane
Applicant: Marvin and Kerry Solomiany

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of five (5) specimen trees for the construction of a single-family house.

(Invitation for public comment in support of and in opposition of application)

Colin Lichtenstein: Architect and representative for applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ron Carpinella motioned to approve with conditions. Oz Hill seconded. The application was APPROVED (7-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received November 1, 2006 by the Department of Community Development.

F. V06-112
227 Saint Nicholas Circle
Applicant: Samir Properties, Inc.

Summary: Two (2) primary variance:

1. Variance from Section 14.6.5.a (i) and (ii) of the Sandy Springs Land Development Regulations to reduce the 75 foot stream buffer to 35 feet; and

2. Variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of two (2) specimen trees for the construction of a single-family house.

(Invitation for public comment in support of and in opposition of application)

Robert Scholz: 4820 Merlendale Drive, Attorney for applicant.

Patty Berkovitz: 800 Crest Valley Drive, Long Island Watershed Coalition speaking in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ron Carpinella motioned to approve 30-day deferral to allow the applicant to detail, through hydrological study, the effectiveness of the subject stream's existing detention area and to detail the condition of the stream's basin beyond the detention area. The hydrological study should include the projected effect the proposed new construction would have on the stream, including the detention area. Additionally, an alternate plan should be provided detailing reduced stream buffer encroachment and additional measures to minimize the effect on the stream. Paul Reale seconded. The application was **DEFERRED (7-0)** until December 14, 2006.

G. V06-114
740 & 770 East Northway Lane
Applicant: rob McConnell, Inc.

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees to subdivide two (2) existing lots into three (3) lots for the construction of three (3) single-family homes.

(Invitation for public comment in support of and in opposition of application)

Robert McConnel: Applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ron Carpinella motioned to approve with conditions. Paul Reale seconded. The application was **APPROVED (7-0)** subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received October 24, 2006 by the Department of Community Development.

H. V06-116
471 Carriage Drive
Applicant: Mile Marker One, LLC

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of three (3) specimen trees for the construction of a single-family house.

(Invitation for public comment in support of and in opposition of application)

Joe Daniel: Applicant.

Stephen Jackson: Co-owner of property.

Debra Cagle: 6254 Vernon Woods Drive, speaking in opposition of application.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Al Pond motioned to approve with conditions. Ken Moller seconded. The application was APPROVED (7-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 5, 2006 by the Department of Community Development. The aforementioned plan was modified at the hearing to save the twenty-six (26) inch pine (proposed to be removed) adjacent to the rear, southeast property line subject to an ISA certified arborist's written evaluation as to its condition.

I. V06-119
835 North Island Drive
Applicant: Turner Home Builders, Inc.

Summary: Primary variance from Section 8.5 of the Tree Preservation Ordinance to allow the removal of one (1) specimen tree to allow for the construction of a single-family home.

(Invitation for public comment in support of and in opposition of application)

Russ Turner: Turner Home Builders, Inc. - Applicant.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Paul Reale motioned to approve with conditions. Ron Carpinella seconded. The application was APPROVED (7-0) subject to the following condition(s):

1. That the site be developed in accordance with the Site Plan provided by the applicant dated received September 25, 2006 by the Department of Community Development.

J. V06-121
2 Glenlake Parkway
Applicant: Two Glenlake, LLC.

Summary: Primary variances from the Perimeter Community Improvement District (PCID) development standard requirements of Section 12B(1).3 of the Zoning Ordinance:

1. To allow the existing five (5) foot sidewalk along Abernathy road to remain in lieu of the required eight (8) foot sidewalk/bicycle lane;
2. To allow the existing two (2) foot planting strip and additional landscape area long Abernathy Road to remain in lieu of the required five (5) foot planting strip;
3. To allow the existing street trees to remain in the landscape area long Abernathy Road to remain in lieu of the required street tree species;
4. To delete the required five (5) foot bicycle lane along Glenlake Parkway;
5. To allow the existing four (4) foot sidewalk along Glenlake Parkway to remaining lieu of the required six (6) foot sidewalk and primary variance from Section 14.8.IV.D.1.b of the Tree Preservation Ordinance;
6. To allow a permanent structure (retaining wall) within the landscape strip. All variances for the construction of an office building and parking deck.

(Invitation for public comment in support of and in opposition of application)

Greg Scotchie: Co-applicant. 4235 McClatchy Court.

Elizabeth Otte-Green: Speaking in support with conditions.

(Public Hearing closed. Board of Zoning Appeals questions and discussion)

ACTION: Ruth Coan motioned to approve with conditions. Ron Carpinella seconded. The application was **APPROVED (7-0)** subject to the following condition(s):

1. That the scope of the approval shall include development of land under ownership as detailed in this application and shall include existing development on the subject property only. Future applications on the subject property shall require compliance with the requirements of the Ordinance.
2. To the site plan received by the Department of Community Development dated October 25, 2006.
3. To allow the existing five (5) foot sidewalk along Abernathy Road to remain in lieu of the required eight (8) foot sidewalk/bicycle lane.
4. To allow the existing two (2) foot planting strip and additional landscape area along Abernathy Road to remain in lieu of the required five (5) foot planting strip.
5. To allow the existing street trees to remain in the landscape area along Abernathy Road to remain in lieu of the required street tree species.
6. To delete the required five (5) foot bicycle lane along Glenlake Parkway.

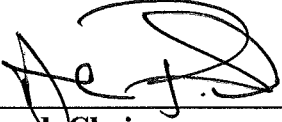
7. To improvement of the existing four (4) foot sidewalk along Glenlake Parkway and adjacent to frontage under ownership within the subject property as detailed in this application to meet A.D.A standards.

8. To allow a permanent structure (retaining wall) within the required ten (10) foot landscape strip along the east property line adjacent to Georgia State Route 400.

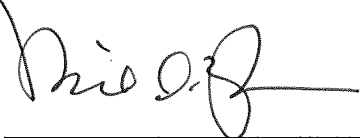
The meeting was adjourned at 10:45 p.m.

APPROVAL SIGNATURE PAGE

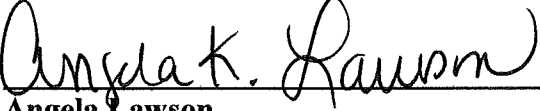
Date Approved: 12/14/06



Al Pond, Chairperson



Michael Zehner
Assistant Director – Planning and Zoning



Angela Lawson
Administrative Assistant/Transcriber