



BOARD OF APPEALS

Ruth Coan, Post 7 –Chair
Paul Reale, Post 5- Vice Chair
Lane Frostbaum, Post 1
Jim Squire, Post 3
Ted Sandler, Post 4
Ron Carpinella, Post 2
Ken Moller, Post 6

Thursday, November 10, 2011	Regular Meeting Minutes	7:00 PM
Board Members Present	Ruth Coan (Chair), Paul Reale (Vice Chair), Jim Squire, Ken Moller, Al Pond and Ted Sandler	
Board Members Absent	Lane Frostbaum	
Staff Present	Ed Shoucair, Angela Parker, Cecil McLendon, Patrice Dickerson, Cristina Nelson, Linda Abaray, Michael Barnett, Taylor Baxter, Bennett White, Gloria Goins, Nathan Ippolito and Terry Robinson	
Call to Order	Ruth Coan called the meeting to order at 7:00 p.m.	

ADOPTION OF AGENDA

Motion and Vote: Moller moved to approve the Agenda for November 10, 2011. Squire seconded the motion. Approved (6-0, Coan, Reale, Pond, Squire, Moller and Sandler for; Frostbaum absent) with the change of moving petition V11-009 and V11-042 to the end of agenda.

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Sandler moved to approve the Minutes for October 8, 2011. Reale seconded the motion. Approved (5-0-1, Coan, Reale, Squire, Moller and Sandler for; Pond abstained; Frostbaum absent).

NEW CASES

V11-043
7715 Marsh Court
Applicant: Gilbert Holzer

SUMMARY/STAFF PRESENTATION: Primary variance from Section 109.225(a) (b) 1 and 2 of the Stream Buffer Protection Ordinance to reduce the required seventy-five (75) foot stream buffer to 28 feet to construct an addition over an existing deck.

APPLICANT PRESENTATION:

Gilbert & Gail Holzer, 7715 Marsh Ct., Atlanta, GA. 30328
(Invitation for public comment in support of and in opposition to the petition)

SUPPORT FOR THE PETITION:

Gary Unell, 195 Chaseland Rd, Sandy Springs, GA. 30328

AGAINST THE PETITION:

Cheryl Barlow, 74 Riverpark Dr., Sandy Springs, GA.

Patty Berkovitz, On File

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

Motion and Vote: Squire moved to approve, Moller seconded. Approved (5-0, Reale, Moller, Squire, Pond and Sandler for; Coan recused, Frostbaum absent) with the following conditions:

1) The subject addition shall be constructed in accordance with the proposed site plan, provided by the applicant dated received October 7, 2011 by the Department of Community Development, for the variance herein, showing a reduction in the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to twenty-eight (28) feet (proposed addition encroachment of thirty-eight (38) feet and limits of disturbance of ten (10) feet for a total encroachment of forty-eight (48) feet) to allow for a two hundred and twenty-four (224) square foot second story addition, where necessary to accommodate the portion of the encroachment only.

2) 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 vegetation for filtration before entering the stream or artificial filtration with proof of maintenance required at time of Land Disturbance Permit, subject to the approval of the Sandy Springs City Engineer.

3) The area of the fifty (50) foot undisturbed natural buffer outside the area of this approved variance shall be maintained and any modification to the buffer (e.g. replanting or restoration) shall be subject to the approval of the Sandy Springs Arborist.

4) All gutters shall be piped to detention pond subject to the property owner ensuring the right to direct storm water into the detention pond and approval of the Sandy Springs Development Plan Review Engineer.

V11-044

1145 Mt. Vernon Highway

Applicant: Chick-fil-A

SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.F.4 of the Zoning Ordinance to allow a second menu board.

APPLICANT PRESENTATION:

Rex Powell, 5200 Buffington Rd., Atlanta, GA. 30349

Brett Bokath, 1600 Riveredge Pkwy, Atlanta, GA. 30328

(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 Appeals questions and discussion)

Motion and Vote: Moller moved to approve, Sandler seconded. Approved (6-0, Coan, Reale, Pond, Squire, Moller and Sandler for; Frostbaum absent) with the following conditions:

1. To allow a second menu sign on the existing outparcel (Chick-Fil-A), pursuant to the sign design detail submitted by the applicant, dated received August 31, 2011 by the Department of Community Development.
2. The menu sign shall be located pursuant to the site plan submitted by the applicant, dated received August 31, 2011 by the Department of Community Development.

V11-045

5280 Long Island Drive

Applicant: Chris Cramer

SUMMARY/STAFF PRESENTATION: Two (2) primary variances: 1) from Section 109.225(a)(b) 1 and 2 of the Stream Buffer Protection Ordinance to reduce the required seventy-five (75) foot stream buffer to 35.3 feet to allow construction of a screened porch; and 2) from Section 6.2.3.C of the Zoning Ordinance to reduce the fifteen (15) foot side setback to 5.3 feet to allow construction of a screened porch.

APPLICANT PRESENTATION:

Nina Cramer, 5280 Long Island Dr., Atlanta, GA. 30327

Mark Shoemaker, 835 Larry Lane, Decatur, GA. 30033

(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 Appeals questions and discussion)

Motion and Vote: Squire moved to defer, Pond seconded. Deferred (6-0, Coan, Moller, Reale, Squire, Pond and Sandler for; Frostbaum absent) to the January 12, 2012 Meeting.

V11-046
6025 Glenridge Drive
Applicant: Apostles Learning Center

SUMMARY/STAFF PRESENTATION: Primary variance from Section 33.26.B of the Zoning Ordinance to allow a wall sign in a single family residential zoning district.

APPLICANT PRESENTATION:
Michael Norton, 4050 Scenic View Ct., Cumming Ga. 30028

(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 Appeals questions and discussion)

Motion and Vote: Pond moved to deny, Moller seconded. Denied (6-0, Coan, Moller, Reale, Squire, Pond and Sandler for; Frostbaum absent)

V11-047
613 Esfun Trace
Applicant: T-Domus, LLC

SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.9.3.G.2 of the Zoning Ordinance to reduce the required seven (7) foot side setback to two (2) feet to allow for three (3) air conditioner units.

APPLICANT PRESENTATION:
Mike Bayani, 290 Cameron Ridge Dr., Sandy Springs, 30328
Dennis Bledsoe, 300 Godsey Rd., Jackson, GA. 30233

(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 Appeals questions and discussion)

Motion and Vote: Sandler moved to approve. Squire seconded. Approved (6-0, Coan, Reale, Pond, Squire, Moller and Sandler for; Frostbaum absent) with the following conditions:

1. The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received September 8, 2011 by the Department of Community Development, for the variance(s) herein, showing a reduction of the required seven (7) foot side yard setback to three (3) feet to allow for three (3) air conditioner units along the west property line, where necessary, to accommodate the portion of the encroachment (s) only.

DEFERRED

V11-009

201 Mt. Vernon Highway

Applicant: SCI Management

SUMMARY/STAFF PRESENTATION: 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 installation of storm drainage piping.

APPLICANT PRESENTATION:

Carl Westmoreland, 1075 Peachtree St., Atlanta, GA. 30309

(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 Appeals questions and discussion)

Motion and Vote: Squire moved to approve withdrawal, Sandler seconded. Approval of withdrawal (6-0, Coan, Moller, Reale, Squire, Pond and Sandler for; Frostbaum absent)

SECONDARY VARIANCE

V11-042

4784 Roswell Road (SR9)

Applicant: The Mystic Consortium, LLC

SUMMARY/STAFF PRESENTATION: Secondary variance to appeal director's decision regarding the identification monument sign located at the property

APPLICANT PRESENTATION:

Carl Westmoreland, 1075 Peachtree St., Atlanta, GA. 30309

Wendell Campbell, 4784 Roswell Rd, Atlanta, GA. 30342

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

SUPPORT FOR THE PETITION:

None

AGAINST THE PETITION:

Robert Meinzen, 4635 Mystic Dr., Atlanta, GA. 30342

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

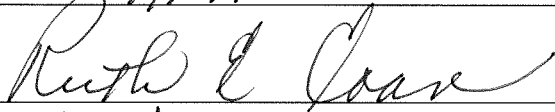
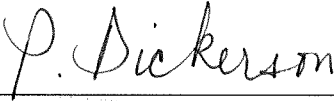
Motion and Vote: Squire moved to approve, Pond seconded. Approval to affirm Director's decision (5-1, Coan, Moller, Squire, Pond and Sandler for; Reale against; Frostbaum absent).

DISCUSSION ITEMS

Board discussed process to request more staff to enforce and review variances which have been approved.

ADJOURNMENT

Meeting adjourned at 9:39 P.M.

Approval Signatures	
Date Approved	12/10/12 1/10/12
Ruth Coan (Chairman)	
Patrice Dickerson, Manager of Planning & Zoning	
Gloria Goins, Transcriber	