



## Board of Appeals

November 12, 2009

### Meeting Minutes

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| <b>Board Members Present</b> | Ron Carpinella, Paul Reale, Ken Moller, Ruth Coan, Oz Hill, and Ted Sandler                        |
| <b>Board Members Absent</b>  | Lane Frostbaum                                                                                     |
| <b>Staff Present</b>         | Cecil McLendon, Patrice Ruffin, Cristina Nelson, Linda Abaray, Michael Barnett, and Terry Robinson |

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| <b>CALL to Order</b> | Ron Carpinella called the meeting to order at 7:00 p.m. |
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|    | <b>ADOPTION OF AGENDA</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|    | <b>ACTION:</b> Coan motioned to <b>adopt the agenda</b> , Reale seconded. Approved (6-0).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|    | <b>PREVIOUS MEETING'S MINUTES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|    | <b>ACTION:</b> Reale motioned to <b>approve the previous meeting's minutes</b> , Coan seconded. Approved (6-0).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|    | <b>Deferred case</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1. | <p><b>V09-029</b><br/> 215 Northwood Drive<br/> <i>Applicant: Copeland Village Shopping Center</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Two primary variances from the Zoning Ordinance: 1) variance from Section 4.6 to allow for refuse containers (dumpsters) without the required screening and 2) variance from Section 12B.5.C to allow for refuse containers (dumpsters) without the required</p> <p><b>Applicant Presentation:</b> <i>Carole Silverman, 3300 Buckeye Road #688, Atlanta, GA 30341</i></p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>None</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Board of Appeals questions and discussion)</b></p> |
|    | <p><b>ACTION:</b> Coan motioned to Approve with conditions, Reale seconded. Approved (6-0). Subject to the following conditions:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|    | <p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1) The development shall be in accordance with the site plan, provided by the applicant dated received November 12, 2009 by the Department of Community Development, for the variance(s) herein.</li> <li>2) The four (4) existing dumpsters shall remain unscreened.</li> <li>3) The variance shall be for a maximum period of one (1) year from the date of approval.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2. | <p><b>V09-039</b><br/>6074 Roswell Road (SR9)<br/><i>Applicant: John White</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Primary variance from the Section 33.18.H of the Zoning Ordinance to allow for 2 roof signs.</p> <p><b>Applicant Presentation:</b> John White, 6074 Roswell Road, Atlanta, GA 30328</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>None</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Board of Appeals questions and discussion)</b></p> <p><b>ACTION:</b> Reale motioned to <b>Approve with conditions</b> Moller seconded. Approved (6-0). Subject to the following conditions:</p> <p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1) The proposed lot shall be developed in accordance with the proposed site plan, provided by the applicant dated received October 20, 2009 by the Department of Community Development, for the variance(s) herein, showing the addition to the existing house showing a reduction in the required thirty-five (35) foot minimum rear yard setback to twenty-eight (28) feet, where necessary, to accommodate the portion of the encroachment (s) only.</li> </ol> |
|    | <b>New Cases</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3. | <p><b>V09-044</b><br/>1675 Redbourne Drive<br/><i>Applicant: Charles W. Bass</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Primary variance from the Section 6.5.3.D of the Zoning Ordinance to reduce the required minimum rear yard from 35 feet to 28 feet to allow for additions to a single-family house 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 for construction of a pool, pool deck, fence, concrete walkway and wood steps and to allow for the existing house.</p> <p><b>Applicant Presentation:</b> Charles W. Bass, 1675 Redbourne Drive, Sandy Springs, GA</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>None</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Board of Appeals questions and discussion)</b></p> <p><b>Action:</b> Moller motioned to <b>Approve with conditions</b> Reale seconded. Approved (6-0). Subject to the following conditions:</p>                                                                            |

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|    | <p><b>Condition(s):</b></p> <p>1) The proposed lot shall be developed in accordance with the proposed site plan, provided by the applicant dated received October 20, 2009 by the Department of Community Development, for the variance(s) herein, showing the addition to the existing house showing a reduction in the required thirty-five (35) foot minimum rear yard setback to twenty-eight (28) feet, where necessary, to accommodate the portion of the encroachment (s) only.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4. | <p><b>V09-045</b><br/>5540 Lake Island Drive<br/><i>Applicant: Erez &amp; Alicia Goren.</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Primary variance from the Section 6.1.3.C of the Zoning Ordinance to reduce the required minimum side yard from 25 feet to 11 feet to allow for the construction of a detached garage.</p> <p><b>Applicant Presentation:</b> Alicia Goren, 5540 Lake Island Drive, Atlanta, GA 30327</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <p>• <b>Support for the Petition:</b><br/>None</p> <p>• <b>Against the Petition:</b><br/>None<br/><b>(Close of public hearing. Board of Appeals questions and discussion)</b></p> <p><b>Action:</b> Coan motioned to <b>defer the case until the December 10, 2009 meeting</b>, To contact neighboring property owners Hill seconded.<br/>Failed (2-4). Coan and Hill for; Carpinella, Moller, Reale and Sandler against; and Frostbaum Absent.</p> <p><b>Action:</b> Hill motion to <b>deny</b>, Moller seconded. Motion was withdrawn</p> <p><b>Action:</b> Sandler motioned to Approve with conditions Reale seconded. Approved (5-1) Hill, Coan, Moller, Reale and Sandler for; Carpinella against; and Frostbaum absent.</p> <p><b>Condition(s):</b></p> <p>1) The proposed lot shall be in accordance with the site plan, provided by the applicant dated received August 27, 2009 by the Department of Community Development, for the variance(s) herein, showing the existing house and proposed detached garage and showing a reduction in the required twenty-five (25) foot minimum side yard setback to eleven (11) feet, where necessary, to accommodate the portion of the encroachment (s) only.</p> |
| 5. | <p><b>V09-048</b><br/>415 Cameron Valley Court<br/><i>Applicant: Walter Mills</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Primary 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 0 feet to pipe the creek to allow for the construction of a single-family house.</p> <p><b>Applicant Presentation:</b> Walter Mills, 425 Cameron Valley Court, Sandy Springs, GA</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <p>• <b>Support for the Petition:</b><br/>Robert Stachler, 409 John Wesley Dobbs Ave., Ste F, Atlanta, GA 30305</p> <p>• <b>Against the Petition:</b><br/>Patty Berkovitz, Watershed Alliance of Sandy Springs,<br/><b>(Close of public hearing. Board of Appeals questions and discussion)</b></p> <p><b>Action:</b> Moller motioned to <b>defer the case until the December 10, 2009 meeting</b>, To discuss alternative plans for the location of the house. Hill seconded.<br/>Approved (6-0).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|    | <p><b>Condition(s):</b><br/>None</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6. | <p><b>V09-049</b><br/>5375 Long Island Drive<br/><i>Applicant: Rod Windley</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Two primary variances: 1) variance from Section 6.2.3.1 of the Zoning Ordinance to allow for an accessory structure (gazebo) in the front yard and 2) 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 0 feet to allow for driveway, bridges, fence, call box, mail box, trash collection area, pea gravel path, stepping stones, planting, and drainage swales.</p> <p><b>Applicant Presentation:</b> Carl Westmoreland, 1545 Peachtree Street, Atlanta, GA 30309</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>Patty Berkovitz, Watershed alliance of Sandy Springs</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Board of Appeals questions and discussion)</b></p> <p><b>Action:</b> Coan motioned to <b>Approve variance #1 with conditions</b> Hill seconded. Approved (5-1) Coan, Hill, Carpinella, Reale, and Sandler for; Moller against; and Frostbaum Absent.</p> <p><b>Action:</b> Sandler motioned to <b>Approve variance #2 with conditions</b> Moller seconded. Approved (6-0).</p> <p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received October 30, 2009 by the Department of Community Development, for the variance(s) herein, showing the accessory structure (pavilion) located in the front yard.</li> <li>2) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received October 30, 2009 by the Department of Community Development, for the variance(s) herein, a reduction in the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a zero (0) foot, where necessary to accommodate the portion of the encroachment only.</li> <li>3) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, downspouts shall be directed away from the structure directly into a Best Management Practices (BMP) filtration detention device.</li> <li>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.</li> <li>5) 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.</li> <li>6) Stream crossings shall be as narrow as possible and shall be pervious except vehicle bridges.</li> <li>7) 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.</li> <li>8) 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.</li> <li>9) 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.</li> <li>10) Stream bank restoration shall be installed as required by the Director of the Community Development Department.</li> </ol> |

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|  | <p>11) 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.</p> <p>12) 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.</p> |
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Meeting Adjourned: 9:25 p.m.

Approval Signatures

Date Approved

12/10/2009

Ron Carpinella, Acting Chairman

*Ruth E Coan for Ron Carpinella*

Patrice Ruffin, Assistant Director of Planning and Zoning

*P. Ruffin*

Gloria Goins, Transcriber/  
Administrative Coordinator

*[Signature]*