



Board of Appeals

December 10, 2009

Meeting Minutes

Board Members Present	Paul Reale, Ken Moller, Ted Sandler, Ruth Coan, Lane Frostbaum, Oz Hill and Ron Carpinella (absent for the adoption of the agenda, Meeting Minutes and V09-009)
Board Members Absent	
Staff Present	Nancy Leather, Cecil McLendon, Cesar Geraldo, Linda Abaray, and Terry Robinson

CALL to Order	Ruth Coan called the meeting to order at 7:00 p.m.
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	ADOPTION OF AGENDA
	ACTION: Frostbaum motioned to approve the adoption of the agenda with a modification to move V09-054 to the second agenda item, Hill seconded. Approved (6-0 Coan, Hill, Frostbaum, Sandler, Moller and Reale for; Carpinella absent).
	PREVIOUS MEETING'S MINUTES
	ACTION: Frostbaum motioned to approve the previous meeting's minutes , Hill seconded. Approved (6-0 Coan, Hill, Frostbaum, Sandler, Moller and Reale for; Carpinella absent).
	NEW CASES
1.	V09-009 6018 Kayron Drive <i>Applicant: William Andersen.</i> ▪ SUMMARY/STAFF PRESENTATION: Determination of the Board of Appeals on their findings related to the May 14, 2009 action for case V09-009. Applicant Presentation: William Anderson, 6018 Kayron Drive (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Patty Berkovitz, On File (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Frostbaum motioned to approve with conditions , Moller seconded. Approved (4-2; Coan, Hill, Frostbaum, Moller for; Reale and Sandler against; Carpinella absent), subject to the following condition(s):

Condition(s):

- 1) That the proposed chain link fence be constructed in accordance with the proposed site plan, provided by the applicant dated received March 20, 2009 by the Department of Community Development, for the variance herein, showing the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) reduced to a twenty-five (25) foot undisturbed natural buffer (as approved by the Board of Appeals at the May 14, 2009 hearing) where necessary to accommodate the portions of the encroachment(s) only. The area of land disturbance shall be limited to no more than 5.9 square feet within the fifty (50) foot undisturbed natural buffer (as approved by the Board of Appeals at the May 14, 2009 hearing).
- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced for building additions and/or other improvements, downspouts shall be directed into a rain garden or a Best Management Practices (BMP) filtration detention device.
- 3) 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.
- 4) 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.

2.

V09-054

5600 Claire Rose Lane

Applicant: Janet Tiller.

- **SUMMARY/STAFF PRESENTATION:** Two primary variances from the Zoning Ordinance: 1) variance from Section 6.3.3.C to reduce the required minimum side yard from 15 feet to 8 feet and 2) variance from Section 19.3.12.B.1 to allow for an existing pool in the front yard. Both variances to allow for existing structures.

Applicant Presentation:

Steve Tiller, 5600 Claire Rose Ln., Atlanta, GA.30327

(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: Sandler motioned to **approve with conditions** Reale seconded. Approved (7-0) Coan, Hill, Frostbaum, Moller Reale, Sandler, Carpinella for. Subject to the following conditions:

Condition(s):

- 1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received October 28, 2009 by the Department of Community Development, for the variance(s) herein, showing the existing detached garage and existing pool, where necessary, to accommodate the portion of the encroachment (s) only.
- 2) To reduce the required fifteen (15) foot minimum side yard setback to eight (8) feet.
- 3) To allow the existing pool to be located in the front yard.

3.	V09-048 Cameron Valley Court parcel 17-0206-0011-040 <i>Applicant: Walter & Dolores Mills.</i> ▪ SUMMARY/STAFF PRESENTATION: 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. Applicant Presentation: Robert Stachler, 409 John Wesley Dobbs, Ste F, Atlanta, GA. 30312 Walter Mills, 425 Cameron Valley Ct (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Stan Jones, 225 Cliff Overlook, Sandy Springs, GA. 30350 Patty Berkovitz, On File (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Coan motioned to defer the case until the January 12, 2009 meeting, To continue to discuss alternative plans for the house location. Frostbaum seconded. Approved (7-0) Coan, Hill, Frostbaum, Moller Reale, Sandler, Carpinella for. Condition(s): None
4.	V09-043 5299 Roswell Road (SR9) <i>Applicant: Marvin Brown</i> ▪ SUMMARY/STAFF PRESENTATION: Secondary variance: Appeal to the Department of Community Development Director's determination that neither the office use for automobile and light truck leasing, nor the storage of vehicles for lease are permitted on either the C-1 or on the R-3 zoning districts of the subject property. Applicant Presentation: Udi Sandalon, 5290 Roswell Rd, Atlanta, GA. 30342 William V. Hall, Jr., 315 W. Ponce de Leon Ave. # 842, Decatur, GA. 30030 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Mike Hill, 275 Green Hill Rd, (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Sandler motioned to affirm the Director's determination that neither the office use for automobile and light truck leasing, nor the storage of vehicles for lease are permitted on either the C-1 or on the R-3 zoning districts of the subject property Frostbaum seconded. Approved (7-0) Coan, Hill, Frostbaum, Moller Reale, Sandler, Carpinella for. Condition(s): None
5.	V09-050 746 Starlight Lane <i>Applicant: John & Kathy Rizzo</i> ▪ SUMMARY/STAFF PRESENTATION: Primary variance from Section 6.4.3.C of the Zoning Ordinance to reduce the

	required minimum side yard from 10 feet to 6 feet to allow for additions to a single-family house. Applicant Presentation: Tom Williams, 175 North Mill Rd., Sandy Springs, 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 Zoning Appeals questions and discussion) Action: Moller motioned to approve with conditions Frostbaum seconded. Approved (7-0) Coan, Hill, Frostbaum, Moller Reale, Sandler, Carpinella for. Subject to the following conditions: Condition(s): 1) The proposed lot shall be in accordance with the proposed site plan, provided by the applicant dated received October 5, 2009 by the Department of Community Development, for the variance(s) herein, showing the addition to the existing house. 2) The proposed lot shall be in accordance with the proposed landscape plan, provided by the applicant dated received December 10, 2009 by the Department of Community Development 3) To reduce the required ten (10) foot minimum side yard setback to six (6) feet, where necessary, to accommodate the portion of the encroachment (s) only.
6.	V09-052 210 Wilderglen Court <i>Applicant: Scott & Mary Ellen Garrett.</i> ▪ SUMMARY/STAFF PRESENTATION Four primary variances from the Zoning Ordinance: 1) variance from Section 4.2.10 to allow the required lot width of a proposed flag lot 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 to reduce the required front yard setback from 60 feet to 15 feet for existing house and to 15 feet for proposed second lot, 3) variance from Section 6.2.3.D to reduce the required rear yard setback from 40 feet to 15 feet for proposed second lot, and 4) variance from Section 19.3.12.B.1 to allow for an existing pool in the front yard. All variances to allow for the subdivision of a single-family lot into 2 flag lots. Applicant Presentation: Kevin Medendorp, 3165 Argonne Dr., Atlanta, GA. 30305 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: Patty Berkovitz, On File (Close of public hearing. Board of Zoning Appeals questions and discussion) Action: Coan motioned to defer the case until the February 11, 2009 meeting, To determine the buildable area of the lot, show the footprint of a proposed house, impervious surface calculations for the River Corridor, and obtain square footages of adjacent homes. Moller seconded. Approved (6-1; Carpinella against). Condition(s): None

Meeting Adjourned: 9:30 p.m.

Approval Signatures	
Date Approved	1/14/2010
Ron Carpinella, Acting Chairman	 14 Jan 2010
Patrice Ruffin, Assistant Director of Planning and Zoning	
Gloria Goins, Transcriber/ Administrative Coordinator	