



Board of Zoning Appeals December 11, 2008

Meeting Minutes

Board Members Present	Mark King (C), Ron Carpinella (VC), Ruth Coan, Oz Hill, Ken Moller, Paul Reale
Board Members Absent	Al Pond (arrived at 7:30 p.m.)
Staff Present	Patrice Ruffin, Mark Moore, Cristina Nelson, Michael Barnett, Cesar Geraldo, Terry Robinson, Jocelyn Stephens, Doug Trettin
CALL to Order	Mark King called the meeting to order at 7:00 p.m.

	ADOPTION OF AGENDA
	ACTION: Ron Carpinella moved to recommend adoption of the Agenda. Ruth Coan seconded. The motion was APPROVED (6-0, Carpinella, Coan, Hill, King, Moller, Reale, for; Pond not present for vote).
	PREVIOUS MEETING'S MINUTES
	ACTION: Ron Carpinella moved to recommend approval of the Minutes from the November 13, 2008 meeting. Paul Reale seconded. The motion was APPROVED (6-0, Carpinella, Coan, Hill, King, Moller, Reale, for; Pond not present for vote).
	NEW CASES
1.	V08-061 1140-1150 Hammond Drive <i>Applicant: Corporate Campus, LLC. Representative: Pat Chesser</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Primary variance from Section 33.26.E.9 of the Zoning Ordinance to exceed the maximum allowed size for two (2) suspended signs from 3 square feet to 16.67 square feet. Applicant Presentation: Pat Chesser (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: David Levin, 4495 Ashburn Walk, Marietta, Georgia 30068 • Against the Petition: None (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ron Carpinella moved to recommend approval of the application subject to conditions. Oz Hill seconded. The motion was APPROVED (6-0, Carpinella, Coan, Hill, King, Moller, Reale, for; Pond not present for vote). Condition(s): 1) The suspended signs located on the South elevation of the building for tenant # 1 and tenant # 2 shall not exceed

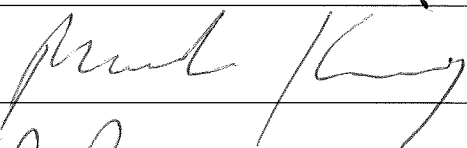
	seventeen (17) square feet of sign area and shall be installed pursuant to the building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development.
2.	V08-062 1800 Windridge Drive <i>Applicant: Windridge Apartments.</i> <i>Representative: David Baker</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Primary variance from Section 33.18.A of the Zoning Ordinance to allow signs (temporary free standing signs) that are not identified as permitted signs under the apartment and the overlay districts. Applicant Presentation: David Baker (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, Atlanta, Georgia 30350-2001 (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Paul Reale moved to recommend approval of the application subject to conditions. Ruth Coan seconded. The motion FAILED (3-4, King, Coan, Reale for; Moller, Carpinella, Hill and Pond against). Ron Carpinella moved to recommend denial of the application. Ken Moller seconded. The motion was APPROVED (4-3, Carpinella, Hill, Moller, Pond for; Reale, Coan, and King against). Condition(s): N/A
3.	V08-063 5600 Roswell Road (SR 9) <i>Applicant: Taco Mac</i> <i>Representative: Stephanie Schleicher</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 33.18.H to allow a sign to extend vertically above the roof line of a building and 2) variance from Section 33.26.H.2.a to allow for an additional wall sign on a wall that does not have street frontage. Applicant Presentation: Stephanie Schleicher (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Greg Tustin, 106 Gold Mill Place, Canton, Georgia Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, Georgia 30327 • Against the Petition: (Close of public hearing. Board of Zoning Appeals questions and discussion) ACTION: Ruth Coan moved to recommend approval of the application with conditions. Paul Reale seconded. The motion was APPROVED (7-0, King, Carpinella, Coan, Hill, Moller, Pond, Reale for). Condition(s): 1) To allow for a wall sign above the roof line on the east elevation of the building to be located on the tower over the entry, not to exceed 5% of the applicable wall. 2) To allow for an additional wall sign on the south elevation of the building not to exceed 5% of the applicable wall and to be located pursuant to the building elevation depicting the sign location (Exhibit 1), submitted by the applicant, and dated received October 7, 2008 by the Department of Community Development.

4.	V08-064 6193 & 6207 Glenridge Drive <i>Applicant: Masoud Zahedi</i> <i>Representative: Masoud Zahedi</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/Two primary variances from the Zoning Ordinance: 1) variance from Section 6.9.3.F to reduce the required minimum perimeter setback from 40 feet to 10 feet along the entire frontage and 2) variance from Section 6.9.3.G.2 to reduce the required minimum building separation from 14 feet to 7 feet. Both variances for the development of a single-family subdivision. Applicant Presentation: Masoud Zahedi (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Mohammed Javeind, 3128 Willowstone Drive, Duluth, Georgia 30096 Glenn Garde, 6231 Mt. Vernon Oaks Drive, Sandy Springs, Georgia 30328 • Against the Petition: Robert Bruce Broadhurst, 6360 Aberdeen Drive, Atlanta, Georgia 30328 Jeff Edge, 6220 Aberdeen Drive, NE, Sandy Springs, Georgia 30328 Doug Falciglia Phyz Lemman, 770 Glenair Drive, N.E., Sandy Springs, Georgia (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Al Pond moved to recommend denial of the application. Ken Moller seconded. The motion was APPROVED (7-0, King, Carpinella, Coan, Hill, Moller, Pond, Reale for).
	Condition(s): N/A
5.	V08-065 720 North Island Drive <i>Applicant: David and Kelly Asbury</i> <i>Representative: Kelly Asbury</i> SUMMARY/STAFF PRESENTATION: Doug Trettin/ 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 a 25 foot undisturbed natural buffer to allow for land disturbance and to a 37.36 foot undisturbed natural buffer for a single-family house. Applicant Presentation: Kelly Asbury (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Neil Johnson, 4933 Carol Lane, Atlanta, Georgia 30327 Charles Patterson, 1954 Airport Road, Atlanta, Georgia 30341 • Against the Petition: Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, Georgia 30327 (Close of public hearing. Board of Zoning Appeals questions and discussion)
	ACTION: Ken Moller moved to recommend approval of the application subject to conditions. Al Pond seconded. The motion was APPROVED (6-1, King, Carpinella, Coan, Hill, Moller, Pond for; Reale against).
	Condition(s): 1)The new residence shall be constructed in accordance with the proposed site plan, provided by the applicant dated received October 7, 2008 by the Department of Community Development, for the variance herein, showing 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 twenty-five (25) foot undisturbed natural buffer to allow for land disturbance and to a 37.36 foot undisturbed natural buffer for the proposed house where necessary to accommodate the proposed encroachment(s) only. The aforementioned land disturbance within the fifty (50) foot undisturbed natural buffer is limited to 2,113 square feet.

- 2) In areas where the fifty (50) foot undisturbed natural buffer and the twenty-five (25) foot impervious setback have been reduced, all driveways, paths, and patios shall be constructed of a pervious material.
- 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.
- 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.
- 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 the applicable permit(s) for the site.
- 12) The pool, pool deck, and below ground non-potable rainwater harvesting system shown on the proposed site plan, provided by the applicant dated received October 7, 2008 by the Department of Community Development, shall be relocated to be outside of the fifty (50) foot undisturbed natural buffer. The aforementioned pool and pool deck shall be in accordance with the size shown on the proposed site plan, provided by the applicant dated received October 7, 2008 by the Department of Community Development.

Meeting Adjournment

The meeting was adjourned at 10:27 p.m.

Approval Signatures	
Date Approved	01-08-09
Mark King, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Transcriber/ Administrative Assistant	