



SANDY SPRINGS™

GEORGIA

BOARD OF APPEALS

TUESDAY, DECEMBER 11, 2018

Work Session - 6:00 p.m.

Meeting - 7:00 p.m.

CITY HALL IN THE STUDIO THEATRE, 1 GALAMBOS WAY

Call to Order (6:00 pm)

Chairman Sandler called the meeting to order at 6:00 pm.

Roll Call

Staff called attendance. All BOA Members attending.

Present: Chairman Sandler, Vice Chair E. Johnson, Members A. Johnson, Allen, Thackston, Mobley, Lichtenstein

General Announcements

Chairman Sandler read the rules and procedures of the public hearing.

Approval of Meeting Agenda - December 11, 2018

*Vice Chair E. Johnson moved to **approve** the meeting agenda, seconded by Member Lichtenstein and passing via unanimous voice vote. (7-0-0)*

Approval of Minutes - September 11, 2018

[BOA Minutes 9.11.18](#)

*Member Allen made a motion to **approve** the meeting minutes for the last meeting on September 11, 2018. Member A. Johnson seconded the motion and the motion carried by unanimous voice vote. (7-0-0)*

Cases

1. [001565](#)

V18-0027

8045 Innsbruck Drive

Variance from Section 2.2.2. to allow for encroachment into the side setback.

[V18-0027 Final Package](#)

Madalyn Smith, Planning Technician, presented the case.

The applicant, Geoffrey Palmer, spoke to detail his variance request for the proposed garage.

The BOA discussed the variance with questions to staff specifically asking if there was a rendering of the garage roofline. Ms. Smith said there is not a rendering of the roofline but a basic rendering without elevations. The BOA expressed concerns through discussion and questions regarding whether this was site specific (affecting other properties), would it be living quarters (no), architecturally consistent with neighborhood, house and only a one story improvement. There was a continued discussion about the elevations and clarification of site specific.

Vice Chair E. Johnson moved for approval with the 4 Staff Conditions and in addition specific to the site plan and encroachment, single story garage with Member Mobley seconding. Chairman



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*Sandler, in clarifying for staff, with Catherine Mercier-Baggett, Planning and Zoning Manager, to detail the complete motion. Vice Chair E. Johnson's motion was clarified to additional 3 Conditions - site plan specific subject to material variation, single story garage and architecturally consistent. Member Mobley agreed with the clarification and the motion was **approved** by a voice vote, all in favor. (7-0-0)*

2. 001566

V18-0031 & V18-0032

80 Johnson Ferry Rd NE

Variance from Sec. 8.2.7 to encroach into the District Boundary Buffer and to waive the wall. Variance from Div. 9.2 to allow an encroachment into the Impervious Setback and the City Stream Buffer. Both variances are intended to implement a court ordered mediation agreement.

[V18-0031 & V18-0032 Final Package](#)

This case was presented in part by Catherine Mercier-Baggett, Planning and Zoning Manager, and by Joe Atkins, an attorney representing the City due to the pending mediation status of the case. (see the case/final package linked above)

Mr. Atkins detailed the case's mediation status and the process that led to mediation and what may happen going forward.

Those speaking in opposition include neighbors Evan Press (President, Johnson Creek HOA) and David Waldman. Mr. Press spoke to the specifics of the variance request (remove wall restriction, 20 ft to 10 ft) but concerned that no site plan has been provided. Mr. Waldman also expressed concerns that no site plan had been submitted, with a possible 3 story building being built 10 feet from their property and the contradiction with this variance request and the purpose of the Marsh Creek project. Also, being question was potential uses for the property.

Mr. Atkins spoke again to outline the process of the mediation and the requirements of the mediation including the end of year timeline to offer a solution to this case and not go back to court.

The Commissioners discussed the case with questions to Staff and to Mr. Atkins. There was clarification between Member Mobley and Mr. Atkins that the BOA is not bound by the mediation pertaining to the case before the BOA. Member Lichtenstein asked what would be allowed in CS-3 for possible uses. Staff listed a variety of uses including retail, restaurant, office, townhomes but not a gas station or drive thru fast food. Parking was detailed. The BOA agreed they were concerned that there was no site plan and normally would not consider the same type case without a site plan.



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Chairman Sandler made a motion to allow the property owner 5 minutes to speak. Seconded by Member A. Johnson, agreed by BOA Members.

Mr. Steven Johnston, the homeowner, utilized his 5 minutes to speak about the variance request while detailing his challenges with the property that he hoped the variance would alleviate.

Chairman Sandler offered rebuttal to the opposition. No further opposing statements were offered but Mr. Press and Mr. Waldman did respond to questions from Members of the BOA. Vice Chair E. Johnson did ask those neighbors in opposition what they would like to see happen? The response was to have the side setback, footprint and vegetation, to remain. The zoning designation could remain but the side setback to remain.

*Chairman Sandler asked if there was a tree survey, Staff informed there was not one currently. Member Mobley described the inability to determine hardship without a site plan and Member Thackston saying the BOA is not negotiating with the owner, detailing the lack of site plan, addressing the side setback, the vegetation to remain and stream buffers be protected. Member Mobley moved to deny the variances requested since there is no site plan and based on Staff comments. Vice Chair E. Johnson seconded, with a voice vote passing 5-2-0 to **deny** while the dissenting votes were Chairman Sandler and Member Thackston with both voicing a desire to solve the issues with the case.*

On-Going Business

None at this time.

New Business

Staff reminded the BOA Members that included in their documents and their agenda package was the Board of Appeals Calendar for meeting dates in 2019.

BOA was also reminded that the Annual BOA Retreat would be scheduled for Spring 2019. More details to follow.

Public Comments

None at this time.

Adjournment

The meeting was adjourned at 7:39 pm.

*Vice Chair E. Johnson moved to adjourn the meeting with Member Thackston seconding the motion. The motion was **approved** via unanimous voice vote.*
