

**CITY OF DUNWOODY
SEPTEMBER 1, 2016
ZONING BOARD OF APPEALS MINUTES**

The Zoning Board of Appeals of the City of Dunwoody held a Meeting on September 1, 2016 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Ardy Bastien, Chair
Kristen Wescott, Vice-Chair
Claire Botsch, Board Member
Richard Browne, Board Member
Stacey Harris, Board Member

Also Present: Steve Foote, Community Development Director
Andrew Russell, Planning Coordinator
Ronnie Kurtz, Planning Technician
Joseph E. Leonard, Legal Counsel

A. CALL TO ORDER

B. ROLL CALL

Bill McCahan and Joe Tuttle were absent.

C. MINUTES

1. Approval of Meeting Minutes from August 4, 2016 Zoning Board of Appeals Meeting

Kristen Wescott motioned to approve the Minutes. Stacey Harris seconded.

Passed For: 3 (Bastien, Harris, Wescott); Against: 0; Abstain: 2 (Botsch, Browne); Absent: 2 (McCahan, Tuttle)

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

2-1. ZBA 16-092: Danny Lankford, on behalf of SPUS6 Three Ravinia LP, owner of 3 Ravinia Drive, Dunwoody, GA 30346, seeks a variance from Chapter 20, Section 20-57(d), to allow a sign to project more than 2 feet from the building face. The tax parcel number is 18 347 01 058. (Item F.2. moved to

Item F.1.)

Ardy Bastien opened the public hearing.

Ronnie Kurtz presented on behalf of staff and recommended approval.

Danny Lankford, applicant, presented on behalf of the application.

Kristen Wescott motioned to approve the variance with the following conditions:

1. Construction must be in substantial compliance with the site plan and elevations received by staff on July 7, 2016.

Stacey Harris seconded.

Kristen Wescott motioned to amend the motion to specify that it is for two signs. Claire Botsch seconded.

Passed For: 5 (Bastien, Botsch, Browne, Harris, Wescott);
Against: 0; Abstain: 0; Absent: 2 (McCahan, Tuttle)

Passed For: 5 (Bastien, Botsch, Browne, Harris, Wescott); Against: 0;
Abstain: 0; Absent: 2 (McCahan, Tuttle)

1-2. ZBA 16-091: Jessica Hill, attorney for the applicant, on behalf of Transwestern, applicant, and Perimeter Mall LLC, owner of 1134 Hammond Road, Dunwoody, GA 30346 (Parcel ID: 18 348 01 020; "Development Parcel") and 4400 Ashford Dunwoody Road, Dunwoody, GA 30346 (Parcel ID: 18 348 01 006; "Mall Parcel"), seeks the following variances from Chapter 27, Section 27-73:

a) Encroach the front yard setback for the construction of a twenty story office building and existing 600-car parking garage (Development Parcel);

b) Encroach in the interior side yard setback for the construction of a twenty story office building (Development Parcel);

c) Encroach the rear yard setback for the construction of a twenty story office building (Development Parcel);

d) Encroach in the interior side yard setback for an existing 600-car parking garage (Development Parcel); and

e) Encroach the interior side yard setback for a proposed pedestrian connection and existing parking structure (Mall Parcel). (Item F.1. moved to Item F.2.)

Ardy Bastien opened the public hearing.

John Olson presented on behalf of staff and recommended approval with conditions.

Jessica Hill, attorney for the applicant, presented on behalf of the application.

No one spoke in opposition.

Open Board Discussion:

The Board asked the applicant questions regarding the variance from the side lot line, whether there will be parking underneath the building, and whether these variances would be required under the overlay.

Steve Foote, Community Development Director, responded to the Board's questions, and addressed regarding proposed sidewalk and bike lane widths to be implemented by the applicant.

Trent Germano, with Transwestern, spoke and stated the applicant will look into whether the project could accommodate a sidewalk wider than 8 feet in width in front of the project along Hammond Drive.

Claire Botsch motioned to approve Variance a.) with the following conditions:

1. The subject property shall be developed in accordance with site variance diagram dated July 20, 2016 (Exhibit A);
2. Pursuant to Section 27-436, the applicant shall apply for a special administrative permit for the reduction of minimum off-street parking ratios by 25 percent; and
3. Elevated pedestrian access to MARTA shall remain perpetual and include access to patrons using all ground floor restaurant and retail uses.

Kristen Wescott seconded.

Passed For: 5 (Bastien, Botsch, Browne, Harris, Wescott); Against: 0; Abstain: 0; Absent: 2 (McCahan, Tuttle)

Kristen Wescott motioned to approve variance b.) with the following conditions:

1. The subject property shall be developed in accordance with site variance diagram dated July 20, 2016 (Exhibit A);
2. Pursuant to Section 27-436, the applicant shall apply for a special administrative permit for the reduction of minimum off-street parking ratios by 25 percent; and
3. Elevated pedestrian access to MARTA shall remain perpetual and include access to patrons using all ground floor restaurant and retail uses.

Richard Browne seconded.

Passed For: 5 (Bastien, Botsch, Browne, Harris, Wescott); Against: 0; Abstain: 0; Absent: 2 (McCahan, Tuttle)

Richard Browne motioned to approve Variance c.) with the following conditions:

1. The subject property shall be developed in accordance with site variance diagram dated July 20, 2016 (Exhibit A);
2. Pursuant to Section 27-436, the applicant shall apply for a special administrative permit for the reduction of minimum off-street parking ratios by 25 percent; and
3. Elevated pedestrian access to MARTA shall remain perpetual and include access to patrons using all ground floor restaurant and retail uses.

Kristen Wescott seconded

Passed For: 5 (Bastien, Botsch, Browne, Harris, Wescott); Against: 0; Abstain: 0; Absent: 2 (McCahan, Tuttle)

Stacey Harris motioned to approve variance d.) with the following conditions:

1. The subject property shall be developed in accordance with site variance diagram dated July 20, 2016 (Exhibit A);
2. Pursuant to Section 27-436, the applicant shall apply for a special administrative permit for the reduction of minimum off-street parking ratios by 25 percent; and
3. Elevated pedestrian access to MARTA shall remain perpetual and include access to patrons using all ground floor restaurant and retail uses.

Kristen Wescott seconded.

Passed For: 5 (Bastien, Botsch, Browne, Harris, Wescott); Against: 0; Abstain: 0; Absent: 2 (McCahan, Tuttle)

Kristen Wescott motioned to approve variance e.) with the following conditions:

1. The subject property shall be developed in accordance with site variance diagram dated July 20, 2016 (Exhibit A);
2. Pursuant to Section 27-436, the applicant shall apply for a special administrative permit for the reduction of minimum off-street parking ratios by 25 percent; and
3. Elevated pedestrian access to MARTA shall remain perpetual and include access to patrons using all ground floor restaurant and retail uses.

Stacey Harris seconded.

Passed For: 5 (Bastien, Botsch, Browne, Harris, Wescott); Against: 0;
Abstain: 0; Absent: 2 (McCahan, Tuttle)

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. BOARD COMMENT

Kristen Wescott asked that staff send the action summary to the Board following the meetings.

J. ADJOURN