



CODE ENFORCEMENT BOARD MEETING

JULY 27, 2017

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
3:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARING MINUTES
 - A. Approval of May 25, 2017 Code Enforcement Board Meeting Minutes
- IV. PUBLIC HEARING
 - A. New Business
 - 1. CEB170067 3560 Waters Cove Way – Officer Sturgess
- V. ADJOURNMENT



CODE ENFORCEMENT BOARD MEETING SUMMARY

MEETING OF MAY 25, 2017

PUBLISHED: THURSDAY, JULY 20, 2017

PUBLISHED BY: DAWN CROWLEY

OFFICE OF COMMUNITY DEVELOPMENT

WWW.ALPHARETTA.GA.US

678.297.6079

The public is advised the following minutes are not a verbatim transcription of business presented at the Code Enforcement Board meeting of the date shown, but are a synopsis of pertinent information. The public is further advised that the recording of said meeting is a matter of public record and is available to be heard at the City of Alpharetta Community Development Department during normal business hours.

The purpose of this Board is to hear testimony and review evidence related to alleged violations of the City Codes and ordinances. It is the responsibility of the Board to judicially consider such evidence and make findings of fact related to the enforcement of the Codes and ordinances.

I. Call to Order:

Meeting was called to order by Chairman Smith at 3:30 p.m.

II. Roll Call:

Board:

Fred Smith
Phil Kingry
Wayne Rand
Richard Freeman
Mark Wingate
Jim Cregge

Staff:

Sam Thomas
Beau Smith
Robert Sturgess
Bret Schroeder
Dawn Crowley

III. Approval of April 27, 2017 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF APRIL 27, 2017.

By: Jim Cregge

Seconded: Phil Kingry

Vote: Unanimous (6-0) (Cregge, Kingry, Smith, Rand, Freeman, Wingate)

The City Attorney, Mr. Sam Thomas, swore in all parties.

IV. Public Hearing

A. Old Business

CEB170015

151 Wills Lane

I MAKE A MOTION THAT WE GO AHEAD AND LISTEN TO THE APPEAL OF THE CASE.

By: Phil Kingry

Seconded: Richard Freeman

Vote: Unanimous (6-0) (Kingry, Freeman, Smith, Rand, Wingate, Cregge)

The property owner of 151 Wills Lane, Ms. Lori Hull, approached and testified that she lives part time at her daughter's house. Due to this, she was unaware of the violation and summons notifications. Ms. Hull also testified that her son, Mr. David Hull, has had a number of health related problems for several months. Mr. Hull is now under a doctor's care and almost fully recovered. Ms. Hull stated that she has lived at the property for years and has never had any code violations. Ms. Hull insisted that the property would not come out of compliance again. Ms. Hull explained that she is on a fixed income and is now appearing before the Board to ask for leniency

I MAKE A MOTION THAT AFTER HEARING HER TESTIMONY THAT THE ONE THOUSAND DOLLAR FINE THAT WAS IMPOSED BY THE BOARD; TWENTY DAYS - \$50.00 PER DAY, BE REDUCE TO THREE HUNDRED DOLLARS (\$300.00).

By: Phil Kingry

Seconded: Mark Wingate

Vote: Unanimous (6-0) (Kingry, Wingate, Smith, Rand, Freeman, Cregge)

CEB160072

3325 Kimball Bridge Road

I MAKE A MOTION THAT WE REMOVE FROM THE TABLE CEB CASE 160072, 3325 KIMBALL BRIDGE ROAD.

By: Phil Kingry

Seconded: Jim Cregge

Vote: Unanimous (6-0) (Kingry, Cregge, Smith, Rand, Freeman, Wingate)

The property owner of 3325 Kimball Bridge Road, Mr. Jan Minjane, approached and updated the Board on the progress over the last thirty days as directed at the last Code Enforcement Board meeting. He went over the timeline and informed the Board that he has been in contract with the church next door to access the property.

The Board discussed the case in detail with him.

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND CONCLUSION OF LAW FIND THE DEFENDANT GUILTY IN VIOLATION OF THE CITY PROPERTY MAINTENANCE CODE 108.1.1 AND 108.1.3.

By: Phil Kingry

Seconded: Jim Cregge

Vote: Unanimous (6-0) (Kingry, Cregge, Smith, Rand, Freeman, Wingate)

HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING SECTION 108.1.1 OF THE CITY PROPERTY MAINTENANCE CODE AND SECTION 108.1.3 OF THE CITY PROPERTY MAINTENANCE CODE, THAT THE BOARD TAKE THE FOLLOWING ACTION IN THIS CASE, THAT WE ISSUE A CEASE AND DESIST ORDER TO THE DEFENDANT IN THIS MATTER AND IF THE DEFENDANT DOES NOT BRING THIS PROPERTY INTO COMPLIANCE BY THE FIRST OF SEPTEMBER 2017 THAT A FINE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) PER DAY BE ASSESSED AND SINCE THIS IS A MATTER OF SAFETY AND HEALTH, THAT FINE WOULD CONTINUE IF THE PROPERTY IS NOT BROUGHT INTO COMPLIANCE.

By: Phil Kingry

Seconded: Mark Wingate

Vote: (4-2) (Kingry, Wingate, Smith, Freeman)
(Rand, Cregge opposed)

B. New Business
CEB170017

305 Welwyn Walk

Code Enforcement Officer Robert Sturgess presented the case for the City. Officer Sturgess went over the timeline with the Board as follows:

1/09/2017	Officer Sturgess responded to a complaint about an unpermitted treehouse. Upon investigation, Officer Sturgess confirmed that a treehouse structure over 50 square feet and less than 10 feet from the setback was present. This is a violation of the City of Alpharetta Unified Development Code sections 4.4.5 and 2.2.3. Officer Sturgess left a hang tag.
2/23/2017	The property remained out of compliance with the City of Alpharetta Unified Development Code sections 4.4.5 and 2.2.3. Officer Sturgess issued a Notice of Violation.

3/17/2017	Officer Sturgess visited the property for a follow up visit and the property remained out of compliance.
4/19/2017 5/2/2017	Officer Sturgess continued to reach out to Mr & Mrs. Woods, by telephone and courtesy hangtags, without any response.
5/3/2017	Officer Sturgess issued a Summons to Appear since the property remained out of compliance with the City of Alpharetta Unified Development Code sections 4.4.5 and 2.2.3.

Photographic evidence was shown throughout the testimony.

MOTION THAT WE AS THE BOARD FIND AS A MATTER OF FACT AND CONCLUSION OF LAW THAT THE DEFENDANT IS GUILTY OF VIOLATING UDC CODES 4.4.5 AND 2.2.3 IN THIS CASE.

By: Wayne Rand

Seconded: Jim Cregge

Vote: Unanimous (6-0) (Rand, Cregge, Smith, Kingry, Freeman, Wingate)

MOTION THAT HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING CODES 4.4.5 AND 2.2.3, THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE, WE ISSUE A CEASE AND DESIST ORDER TO THE DEFENDANT IN THIS MATTER AND IF THE DEFENDANT DOES NOT BRING THIS PROPERTY INTO COMPLIANCE BY JUNE 30TH THAT A FINE OF ONE HUNDRED DOLLARS (\$100.00) A DAY BE IMPOSED UNTIL THE PROPERTY COMES INTO COMPLIANCE.

By: Fred Smith

Seconded: Phil Kingry

Vote: Unanimous (6-0) (Smith, Kingry, Rand, Freeman, Wingate, Cregge)

Having no further business, the meeting adjourned at 4:43 p.m.

CEB170067

3560 WATERS COVE WAY



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

Tel: 678-297-6080 Fax: 678-297-6081

NOTICE OF VIOLATION 5108

Date: 6-7-17 Time: 0930 AM - PM Case No. 5108

Location: 3560 Waters Cove Way

Suite/Apt. No.: _____ Alpharetta, Georgia Zip: 30022

Owner / Occupant: Eric R. Westcott

You are hereby notified the above stated property has been inspected by City of Alpharetta Codes Enforcement Officials and has been found in violation of below listed codes or ordinances. You are further notified to correct violation(s) listed below within the time limits stated herein. Failure to correct such violation(s) within the time limits granted herein may subject you to fines, liens or further prosecution as determined by the city Municipal Court or Codes Enforcement Board.

Violation Description: weeds in yard in excess
of 12"

Recommended Correction: Remove weeds in
excess of 12"

Corrections must be completed by:
0930 A.M. P.M. on the 21 day of June 20 17

Violation: ☒ CPMC ☐ UDC ☐ City Code Section: 302.4

Type of Delivery: ☒ Hand Delivery ☐ U.S. Mail ☐ Courier ☐ Other _____

X: _____

Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

Citing Officer: Sturgess III Badge No. 605

Signature: Eric R. Westcott Tel. No. 678-297- 6089



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

Tel: 678-297-6080 Fax: 678-297-6081

SUMMONS TO APPEAR

5305

Date: 7-17-17 Time: 10:30 (AM) - PM Case No. 5305

Name: Eric R. Westcott

Address: 3560 Waters Cove Way

Suite/Apt. No. _____ City/State: Alpharetta, Ga Zip: 30022

YOU ARE HEREBY COMMANDED TO BE AND APPEAR before the

☐ Municipal Court Judge in the City Courtroom located in the Crabapple Government Center at 12624 Broadwell Road, Alpharetta, GA 30004

☒ Code Enforcement Board in the Council Chambers located in Alpharetta City Hall at 2 Park Plaza, Alpharetta, GA 30009

At: 3:30 A.M./(PM) on the 27 day of July 2017

To answer to the charge of

Violation: ☒ CPMC ☐ UDC ☐ City Code Section: 302.4

Violation Description: Exterior property, Yard in excess of 12" in height.

Type of Delivery: ☒ Hand Delivery ☐ U.S. Mail ☐ Courier ☐ Other _____

X: _____

Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

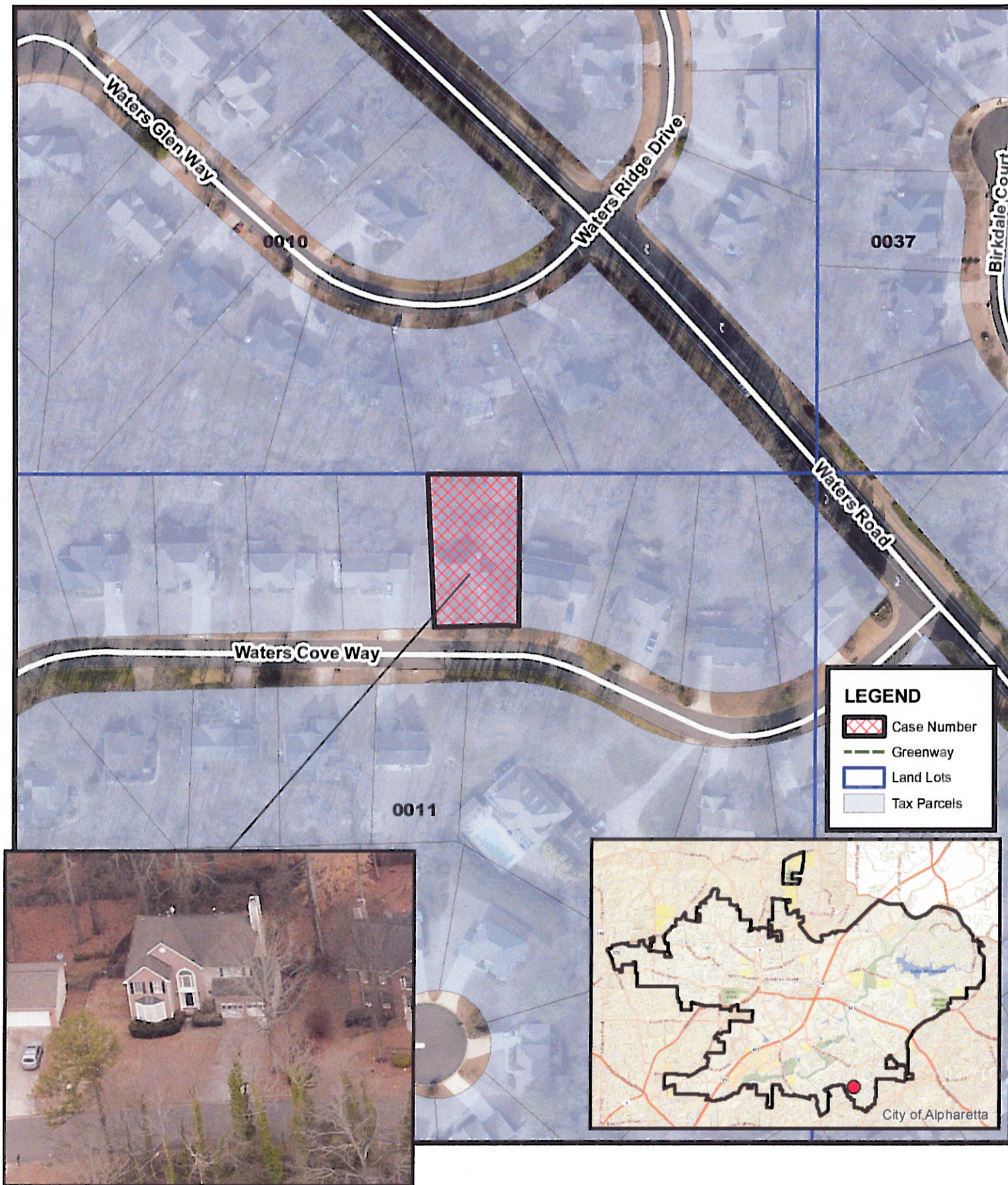
Comments: _____

Citing Officer: Sturgess Badge No.: 605

Signature: [Signature] Tel. No.: 678-297- 6089

07/17/2017





D/LL: 1/1/0011

Location Map
3560 Waters Cove Way

Location Map Provided by:
Community Development - GIS

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit, or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Yards. All premises yards and exterior property shall be maintained free from weeds in excess of 12 inches in height. All noxious weeds shall be prohibited.

Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

All trees, shrubs, or other vegetation on the premises that block visibility of oncoming traffic from driveways or road intersections, or that are a danger to the public, or that are in advanced stages of rot, decay, or dying, as determined by the city arborist, shall be moved or removed and disposed of by the premises owner in a manner approved by the city.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a violation notice, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction.

Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction, or contractor hired by the jurisdiction, shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including garages, storage buildings, playhouses, barns, fences, and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.