

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARING MINUTES
 - A. Approval of July 27, 2017 Code Enforcement Board Meeting Minutes
- IV. PUBLIC HEARING
 - A. Old Business
 1. CEB160072 3325 Kimball Bridge Road – Jan Minjane
 - B. New Business
 1. CEB170106 8035 Canter Lane – Officer Smith
- V. ADJOURNMENT



CODE ENFORCEMENT BOARD MEETING SUMMARY MEETING OF JULY 27, 2017

PUBLISHED: FRIDAY, JULY 28, 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 3:29 p.m.

II. Roll Call:

Board:

Fred Smith
Phil Kingry
Wayne Rand
Mark Wingate

Staff:

Sam Thomas
Beau Smith
Robert Sturgess
Bret Schroeder
Dawn Crowley

III. Approval of May 25, 2017 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF MAY 25, 2017.

By: Phil Kingry

Seconded: Mark Wingate

Vote: Unanimous (4-0) (Kingry, Wingate, Smith, Rand)

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

IV. Public Hearing

A. New Business

CEB170067

3560 Waters Cove Way

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

05/30/2017	Officer Sturgess responded to an online complaint regarding high grass and weeds at the property located at 3560 Waters Cover Way. Officer Sturgess confirmed the presence of high grass and weeds; which is a violation of section 302.4 of the City Property Maintenance Code (CPMC). A hangtag was left.
06/07/2017	Officer Sturgess made a follow up visit to the property and found no change. A Notice of Violation was issued due to the violation of section 302.4 of the City Property Maintenance Code (CPMC)
07/10/2017	Officer Sturgess met with the property owner, Mr. Eric Westcott. Mr. Westcott informed Officer Sturgess that he would bring the property into compliance by July 12, 2017.
7/13/2017	Officer Sturgess visited the property and found that a section of the grass had been mowed, but the property remained out of compliance.
7/17/2017	A Summons to Appear was issued for violating section 302.4 of the City Property Maintenance Code (CPMC)
7/27/2017	Officer Sturgess went to the property for a follow up evidence inspection and found no change.

Photographic evidence was shown throughout the testimony.

The property owner, Mr. Eric Westcott approached and testified that due to his work schedule he has been unable to bring the property into compliance. Mr. Westcott apologized and stated that he would cut the grass after the meeting and would look into hiring someone, in order to maintain compliance.

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION OF 302.4 OF THE CPMC OF ALPHARETTA IN THIS CASE.

By: Phil Kingry

Seconded: Wayne Rand

Vote: Unanimous (4-0) (Kingry, Rand, Smith, Wingate)

HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING 302.4 OF THE CPMC OF ALPHARETTA, I MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE; THAT WE ISSUE THE DEFENDANT A CEASE AND DESIST ORDER IN THIS MATTER AND IF THE DEFENDANT DOES NOT BRING THIS PROPERTY INTO COMPLIANCE BY 4 P.M. AUGUST 1ST, 2017; THAT A FINE OF FIFTY DOLLARS (\$50.00) A DAY BE IMPOSED UNTIL THE PROPERTY COMES INTO COMPLIANCE.

By: Phil Kingry

Seconded: Mark Wingate

Vote: (3-1) (Kingry, Wingate, Smith)
(Rand opposed)
Motion fails.

After a brief discussion of the timeline, a new motion was made.

HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING SECTION 302.4 OF THE CPMC OF ALPHARETTA, THAT THE BOARD TAKE THE FOLLOWING ACTIONS; THAT WE ISSUE THE DEFENDANT A CEASE AND DESIST ORDER IN THIS MATTER AND IF THE DEFENDANT DOES NOT BRING THE PROPERTY INTO COMPLIANCE BY 4 P.M. OF AUGUST 8TH, 2017 THAT A FINE OF FIFTY DOLLARS (\$50.00) A DAY BE IMPOSED ON THE PROPERTY.

By: Phil Kingry

Seconded: Mark Wingate

Vote: Unanimous (4-0) (Kingry, Wingate, Smith, Rand)

B. General Update

CEB160072

CEB170017

CEB170015

CEB-15-05

3325 Kimball Bridge Road – Mr. Jan Minjane

305 Welwyn Walk – Mr. & Mrs. Woods

151 Wills Lane – Ms. Lori Hull

302 North Main Street – Mr. Brian Patton

The Board asked for a brief update on a few old cases.

Code Enforcement Manager, Officer Bret Schroeder informed the Board that Mr. Minjane, the property owner of 3325 Kimball Bridge Road, has been in contact with the City's GIS Specialist, but has not applied for a demolition permit. The property been brought into compliance as of this date.

Officer Sturgess notified the Board that the treehouse located at 305 Welwyn Walk had been removed from the tree and demolished.

Officer Bret Schroeder informed the Board that the fines levied by the Code Enforcement Board regarding 151 Wills Lane and 302 North Main Street had been paid.

Having no further business, the meeting adjourned at 3:51 p.m.

CEB170106

8035 CANTER LANE



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

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

NOTICE OF VIOLATION 5152

Date: 8/10/17 Time: 10:45 AM PM Case No. _____

Location: 8035 Canter Ln

Suite/Apt. No.: _____ Alpharetta, Georgia Zip: 30009

Owner / Occupant: David Jassen Harris

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: Boat parked where visible from street.

Recommended Correction: Park boat where not visible from the street or store off property

Corrections must be completed by:

11:00 A.M. / P.M. on the 21st day of August 20 17

Violation: ☐ CPMC ☒ UDC ☐ City Code Section: 2-5.4(B)

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

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: B. Smith Badge No.: 604

Signature: B. Smith Tel. No.: 678-297- 6087



City of Alpharetta Codes Enforcement
2 Park Plaza - Alpharetta, GA 30009
Tel: 678-297-6080 Fax: 678-297-6081

SUMMONS TO APPEAR

5013

Date: 8/22/17 Time: 10:45 (AM) PM Case No. _____

Name: David Harris

Address: 8035 Canter Ln

Suite/Apt. No. _____ City/State: Alpharetta, GA Zip: 30004

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. (P.M.) on the 21st day of September 20 17

To answer to the charge of

Violation: ☐ CPMC ☒ UDC ☐ City Code Section: 2.5.4 (B)

Violation Description: Boat parked where it is visible from the street.

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

X: _____

Signature of Recipient

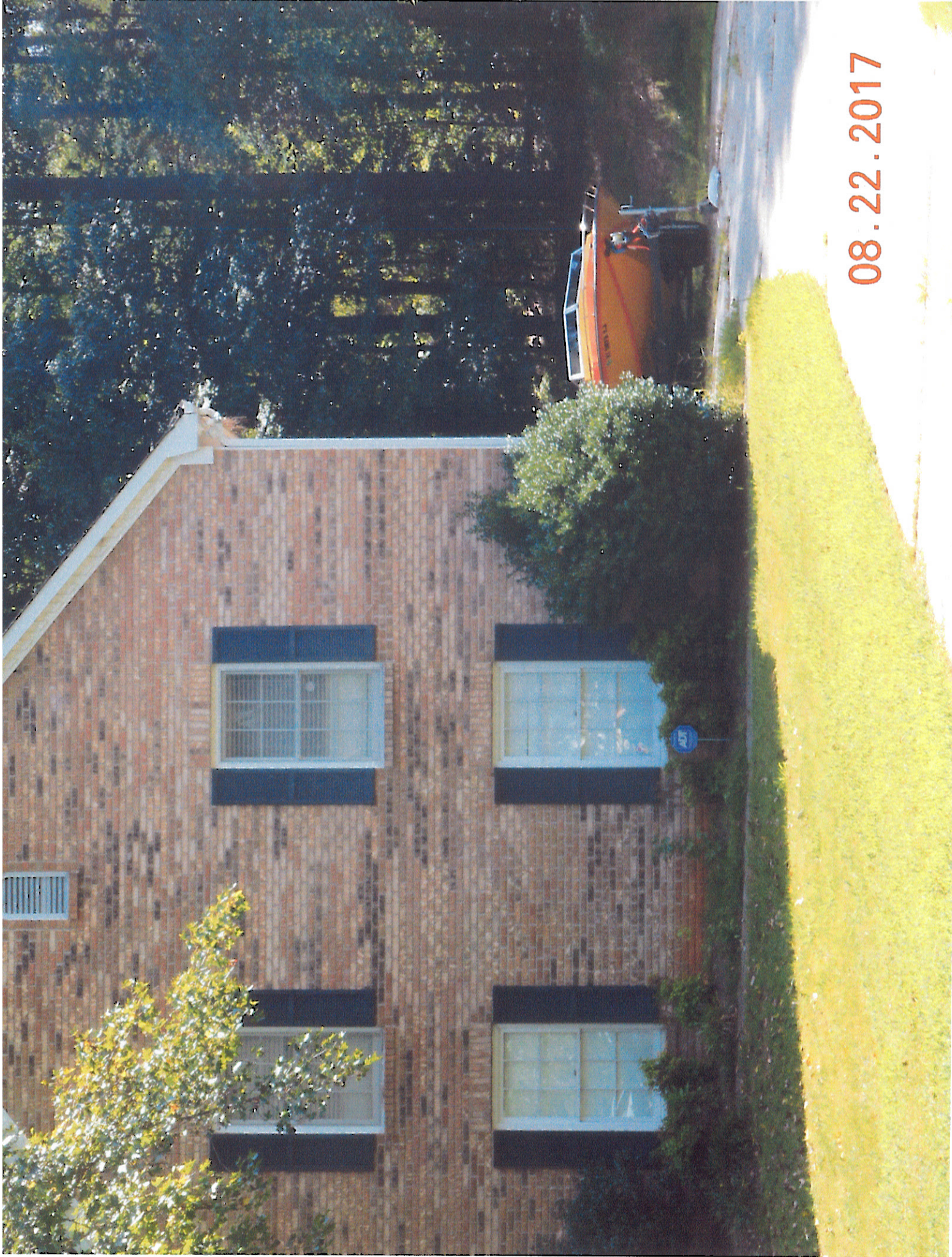
Notifying Officials Certification

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.

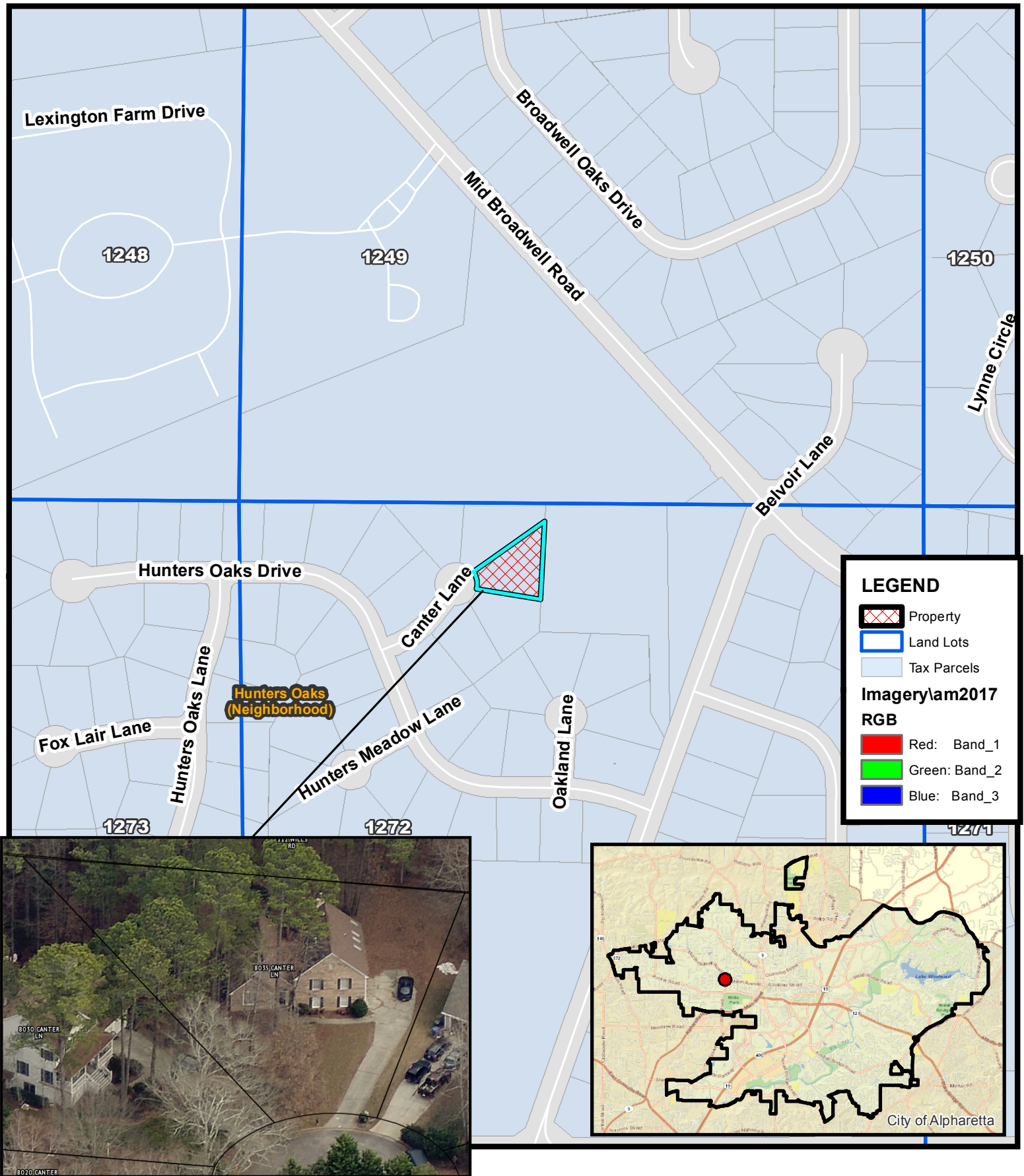
Comments: _____

Citing Officer: B. Smith Badge No.: 604

Signature: B. Smith Tel. No.: 678-297- 6087



08.22.2017



Required spaces shall be provided as follows:

Retail businesses, office, wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions, 1 space for the first 25,000 square feet of total floor area or fractional part thereof. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

SQUARE FEET	NUMBER OF SPACES
25,000—99,999	<u>2</u>
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
For each additional 100,000 or fraction thereof	1 additional

- B. Vehicles used for the loading and unloading of retail merchandise may not be parked overnight (between 10:00 p.m. of one day and 8:00 a.m. of the next day) in a location closer to the frontage street than the principal building.

(Ord. No. 718, § 17(Exh. C), 12-14-2015)

2.5.4 Locational criteria for parking.

- A. Location on Other Property. If the required parking cannot reasonably be provided on the same lot on which the principal use is conducted, such parking may be provided on other off-street property provided such property lies within 500 feet of the main entrance to the principal use. Such parking shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

B.

Location of Required Parking in Residential Districts. Required parking spaces in residential districts shall be subject to applicable area regulations pertaining to setbacks (front, side and rear yard), lot coverage, and accessory and principal structures.

Required parking spaces in 'For-Sale' residential districts shall be contained within a carport, garage or completely enclosed building except that:

Ordinary passenger vehicles and non-commercial pickup trucks may be parked on a paved driveway providing ingress and egress to the lot or on a paved parking space provided that the maximum width of the total paved area cannot exceed 40 (forty) feet.

One (1) business vehicle not prohibited by the provisions of this Ordinance from parking within a residential district and one or more recreational vehicles or boats, or boat trailers may be parked or stored in an area not visible from a street.

The regular parking or storage of any business vehicle, any vehicle used in connection with a home occupation, or any vehicle with a carrying capacity of more than one-and-one-half (1½) tons is prohibited in any residential district. Pickup or panel trucks, used to provide daily transportation to and from work, are allowed in all residential districts.

C. Parking and Storage of Certain Vehicles. No automobile, truck, motorcycle, trailer or other vehicle of any kind or type without current license plates shall be parked or stored on any lot in a residential district except in a completely enclosed building.

1. Any person who, as of the effective date of this Article (6/94), has established a long-standing practice of parking or storing boats or recreational vehicles which is not in compliance with the provisions of C(1), above, may continue such practice as a lawful nonconforming use, subject only to the provisions of any applicable district regulations.
2. Any person may apply to the Director of Community Development for a variance to the provisions of C(1), above pertaining to the parking and storage of boats or recreational vehicles. Variances shall be granted only in the case of extreme hardship or unusual circumstance, as contrasted with merely granting an advantage or a convenience. The factors to be taken into consideration by the Director may include the following:
 - a. The ease with which the applicant can comply with the provisions of this ordinance;
 - b. Whether there are extraordinary and exceptional conditions pertaining to the particular lot because of its size, shape, topography or location of the improvements on the lot;
 - c. The economic hardship that would be imposed upon the applicant if the variance