



Board of Zoning Appeals Meeting  
November 20, 2025

Department of Community Development  
ALPHARETTA CITY HALL | 2 PARK PLAZA | 5:30 PM

*This action summary is provided as a convenience and service to the public, media, and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. This is not an official record of the Alpharetta Board of Zoning Appeals Meeting proceedings. Meetings are recorded and available for review at <https://www.youtube.com/user/alpharettagov>.*

## I. CALL TO ORDER

- ❖ Chairman Gordy called the meeting to order at 5:30 p.m.

## II. ROLL CALL

### A. Board Members Present

- Michael Gordy
- Marc Gelber
- Lisa Shippel
- Anne Holcombe
- Dereje Teshale
- Scott Wharton

### B. Staff Present:

- Kathi Cook, Director of Community Development
- Joel Carnow, GIS Specialist/Special Projects Planner
- Erin Cobb, Administrative Office Coordinator

## III. PLEDGE TO THE FLAG

## IV. PUBLIC HEARING

### A. PUBLIC HEARING PROCEDURE

- Administrative Office Coordinator, Erin Cobb, read the public hearing procedures.

### B. V-25-25 Harrison/405 Gatehouse Court Consideration of a variance to Unified

Development Code Subsection 1.3.1(B)(1) to reduce the rear platted setback from 35' to 19' to allow for a screened porch. The property is located at 405 Gatehouse Court and is legally described as being located in Land Lot 1275, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community Development, Kathi Cook, came forward to present this item.

- The applicant, Brandon Harrison, is requesting consideration of a variance to reduce a rear setback from 35' to nineteen feet (19') to accommodate a covered porch and screen porch at the rear of a single-family detached home. The subject property is located at 405 Gatehouse Court in the Fairfax subdivision.
- The submitted request, if approved, would allow for a covered porch and screen porch at the rear of a single-family detached home with a reduced rear setback of nineteen feet (19'). The platted rear setback in the Fairfax subdivision is 35'. The subject property is located at 405 Gatehouse Court in the Fairfax subdivision.
- The 0.39-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and developed with a two (2) story, 2,572 square foot single-family detached home with an attached wood deck at the rear. The R-15 zoning district required a 25' rear setback. Surrounding properties are zoned R-15 and are located in the Fairfax subdivision.
- The Fairfax subdivision plat requires a 35' rear setback. The corner of the home and existing deck are legal non-conforming, encroaching into the platted rear setback by approximately fourteen feet (14') and thirteen feet (13'), respectively. The submitted building plans depict the existing deck to be removed and replaced with a 202 square foot covered porch and 250 square foot screen porch. The new porch encroaches an additional 2.5' into the rear setback and would have a nineteen-foot (19') rear setback. The applicant requests a variance to Unified Development Code (UDC) Subsection 1.3.1(B)(1) which states that "no structure shall hereafter be erected or altered to create a non-conformity." The variance is requested from the above UDC Subsection because the platted setback applies and not the zoning setback.
- As shown in the table below, there are several examples of setback variances being approved in the Fairfax subdivision.

**Variance Approvals in the Fairfax Subdivision**

Address	Case Number	Description	Approval Date
831 Smokehouse Ct	V-24-15	Reduce rear setback for a deck and screen porch	5/16/24
905 Cobblestone Ct	V-21-10	Reduce rear setback for a covered porch	8/19/21
1515 Shade Tree Way	V-19-09	Reduce rear setback for a covered deck	6/20/19
1510 Shade Tree Way	V-12-09	Reduce side setback for an elevated deck	5/29/12
2230 Fairfax Drive	AV-09-05	Reduce front setback for a covered porch	8/28/09
735 Paddock Ct	AV-92-06	Reduce front setback for a new home	7/20/92
1405 Shade Tree Way	AV-91-06	Reduce front setback for a new home	10/2/91
1440 Shade Tree Way	AV-91-04	Reduce front setback for a new home	9/30/91
310 Julep Ct	AV-90-04	Reduce front setback for a garage	9/24/90

- The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":
  1. There are extraordinary and exceptional conditions pertaining to the particular piece

of property in question because of its size, shape or topography; or Response: The property has exceptional conditions due to its unusual shape. The property is located on a cul-de-sac and is a corner lot with two (2) street frontages.

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or Response: Application of the ordinance would create an unnecessary hardship. The corner of the home and existing deck already encroaches into the rear setback. The proposed covered porch and screen porch would only encroach an additional three feet (3') into the rear setback.
  3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or Response: The property has peculiar conditions as the existing home and deck already encroach into the rear setback. The proposed covered porch and screen porch would only encroach an additional three feet (3') into the rear setback
- Staff has reviewed the applicant's proposal against the review criteria for a variance. The property has exceptional and peculiar conditions pertaining to its unusual shape and location on a cul-de-sac and being a corner lot. In addition, the existing home and deck already encroach into the rear setback. The proposed covered porch and screen porch would only encroach an additional three feet (3') into the rear setback. There are similar examples of setback variances being approved in the Fairfax subdivision and the applicant provided consent letters from adjacent properties and an approval letter from the HOA.
  - The applicant notified adjacent property owners and the Fairfax HOA of the variance request and intent for the property. The applicant provided consent letters from adjacent property owners and an approval letter from the Fairfax HOA.
  - The applicant, Brandon Harrison, 405 Gatehouse Court, came forward to present the item.
  - **Public Comment:**
    - No Public Comment
- ❖ Vice- Chair Gelber offered a motion to approve V-25-25 Harrison/405 Gatehouse Court, subject to the following conditions:
1. Covered and screen porch shall be permitted as depicted on the submitted site plan and building plans prepared by The Village Studio, LLC, dated 12/9/24, and with a 20' rear setback.
- Board Member Holcombe seconded the motion.
  - The motion was approved unanimously (6-0)
  -

### C. V-25-27 Varshine/1060 Lake Shore Overlook

Consideration of a variance to Unified Development Code Subsections 2.3.3(B) and 2.3.3(C)(7) to reduce the rear swimming pool setback from 20' to 10'. The property is located at 1060 Lake Shore Overlook and is legally described as being located in Land Lots 1170 & 1171, 2nd District, 1st Section, Fulton County, Georgia

- Director of Community Development, Kathi Cook, came forward to present this item.
- The applicant, Aqua Design Pools & Spas, LLC, is requesting consideration of a variance to reduce the rear setback from twenty feet (20') to ten feet (10') to accommodate a swimming pool. The subject property is located at 1060 Lake Shore Overlook in the Lake Shore subdivision in Windward.
- The submitted request, if approved, would allow for a swimming pool at the rear of a single-family home with a reduced rear pool setback of ten feet (10'). The subject property is located at 1060 Lake Shore Overlook in the Lake Shore subdivision in Windward.
- The 0.42-acre property is zoned CUP (Community Unit Plan) and is developed with a two (2) story, 4,260 square foot single-family detached home. Surrounding properties are zoned CUP. Lake Shore subdivision lots are located to the northeast, north and southwest, and Golf Club of Georgia is located to the southeast.
- Unified Development Code (UDC) Subsections 2.3.3(B) and 2.3.3(C)(7) require that swimming pools have a twenty-foot (20') setback from the rear and side property lines, or the same setback as the principal structure, whichever is less. The platted rear setback in the Lake Shore subdivision is 25'; therefore, a twenty-foot (20') rear setback is required for the proposed swimming pool.
- The applicant proposes to reduce the rear setback by 50% to ten feet (10') to accommodate a 608 square foot swimming pool at the rear of the existing home. Approximately 62% of the homes in the Lake Shore subdivision have swimming pools. A 22" Pine tree in the rear yard is depicted to be removed with the installation of the swimming pool.
- There is an example of similar variance in the Lake Shore subdivision at 1140 Lake Shore Overlook, which was approved in 2000 to allow a side setback reduction for a swimming pool.
- The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":
  1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or Response: The property has exceptional conditions due to its shape. There is an unusual bend in the rear property line which pushes the rear setback further into the rear yard.

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or Response: Application of the ordinance would significantly limit the placement of a pool in the rear yard of the property.
  3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or Response: The property has peculiar conditions which affect its reasonable use. The platted front setback in the Lake Shore subdivision is twenty feet (20'); however, the home was constructed approximately 50' from the front property line.
- Staff has reviewed the applicant's proposal against the review criteria for a variance. The property has exceptional conditions due to its shape. There is an unusual bend in the rear property line which pushes the rear setback further into the rear yard. In addition, the home was constructed approximately 50' from the front property, although the subdivision has a twenty-foot (20') platted front setback. There is an example of a similar variance request in the Lake Shore subdivision and the applicant provided letters of support from adjacent properties.
  - The applicant notified adjacent property owners, Lake Shore HOA, and WCSA of the variance request and intent for the property. According to the report, letters of support were obtained from adjacent property owners. In addition, the applicant submitted to the HOA on 9/25/25 and hopes to hear back prior to the scheduled Board of Zoning Appeals meeting.
  - The applicant, Fay Colbert with Aqua Design, 6905 Alan Thomas Road Cumming, GA 30028, came forward to address any questions from the board.
  - **Public Comment:**
    - No Public Comment
  - ❖ **Board Member Teshale offered a motion to approve V-25-27 Varshine/1060 Lake Shore Overlook, subject to the following conditions:**
    1. **Swimming pool shall be permitted substantially as depicted on the site plan prepared by Aqua Design, revised 9/11/25, and with a 10' rear setback.**
      - Board Member Shippel seconded the motion.
      - The motion was approved unanimously (6-0)

#### 4. V-25-29 Meruga/380 Jon Scott Drive

Consideration of a variance to Unified Development Code Subsection 1.3.1(B)(1) to reduce the front platted setback from 50' to 30' for a new single-family detached home. The property is located at 380 Jon Scott Drive and is legally described as being located in Land Lot 696, 1st District, 2nd Section, Fulton County, Georgia

- Director of Community Development, Kathi Cook, came forward to present this item.

- The applicant, Jennifer Baptie, is requesting consideration of a variance to reduce the platted front setback from 50' to 30' to allow for the redevelopment of a single-family detached lot. The subject property is located at 380 Jon Scott Drive in the Alpha Park subdivision.
- The submitted request, if approved, would allow for the redevelopment of a single-family detached lot with a reduced 30' front setback. The platted front setback in the Alpha Park subdivision is 50'. The subject property is located at 380 Jon Scott Drive in the Alpha Park subdivision.
- The 0.42-acre property is zoned R-12 (Dwelling, 'For-Sale', Residential) and developed with a one (1) story, 945 square foot single-family detached home. Surrounding properties are zoned R-12 to the north, west and south, and DT-R (Downtown Residential) to the east. Properties to the north, west, and south are located in the Alpha Park subdivision, while the property to the east was recently approved for a new single-family detached subdivision.
- The R-12 zoning district requires a 30' front setback on a local street. However, the Alpha Park subdivision plat requires a 50' front setback. The site plan depicts redevelopment of the existing home with a new two (2) story, 5,000 square foot home with a 30' front setback. The home has been situated on the lot in order to save a specimen tree (29" Water Oak) along the north property line, as well as several trees in the rear yard. The applicant requests a variance to Unified Development Code (UDC) Subsection 1.3.1(B)(1) which states that "no structure shall hereafter be erected or altered to create a non-conformity." The variance is requested from the above UDC Subsection because the platted setback applies and not the zoning setback.
- As shown in the table below, there are examples of similar variances approvals in the Alpha Park subdivision, which has experienced redevelopment over the last several years.

**Variance Approvals in the Alpha Park Subdivision**

Address	Case Number	Description	Approval Date (Board/Council)
404 Jon Scott Drive	AV-84	Reduce side setback from 10' to 8' for a carport addition	11/5/84
484 Michael Drive	V-03-27	Reduce front setback from 50' to 45' for front porch	1/26/04
285 Karen Drive	AV-17-13	Reduce all setbacks by 20% for new home	4/3/17
404 Michael Drive	AV-18-01	Reduce front setback from 50' to 40' for a front porch	1/12/18
294 Karen Drive	AV-20-12	Reduce front setback from 50' to 40' and side setback from 30' to 24'	7/24/20
334 Michael Drive	AV-21-12	Reduce front setback from 50' to 40' for front porch	6/16/21
325 Karen Drive	AV-22-30	Reduce front setback from 50' to 40' for new home	12/1/22
460 Allyson Circle	AV-23-22	Reduce front setback from 50' to 40' for new home	10/10/23
450 Allyson Circle	AV-23-21	Reduce front setback from 50' to 40' for new home	10/10/23
440 Allyson Circle	AV-23-27	Reduce front setback from 50' to 40' for new home	11/29/23
174 Devore Road	AV-24-01	Reduce front setback from 40' to 32' and reduce side setback from 20' to 16' for new home	1/11/24
440 Jon Scott Drive	AV-25-32	Reduce front setback from 50' to 40' for new home	9/23/25

- The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states...“a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that”:
  1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or Response: The property does not have exceptional conditions pertaining to its size, shape or topography. However, the variance request is related to saving trees on the property.
  2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or Response: Application of the ordinance would create an unnecessary hardship. The variance request is related to saving trees on the property. Furthermore, there are examples of similar variances being approved in the Alpha Park subdivision, which has experienced redevelopment over the last several years.
  3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or Response: The property does not have peculiar conditions which adversely affect its reasonable use. However, the variance request is related to saving trees on the property. If approved, the rear setback should be increased from 30' to 40' in order to protect tree groupings in the rear yard.
- Staff has reviewed the applicant’s proposal against the review criteria for a variance. Application of the ordinance would create an unnecessary hardship. The front setback reduction is related to saving trees on the property. There are examples of similar variances being approved in the Alpha Park subdivision, which has experienced redevelopment over the last several years. The applicant contacted adjacent property

owners and received no objections. If approved, the rear setback should be increased to 40' in order to protect tree groupings in the rear yard.

- The applicant notified adjacent property owners of the variance request and intent for the property. The Alpha Park subdivision does not have an HOA. The citizen participation report indicates that the applicant did not receive any public comments.
- The applicant, Mark Dennis, came forward to address any questions from the board.
- **Public Comment:**
  - Larry Gunter, 390 Jon Scott Drive Alpharetta, GA 30009, came forward in opposition of this item.
  - ❖ **Board Member Holcombe offered a motion to approve V-25-29 Meruga/380 Jon Scott Drive, subject to the following conditions:**
    1. Home shall be permitted substantially as depicted on the plans prepared by Survey Land Express, Inc., signed and printed on 10/31/25, and with a 30' front setback and 40' rear setback.
    2. Home shall be substantially as depicted on the submitted elevation, subject to final approval by Staff.
    3. Developer shall save trees as depicted on the Tree Evaluation Report, revised 10/15/25. Encroachment into the CRZ of saved trees shall not exceed 20% with final approval and tree care approved by Staff.
      - Board Member Wharton seconded the motion.
      - The motion was approved unanimously (6-0)

#### 4. PH-25-20 Appeal to Administrative Decision – 12075 North Hickory Trace

Consideration of an appeal to an administrative decision related to Unified Development Code (UDC) Subsection 2.5.4(B), Location of Required Parking in Residential Districts which prohibits the regular parking or storage of any business vehicles, any vehicle used in conjunction with a home occupation, or any vehicle with a carrying capacity of more than 1 ½ tons in any residential district. The property is located at 12075 North Hickory Trace and is legally described as being located in Land Lot 1278, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community Development, Kathi Cook, came forward to present this item.
- The appellant, Daniel Person, is requesting consideration of an appeal to an administrative determination related to a request for variance to Unified Development Code (UDC) Subsection 2.5.4(B), which prohibits 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 (1 ½) tons in any residential district. The Community Development Director determined that the above-referenced UDC regulation is ineligible for a variance. The subject property is located at 12075 North Hickory Trace in

the Hickory Ridge subdivision.

- The appeal to administrative determination is related to a request for variance to Unified Development Code (UDC) Subsection 2.5.4(B), which prohibits 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 in any residential district. A notice of appeal has been filed with the City appealing the Community Development Director's administrative determination that the above UDC regulation is ineligible for a variance. The subject property is located at 12075 North Hickory Trace in the Hickory Ridge subdivision.
- The City's Code Enforcement Division issued a Courtesy Notice to the subject property owner on April 29, 2024. The notice cited a violation of UDC Subsection 2.5.4(B) related to the regular parking of a dual axle trailer with one-and-one-half (1½) tons carrying capacity on a residential property. The property owner was given three (3) days to correct the violation, of which the violation was resolved upon reinspection on May 7, 2024. The property owner then inquired about a variance to the above-referenced UDC regulation under the provision of UDC Subsection 2.5.4(C)(3), which allows the Community Development Director to grant a variance to allow an alternative parking practice (see below).
- UDC Subsection 2.5.4 Locational criteria for parking:
  - 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, in addition: Page 84 of 101 2 Each 'For Sale' dwelling unit shall have a minimum 18' long and 10' wide paved driveway, as measured from the garage to the back of sidewalk, or back of curb where a sidewalk is not provided. 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.
- Parking and Storage of Certain Vehicles:
  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 were denied; and
    - d) Whether relief, if granted, would cause substantial detriment to the public good or impair the purpose and intent of this ordinance.
  3. Where appropriate, the Director may attach reasonable conditions to the grant of a variance. The Director may also approve an alternative parking practice which, although not in strict compliance with the literal provisions of this Article, is deemed by the Director to be in compliance with the spirit of the Ordinance. All variances are personal to the applicant and shall terminate upon the sale of the lot.
- The Community Development Director determined that the UDC regulation was ineligible for a variance due to the limited scope of variances (which is limited to the parking of boats and recreational vehicles) outlined in UDC Subsection 2.5.4(C)(2). Additionally, the requested parking is not eligible for a variance under UDC Subsection 4.5.4(C), which states, "In no case shall a hardship variance be granted from the conditions of approval imposed on a property through a zoning change granted by the City Council, nor may any use of land or buildings or structures be granted that is not permitted by the zoning district that is applicable to the property." Therefore, a variance cannot be granted to allow for the use of residentially zoned land for the regular parking of a vehicle with a carrying capacity of more than one-and-one-half (1 ½) tons.
  - The appellant contends that UDC Subsection 2.5.4(B) was intended to regulate commercial vehicles in residential zoning districts. The notice of appeal states that the subject vehicle is for personal, noncommercial use related to weekend racing events. The appellant states that the non-compliant vehicle (trailer) will be parked in the side yard of the subject property and will have limited visibility from the street. The appellant requests that a variance be permitted under UDC Subsection 2.5.4(C)(2-3).
  - The applicant, Daniel Person, 12075 North Hickory Trace Alpharetta, GA 30009, came forward to present this item.
  - **Public Comment:**

- Donny Franks, 1250 Hickory Trace Alpharetta, GA 30009, came forward in support of the applicant.
- ❖ Board Member Wharton, offered a motion to deny PH-25-20 Appeal to Administrative Decision – 12075 North Hickory Trace
  - Board Member Shippel seconded the motion.
  - The motion was approved (6-1); Board Member Gelber voting in opposition

#### VIII. ADJOURNMENT

- ❖ With there being no further items to consider or discuss, Chairman Gordy adjourned the meeting at 6:49 p.m.