

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARING MINUTES
  - A. Approval of February 22, 2018 Code Enforcement Board Meeting Minutes
- IV. PUBLIC HEARING
  - A. New Business
    1. CE180029 2385 Old Milton Parkway – Officer Smith
- V. ADJOURNMENT



## CODE ENFORCEMENT BOARD MEETING SUMMARY MEETING OF FEBRUARY 22, 2018

PUBLISHED: MONDAY, FEBRUARY 28, 2018

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 3:33 p.m.

### II. Roll Call:

#### Board:

Fred Smith  
Richard Freeman  
Mark Wingate  
Jim Cregge

#### Staff:

Sam Thomas  
Beau Smith  
Jennifer Baptie  
Bret Schroeder  
Dawn Crowley

III. Approval of September 21, 2017 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF SEPTEMBER 21, 2017.

By: Jim Cregge

Seconded: Mark Wingate

Vote: Unanimous (4-0) (Cregge, Wingate, Smith, Freeman)

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

IV. Items from Staff

A. Election of Officers

Code Enforcement Manager Bret Schroeder requested that the Board elect a Chairman, Vice Chairman, and Secretary Treasurer to the Code Enforcement Board for the calendar year 2018.

I'D LIKE TO MAKE A MOTION TO NOMINATE MR. FRED SMITH AS CHAIRMAN OF THE CODE ENFORCEMENT BOARD.

By: Jim Cregge

Seconded: Richard Freeman

Vote: Unanimous (4-0) (Cregge, Freeman, Smith, Wingate)

I WOULD LIKE TO NOMINATE MR. CREGGE. *(FOR VICE CHAIRMAN)*

By: Fred Smith

Seconded: Richard Freeman

Vote: Unanimous (4-0) (Smith, Freeman, Wingate, Cregge)

I NOMINATE MR. DICK FREEMAN. *(FOR SECRETARY TREASURER)*

By: Mark Wingate

Seconded: Jim Cregge

Vote: Unanimous (4-0) (Wingate, Cregge, Smith, Freeman)

A. New Business

CE180016

3 South Main Street

Code Enforcement Officer Beau Smith and the City's Senior Stormwater Engineer Mrs. Jill Bazinet presented the case for the City. Officer Smith went over the timeline with the Board as follows:

|            |                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/27/2017 | Mr. Richard Boston, Civil Engineer of the Public Works Departments spoke with the Operations Manager, Ms. Glenda Lallijee in person regarding washing of grills and kitchen mats into the storm drain. Mr. Boston followed up by sending a Notice of Violation to Ms. Lallijee, regarding the City of Alpharetta's Unified Development Code section 3.3.9.C; Prohibition of Illicit Discharges. |
| 8/28/2017  | Employees were observed washing grills and kitchen mats in the street and allowing soap and waste to flow into the storm drain. Mr. Boston sent a second violation letter to Ms. Lallijee.                                                                                                                                                                                                      |
| 01/25/2018 | The violation was observed again and a Summons to Appear before the Code Enforcement Board was issued.                                                                                                                                                                                                                                                                                          |
| 02/01/2018 | After the Summons to Appear was issued, the violation was observed again.                                                                                                                                                                                                                                                                                                                       |

The City's Senior Stormwater Engineer, Mrs. Jill Bazinet, approached; she explained in detail what illicit discharge is and what the City of Alpharetta's process is when educating those in violation. During the testimony, Mrs. Bazinet presented copies of the education materials used by the City. Mrs. Bazinet testified that, according to their records, those materials were provided to the defendant on April 27, 2017.

The Board discussed the case in detail with Officer Smith and Mrs. Bazinet.

Photographic evidence was shown throughout the testimony and subsequent discussion.

The owner of the business, Mr. Scott Florence, and the Operations Director, Ms. Glenda Lallijee, approached and testified that although the City of Alpharetta had visited their establishment and they had received two violation letters, they were not clear on the process and would like to be educated further. Ms. Lallijee informed the Board that after the discussion with the City, an effort was taken to make changes and not violate City Code. Ms. Lallijee testified that employees no longer clean the grill outdoors or use soapy water to clean the floor mats. Instead, the employees were rinsing the floor mats with water. Ms. Lallijee and Mr. Florence testified that their goal is to keep their restaurant and property clean and attractive to patrons. Both of them stated their willingness to learn and follow the City's Codes.

**MOTION THAT WE THE BOARD AS A MATTER OF FACT AND CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF UDC CODE SECTION 3.3.9.C, ILLICIT DISCHARGE IN THIS CASE.**

**By: Jim Cregge**

**Seconded: Richard Freeman**

**Vote: 3-0-1 (Cregge, Freeman, Smith)**

**(Wingate abstained)**

**Motion fails.**

The Board discussed the motion and clarified the intent.

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF THE VIOLATION OF UDC CODE 3.3.9.C, ILICIT DISCHARGE IN THIS CASE.

By: Jim Cregge

Seconded: Richard Freeman

Vote: Unanimous (4-0) (Cregge, Freeman, Smith, Wingate)

MR. CHAIRMAN, HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING UDC CODE 3.3.9.C, ILICIT DISCHARGE, I MAKE A MOTION THAT WE TAKE THE FOLLOWING ACTIONS IN THIS CASE, IF THE PROPERTY LAPSES BACK INTO NON COMPLIANCE, I PROPOSE A FINE OF \$100 PER DAY BE IMPOSED UPON THE PROPERTY UNTIL THE PROPERTY COMES INTO COMPLIANCE.

After further discussion, Mr. Cregge requested permission to re-word his motion.

MR. CHAIRMAN, HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING UDC CODE 3.3.9.C, ILICIT DISCHARGE, I MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE, THAT WE ISSUE A CEASE AND DESIST ORDER TO THE DEFENDANT IN THIS MATTER AND IF THE PROPERTY LAPSES BACK INTO NON COMPLIANCE, A FINE OF \$100 PER DAY BE IMPOSED UNTIL THE PROPERTY COMES INTO COMPLIANCE.

By: Jim Cregge

Seconded: Richard Freeman

Vote: Unanimous (4-0) (Cregge, Freeman, Smith, Wingate)

**B. General Update**  
**CEB160072**

**3325 Kimball Bridge Road – Mr. Jan Minjane**

Code Enforcement Manager Bret Schroeder was pleased to inform the Board that the house located at 3325 Kimball Bridge Road had been demolished, the debris removed in its entirety and the property brought into compliance.

Officer Schroeder introduced the City's newest Code Enforcement Officer, Mrs. Jennifer Baptie.

Having no further business, the meeting adjourned at 4:26 p.m.

**CE180029**

**2385 OLD MILTON PARKWAY**



## City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

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

# NOTICE OF VIOLATION 5376

Date: 2/26/18 Time: 11:00 AM PM Case No. \_\_\_\_\_

Location: 2385 Old Milton Pkwy

Suite/Apt. No.: \_\_\_\_\_ Alpharetta, Georgia Zip: 30009

Owner / Occupant: James R Mull

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:** Accessory structures in excess of 20 percent of the dwelling structure. As well as inoperable vehicles and a vehicle with carrying capacity greater than 1 1/2 tons Stated on Property.

**Recommended Correction:** Remove cargo shipping containers From property along with inoperable vehicles and vehicle with carrying capacity greater than 1 1/2 tons.

### Corrections must be completed by:

11:00 AM / P.M. on the 26th day of March 20 18

Violation: ☒ CPMC ☒ UDC ☐ City Code Section: 2.3.3(4) 2.5.4(3) 302.8

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**

**5267**

Date: 3/27/18 Time: 11:00 AM - PM Case No. \_\_\_\_\_  
Name: James R Mull / Occupant  
Address: 2385 Old Milton Pkwy  
Suite/Apt. No. \_\_\_\_\_ City/State: Alpharetta, GA Zip: 30009

**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 24th day of May 2018

To answer to the charge of

Violation: ☒ CPMC ☒ UDC ☐ City Code Section: 302.8, 2.3.3(c), 2.5.4(B)

Violation Description: Inoperable vehicles stored on property.  
Accessory structures in excess of 20 percent of  
the dwelling structure. Vehicle with carrying capacity  
greater than 1 1/2 tons, stored on property.

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

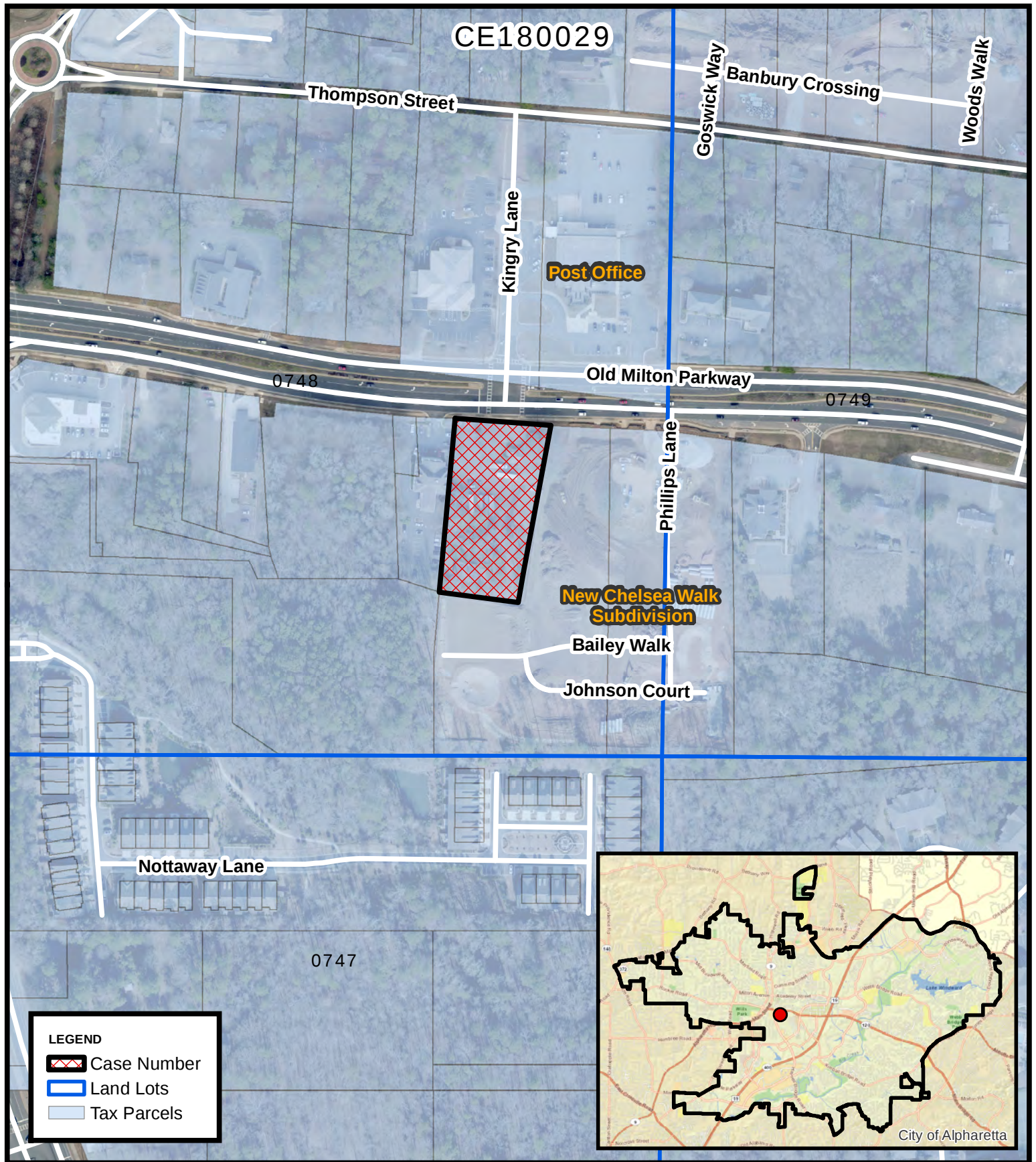
Signature: B. Smith Tel. No.: 678-297- 6087











CE180029

# Location Map 2385 Old Milton Parkway



Location Map Provided by:  
Community Development - GIS

**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.

### UDC 2.3.3 C

- C. *Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts.* Each of the following uses is considered to be a customary accessory use to a dwelling, and as such, may be situated on the same lot with the principal use to which it serves as an accessory provided that the setback and yard requirements are met and provided that the accessory structure is not located closer to a road than the principal structure. No such accessory use shall be more than 20% in size of principal use or be located in a required front yard.
1. Private garage not to exceed the following storage capacities: 'For-Sale' dwelling, 4 automobiles; 'For-Rent' dwelling, 2 automobiles per dwelling unit; group dwelling, 1½ automobiles per sleeping room. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
  2. Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed above; and provided that such space shall not be used for more than 1 commercial vehicle licensed as 1 ton or more in capacity per family residing on the premises.
  3. Shed or tool room for the storage of household goods or equipment used in grounds or building maintenance. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
  4. Miscellaneous free-standing structures such as gazebos shall maintain a 10 foot setback from lot lines or the same setbacks as the principal building, whichever is less.
  5. Children's playhouse and play equipment.
  6. Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties. Such quarters shall maintain a 20 foot setback from rear and side lot lines.
  7. Private swimming pool and bathhouse or cabana. Swimming pool shall maintain a 20 foot setback from side and rear lot lines, or the same setback as the principle structure whichever is less. All other structures shall maintain a 10 foot setback from side and rear lot lines or the same setbacks as the principal building, whichever is less.
  8. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes. Same setbacks shall apply as for the principal building.

### UDC 2.5.4 B

#### 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.