

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARING MINUTES
 - A. Approval of November 29, 2018 Code Enforcement Board Meeting Minutes
- IV. ITEMS FROM STAFF
 - A. Election of Officers
- V. PUBLIC HEARING
 - A. Old Business
 1. CE180029 2385 Old Milton Parkway – Officer Smith
 - B. New Business
 1. CE180108 770 Marianna Lane – Officer Smith
- VI. ADJOURNMENT



CODE ENFORCEMENT BOARD MEETING SUMMARY MEETING OF NOVEMBER 29, 2018

PUBLISHED: MONDAY, DECEMBER 12, 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 3:34 p.m.

II. Roll Call:

Board:

Fred Smith
Wayne Rand
Mark Wingate
Richard Freeman
Jim Cregge

Staff:

Kathi Cook
Bret Schroeder
Beau Smith
Jennifer Baptie
Dawn Crowley

III. Approval of May 24, 2018 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF FEBRUARY 22, 2018.

By: Mark Wingate

Seconded: Wayne Rand

Vote: Unanimous (5-0) (Wingate, Rand, Smith, Freeman, Cregge)

IV. Items from Staff

Code Enforcement Officers Beau Smith and Jennifer Baptie updated the Board on various cases.

V. Presentation to Mr. Phil Kingry

The Mayor, Board and Staff thanked Mr. Kingry for his 18 years of dedicated service to the City of Alpharetta's Code Enforcement Board.

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

CE180029

2385 OLD MILTON PARKWAY

*Please note this is the original case packet information -
this case was heard on 5-24-2018*



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

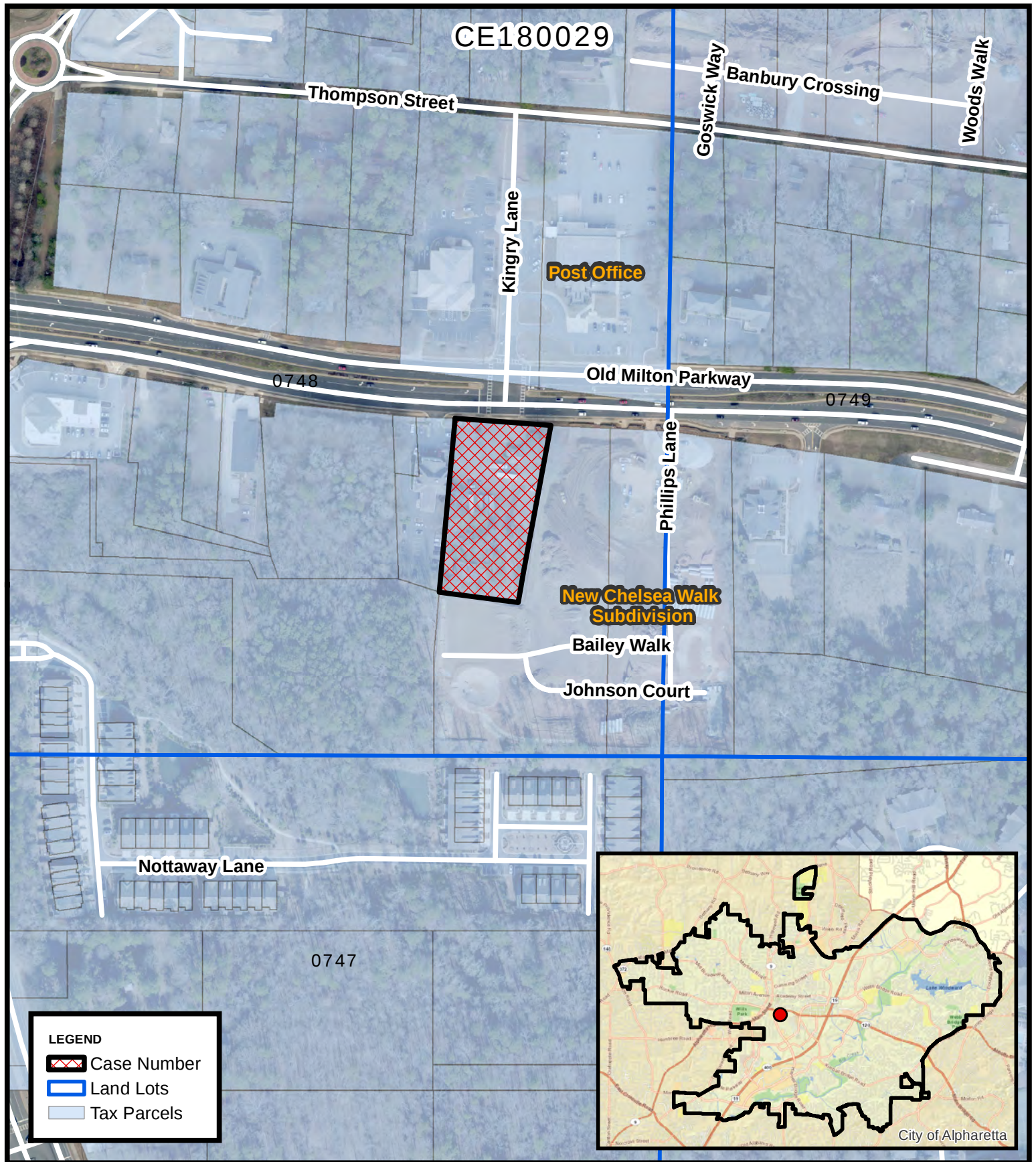
Signature: B. Smith Tel. No.: 678-297- 6087











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.

EXCERPT FROM 5-24-18 MINUTES:

CE180029

2385 Old Milton Parkway

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

01/29/2018	Officer Beau Smith observed inoperable vehicles, several storage containers and a vehicle over 1 and ½ tons in weight on the property. The property was in violation of the following code sections: City Property Maintenance Code section 302.8, Unified Development Code section 2.3.3 C and 2.5.4 B
02/26/2018	A re-inspection revealed no action had been taken to bring the property into compliance and a Notice of Violation was issued.
03/27/2018	The violations remained and a Summons to Appear before the Code Enforcement Board was issued.
05/24/2018	An evidence inspection was conducted and the property remained significantly out of compliance.

Photographic evidence was shown throughout the testimony.

The Board discussed the case with Officer Smith.

Mr. James Mull approached and identified himself as one of the Estate Administrators for his parent's property. Mr. Mull informed the Board that since his parents did not have a will, he was appointed as one of two Estate Administrators. Mr. Mull explained that the property is currently in dispute and will be resolved by the Fulton County Court system once a trial date is set. He further explained that since his parents passed, he has been attempting to sort assets and sell the property. Mr. Mull testified that the property and each room of the house was completely full of items. Due to the magnitude of those items, the storage containers were brought onto the property. Mr. Mull further testifies the current violations are temporary and the property will be brought into compliance once it has been sold.

The Board and Mr. Thomas discussed the case in detail with Mr. Mull.

MOTION THAT WE POSTPONE THIS UNTIL THE AUGUST 2018 MEETING OF THE CODE ENFORCEMENT BOARD.

By: Phil Kingry

Seconded: Jim Cregge

Vote: Unanimous (5-0) (Kingry, Cregge, Smith, Rand, Wingate)

CE180108

770 MARIANNA LANE



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

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

NOTICE OF VIOLATION 5481

Date: 12/3/18 Time: 10:45 AM - PM Case No. _____

Location: 770 Marianna Ln

Suite/Apt. No.: _____ Alpharetta, Georgia Zip: 30004

Owner / Occupant: Nicholas Donald Yohn + Maria Gabriella Rodriguez

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: Poultry housed on property
Zoned R-15

Recommended Correction: Remove Poultry (chickens)
From property.

Corrections must be completed by:

12:00 A.M. / PM on the 5th day of December 20 18

Violation: ☐ CPMC ☒ UDC ☐ City Code Section: 2.2.5

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

5270

Date: 2/18/19 Time: 1:45 AM - PM Case No. _____
Name: Nicholas Donald Yohn + Maria Gabriella Rodriguez
Address: 770 Marianna Ln
Suite/Apt. No. _____ City/State: Alpharetta Georgia 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 28th day of February 2019

To answer to the charge of

Violation: ☐ CPMC ☒ UDC ☐ City Code Section: 2.2.5

Violation Description: Poultry housed on property
zoned R-15.

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

X: _____
Signature of Recipient

Notifying Officials Certification

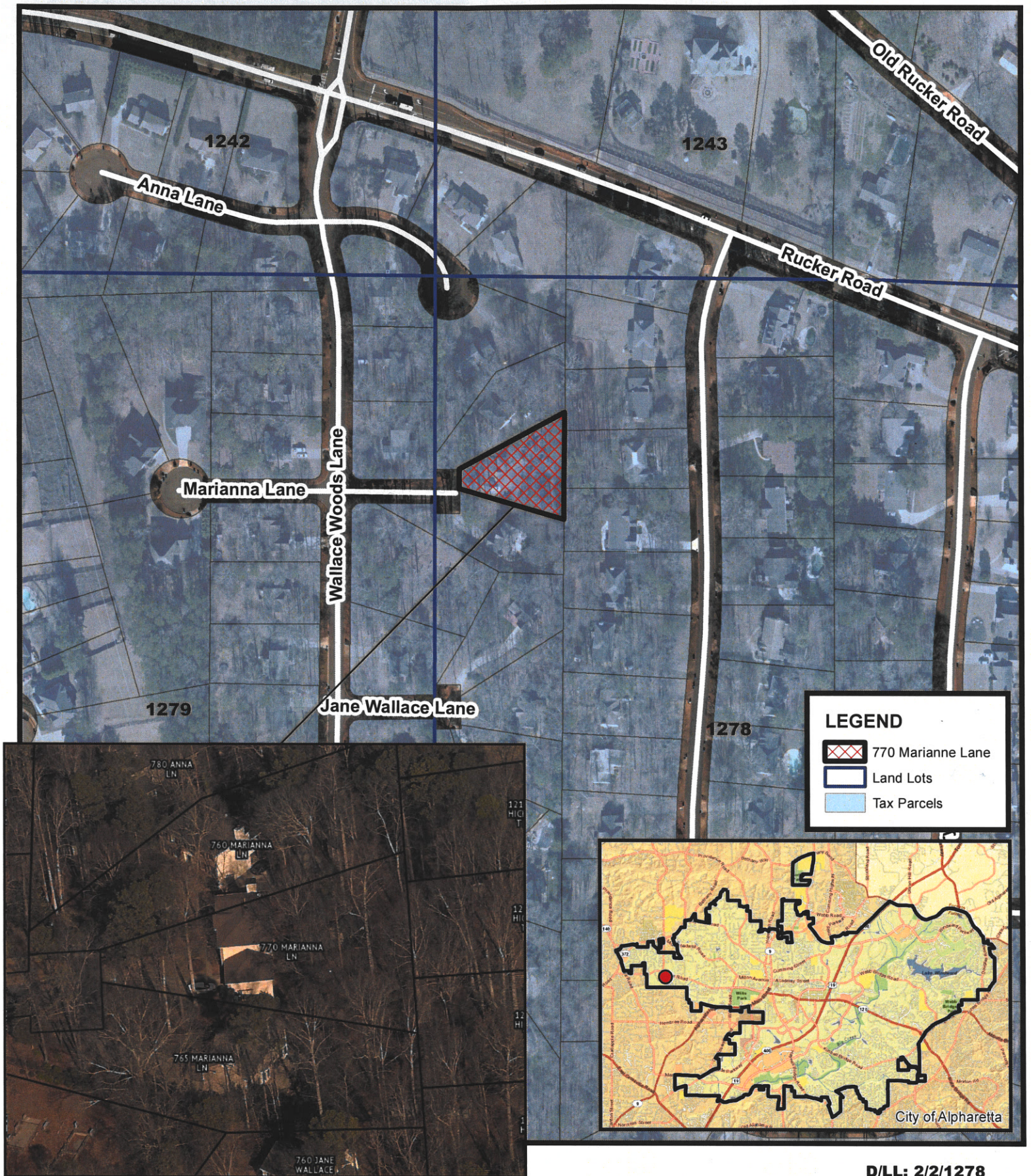
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Comments: _____

Citing Officer: B. Smith Badge No.: 604

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





AG DEFINITION

AG Agriculture. An area to be used either at present or in the future for agriculturally related uses including the production of crops, general farming, raising and breeding of farm animals and poultry. This would include the development of large lot dwelling, 'For-Sale', detached residential subdivisions (five acre dwelling, 'For-Sale', lots or larger).

R-15 DEFINITION

R-15 Dwelling, 'For-Sale', Detached Residential. A district intended for detached 'For-Sale' residential dwellings and related uses, developed on lots of no less than 15,000 square feet.

UDC SECTION 2.2.5(A)(B)

2.2.5 R-15 dwelling, 'for-sale', residential.

- A. *Permitted Principal Uses.* A property in the R-15 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
 2. Semipublic Uses, Utilities.
 - a. Park or Playground.
- B. *Accessory Uses.* A property in the R-15 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

UDC SECTION 2.2.5(C)(D)

C. *Conditional Uses.* A property in the R-15 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

- a. Associations, (Clubs and Lodges).
- b. Church, Synagogue or other religious institution.
- c. Country Club with golf course or driving range.
- d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- e. Bed and Breakfast.
- f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—15,000 square feet

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.