



BOARD OF ZONING APPEALS APRIL 18, 2019

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
5:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - A. February 21, 2019
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - A. V-19-03 Harbour Point/Setback Variance
Consideration of a request for a variance to reduce the rear setback from 10' to 5' to allow for the construction of a screened porch over an existing patio. The subject property is located at 8410 Harbour Point in the Harbour Ridge Subdivision in Windward.
- VII. ADJOURNMENT



BOARD OF ZONING APPEALS FEBRUARY 21, 2019

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
5:30 PM

I. CALL TO ORDER

A. Swearing In of New Members:

- Daniel McAlonan (Burnett)
- Trevor Casey (Richard)
- Jeremy Scott (Hipes)
- Scott Wharton (Alternate)

B. Election of Chairman and Vice Chairman for 2019

- ❖ Commissioner Gelber nominated Mike Webber to serve as Chair
 - Commissioner Jones seconded the motion
 - Chairman Webber accepted the nomination
- ❖ Commissioner Jones nominated Marc Gelber to serve as Vice-Chair
 - Commissioner Jones seconded the motion
 - Vice-Chairman Gelber accepted the nomination

II. ROLL CALL

Members Present

- Mike Webber, Chair
- Marc Gelber, Vice- Chair
- Trevor Casey
- Daniel McAlonan
- Dick Jones
- Jeremy Scott
- Scott Wharton

Staff Present

- Michael Woodman, Senior Planner

- Erin Cobb, City Clerk
- Elle Taylor, Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

A. August 16, 2018

- ❖ Vice-Chairman Gelber offered a motion to approve the minutes
 - Commissioner Jones seconded the motion
 - Motion was approved (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

VII. ADJOURNMENT



BOARD OF ZONING APPEALS MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: V-19-03 8410 HARBOUR POINT/SETBACK VARIANCE

BOARD OF ZONING APPEALS: APRIL 18, 2019

II. RECOMMENDATION:

Approve V-19-03 8410 Harbour Point/Setback Variance, subject to the following conditions:

1. Property shall be developed substantially similar to submitted plan, dated 4/21/2017, except for modifications required to comply with the conditions below.
2. Screened porch shall be substantially similar to submitted plans prepared by Exterior Design + Decks, dated 10/16/2018.

III. REPORT IN BRIEF:

The applicants, Cliff and Janice Cobb, are requesting consideration of a variance to reduce the rear setback from 10' to 5' to allow for the construction of a screened porch over an existing patio. The subject property is located at 8410 Harbour Point in the Harbour Ridge Subdivision in Windward.

DISCUSSION

The submitted request, if approved, would allow for a screened porch to be constructed over an existing at-grade patio. A variance is requested to reduce the rear setback from 10' to 5' to allow for the proposed screened porch. The subject property is located at 8410 Harbour Point in the Harbour Ridge Subdivision in Windward.

The property is developed with a single-family home and is zoned CUP (Community Unit Plan), subject to the Windward Master Plan Pod 49. Surrounding properties are also zoned CUP, with the Windward Cove Subdivision located to the west and Harbour Ridge Subdivision located to the north, east and south. Harbour Ridge has a Medium Density Residential land use designation with minimum 4,000 square foot lots. The Subdivision was approved as a cluster community with common area open space (owned by the Harbour Ridge HOA) surrounding the subdivision's perimeter, as well as internal areas. Many of the residential lots in Harbour Ridge have structures constructed up to or very close to the side and rear property lines, not in compliance with the required setbacks.

Variances were approved in 1987 to reduce the lot size, setbacks and lot width in Windward Pod 49 (Harbour Ridge Subdivision). The purpose of the variance request was to allow larger open space areas within the subdivision in order to save trees and create a true cluster community. The development standards for Pod 49 were changed as depicted below.

DESIGN STANDARDS FOR POD 49 @ WINDWARD

ITEM	LETTER OF INTENT Date 11/85	PROPOSE POD 49
Minimum lot size,	8,000 S.F.	4,000 S.F.
Front Setback	20'	10'
Side (To Unit)	10'	10'
Side (To Property Line)	10'	0'
Rear Setback	25'	10'
Minimum Lot Width	60'	25'

The 0.16-acre property is developed with a 2-story, 3,200 square foot single-family home. The applicant submitted a building permit to construct a 12' x 21.25' screened porch over an existing concrete patio, which is approximately 5' from the rear property line. The at-grade patio is permitted within the rear building setback; however, the proposed screened porch addition is subject to the prescribed building setbacks. An approximately 50' wide common area is located to the rear of the subject property and provides a buffer between Harbour Ridge and Windward Cove Subdivisions.

VARIANCE REQUIREMENTS

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 subject property is a relatively small residential lot, approximately 0.16 acres. The proposed rear setback is generally consistent with the development of surrounding lots and a heavily wooded common area exists to the rear of the subject property and between the adjacent subdivision to the west.

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The subject property is a relatively small residential lot, approximately 0.16 acres. The proposed rear setback is generally consistent with the development of surrounding lots and

a heavily wooded common area exists to the rear of the subject property and between the adjacent subdivision to the west.

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The subject property is a relatively small residential lot, approximately 0.16 acres. The proposed rear setback is generally consistent with the development of surrounding lots and a heavily wooded common area exists to the rear of the subject property and between the adjacent subdivision to the west.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: The applicant's requested variance would not cause a substantial detriment to the public good. The proposed 5' rear setback is generally consistent with the development of surrounding lots and a heavily wooded common area exists to the rear of the subject property and between the adjacent subdivision to the west.

CONCURRENCES

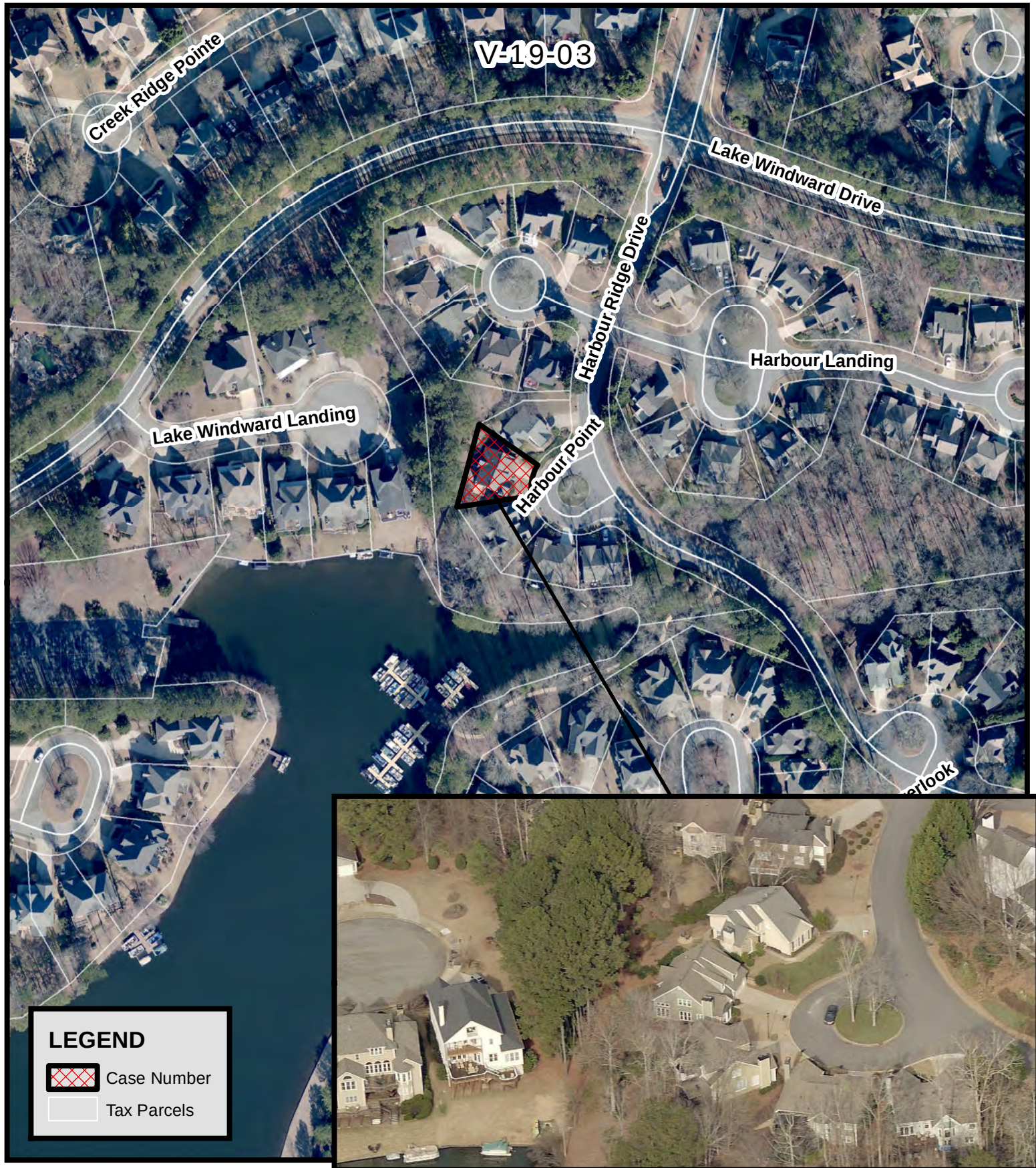
Staff has reviewed the application and is generally in agreement with the requested variance to reduce the rear setback. The proposal is consistent with the development pattern found in Harbour Ridge Subdivision and common area open space buffers the subject property from the neighboring subdivision to the west. If approved, conditions are recommended limiting construction of the screened porch to the submitted plans.

CITIZEN PARTICIPATION PLAN

The applicant notified surrounding property owners of the variance request and intent for the property. The applicant provided letters from the Harbour Ridge HOA and Windward Community Services Association (WCSA) approving the applicant's request to construct a screened porch at the rear of the home.

IV. ATTACHMENTS:

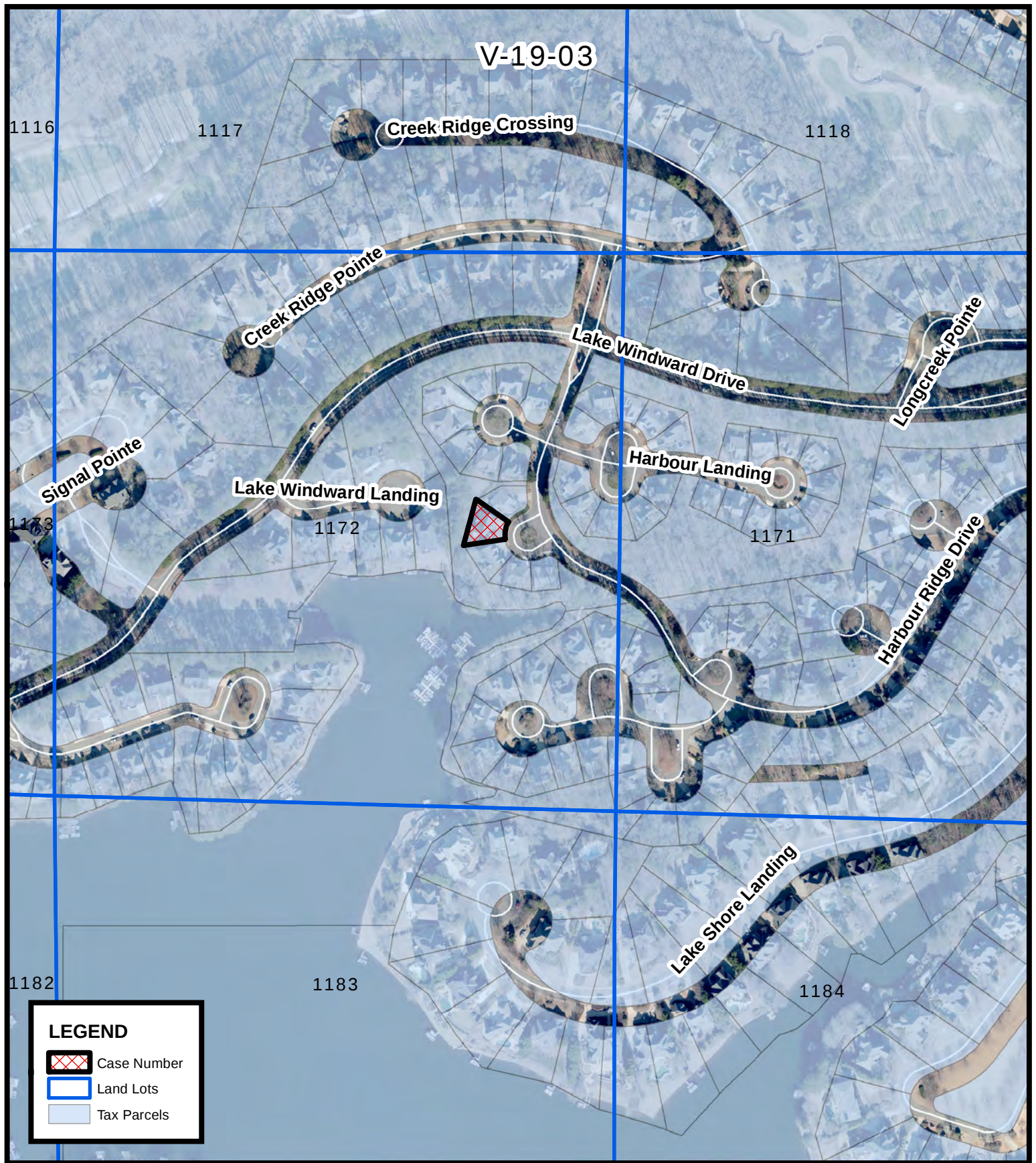
- Site Plan
- Screened Porch Elevations



Aerial Map
Setback Variance
8410 Harbour Point

V-19-03
D/LL: 2/1/1172
CC Date: 4/18/19

Location Map Provided by:
Community Development - GIS



Location Map
Setback Variance
8410 Harbour Point

V-19-03
D/LL: 2/1/1172
CC Date: 4/18/19

Location Map Provided by:
Community Development - GIS

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: _____ Telephone: _____

Address: _____ Suite: _____

City _____ State: _____ Zip: _____ Fax: _____

Mobile Tel: _____ Email: _____

Subject Property Information:

Address: _____ Current Zoning: _____

District: _____ Section: _____ Land Lot: _____ Parcel ID: _____

Proposed Zoning: _____ Current Use: _____

This Application For (Check All That Apply):

- | | | |
|---|---|------------------------------------|
| ☐ Conditional Use | ☐ Master Plan Amendment | ☐ Exception |
| ☐ Rezoning | ☐ Master Plan Review | |
| ☐ Variance | ☐ Public Hearing | |
| ☐ Comprehensive Plan Amendment | ☐ Other (Specify): _____ | |

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

Applicant's Request (Please itemize the proposal):

Applicant's Intent *(Please describe what the proposal would facilitate).*

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Cliff & Janice Cobb

Telephone: 404-313-6880 (Cliff)

Address: 8410 Harbour Point

Suite: _____

City Alpharetta

State: GA

Zip: 30005

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

☐ Annexation

☐ Special Use

☐ Rezoning

☐ Conditional Use

☒ Variance

☐ Master Plan

☐ Land Use Application

☐ Other _____

Identify Authorized Applicant:

Name of Authorized Applicant: Cliff & Janice Cobb

Telephone: 404-313-6880

Address: 8410 Harbour Point

Suite: _____

City Alpharetta

State: GA

Zip: 30005

So Sworn and Attested:

Owner Signature: _____

Date: 3/22/19

Notary: _____

Notary Signature: _____

Date: 3/22/19



DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Cliff & Janice Cobb

Subject Public Hearing Case: 8410 Harbour Point --Variance Request

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

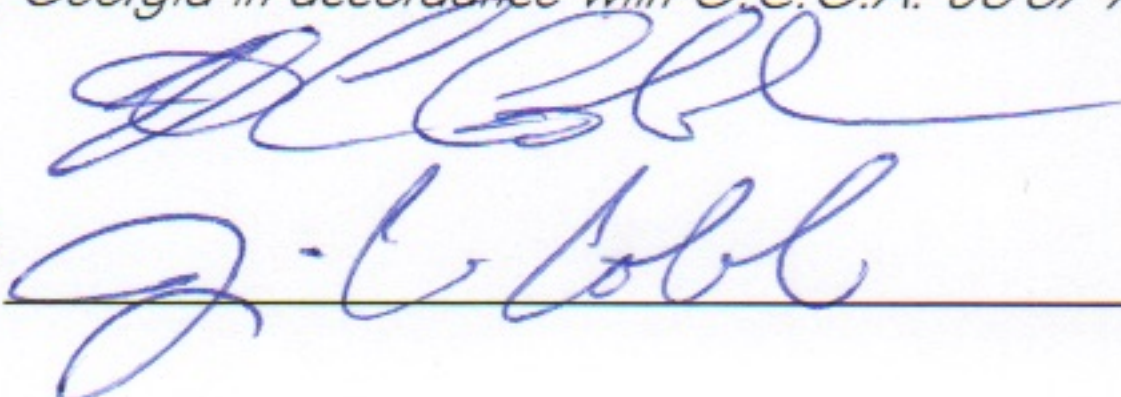
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: 

Date: 3/22/19

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: _____

Contact Name: _____ Telephone: _____

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

☐ Letter	☐ Personal Visits
☐ Telephone	☐ Group Meeting
☐ Email	☐ Other <i>(Please Specify)</i> _____

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

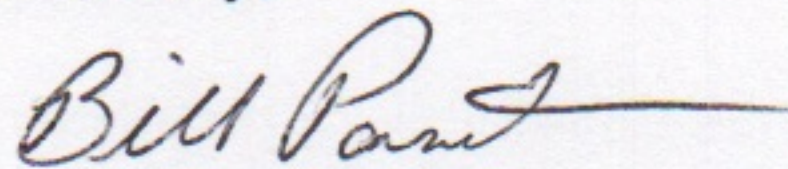
March 22, 2019

City of Alpharetta
Department of Zoning and Planning
2 Park Plaza
Alpharetta, GA 30009

To Whom This May Concern,

I am the current President of Harbour Ridge HOA and have reviewed the request of Cliff and Janice Cobb to place a screened in porch on their property located at 8410 Harbour Point, Alpharetta, GA 30005. The 12' x 21.25' proposed screened in porch area to be built has been inspected by me. I have also reviewed the drawings showing the elevation and structure to be built. The proposed project is approved by Harbour Ridge HOA and has also been reviewed and approved by the Windward HOA.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Parent", with a long horizontal flourish extending to the right.

Bill Parent
President, Harbour Ridge HOA



Date: 1/25/2019 4:24:04 PM

Clifton & Janice Cobb
8410 Harbour Point
Alpharetta GA 30005

Re: Shed Roof

Dear **Clifton & Janice Cobb**,

I am writing to inform you that the above referenced request has been **CONDITIONALLY APPROVED** as submitted to the Modification Committee (the "MC") for Windward Community Services Association, Inc. **The conditions are as follows:**

The approved screened porch City permit plans must be submitted to the modification committee for review prior to any work taking place.

The screened in porch must be built within the setback lines and in accordance of the dimensions noted on the elevation submitted on 12/14/18.

Please understand that you are responsible for any county required permits and county zoning and/or easement restrictions on your lot, if applicable, and for maintaining any approved addition or alteration in good condition at all times. If you have any changes/deviations from what was submitted and approved you must submit a new Request for Change ("RFC") outlining these changes to the MC and get written approval prior to proceeding.

Please note that your project must start within ninety (90) days from the date of this approval and be completed within ninety (90) days after starting. Please also note that contractor signs placed in your yard are prohibited at any time. An immediate fine of \$50.00 will be assessed for violation of this rule. The MC must approve any exceptions to this policy in advance. If you are unable to start your project within the allotted time frame, please forward your request for an extension to this office prior to the deadline.

We appreciate your efforts to follow the guidelines set forth in the Covenants and thank you for your help in maintaining the design integrity of the Windward Community Services Association, Inc. Please retain a copy of this letter for your files. Please call or e-mail me if you have any questions.

Sincerely,

Melissa Cuylear

Windward CSA Manager

Windward Community Services Association, Inc.

(770) 802-8360

www.windwardcommunity.org