



BOARD OF ZONING APPEALS JUNE 20, 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. April 18, 2019
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - A. V-19-09 1515 Shade Tree Way/Setback Variance
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 1515 Shade Tree Way in the Fairfax Subdivision.
 - B. V-19-10 140 North Bluff/Pool Setback Variance
Consideration of a variance to reduce the side and rear pool setbacks from 10' to 5' and 20' to 10', respectively, to allow for the construction of a pool. The subject property is located at 140 North Bluff in the Hickory Ridge Subdivision.
- VII. ADJOURNMENT



BOARD OF ZONING APPEALS MEETING SUMMARY APRIL 18, 2019

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

*This 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. Public comments are noted as heard by Board of Zoning Appeals, but not quoted or paraphrased. This document includes limited presentation by Board of Zoning Appeals and invited speakers in **summary** form. **This is not an official record** of the Alpharetta City Board of Zoning Appeals Meeting proceedings. Official Minutes are recorded and available for review.*

I. CALL TO ORDER

II. ROLL CALL

Board Members Present:

- Mike Webber (Chair)
- Marc Gelber (Vice-Chair)
- Trevor Casey
- Dick Jones
- Kile Lewis
- Daniel McAlonan
- Jeremy Scott
- Scott Wharton (non-voting)

Staff Members Present:

- Michael Woodman, Senior Planner
- Elle Taylor, Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

A. February 21, 2019

- ❖ Board Member Jones made a motion to approve the meeting minutes of September 21, 2017
 - The motion received a second from Vice-Chair Gelber
 - The motion was approved by vote (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. V-19-03 Harbour Point/Setback Variance

Michael Woodman, Senior Planner, presented 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.

Applicant presented.

- Variation of distance to 12' slab based on new survey.
- Closest points need 5' setback
- Elevations
- Request is similar to other properties in the community
- HOA approval

After discussion:

- ❖ Vice-Chair Gelber made a motion to approve with Staff Conditions
 - The motion received a second from Board Member Jones
 - The motion was approved by vote (7-0)

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-19-09 1515 SHADE TREE WAY/SETBACK VARIANCE

BOARD OF ZONING APPEALS: JUNE 20, 2019

II. RECOMMENDATION:

Approve V-19-09 1515 Shade Tree Way/Setback Variance, subject to the following conditions:

1. Property shall be developed substantially similar to submitted plan (Survey for Joe McWilliams – Labeled 'Proposed'), dated 3/20/2019.
2. Evergreens shall be planted along the rear property line, as needed to screen the deck from the neighboring property to the south, as approved by Staff.

III. REPORT IN BRIEF:

The applicant, Mandie Spaeth with Atlanta Decking, is requesting consideration of a variance to reduce the rear building setback from 35' to 24' to allow for a deck replacement with a new covered deck. The subject property is located at 1515 Shade Tree Way in the Fairfax Subdivision.

DISCUSSION

The submitted request, if approved, would allow for the replacement of a deck with a new covered deck. A variance is requested to reduce the rear building setback from 35' to 24'. The subject property is located at 1515 Shade Tree Way in the Fairfax Subdivision.

The property is developed with a single-family home and is zoned R-15 (Dwelling, 'For-Sale', Residential). Surrounding properties are also zoned R-15 and located in the Fairfax Subdivision. Greenmont Walk Subdivision is located to the east and Jennifer Oaks Subdivision and Foe Killer Creek are located to the north and west.

The 0.42-acre property is developed with a 2-story, 3,068 square foot single-family home. The subject property is located on a cul-de-sac, which requires a greater front setback, 60' as compared to 35' for lots not located on a cul-de-sac. The applicant proposes to replace the existing 12' x 30' deck with a new 15' x 16' covered deck. The existing deck already encroaches into the rear setback and is approximately 28' from the rear property line. The new deck is proposed to be 24' from the rear property line. According to the applicant, the subject property and adjacent property to the south both have fences along the common rear property line. In addition, the property to the south has shrubbery that screens to the properties from each other. If approved, it is recommended that additional evergreens be planted, as necessary, to screen the deck from the adjacent property.

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, which is located on a cul-de-sac, has a greater front setback, 60' as compared to 35' for all other lots in Fairfax Subdivision not located on a cul-de-sac. Cul-de-sac lots have front setbacks at the point where the lot achieves the minimum lot width, which is 100' in the R-15 district. Therefore, the property has less building area in the rear yard. While the new deck would encroach an additional 4' into the rear setback, the proposed deck is smaller and more attractive.

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

Response: The subject property, which is located on a cul-de-sac, has a greater front setback, 60' as compared to 35' for all other lots in Fairfax Subdivision not located on a cul-de-sac. Cul-de-sac lots have front setbacks at the point where the lot achieves the minimum lot width, which is 100' in the R-15 district. Therefore, the property has less building area in the rear yard. While the new deck would encroach an additional 4' into the rear setback, the proposed deck is smaller and more attractive.

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, which is located on a cul-de-sac, has a greater front setback, 60' as compared to 35' for all other lots in Fairfax Subdivision not located on a cul-de-sac. Cul-de-sac lots have front setbacks at the point where the lot achieves the minimum lot width, which is 100' in the R-15 district. Therefore, the property has less building area in the rear yard. While the new deck would encroach an additional 4' into the rear setback, the proposed deck is smaller and more attractive.

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 subject property has a greater front setback than other properties in Fairfax Subdivision not located on a cul-de-sac. In addition, the proposed deck is smaller and more attractive.

CONCURRENCES

Staff has reviewed the application and is generally in agreement with the requested variance to reduce the rear setback for a deck. The subject property has a greater front setback than other properties in Fairfax Subdivision due to its location on a cul-de-sac. Although the new deck

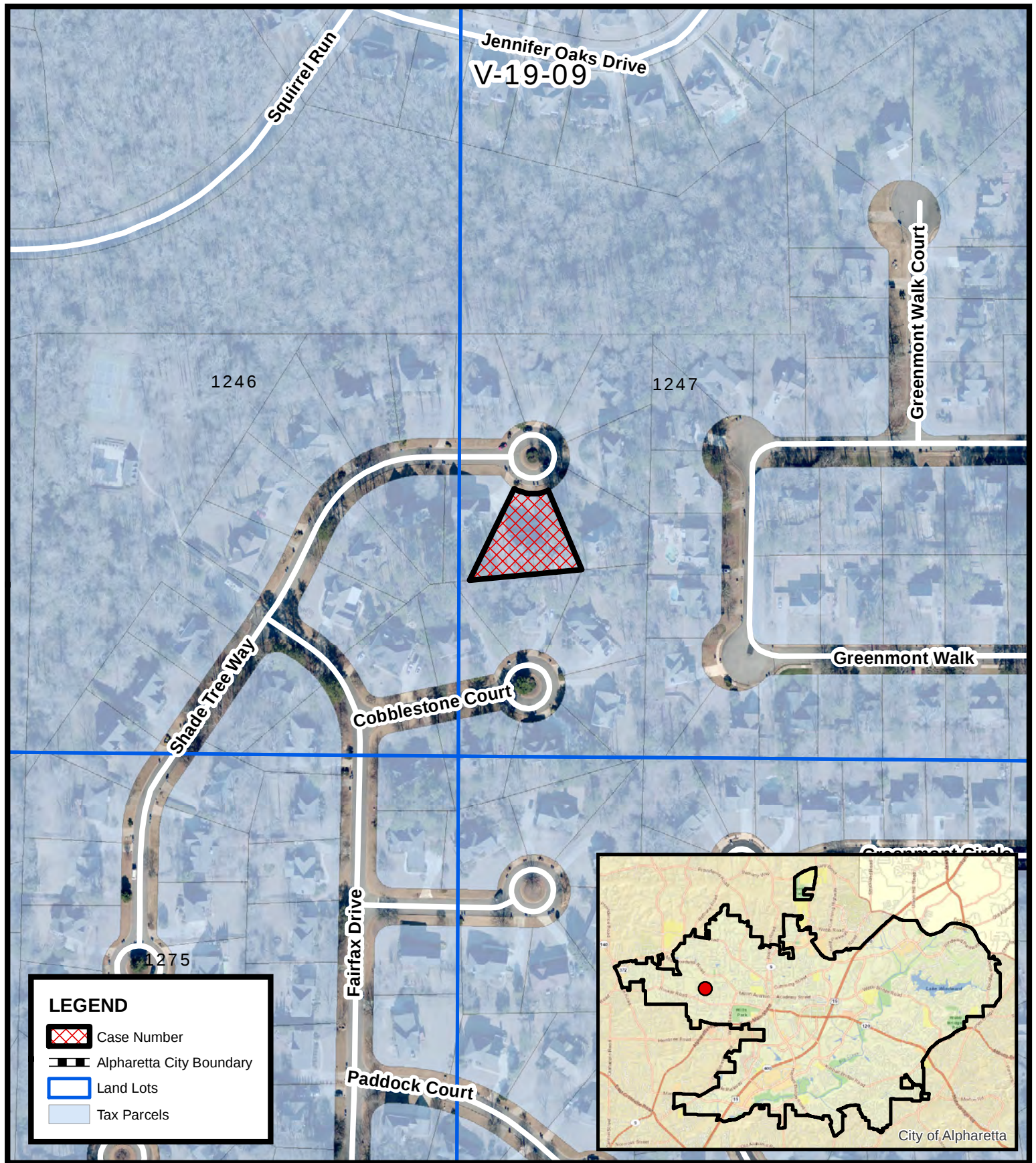
would encroach an additional 4' into the rear setback, the proposed deck is smaller and more attractive. If approved, conditions are recommended limiting construction of the covered deck to the submitted plans.

CITIZEN PARTICIPATION PLAN

The applicant notified surrounding property owners of the variance request and intent for the property. The applicant provided letters of no objection/support from the Fairfax HOA and adjacent property owners to the west, east and south.

IV. ATTACHMENTS:

- Site Plan



Location Map
 Spaeth
 1515 Shade Tree Way

V-19-09
 D/LL: 2/2/1247
 BZA Date: 6/20/19

Location Map Provided by:
 Community Development - GIS

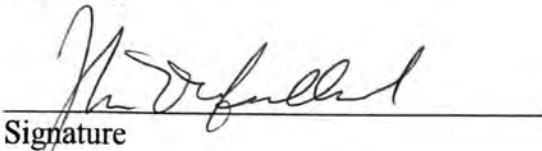
29 April 2019

To Whom It May Concern:

I am aware that Joe and Andrea McWilliams, at 1515 Shade Tree Way., are applying to the City of Alpharetta for a variance to build a back porch which will encroach into the rear setback by 11 feet. This will result in reducing the setback to 24' instead of the current 35'.

I have no issues with this project and therefore approve this request for the variance.

Sincerely,


Signature

JOHN M MULHOLLAND
Printed name

920 CORBLESTONE CT.
Address

29 April 2019

To Whom It May Concern:

I am aware that Joe and Andrea McWilliams, at 1515 Shade Tree Way., are applying to the City of Alpharetta for a variance to build a back porch which will encroach into the rear setback by 11 feet. This will result in reducing the setback to 24' instead of the current 35'.

I have no issues with this project and therefore approve this request for the variance.

Sincerely,



Signature

Ben Sithens

Printed name

1525 Shade Tree Way

Address

29 April 2019

To Whom It May Concern:

I am aware that Joe and Andrea McWilliams, at 1515 Shade Tree Way., are applying to the City of Alpharetta for a variance to build a back porch which will encroach into the rear setback by 11 feet. This will result in reducing the setback to 24' instead of the current 35'.

I have no issues with this project and therefore approve this request for the variance.

Sincerely,

Virginia Hawk
Signature

Virginia Hawk
Printed name

1505 Shade Tree Way
Address

5/1/19

SPAETH SETBACK VARIANCE BZA

V-19-09

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: Mandie SpaethTelephone: 770-781-4641Address: 5125 Shiloh Rd.

Suite: _____

City CummingState: GAZip: 30040

Fax: _____

Mobile Tel: 770-781-4641Email: mandie@atlantadecking.com**Subject Property Information:**Address: 1515 Shade Tree WayCurrent Zoning: R-15District: 2 Section: 2 Land Lot: 1247 Parcel ID: 22 434112470377Proposed Zoning: R-15Current Use: residential**This Application For (Check All That Apply):**☐ Conditional Use☐ Rezoning☒ Variance☐ Comprehensive Plan Amendment☐ Master Plan Amendment☐ Exception☐ Master Plan Review☐ Public Hearing☐ Other (Specify): _____

5/1/19

V-19-09

SPAETH SETBACK VARIANCE BZA

APPLICANT REQUEST AND INTENT

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

The current and proposed use of the property is for residential living only.

Applicant's Request (Please itemize the proposal):

We are requesting to reduce the rear setback from 35' to 24' feet in order for us to build a roof over a deck on the rear of the property. The current deck size is 12x30 which will be removed and replace with a 15x16 deck with a roof.

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

This proposal would facilitate a more usable outside living area.

5/1/19

V-19-09

SPAETH SETBACK VARIANCE BZA

PROPERTY OWNER AUTHORIZATION

Property Owner Information:Contact Name: Joe and Andrea McWilliamsTelephone: 908-656-4469Address: 1515 Shade Tree Way

Suite: _____

City AlpharettaState: GAZip: 30009Authorization:

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: Mandie SpaethTelephone: 770.781.4641Address: 5125 Shiloh Rd.

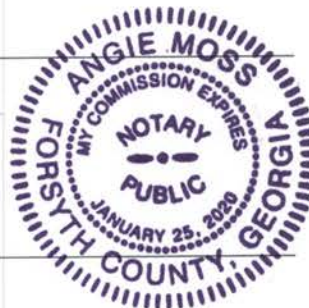
Suite: _____

City CummingState: GAZip: 30040So Sworn and Attested:

Owner Signature: _____

Date: 5-1-2019

Notary: _____

Notary Signature: Angie MassDate: 5-1-19

5/1/19

V-19-09

SPAETH SETBACK VARIANCE BZA

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: **Joe or Andrea McWilliams**

Subject Public Hearing Case: _____

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 has 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: **N/A**

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

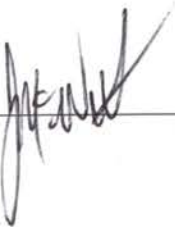
Description of Contribution: _____ Value: _____

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: **30 April 2019**

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.

Due to the size, shape and being on a cul-de-sac building or expanding any outdoor living areas is limited. We currently have a 12x30 open deck that will be removed and replaced with a smaller, yet more attractive, porch structure.

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

Again, due to the size, shape and cul-de-sac placement of this lot and the house, there is very minimal area where improvements can be made. The current deck was already built over the 35' rear building line in an effort to create a usable deck size.

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

Lot size and shape.

"pie" shaped lot which creates much more restrictive setbacks.

House placement due to current setbacks.

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.

This variance request will not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code. These improvements will instead improve the aesthetics and resell value to not only this property but also within the neighborhood.

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.

5/1/19

V-19-09

SPAETH SETBACK VARIANCE BZA

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: Joe and Andrea McWilliams

Contact Name: Mandie Spaeth Telephone: 770-781-4641

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.

1505 Shade Tree Way

1525 Shade Tree Way

920 Cobblestone Ct.

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 (Please Specify)

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.

These individuals will have the opportunity to respond to the application with questions or concerns via telephone, email and in person.

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: _____

Contact Name: _____ Telephone: _____

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|------------------------------------|---|
| ☐ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____ Date: _____

5/1/19

V-19-09
SPAETH SETBACK VARIANCE BZA

Mandie Garner

From: Joe McWilliams <jmcwilliams422@gmail.com>
Sent: Tuesday, April 30, 2019 4:49 PM
To: Mandie Garner
Subject: Fwd: 1515 Shade Tree Way - Variance Acknowledgment Request

Hi Mandie-

Please see reply from HOA president acknowledging the variance request.

Let me know if this give you what you need from our HOA.

Thanks!

Joe

----- Forwarded message -----

From: R Headlee Summers <rheadleesummers@gmail.com>
Date: Tue, Apr 30, 2019 at 4:36 PM
Subject: Re: 1515 Shade Tree Way - Variance Acknowledgment Request
To: Joe McWilliams <jmcwilliams422@gmail.com>
Cc: AlpharettaFairfax <alpharettafairfax@gmail.com>, Andrea McWilliams <andee.mcwilliams@gmail.com>, Summers Roger Headlee <rheadleesummers@gmail.com>

Joe,

Thanks for your email and speaking with me. You are good to go on your project from the HOA perspective and thanks for interacting with your neighbors.

Please maintain your file and detail from the city as you get through the process.

Good luck with your project and I look forward to seeing the end result.

Sincerely

Roger H Summers
President
Fairfax Homeowners Association.

404.386.4512
R. Headlee Summers

> On Apr 30, 2019, at 4:19 PM, Joe McWilliams <jmcwilliams422@gmail.com> wrote:

>

> Hi Roger and Fairfax HOA Members-

>

> We are in the planning stage of a new screened in porch that will replace the existing rear deck structure. We are applying to The City of Alpharetta for a permit that requires a variance. The back porch will encroach in the rear setback by 11 feet. This will result in reducing the setback to 24' instead of the current 35' setback. The city has indicated there are no other

5/1/19

V-19-09

SPAETH SETBACK VARIANCE BZA

Exhibit 'A'

All that tract or parcel of land lying and being in Land Lot 1247 of the 2nd District, 2nd Section, Fulton County, Georgia, being Lot 37, Fairfax Subdivision, as per plat recorded in Plat Book 161, page 139, and revised plat recorded in Plat Book 181, page 79, Fulton County, Georgia Records, which plats are incorporated herein by this reference and made a part of this description; being known as 1515 Shade Tree Way, according to the present system of numbering property in Fulton County, Georgia. (Parcel ID Number: 22 -4341-1247-037-7).

LEGEND

IPS=IRON PIN SET
IPF=IRON PIN FOUND
CL=CENTER LINE
BL=BUILDING LINE
N/F=NOW OR FORMERLY
MH=MAN HOLE
S=SANITARY
P=POWER
W=WATER
G=GAS
-X-=FENCE
BC=BACK OF CURB
WM=WATER METER
WV=WATER VALVE
PB=POWER BOX
GM=GAS METER
SSE=SANITARY SEWER ESM'T
DE=DRAINAGE ESM'T
ESM'T=EASEMENT
CB=CATCH BASIN
HW=HEAD WALL
DI=DROP INLET
JB=JUNCTION BOX
LLL=LAND LOT LINE

5/1/19

MAG

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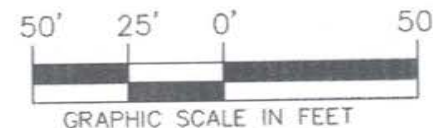
SPAETH SETBACK VARIANCE BZA

V-19-09

Shade Tree Way
50' R/W

A=50.00'
R=60.00'

existing



survey for

Joe McWilliams



IN MY OPINION THIS PLAT IS A
CORRECT REPRESENTATION OF THE
LAND PLATED.

Jeffrey J. Johnson
JEFFREY J. JOHNSON R.L.S. 2505

THE FIELD DATA WHICH THIS SURVEY
IS BASED HAS A PRECISION OF ONE
FOOT IN 10000+ FEET AND A ANGULAR
ERROR OF 3" PER ANGLE POINT

THE PLAT CLOSURE IS FOUND TO BE
ACCURATE WITHIN ONE FOOT IN
100000+ FEET

EQUIPMENT USED: TOPCON GTS-2

JOHNSON
SURVEYING

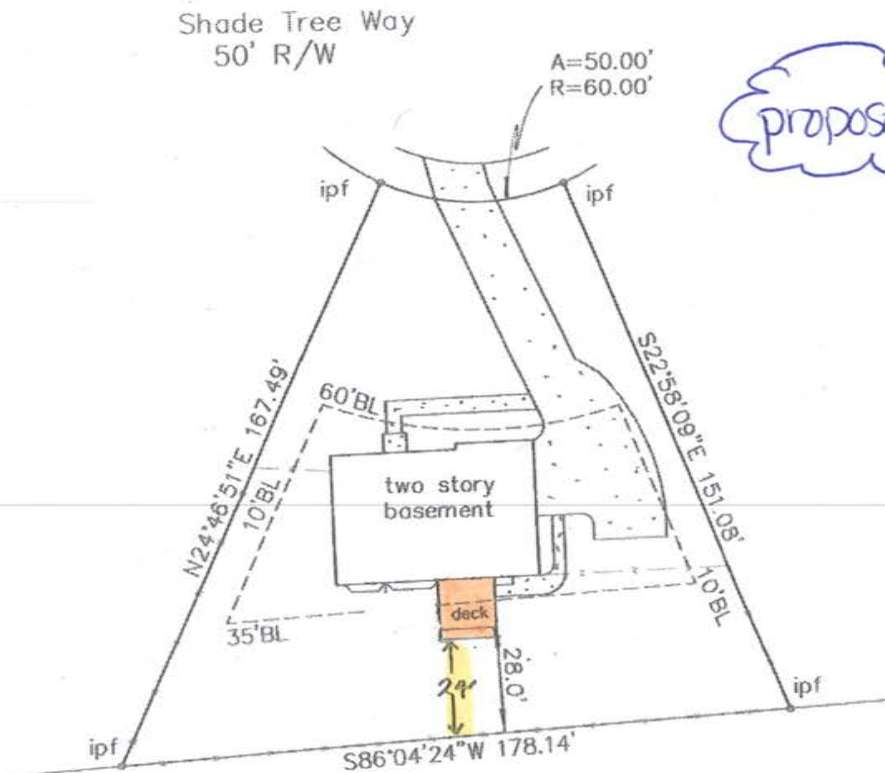
4545 River Parkway
Unit "13-M"
Atlanta Ga. 30339
678-557-1449

Land Lot 1247
District 2, Sec. 2
Fulton County, Ga
Fairfax
Lot 37
1515 Shade Tree Way

DATE: 3-20-2019

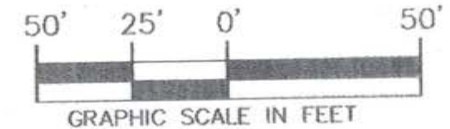
SCALE: 1"=50'

JOB NO: 19-40



LEGEND

IPS=IRON PIN SET
IPF=IRON PIN FOUND
CL=CENTER LINE
BL=BUILDING LINE
N/F=NOW OR FORMERLY
MH=MAN HOLE
S=SANITARY
P=POWER
W=WATER
G=GAS
-X--FENCE
BC=BACK OF CURB
WM=WATER METER
WV=WATER VALVE
PB=POWER BOX
GM=GAS METER
SSE=SANITARY SEWER ESM'T
DE=DRAINAGE ESM'T
ESM'T=EASEMENT
CB=CATCH BASIN
HW=HEAD WALL
DI=DROP INLET
JB=JUNCTION BOX
LLL=LAND LOT LINE



5/1/19

SPAETH SETBACK VARIANCE BZA

V-19-09



IN MY OPINION THIS PLAT IS A
CORRECT REPRESENTATION OF THE
LAND PLATED.

Jeffrey J. Johnson
JEFFREY J. JOHNSON R.L.S. 2505

THE FIELD DATA WHICH THIS SURVEY
IS BASED HAS A PRECISION OF ONE
FOOT IN 10000+ FEET AND A ANGULAR
ERROR OF 3" PER ANGLE POINT

THE PLAT CLOSURE IS FOUND TO BE
ACCURATE WITHIN ONE FOOT IN
100000+ FEET

EQUIPMENT USED: TOPCON GTS-2

survey for

Joe McWilliams

JOHNSON
SURVEYING

4545 River Parkway
Unit "13-M"
Atlanta Ga. 30339
678-557-1449

Land Lot 1247
District 2, Sec. 2
Fulton County, Ga
Fairfax
Lot 37

1515 Shade Tree Way

DATE: 3-20-2019

SCALE: 1"=50'

JOB NO: 19-40



BOARD OF ZONING APPEALS MEETING

STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: V-19-10 140 NORTH BLUFF/POOL SETBACK VARIANCE

BOARD OF ZONING APPEALS: JUNE 20, 2019

II. RECOMMENDATION:

Approve V-19-10 140 North Bluff/Pool Setback Variance, subject to the following conditions:

1. Property shall be developed substantially similar to submitted plan, except for modifications required to comply with the conditions below.
2. Swimming pool shall be laid out to have the least impact on the critical root zone (CRZ) of off-site trees, as approved by Staff.
3. Evergreen trees and shrubs shall be planted to supplement existing plant material along the north, east and south property lines at the rear of the yard, as approved by Staff.

III. REPORT IN BRIEF:

The applicants, Preston and Kelly Nave, are requesting consideration of a variance to reduce the side pool setback from 10' to 5' and the rear pool setback from 20' to 10' to allow for the construction of a 16' x 36' swimming pool. The subject property is located at 140 North Bluff in the Hickory Ridge Subdivision.

DISCUSSION

The submitted request, if approved, would allow for a swimming pool to be constructed in the rear yard of a single-family detached lot. A variance is requested to reduce the side and rear pool setbacks from 10' to 5' and 20' to 10', respectively. The subject property is located at 140 North Bluff in the Hickory Ridge Subdivision.

The property is developed with a single-family home and is zoned R-15 (Dwelling, 'For-Sale', Residential). Surrounding properties are also zoned R-15 and located in Hickory Ridge Subdivision, except that the property to the east is located in Selbridge Mill Subdivision.

The 0.42-acre property is developed with a 2-story, 3,192 square foot single-family detached home. Building setbacks applicable to the property are 50' in the front, 10' of the sides and 35' on the rear. The subject property has a shallow lot, approximately 130' as compared to the most lots in Hickory Ridge which have an average depth of approximately 200'. The applicant proposes to construct a 16' x 36' pool in the rear yard, which is depicted approximately 10' from the rear property line and as close as 5' from the side property line. Residential swimming pools require a 20' side and rear setback or the building setback, whichever is less. Photographs provided by the applicant show that the lot is fenced (wooden privacy fence) along the rear and side property lines, which screens the applicant's rear yard from adjacent properties.

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 one of the shallower lots in Hickory Ridge, with a depth of approximately 130' as compared to most lots in Hickory Ridge which have an average depth of approximately 200'. In addition, properties in Hickory Ridge have a larger front setback (50') as compared to other subdivisions throughout the City (typically 35'), which further limits the buildable area for a swimming pool on the subject property.

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

Response: The subject property is one of the shallower lots in Hickory Ridge, with a depth of approximately 130' as compared to most lots in Hickory Ridge which have an average depth of approximately 200'. In addition, properties in Hickory Ridge have a larger front setback (50') as compared to other subdivisions throughout the City (typically 35'), which further limits the buildable area for a swimming pool on the subject 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 subject property is one of the shallower lots in Hickory Ridge, with a depth of approximately 130' as compared to most lots in Hickory Ridge which have an average depth of approximately 200'. In addition, properties in Hickory Ridge have a larger front setback (50') as compared to other subdivisions throughout the City (typically 35'), which further limits the buildable area for a swimming pool on the subject property.

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 subject property is one of the shallower lots in Hickory Ridge, with a depth of approximately 130' as compared to most lots in Hickory Ridge which have an average depth of approximately 200'. In addition, properties in Hickory Ridge have a larger front setback (50') as compared to other subdivisions throughout the City (typically 35'), which further limits the buildable area for a swimming pool on the subject property.

CONCURRENCES

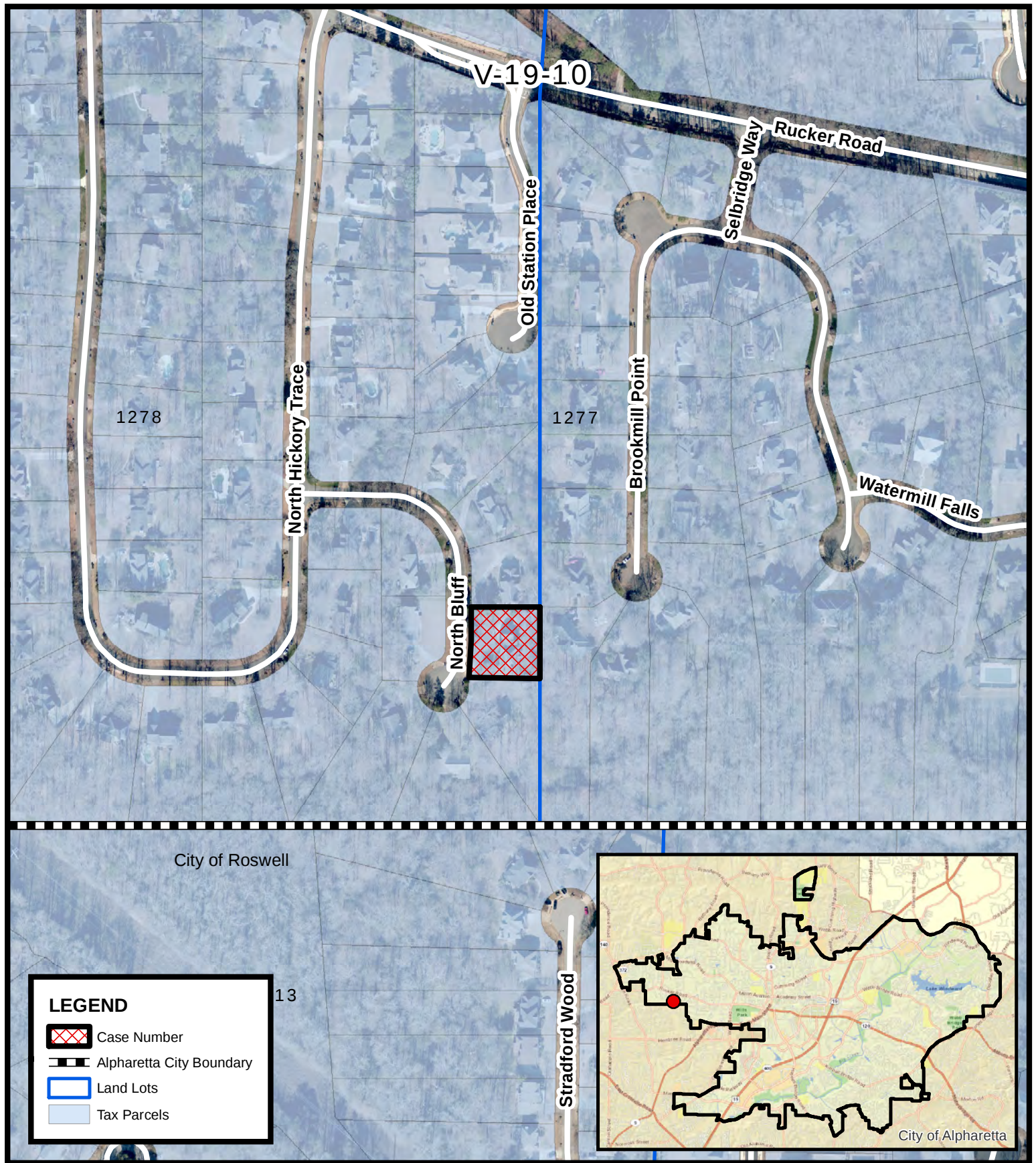
Staff has reviewed the application and is generally in agreement with the requested variance to reduce the side and rear pool setbacks. The property is one of the shallower lots in Hickory Ridge and the subdivision requires larger front setbacks as compared to other subdivisions in the City.

CITIZEN PARTICIPATION PLAN

The applicant notified surrounding property owners of the variance request and intent for the property. The applicant provided letters of no objection/support from the Hickory Ridge HOA and adjacent property owners to the north, east and south.

IV. ATTACHMENTS:

- Site Plan



Location Map
Nave-Swimming Pool Variance
140 North Bluff

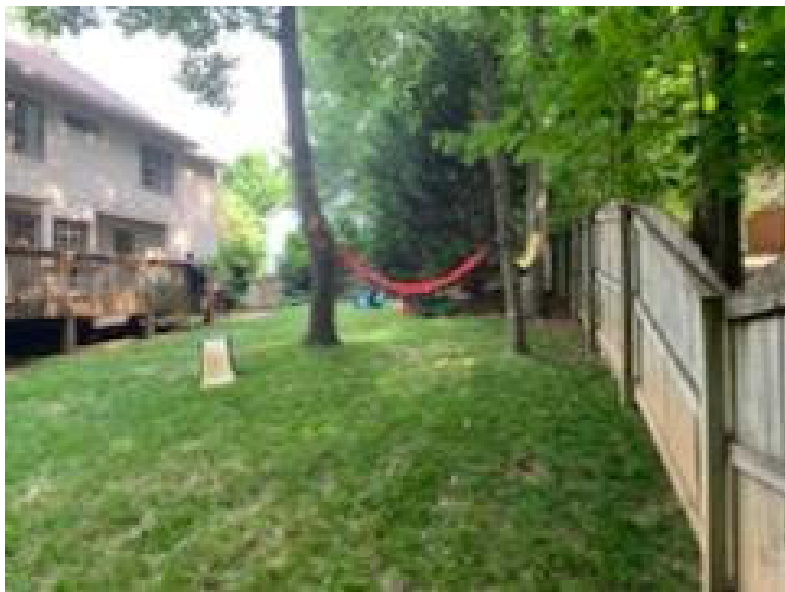
V-19-10
D/LL: 2/2/1278
BZA Date: 6/20/19

Location Map Provided by:
Community Development - GIS











5/1/19

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

Nave/ North Bluff Pool Variance

V-19-10

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): _____ | |

5/1/19

Nave/ North Bluff Pool Variance
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).*

5/1/19

V-19-10
Nave/ North Bluff Pool Variance

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Preston NaveTelephone: 404-275-2101Address: 140 North Bluff

Suite: _____

City AlpharettaState: GAZip: 30004

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: Kelly NaveTelephone: 404-245-8579Address: 140 North Bluff

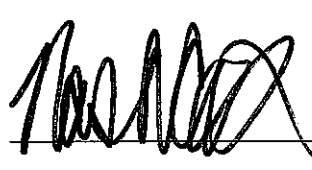
Suite: _____

City AlpharettaState: GAZip: 30004

So Sworn and Attested:

Owner Signature: Date: 4/30/19

Notary:

Notary Signature: Date: 4/30/19

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: **Preston Nave**

Subject Public Hearing Case:

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 on Alpharetta Official within the past two (2) years, please indicote this by entering "N/A" on the appropriote lines below.

Name of Official: **N/A** Position:

Description of Contribution: Value: **N/A**

Description of Contribution: Value:

Description of Contribution: Value:

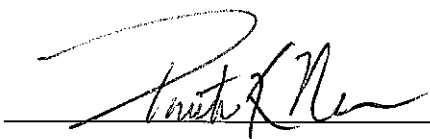
Description of Contribution: Value:

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:

4/30/19

5/1/19

BOARD OF ZONING APPEALS REVIEW CRITERIA

Nave/ North Bluff Pool Variance

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.

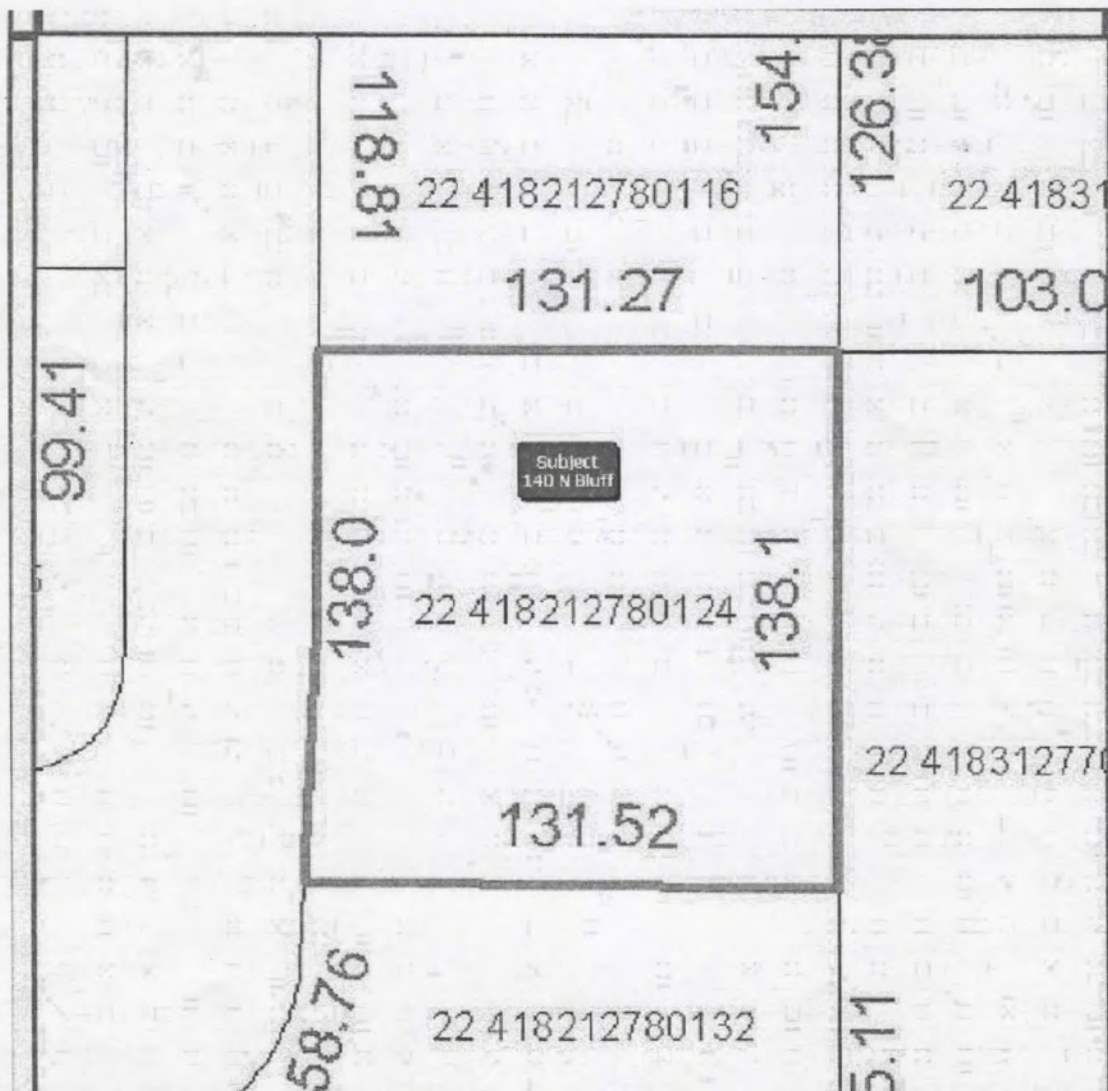
5/1/19

Loan #0254101348

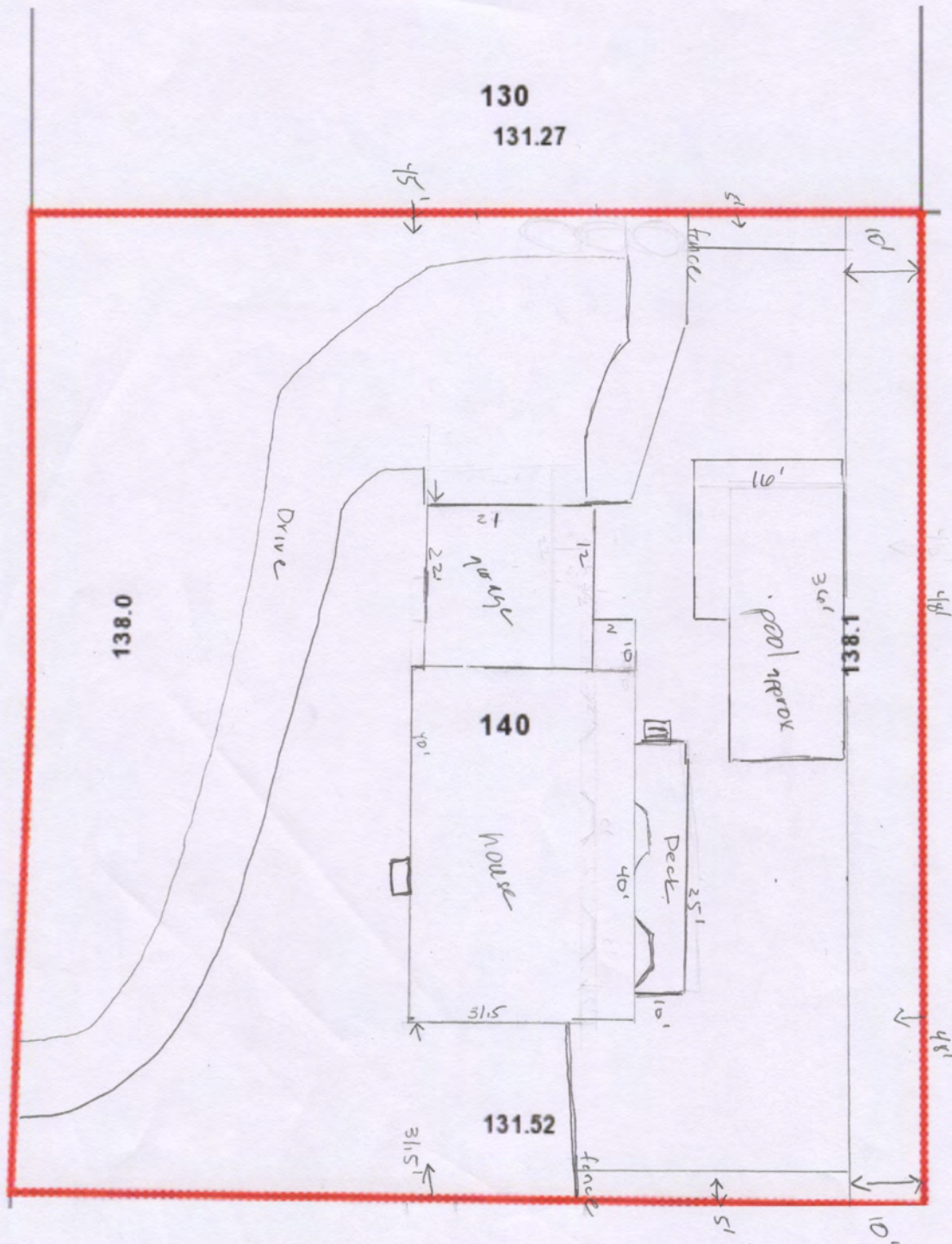
PLAT MAP ADDENDUM

File No. GAALC-110811-00

Borrower/Client	Preston Nave				
Property Address	140 N Bluff				
City	Alpharetta	County	Fulton	State	GA
				Zip Code	30004
Lender	No AMC				
	SunTrust Mortgage, Inc				



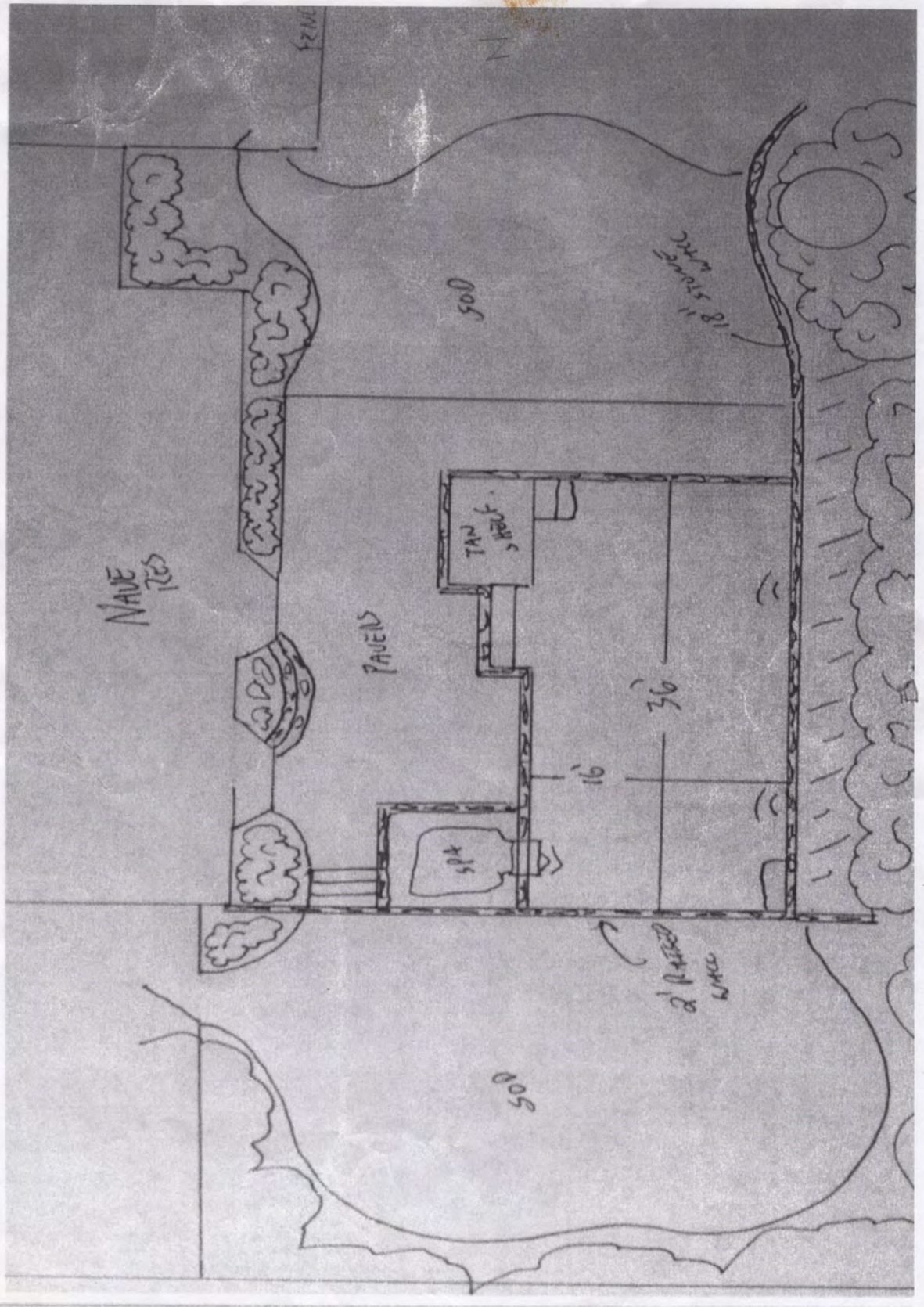
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5/1/19

pool idea - not final

W



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5/1/19

Nave/ North Bluff Pool Variance

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.

5/1/19

V-19-10
Nave/ North Bluff Pool Variance

May 1, 2019

To whom it is of concern,

I, Chris Banta, President of Hickory Ridge Homeowners Association, do hereby grant permission from the board for the reduction in variance of property setbacks to rear and sides to the owner of property, 140 North Bluff, Alpharetta, GA, 30004.

Chris Banta
Printed name

Chris B 4/30/19
Signature Date

5/1/19

V-19-10
Nave/ North Bluff Pool Variance

May 1, 2019

To whom it is of concern,

I, Thomas Mero, owner of the property 130 North Bluff, Alpharetta, GA 30004, which is located on the north side of property in question, 140 North Bluff, Alpharetta, GA, 30004, do hereby grant my permission to allow for a reduction in the rear/side variance of the current setback of our shared property line proposed by the City of Alpharetta, Georgia.

Thomas Mero
Printed name

E Mero 4/30/19
Signature Date