



BOARD OF ZONING APPEALS DECEMBER 19, 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. July 25, 2019
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - A. E-20-01 YOUNG/189 ACADEMY STREET FENCE HEIGHT EXCEPTION

Consideration of an exception to increase the height of a residential fence from six-feet (6') to nine-feet (9') in order to screen the subject property from the neighboring property at 199 Academy Street. The subject property is located at 189 Academy Street at the southeast corner of Academy Street and Loxford Lane.

- VII. ADJOURNMENT



BOARD OF ZONING APPEALS JULY 25, 2019

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

I. CALL TO ORDER

II. ROLL CALL

Members Present

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

Members Absent

- Trevor Casey

Staff Present

- James Drinkard, Assistant City Administrator
- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Scott Hastey, City Attorney
- Elle Taylor, Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

A. Minutes from 6.20.19

- ❖ Vice-Chair Gelber offered a motion to approve the minutes from 6.20.19
 - Board Member Jones seconded the motion
 - Motion was approved (6-0)

IV. APPEAL TO ADMINISTRATIVE DECISION

A. Windward Lake Club Appeal to Administrative Decision

Kathi Cook presented response to Applicant's May 30, 2019 Letter.

After presentation from the Applicant and discussion from the Board:

- ❖ Board Member Jones offered a motion to side with the Lake Windward Club on this decision
 - There was no second for the motion
 - Motion failed
- ❖ Board Member McAlonan offered a motion to side with City on their reading of this matter
 - Vice-Chair Gelber seconded the motion
 - Motion was approved (5-1) (Jones)

There was discussion during the motion:

Board Member McAlonan stated that this was not a vote against the tennis courts but about the process.

Board Member Jones requested of Staff the steps that the Applicant would need to take for approval

Director Cook stated the Applicant can apply for a Master Plant Amendment. It is a 90-day process that would have to be considered by City Council. It is open to the Public for Public Comment.

V. ITEMS FROM STAFF

VI. ITEMS FROM BOARD MEMBERS

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: E-20-01 YOUNG/189 ACADEMY STREET FENCE HEIGHT EXCEPTION

BOARD OF ZONING APPEALS: DECEMBER 19, 2019

II. RECOMMENDATION:

Approve E-20-01 Young/189 Academy Street Fence Height Exception, subject to the following conditions:

1. Fence location, height and materials shall be developed substantially similar to the submitted plans, as approved by Staff.
2. Landscaping, if necessary, shall be provided to screen the corner of the fence from Academy Street, as approved by Staff.

III. REPORT IN BRIEF:

The applicant, Tori Young, is requesting consideration of an exception to increase the height of a residential fence from six-feet (6') to nine-feet (9') in order to screen the subject property from the neighboring property at 199 Academy Street. The subject property is located at 189 Academy Street at the southeast corner of Academy Street and Loxford Lane.

DISCUSSION

The submitted request, if approved, would allow a nine-foot (9') fence on a residential property. The nine-foot (9') fence is proposed along a portion of the common side property line between 189 and 199 Academy Street and would help screen the two (2) properties from each other. According to the applicant, the adjacent property owner at 199 Academy Street requested the fence due to privacy concerns and therefore supports the request to increase the fence height. The two (2) properties have outdoor living spaces that face each other. The subject property is located at 189 Academy Street at the southeast corner of Academy Street and Loxford Lane.

The subject property is being developed with a 2-story single-family home and is zoned R-12 (Dwelling, 'For-Sale', Residential). The property was approved in 2017 for variances to reduce the front, side and rear building setbacks and increase the maximum ground coverage by a principal building. Surrounding properties are zoned R-12 to the east, R-4A (Dwelling, 'For-Sale', Attached Residential – Low Density) to the south and west and SU (Special Use) to the north. An unplatted, single-family lot with detached home is located to the east, Academy Park Subdivision to the south and west and Alpharetta Presbyterian Church to the north.

Unified Development Code (UDC) Subsection 2.3.6 Fence and wall requirements, states the following: "Height of fences and walls used as fences shall not exceed six (6) feet on residential property and eight (8) feet on non-residential property. These limits may be exceeded by up to 50% on sloped lots where the appearance of an even fence line is desired." The applicant

received approval of an administrative variance (AV19-0016) to increase the height of the fence from six-feet (6') to seven-feet (7'). The seven-foot (7') fence has been installed along the eastern side property line including taller posts to accommodate the taller fence height pending the outcome of the requested height exception.

The site plan depicts a nine-foot (9') fence along a portion (total length of 64') of the eastern side property line. The fence begins approximately 75' back from Academy Street and ends approximately 35' from the rear property line. A 50' undisturbed buffer is located on the Academy Park property to the rear of the subject property. An exhibit provided by the applicant depicts the fence to have a block with stucco base with hardie plank and board and batten above. The applicant submitted a landscape plan and photographs depicting landscaping along both sides of the proposed fence line.

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 home on the subject property is being constructed at a higher elevation (approximately 2' – 3') than the existing home at 199 Academy Street and a six-foot (6') fence would not provide the necessary privacy. In addition, the outdoor living spaces for 189 and 199 Academy Street face each other.

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

Response: Application of the Ordinance would limit privacy between the two (2) properties.

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

Response: The home on the subject property is being constructed at a higher elevation (approximately 2' – 3') than the existing home at 199 Academy Street and a six-foot (6') fence would not provide the necessary privacy. In addition, the outdoor living spaces for 189 and 199 Academy Street face each other.

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, if conditions are approved requiring landscaping to screen the fence from Academy Street.

CONCURRENCES

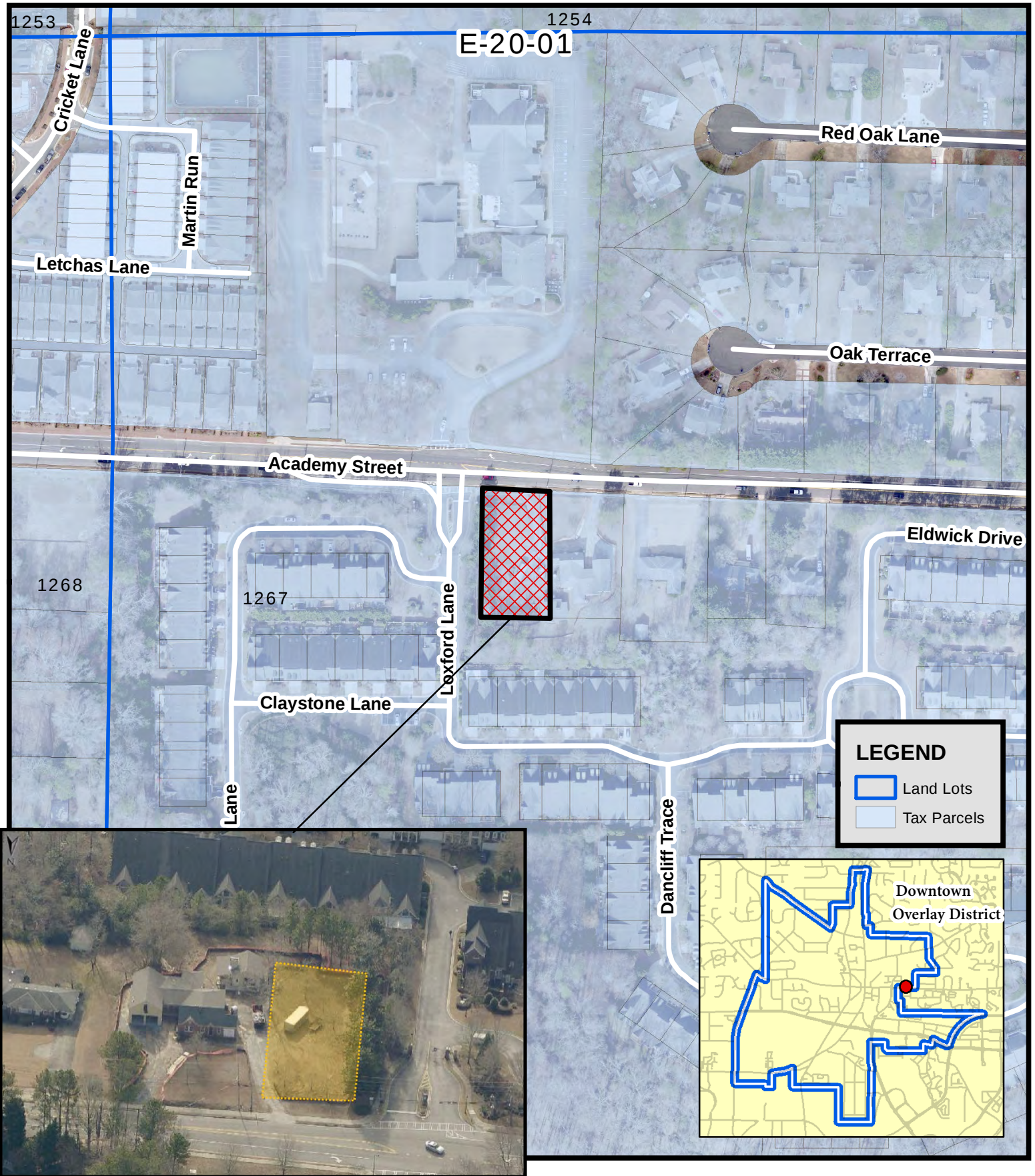
Staff has reviewed the application and is generally in agreement with the requested variance to increase the height of a fence on a residential property from six-feet (6') to nine-feet (9'). The applicant is requested the fence height exception in order to screen his property from the neighboring property at 199 Academy Street. The property owner at 199 Academy Street has requested the fence and therefore has provided a letter of support for the applicant's request. The letter states that 189 Academy Street is being constructed at a higher elevation (approximately 2' – 3') than 199 Academy Street and that a typical six-foot (6') fence would not provide the necessary privacy between the two (2) properties.

CITIZEN PARTICIPATION PLAN

The applicant notified surrounding property owners of the variance request and intent for the property. The applicant provided a letter of support from the adjacent property owner at 199 Academy Street.

IV. ATTACHMENTS:

- Site Plan
- Fence Exhibit



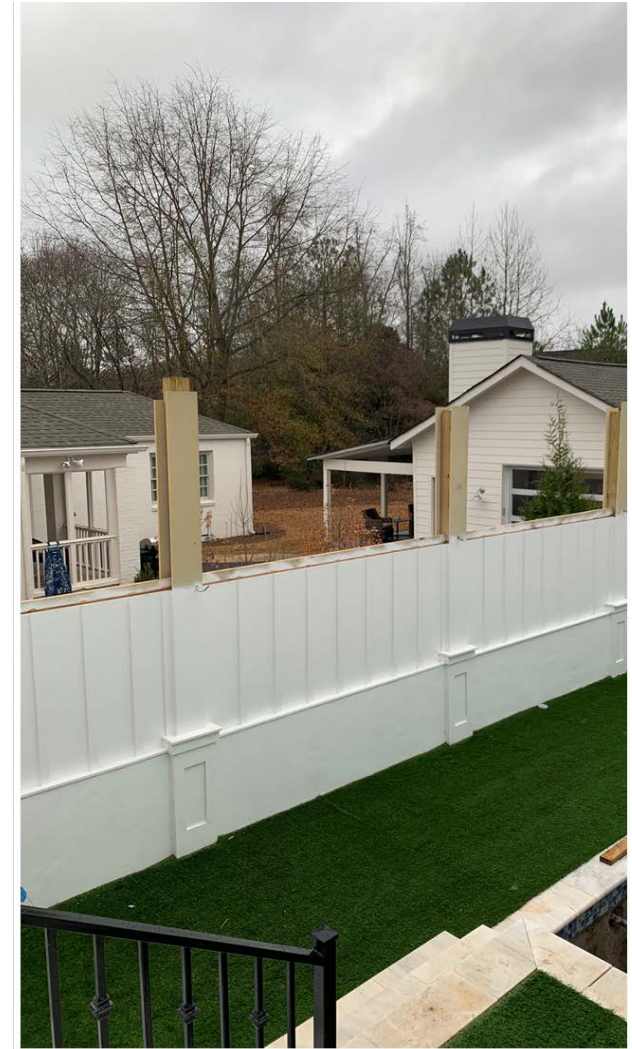
Location Map
Young/Height Exception
189 Academy Street

E-20-01
D/LL: 2/2/1267
BZA Date: 12/19/19

Location Map Provided by:
Community Development - GIS



189 Academy Street Fence and Plantings



CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PHA190051

☒ Fee Paid

Initial: dh

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: Tori Young Telephone: 678 878 9791
Address: 2349 Commerce St Suite: _____
City: Alpharetta State: GA Zip: 30009 Fax: _____
Mobile Tel: _____ Email: Toriyoung55@gmail.com

Subject Property Information:

Address: 189 Academy St Current Zoning: _____
District: 2ND Section: 2ND Land Lot: 1267 Parcel ID: 22-4983-1267-027-6
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): <u>Board of zoning hearing</u> | |

APPLICANT REQUEST AND INTENT

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

Privacy fence - move height from 7ft to 9ft between 189 & 199 Academy St



Applicant's Request (Please itemize the proposal):

My neighbor - Steve Beecham would like to have more privacy & has requested a fence that starts approx. 75' off & away from Academy St. It will stop approx. 35' before the 50' wooded buffer behind us - i.e. The fence will be buffered by heavy landscape on the front & side portion of the exterior of fence -

which will limit visibility from academy. The existing structures & 50' wooded buffer eliminate visibility from the rear of property.

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

Provide adequate privacy for Beechams (199 Academy) to adhere to our gentlemen's agreement!

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Tori Young Telephone: 678 878 9791
Address: 189 Academy St. Suite: _____
City: Alpharetta GA State: GA Zip: 30009

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: Tori Young Telephone: 678 878 9791
Address: 189 Academy St Suite: _____
City: Alpharetta State: GA Zip: 30009

So Sworn and Attested:

Owner Signature: [Signature] Date: 10/30/2019

Notary:

Notary Signature: Leigh Doan Date: 10-30-2019

Leigh Doan
NOTARY PUBLIC
Forsyth County, GEORGIA
My Comm. Expires 11/11/2019

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:

For: Young

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

Name of Official:

John Hypes

Position:

City Council

Description of Contribution:

Campaign

Value:

\$ 500

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

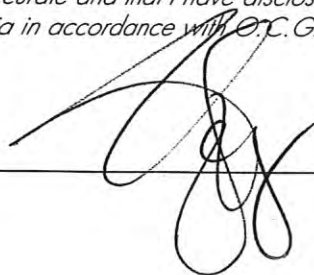
Description of Contribution:

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:

10/30/2017

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

It will ~~be~~ give proper buffering & privacy for the adjacent property & is at their request (199 Academy)

How will this proposal affect the use and value of the surrounding properties?

It will increase the value of both properties. It eliminates the one major objection a possible Buyer might have w/ the structures being close in proximity

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

NA

What would be the increase to population and traffic if the proposal were approved?

none

What would be the impact to schools and utilities if the proposal were approved?

none

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

NA

Are there existing or changing conditions which affect the development of the property and support the proposed request?

NA

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.

A personal letter from the Beechams & their desire for more privacy ~~is~~ is attached

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.

NA

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

Yes, if the fence stays as is, there will be frustration from the neighbor & increase difficulties when they or we for that matter go to sell

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

Our outdoor living spaces face each other. I can look in their courtyard, covered porch, & house. They can look into our house

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.

Not at all. If we didn't make a public announcement (I'm NOT suggesting this BTW) but if we didn't, I don't think anyone would realize the change because of all the heavy landscaping taking place in the front yard area

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.

Mary and Steve Beecham
199 Academy Street
Alpharetta, GA 30009

October 30, 2019

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

To Whom It May Concern:

As neighbors of the property located at 189 Academy Street, we would like to express our support for Mandee and Tori Young's request to build a privacy wall, twelve feet in height, between our courtyards.

Because the home was built at a higher elevation to minimize the impact on the magnolia trees on the right side of the property, the Young's back porch is at a height that would not be offered any privacy by a typical 6 foot fence, and nor would our back yard.

There are several good reasons for the city to approve this request. First, the fence will not run from the front of the property to the back. It will only run between our courtyards and therefore will not be as visible from the street, especially after our trees have been planted. Second, it will be architecturally attractive for those who do see it. And third, the four homeowners who will be the most impacted by this decision are all in favor.

Thank you for your time and attention to this matter. We appreciate your consideration and look forward to a favorable decision.

Sincerely,

Mary and Steve Beecham

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1267 OF THE 2ND DISTRICT, 2ND SECTION OF FULTON COUNTY, GEORGIA, AND BEING LOT 1, AS SHOWN ON THAT CERTAIN MINOR SUBDIVISION PLAT PREPARED BY ENGINEERING 303, DAVID A. BURKE, G.R.L.S. NO 1965, AS RECORDED IN PLAT BOOK 410, PAGE 11-13, FULTON COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 189 ACADEMY STREET, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FULTON COUNTY, GEORGIA.

TOGETHER WITH THOSE CERTAIN EASEMENT RIGHTS ESTABLISHED BY VIRTUE OF SANITARY SEWER EASEMENT BY AND BETWEEN ACADEMY PARK NEIGHBORHOOD ASSOCIATION, INC. AND JONATHON T. YOUNG AND MANDEE J. YOUNG, DATED APRIL 6, 2018, FILED FOR RECORD MAY 24, 2018, RECORDED IN DEED BOOK 58819, PAGE 478, FULTON COUNTY, GEORGIA RECORDS.

PARCEL ID NUMBER: 22 -4983-1267-027-6 (MOTHER PARCEL)

Privacy Fence

64' long and
dissects properties

9ft

louvered
hardie

hardie
plank
board &
bat

7 ft

block w
stucco
base

Beecham/Young

[illegible]

Garden Plan

Drawing No.

