



# BOARD OF ZONING APPEALS OCTOBER 15, 2020

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

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MEETING MINUTES**
  - A. September 17, 2020**
- IV. ITEMS FROM BOARD MEMBERS**
- V. ITEMS FROM STAFF**
- VI. PUBLIC HEARING**
  - A. V-20-12 Stiakakis/5073 Village Green Fence Variance**  
Consideration of a variance to increase the height of a residential privacy fence along the side and rear property lines from six-feet (6') to eight-feet (8'). The subject property is located at 5073 Village Green Way in the Village Green subdivision.
- VII. ADJOURNMENT**



# BOARD OF ZONING APPEALS SEPTEMBER 17, 2020 MEETING SUMMARY

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

### A. Election of Chair and Vice Chair for 2020

- ❖ Board Member McAlonan nominated Marc Gelber as Chair
- Board Member Gelber accepted
- Nomination was approved (4-0)
  
- ❖ Board Member Scott nominated Daniel McAlonan as Vice-Chair
- Board Member McAlonan accepted
- Nomination was approved (4-0)

## II. ROLL CALL

### Board Members Present:

- Marc Gelber (Chair)
- Daniel McAlonan (Vice-Chair)
- Mike Perry
- Jeremy Scott
- Scott Wharton (Voting Alternate)
- Kile Lewis (Absent)
- Sara Harrison (Absent)

### Staff Members Present:

- Kathi Cook, Director of Community Development
- Elle Taylor, Planning and Zoning Coordinator

### III. APPROVAL OF MEETING MINUTES

#### A. December 19, 2019

- ❖ Board Member Scott offered a motion to approve
  - Board Member McAlonan seconded the motion
  - Motion was approved (4-0)

### IV. ITEMS FROM BOARD MEMBERS

### V. ITEMS FROM STAFF

### VI. PUBLIC HEARING

Board Member Perry joined the meeting.

#### A. V-20-08 TRUM/145 SWEETBAY CIRCLE POOL VARIANCE

Kathi Cook, Director of Community Development, presented consideration of a variance to reduce the residential swimming pool setback along the rear property line from 20' to 10' to allow for the construction of an 18' x 36' pool. The subject property is located at 145 Sweetbay Circle in the Enclave at Glen Abbey subdivision.

#### Staff's recommendation was:

Approve V-20-08 Trum/145 Sweetbay Circle Pool Variance, subject to the following conditions:

1. Property shall be developed substantially similar to submitted plans prepared by Atlanta Custom Landscapes, dated 6/1/2020, except to comply with the condition below.
2. The rear swimming pool setback shall be 10', which applies to the pool and its auxiliary structures and equipment.
3. Recompense for the removal of the Oak tree shall be addressed by replanting in the rear yard along the east and south property lines and shall include some evergreen material to enhance screening, as approved by Staff.

After discussion and presentation from the Applicant:

- ❖ Vice Chair McAlonan offered a motion to approve with three conditions as stated by Staff
  - Board Member Scott seconded the motion
  - Motion was approved (5-0)

### VII. ADJOURNMENT

Chairman Gelber adjourned the meeting at 5:42 p.m.



# BOARD OF ZONING APPEALS MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

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## **I. AGENDA ITEM TITLE: V-20-12 STIAKAKIS/5073 VILLAGE GREEN FENCE VARIANCE**

BOARD OF ZONING APPEALS: OCTOBER 15, 2020

## **II. RECOMMENDATION:**

Approve V-20-12 Stiakakis/5073 Village Green Fence Variance, subject to the following conditions:

1. An eight-foot (8') privacy fence shall be permitted as depicted on the submitted plans.

## **III. REPORT IN BRIEF:**

The applicant, Philip Stiakakis, is requesting consideration of a variance to increase the height of a residential privacy fence along the side and rear property lines from six-feet (6') to eight-feet (8'). The City's Code Enforcement placed the applicant on notice that the fence did not comply with the City's height regulations for residential fences. The subject property is located at 5073 Village Green Way in the Village Green subdivision.

## **DISCUSSION**

The submitted request, if approved, would allow an eight-foot (8') privacy fence to remain on a residential property. The fence has already been constructed along the side and rear property lines. The subject property is located at 5073 Village Green Way in the Village Green subdivision.

The subject property is developed with a 2-story townhome unit and is zoned R-12 (Dwelling, 'For-Sale', Residential). Surrounding properties are zoned R-12 and located in the Village Green subdivision, except that the property to the east is located in the Poplar Ridge subdivision.

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's site plan depicts the eight-foot (8') fence along both side property lines and the rear property line. A four-foot (4') white picket fence faces Village Green Way and connects the side of the townhome to the 8' privacy fence along the eastern, side property line. The applicant submitted photographs showing that the privacy fence is not visible from Village Green Way.

## **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 property has an unusual shape and backs up to wooded common area in the Poplar Ridge subdivision. In addition, the applicant provided letters of no objection from the adjacent property owners. The fence has limited visibility from Village Green Way.*

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

*Response: Application of the ordinance would require the property owner to reconstruct or modify the existing fence in order to comply with the maximum six-foot (6') fence height. The property backs up to wooded common area in the Poplar Ridge subdivision. In addition, the applicant provided letters of no objection from the adjacent property owners.*

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

*Response: The property has an unusual shape and backs up to wooded common area in the Poplar Ridge subdivision. In addition, the applicant provided letters of no objection from the adjacent property owners.*

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 proposal should not cause a substantial detriment to the public good. The property has an unusual shape and backs up to wooded common area in the Poplar Ridge subdivision. In addition, the applicant provided letters of no objection from the adjacent property owners.*

## **CONCURRENCES**

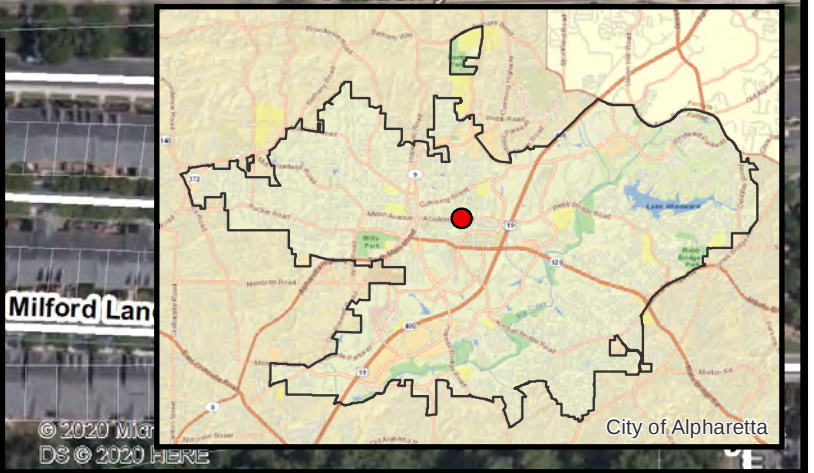
City Staff has reviewed the applicant's proposal and finds that the variance does not conflict with the established criteria. The subject property backs up to a wooded common area in the Poplar Ridge subdivision. In addition, the applicant provided letters of no objection from the adjacent property owners.

## **CITIZEN PARTICIPATION PLAN**

The applicant notified surrounding property owners and the Village Green HOA of the variance request and intent for the property. Letters of no objection from Village Green HOA and the adjacent property owners were provided by the applicant.

## **IV. ATTACHMENTS:**

- Site Plan
- Photographs

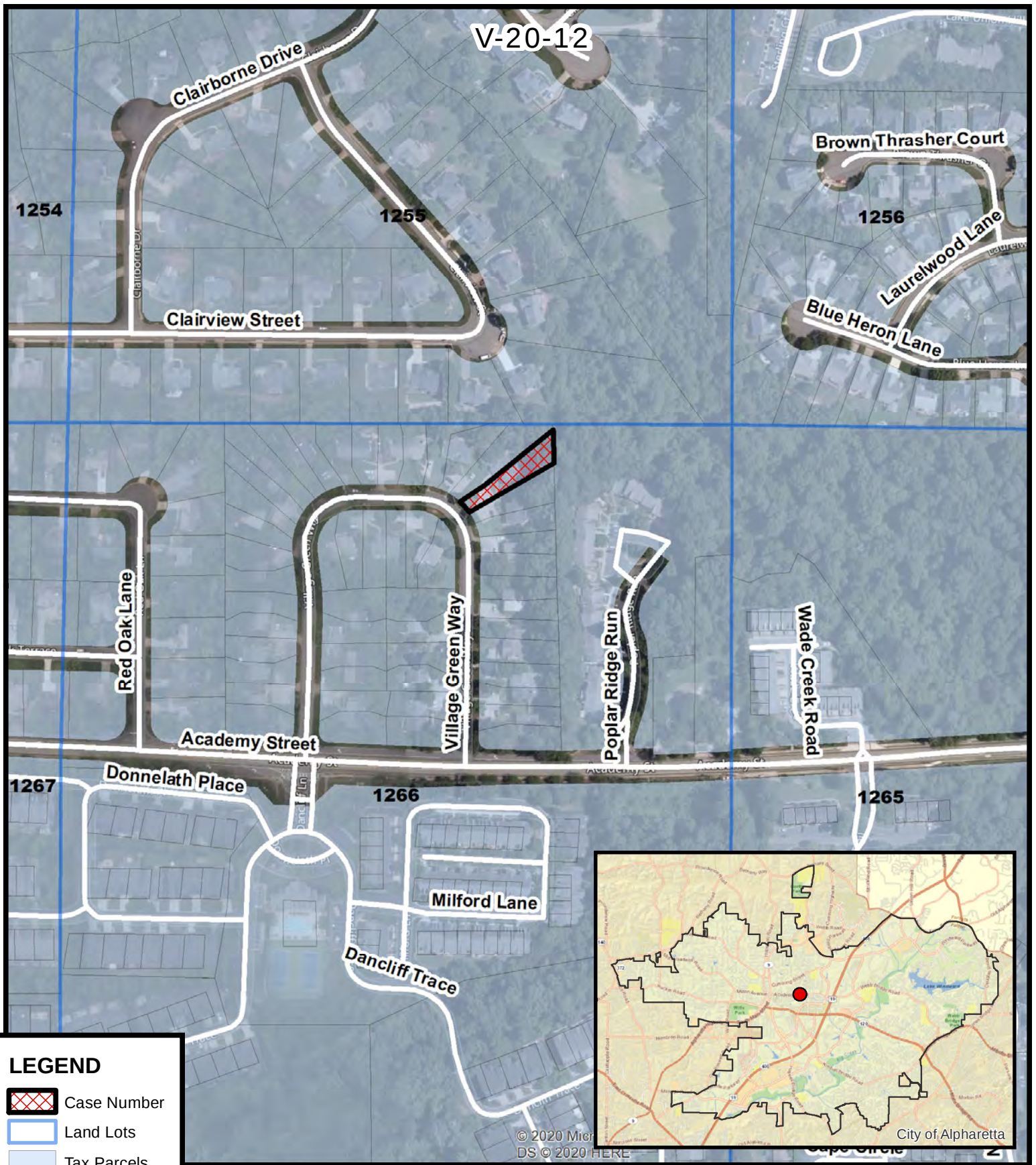


Aerial Map  
Stiakasis Fence Variance  
5073 Village Green Way

V-20-12  
D/LL: 2/2/1266  
BZA Date: 10/15/20



Location Map Provided by:  
Community Development - GIS



Location Map  
Stiakasis Fence Variance  
5073 Village Green Way

V-20-12  
D/LL: 2/2/1266  
BZA Date: 10/15/20

Location Map Provided by:  
Community Development - GIS

8.27.20

Stiakasis  
Fence Variance

# CITY OF ALPHARETTA

## PUBLIC HEARING APPLICATION

V-20-12

FOR OFFICE USE ONLY

Case #: PH4200030

☒ Fee Paid

Initial: pc

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: Philip Stiakakis Telephone: \_\_\_\_\_

Address: 5073 Village Green Way Suite: \_\_\_\_\_

City: Alpharetta State: Ga Zip: 30009 Fax: \_\_\_\_\_

Mobile Tel: 770-286-1478 Email: THESANEENERGYCOMPANY@YAHOO.COM

### Subject Property Information:

Address: 5073 Village Green Way Current Zoning: \_\_\_\_\_

District: 2nd Section: 2nd Land Lot: 1266 Parcel ID: 22-5148-1266-047-4

Proposed Zoning: \_\_\_\_\_ Current Use: Variance for 8ft fence

### This Application For (Check All That Apply):

☐ Conditional Use

☐ Rezoning

☒ Variance

☐ Comprehensive Plan Amendment

☐ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other (Specify): \_\_\_\_\_

☐ Exception

8.27.20

Fence Variance

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**APPLICANT REQUEST AND INTENT**

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

Backyard with gardens, bird feeders and fountain needs privacy for myself and my neighbors.

Applicant's Request (Please itemize the proposal):

Requesting variance to allow 8 foot fence along property line in back yard.

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

Intention is to provide privacy for my back yard as well as neighbors. Yard is very hilly and 6 foot fence does not provide adequate privacy. Also back of yard adjoins wooded area where coyotes and deer habitat. 8 foot fence keeps them out of the back yard and out of the neighborhood, providing safety for neighborhood children and pets along with keeping my gardens from being trampled and eaten.

8.27.20

Fence Variance

## PROPERTY OWNER AUTHORIZATION

Property Owner Information:Contact Name: Philip StiakakisTelephone: 770-286-1478Address: 5073 Village Green 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.*

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Annexation           | <input type="checkbox"/> Special Use     |
| <input type="checkbox"/> Rezoning             | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance  | <input type="checkbox"/> Master Plan     |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other           |

Identify Authorized Applicant:Name of Authorized Applicant: Philip StiakakisTelephone: 770-286-1478

Address: \_\_\_\_\_

Suite: \_\_\_\_\_

City: AlpharettaState: GaZip: 30009So Sworn and Attested:Owner Signature: Date: 8/27/2020

Notary: \_\_\_\_\_

Notary Signature: Date: 8-27-2020

8.27.20

Stiakakis

V-20-12

Fence Variance  
**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: **Philip Stiakakis**Subject Public Hearing Case: **5073 Village Green Way Alpharetta Ga 30009****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: 8/27/2020

8.27.20

Fence Variance

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**BOARD OF ZONING APPEALS REVIEW CRITERIA**

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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.

The property is very hilly which makes a 6 foot fence inadequate to provide privacy my yard and the yard of the adjoining neighbors. Also the back of the yard is adjacent to a wooded area with coyotes and deer that live there. The coyotes came through the property causing a danger to the neighborhood children and their pets. The deer also came into the yard damaging my gardens. A 6 foot fence would not prevent this but the 8 foot fence provides adequate protection.

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

Yes, an 8 foot fence provides adequate protection for the neighborhood children as well as their family pets that a 6 foot fence could not provide. Also due to the terrain, a 6 foot fence does not provide the privacy that both me and my neighbors would like.

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

Yes, the yard is very hilly making a 6 foot fence inadequate to provide the privacy that my neighbors and I are looking for. Also, a 6 foot fence would not keep the coyotes out of my yard and the neighborhood.

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.

No, on the contrary, granting the variance would help keep the neighborhood children and family pets safe from the coyotes that come in from the wooded area. Neighbors that live in my subdivision have thanked me for the fence because they feel safer due to the reduction in coyotes coming into the subdivision. Also the fence provides a degree of privacy that a 6 foot fence simply could not provide.

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.

8.27.20

Fence 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: Single family property with request for 8 foot fence variance

Contact Name: Philip Stiakakis Telephone: 770-286-1478

*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.*

Lance Berry @ 5067 Village Green Way 404-429-1336

Ricardo Larrad @ 5079 Village Green Way. 678-230-1696

*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.*

- |                                    |                                                     |
|------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Letter    | <input checked="" type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting              |
| <input type="checkbox"/> Email     | <input type="checkbox"/> 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.

Spoke to property owners on each side adjoining my house. Both of them approve of the fence and have written letters indicating their approval. the back of the lot meets a wooded area with no private property adjoining.

Ricardo Larrero 8/27/20  
5079 Village Green Way  
Alhambra, Ca. 90009  
678-230-1696

8-15-20

TO WHOM IT MAY CONCERN:

MY NAME IS RICARDO LARRO AND I AM THE OWNER OF THE PROPERTY AT 5079 VILLAGE GREEN WAY. MY CONDO AND PROPERTY ADJOINS THE PROPERTY AT 5073 VILLAGE GREEN WAY.

RECENTLY, THE PROPERTY OWNER AT 5073 VILLAGE GREEN WAY HAD AN 8 FOOT FENCE INSTALLED IN HIS BACK YARD.

I AM HAPPY WITH ~~THE~~ THE FENCE AS IT PROVIDES SOME EXTRA PRIVACY FOR MY BACK YARD. IT ALSO PREVENTS DEER AND COYOTES FROM ENTERING INTO THE VILLAGE GREEN SUBDIVISION, WHICH HAS BEEN A PROBLEM IN THE PAST. SOME OF MY NEIGHBORS HAVE HAD ~~THEIR~~ THEIR PETS ATTACKED BY THE COYOTES BEFORE THE FENCE WENT UP AND THE FENCE HAS DEFINITELY HELPED TO ELIMINATE THAT PROBLEM.

I HOPE THIS STATEMENT HELPS IN MAKING THE DETERMINATION THAT IT IS OK FOR THE FENCE TO REMAIN.

SINCERELY, *Ricardo Larrero*

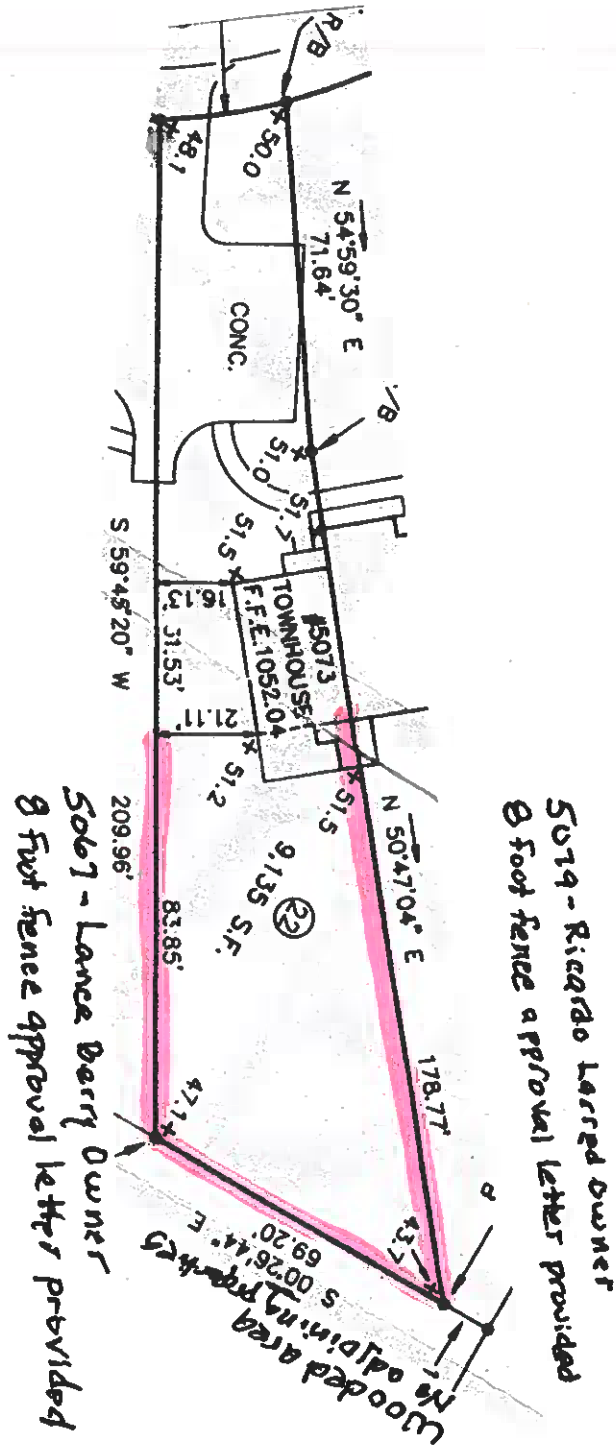
Lance Berry      404-429-1336  
5067 Village Green Way  
Alpharetta, GA 30009

To Whom It May Concern:

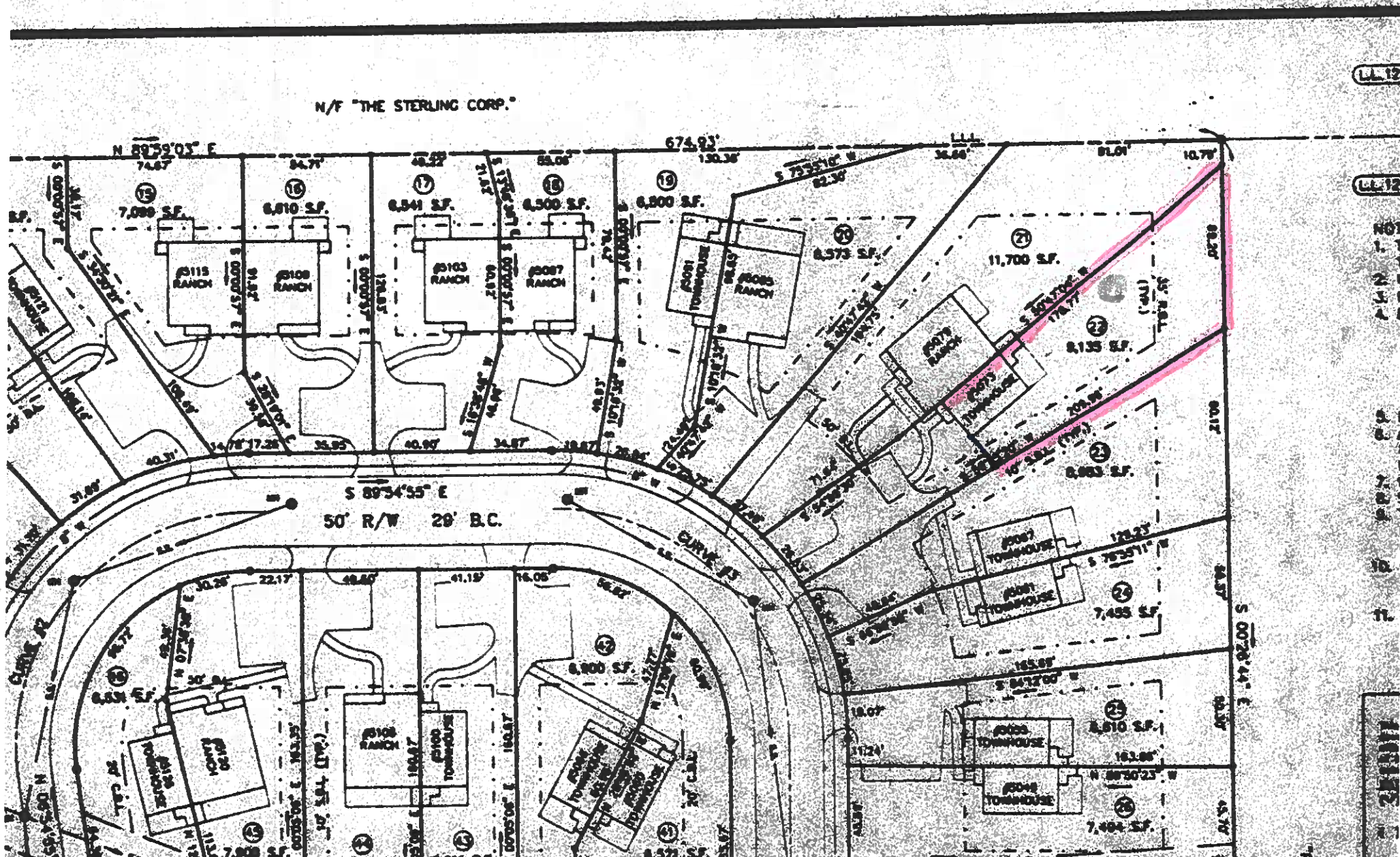
I have been informed by my neighbour at 5073 Village Green Way that a concern has been lodged against the fence that has been installed between our properties. The concern is over the height of the fence. I, for one, appreciate the height of the fence. The difference in elevation on our properties did not allow for any degree of privacy. Now, not only does the fence allow for privacy, it prevents animals, and potentially intruders from entering our properties. I like the fence enough that I am helping to pay for the expense of installing the fence. If I could afford to complete that height of fence for the rest of my property, I would. The fence does not alter the aesthetics of the properties and cannot really be seen from the road. If anyone should have a concern about the height of the fence, it should be me. As previously explained, I accept and enjoy the height of the fence and do not think we should be penalized for it.

Sincerely

  
Lance E. Berry



**8 foot fence**



8.27.20

Stiakasis  
Fence Variance

picture 1 of 7 Y-20-12



view from the street showing the 8 foot fence is not  
visable from the street at 5073 village green way

8.27.20



Point where front picket fence meets 8 foot fence adjacent to property at 5067 Village Green Way

8.27.20



picture 3 of 7

View along property line at 5067 Village Green Way. Letter enclosed stating that property owner likes the fence and has no objection to the height of the fence.

8.27.20

Stiakasis  
Fence Variance

V-20-12



Picture 4 of 7

view along property line at 5079 Village Green Way. Letter enclosed stating that property owner likes the fence and has no objection to the height of the fence.

8.27.20

Stiakasis  
Fence Variance

V-20-12

picture 6 of 7



Another view of the back of the property looking to the left showing wooded area.

8.27.20

Stiakasis  
Fence Variance

V-20-12

picture 7 of 7



Another view of the back of the property looking to the right showing wooded area.