



BOARD OF ZONING APPEALS JANUARY 21, 2021

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

I. CALL TO ORDER

A. Election of Officers for 2021

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

A. October 15, 2020 Meeting Minutes

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. V-21-02 Young Fence Variance/ Ruth's Farm Way

Consideration of a variance to increase the height of a residential privacy fence along the rear property line from six-feet (6') to eight-feet (8') and to allow the fence to remain within the landscape strip along Mayfield Road. The subject property is located at 12737 Ruth's Farm Way in the Ruth's Farm subdivision.

VII. ADJOURNMENT



BOARD OF ZONING APPEALS OCTOBER 15, 2020

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

I. CALL TO ORDER

Chairman Gelber called the meeting to order at 5:31 p.m.

II. ROLL CALL

Board Members:

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

Staff Members Present:

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

III. APPROVAL OF MEETING MINUTES

A. September 17, 2020

- ❖ Board Member Perry offered a motion to approve
- Board Member Scott seconded the motion
- Motion was approved (5-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. V-20-12 Stiakakis/5073 Village Green Fence Variance

Michael Woodman, Senior Planner, presented 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.

Staff's 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.

Applicant Presented:

- Photos of fence
- Not visible from Village Green Way
- Agreed to Staff Recommended Conditions

Public Comment:

In Favor:

1. Mr. Eckstrom, 5109 Village Green Way

Fence prevents wildlife from entering his property.

- ❖ Board Member Perry offered a motion to approve as presented 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

I. AGENDA ITEM TITLE: V-21-02 YOUNG/12737 RUTH'S FARM WAY FENCE VARIANCE

BOARD OF ZONING APPEALS: JANUARY 21, 2021

II. RECOMMENDATION:

Approve V-21-02 Young/12737 Ruth's Farm Way Fence Variance, subject to the following conditions:

1. An eight-foot (8') privacy fence shall be permitted as depicted on the submitted plans and photos.
2. Property owner shall comply with the Ruth's Farm HOA guidelines as established in the submitted letter, labeled Exhibit A, except that The Providence Group shall plant the evergreen trees along Mayfield Road with final approval by Staff.

III. REPORT IN BRIEF:

The applicant, Gary Young, is requesting consideration of a variance to increase the height of a residential privacy fence at the rear corner of the property from six-feet (6') to eight-feet (8') and to allow the fence to remain within the 20' landscape strip along Mayfield Road. Code Enforcement placed the property owner on notice that the fence did not comply with the City's fence regulations. The subject property is located at 12737 Ruth's Farm Way in the Ruth's Farm subdivision.

DISCUSSION

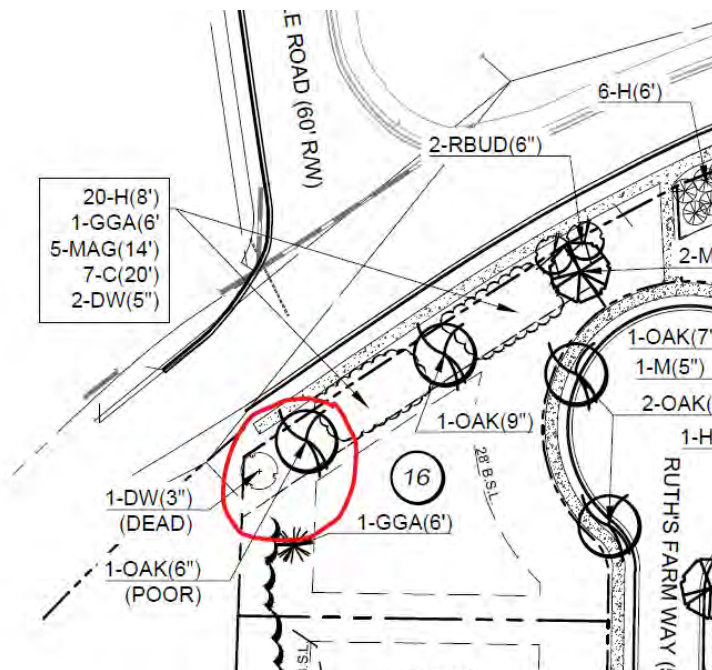
The submitted request, if approved, would allow an eight-foot (8') privacy fence to remain within a required landscape strip on a residential property. The fence was constructed at the rear corner of the property in an effort to screen vehicle headlights and noise from the adjacent intersection at Mayfield Road and Freemanville Road. The subject property is located at 12737 Ruth's Farm Way in the Ruth's Farm subdivision.

The 0.36-acre property is developed with a 2-story, 3,574 square foot single-family detached home and is zoned R-15 (Dwelling, 'For-Sale', Residential). Surrounding properties are zoned R-15 and located in the Ruth's Farm subdivision, except that the properties to the north and west are City of Milton. The properties in Milton to the north are being used for a landscape business and a dog training and boarding facility.

Unified Development Code (UDC) Section 2.3.6 Fence and wall requirements, limits the height of fences and walls to no more than six (6) feet on residential properties. The height limits may be exceeded by up to 50% on sloped lots where the appearance of an even fence line is desired. In addition, fences are required to be setback at least five-feet (5') from required landscape strips or buffers and privacy fences along a roadway are only permitted when the required landscape strip material has been provided.

An eight-foot (8') fence is depicted on the applicant's site plan at the rear corner of the property, with approximately 44' of fencing along Mayfield Road and approximately 36' along the west property line. The lot is sloped in the area where the fence was constructed along Mayfield Road; however, the fence steps down with each fence panel and does not maintain an even fence line. The placement of the fence is approximately thirteen-feet (13') back from the sidewalk along Mayfield Road, which is about ten-feet (10') into the required twenty-foot (20') landscape strip.

The applicant's hardship is related to the property being bound on two (2) sides by roads, backing up to the intersection at Mayfield Road and Freemanville Road. In addition, approximately 20' – 25' of the western portion of the landscape strip along Mayfield Road is missing the required landscape material. The developers of Ruth's Farm did not complete the landscape strip adjacent to the rear corner of the applicant's property. As depicted below, a landscape as-built provided by the developers of Ruth's Farm clearly shows a dead and poor-quality tree within the 20'-25' gap in the landscape strip. The City is currently working with The Providence Group to resolve landscape deficiencies within the subdivision, including planting the landscape strip adjacent to the applicant's property.



The applicant received an exception letter from the Ruth's Farm HOA, which includes the following guidelines:

1. You file a variance with the City of Alpharetta on or before December 15th, 2020.
2. The City approves the fence to stay where it is currently constructed.
3. The City approves additional evergreen trees to be planted on the Mayfield Road side of your fence.
4. Submit a copy of the approvals from City to Ruth's Farm HOA for our records.
5. You plant quantity six (6) Emerald Green Arborvitae Trees (minimum height when planted 4-5 feet) between the fence and Mayfield Road.
6. The fence is stained a dark color; ideally the same color as the HOA split rail fencing.
7. You submit stain color prior to staining the fence for approval from the Ruth's Farm HOA.

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 is located on a cul-de-sac, which backs up to the intersection at Mayfield Road and Freemanville Road. Prior to placement of the fence a large gap in the landscape strip material was present, likely due to the developer not completing the landscape strip. In addition, the applicant provided an exception letter from the Ruth's Farm HOA to allow the fence to remain, subject to seven (7) conditions.

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 remove the fence in order to comply with the maximum fence height and location. If the applicant were to move the fence and lower the height, the fence would remain visible due to the lack of landscape material in the landscape strip along Mayfield Road.

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 is located on a cul-de-sac, which backs up to the intersection at Mayfield Road and Freemanville Road. Prior to placement of the fence a large gap in the landscape strip material was present, likely due to the developer not completing the landscape strip. In addition, the applicant provided an exception letter from the Ruth's Farm HOA to allow the fence to remain, subject to seven (7) conditions.

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, if the required landscape material in the landscape strip along Mayfield Road is provided. The property backs up to the intersection at Mayfield Road and Freemanville Road. Prior to placement of the fence a large gap in the landscape strip material was present, likely due to the developer not completing the landscape strip. In addition, the applicant provided an exception letter from the Ruth's Farm HOA to allow the fence to remain, subject to seven (7) conditions.

CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that the variance does not conflict with the established criteria. The property backs up to the intersection at Mayfield Road and Freemanville Road. Prior to placement of the fence a large gap in the landscape strip material was present, due to the developers of Ruth's Farm not completing the landscape strip. In

addition, the applicant provided an exception letter from the Ruth's Farm HOA to allow the fence to remain, subject to seven (7) conditions. If approved, the evergreen plantings should be planted by The Providence Group with final approval by Staff.

CITIZEN PARTICIPATION PLAN

The applicant notified surrounding property owners and the Ruth's Farm HOA of the variance request and intent for the property. The applicant provided an exception letter from the Ruth's Farm HOA subject to seven (7) conditions. If approved, the applicant should comply with the HOA conditions, except that the developer should be responsible for installation of the required landscape strip material.

IV. ATTACHMENTS:

- Site Plan
- Photographs
- Ruth's Farm HOA Letter

EXHIBIT A

From: HOA Board

RE: 12737 Ruth's Farm Way

Mr. Young,

Thank you for meeting with the Ruth's Farm HOA Board on November 21, 2020.

As we discussed, the eight (8) foot fence does not conform to the Ruth's Farm Design Standards or the City of Alpharetta Zoning requirements.

However, we understand your concerns about the headlights and noise from Mayfield Road.

We will make an exception if you meet the following guidelines:

1. You file a variance with the City of Alpharetta on or before December 15th, 2020.
2. The City approves the fence to stay where it is currently constructed.
3. The City approves additional evergreen trees to be planted on the Mayfield Road side of your fence.
4. Submit a copy of the approvals from City to Ruth's Farm HOA for our records.
5. You plant quantity six (6) Emerald Green Arborvitae Trees (minimum height when planted 4-5 feet) between the fence and Mayfield Road.
6. The fence is stained a dark color; ideally the same color as the HOA split rail fencing.
7. You submit stain color prior to staining the fence for approval from the Ruth's Farm HOA.

EXHIBIT A

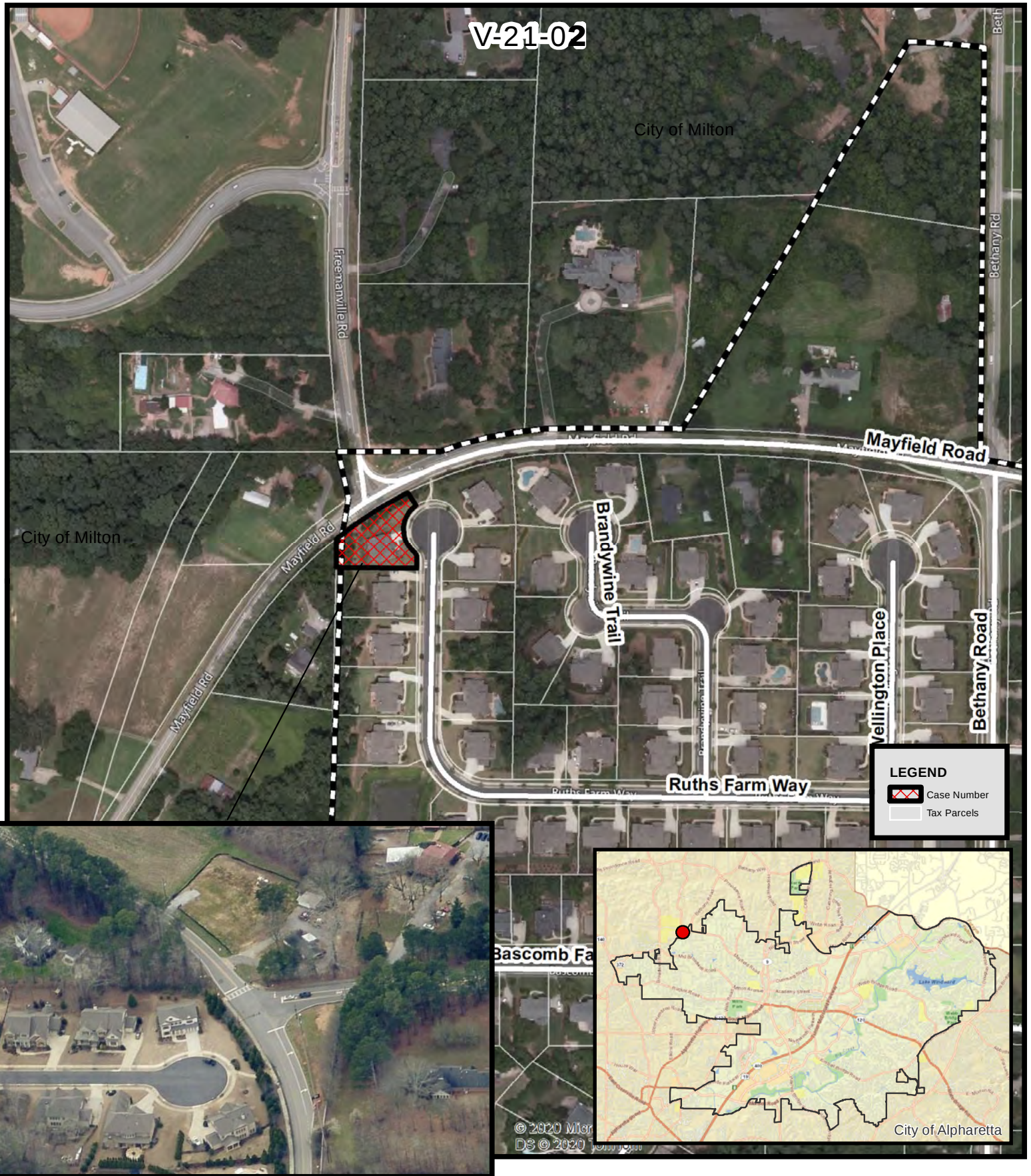
If the City does not approve your variance, you will be required to remove the fence. Optionally, you may build a fence on the inside of your existing trees line, so that it is not visible from Mayfield Road. If you decide to go this route, please submit drawings and stain color to the HOA for approval prior to beginning any construction.

In the future, any work approved by Ruth's Farm HOA, must commence within thirty (30) days of HOA approval. If you are unable to begin construction within that time frame, you would need to resubmit your application.

Attached is a copy of the Ruth's Farm Covenants.

Regards,

Ruth's Farm HOA

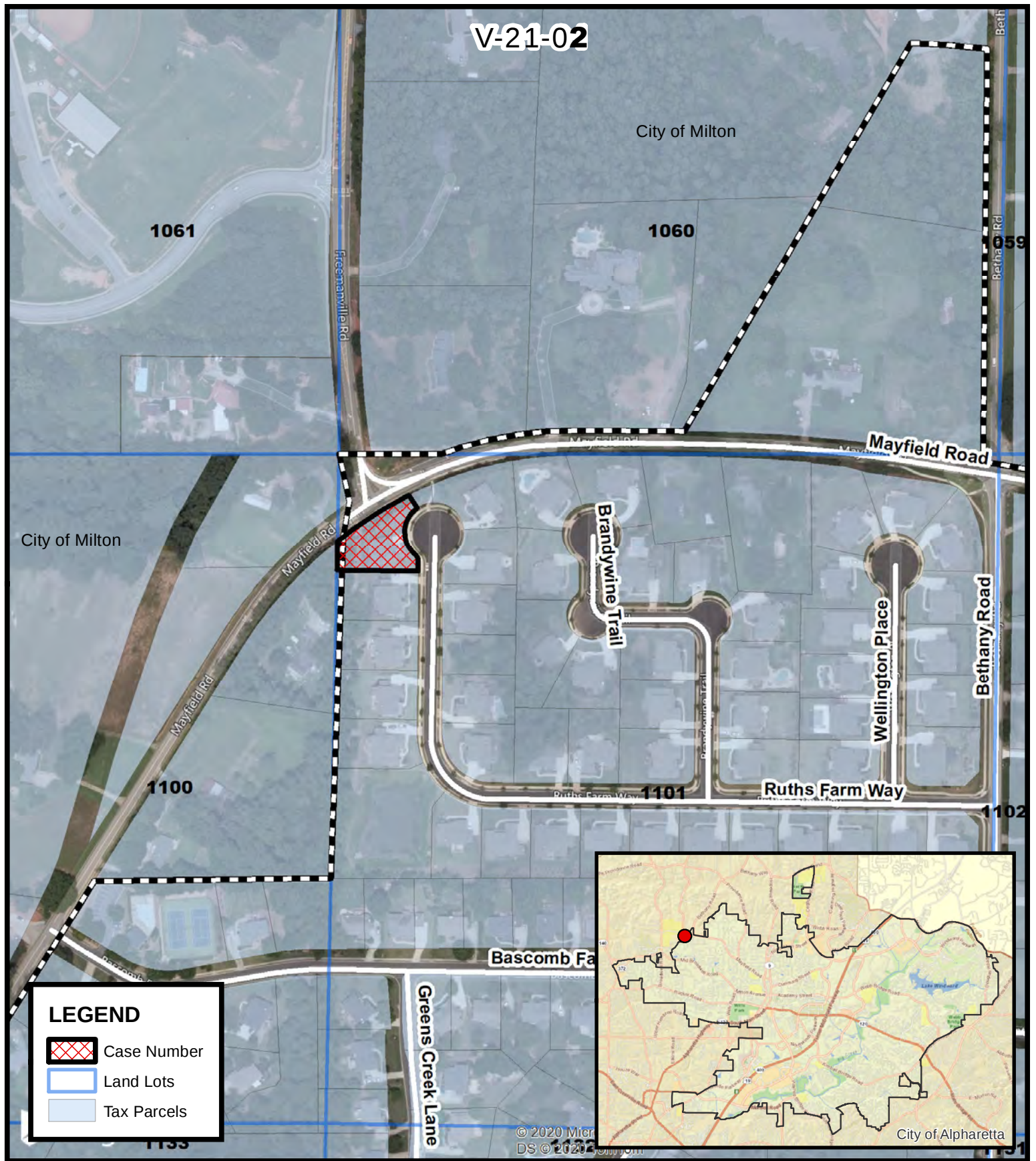


Aerial Map
Young Fence Variance
12737 Ruths Farm Way

V-21-02
D/LL: 2/2/1101
BZA Date: 1/21/21



Location Map Provided by:
 Community Development - GIS



Location Map
Young Fence Variance
12737 Ruths Farm Way

V-21-02
D/LL: 2/2/1101
BZA Date: 1/21/21

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: Gary Young Telephone: 770-778-5847

Address: 12737 Ruth's Farm Way Suite: _____

City: Alpharetta State: GA Zip: 30004 Fax: _____

Mobile Tel: 770-778-5847 Email: garyyoung@me.com

Subject Property Information:

Address: 12737 Ruth's Farm Way Current Zoning: _____

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

Proposed Zoning: _____ Current Use: Residential

This Application For (Check All That Apply):

- | | | |
|---|--|------------------------------------|
| ☐ Conditional Use | ☐ Master Plan Amendment | ☐ Exception |
| ☐ Rezoning | ☐ Master Plan Review | |
| ☒ Variance | ☐ Public Hearing | |
| ☐ Comprehensive Plan Amendment | ☐ Other <u>See 5/2</u> | |

APPLICANT REQUEST AND INTENT

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

The property is an existing residential home. It was purchased by Gary and Amy Young in April 2020. This was the last home purchased from the Providence Group in the Ruth's Farm community. At the time of purchase, we recieved written approval from the developer (at that time Providence also managed the HOA) for a privacy fence along the back corner of the property to block the lights and road noise coming off Mayfield and Freemanville Roads. We also met a representative from the City of Alpharetta on the property and showed him what we intended to do. From what we gathered, we were installing the fence within the regulations and requirments from both the city and the HOA. The height of the fence is critical as the shorter 6' fence does not stop the glare of the car lights from coming directly into our home.

Applicant's Request (Please itemize the proposal):

To keep us from spending additonal money taking down the fence, we are requesting a varience from the 6ft height restriction and 5ft setback from the required landscape strip. In lieu of the developer not placing larger trees in the corner, we are willing to plant trees on the road side of the fence to help keep consistent with the existing landscape buffer and make the fence less visible. Note: another reason why we felt we were doing everything right is that a precedence had already been set by the neighbor across the cul-de-sac who has the same fence height and similar location.

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

By installing the fence, it provides a much needed sound buffer from the significant road noise and headlight reflection occuring from the intersection. There is also a dog kennel/boarding facility located directly across the street, and the fence provides an additional noise buffer from the constant barking. The fence has been very beneficial as it has not only helped reduce this noise for us, but also adjoining neighbors. In addition, the fence provides a level of security for the community of Ruth's Farm as the opening in the landscape buffer that was directly behind the street crosswalk has often been used as a cut through. The proposed installion of additional trees will keep consistant with the look and feel of the Alpharetta community where we have lived for over 21 years.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Gary Young Telephone: 770-778-5847
Address: 12737 Ruth's Farm Way Suite: _____
City: Alpharetta State: GA Zip: 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: Gary Young Telephone: 770-778-5847
Address: _____ Suite: _____
City: _____ State: _____ Zip: _____

So Sworn and Attested:

Owner Signature:  Date: 12/04/2020

Notary:

Notary Signature: _____ Date: _____

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: Gary 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: _____ 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: 12.01.2020

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.

None

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

No hardships are created in the installation of this fence.

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

The home is located at the Milton county line where Milton has approved a dog kennel in a residential area across the street. An old abandoned home sits across the street where a landscape company is using it to dump trees and brush causing noise above and beyond the tremendous traffic noise on Mayfield road. In essence, the location of the property requires a special privacy fence to help make the home more livable.

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.

The variance of the fence height and location does not impact the public negativley in any way. As stated above, several in the community will benefit from it.

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.

~~SECRET~~ Feb 19, 2017 P.A. [Signature]
Re: N7381 CR-6
RIGHT OF WAY AREA
TO BE DEDICATED

RECEIVED
JAN 10 1964

**FREEMANVILLE
ROAD (60' R/W)**

N/P
 1. KYSER &
 BRIAN KYSER
 4066 PAGE 17
 10: 1-1

RUTH'S FARMWAY (50' R/W)

10
15000 Sq. Ft.
0.34 Acres

19
1925 54.1
0.35 40.00

16
15109 Sq. Ft.
0 15 4000

17845 9
Q.41 A

15080
0.35



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.

Fence at 12737 Ruth's Farm Way

Public Hearing or Project Name: _____

Gary Young

770-778-5847

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.

Steve Pearson

Karen Brewer-Edwards

Ruth's Farm HOA

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.

The two adjoining neighbors have both been notified and have signed a letter stating that they support the fence as it is today.

The initial HOA for Ruth's Farm gave approval for the fence. The new HOA met with me in person to discuss what could be done to conceal the fence further on the Mayfield Road side. I have agreed to put in six 4'-5' evergreens to blend in with the existing landscape buffer.

From: HOA Board

RE: 12737 Ruth's Farm Way

Mr. Young,

Thank you for meeting with the Ruth's Farm HOA Board on November 21, 2020.

As we discussed, the eight (8) foot fence does not conform to the Ruth's Farm Design Standards or the City of Alpharetta Zoning requirements.

However, we understand your concerns about the headlights and noise from Mayfield Road.

We will make an exception if you meet the following guidelines:

1. You file a variance with the City of Alpharetta on or before December 15th, 2020.
2. The City approves the fence to stay where it is currently constructed.
3. The City approves additional evergreen trees to be planted on the Mayfield Road side of your fence.
4. Submit a copy of the approvals from City to Ruth's Farm HOA for our records.
5. You plant quantity six (6) Emerald Green Arborvitae Trees (minimum height when planted 4-5 feet) between the fence and Mayfield Road.
6. The fence is stained a dark color; ideally the same color as the HOA split rail fencing.
7. You submit stain color prior to staining the fence for approval from the Ruth's Farm HOA.

If the City does not approve your variance, you will be required to remove the fence. Optionally, you may build a fence on the inside of your existing trees line, so that it is not visible from Mayfield Road. If you decide to go this route, please submit drawings and stain color to the HOA for approval prior to beginning any construction.

In the future, any work approved by Ruth's Farm HOA, must commence within thirty (30) days of HOA approval. If you are unable to begin construction within that time frame, you would need to resubmit your application.

Attached is a copy of the Ruth's Farm Covenants.

Regards,

Ruth's Farm HOA

TO: City of Alpharetta
Attn: Mike Wondolowski

FROM:

RE: Acceptance of Neighboring Fence - 12737 South's Farm Way

Mike,

Per your request of Gary Young, I am writing this letter to confirm that as his direct neighbor I do not have a concern with the privacy fence he has installed. In fact, the fence has provided some relief from the noise level created by the traffic on Mayfield road as well as the barking dogs from the kennel across the street.

With this in mind, we support Gary's request for a variance for the additional height and location of the fence.

Please feel free to reach out if you have any questions.


Steve P. Smith

TO: City of Alpharetta
Attn: Mike Woodman

FROM:

RE: Acceptance of Neighboring Fence - 12737 Ruth's
Farm Way

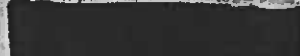
Mike,

Per your request of Gary Young, I am writing this letter to confirm that as his direct neighbor I do not have a concern with the privacy fence he has installed. In fact, the fence has provided some relief from the noise level created by the traffic on Mayfield road as well as the barking dogs from the kennel across the street.

With this in mind, we support Gary's request for a variance for the additional height and location of the fence.

Please feel free to reach out if you have any questions.


Karen Brewer Edwards







12737 Ruth's Farm Way

Privacy Fence Request

Gary & Amy Young



Request to Build Privacy Fence

This design was recommended by Mauldin & Cook Fence Company to avoid the short-term decay prone to happen with lattice. This design also matches the privacy fence of the adjoining property that also borders Mayfield Rd. down the entire left side of their property. For these reasons, we humbly request the board to provide a variance from the recommended privacy fence that requires lattice at the top (which defeats much of our purpose of blocking car lights and sound from our deck and inside the house).



Request to Build Privacy Fence - Location

Both ends of the fence will be behind existing trees so neither side will look like they have ended abruptly. (ie: the natural hedge will continue the privacy screening where the fence ends).

- 44' of fencing along Mayfield Rd. (entire fence will be behind rear house corner)
- 24'-36' of fencing along back of property (return to block car headlights)
- Vertical 1x8 with 2x4 cap (sections to be 8' high x 8'-12' wide)
- 4x4 post with angled cap
- Natural pine color on all materials

Request to Build Privacy Fence - Details



Request to Build Privacy Fence – Adjoining Fence