



PLANNING COMMISSION MEETING MARCH 4, 2021

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES

- a. February 4, 2021 Minutes

- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING

- a. MP-21-01/CLUP-21-02/Z-21-03/CU-21-02/V-21-04 The Bailey/Northwinds

This item has been deferred by the Applicant. It will not be discussed or considered at this meeting.

Consideration of a master plan amendment, comprehensive land use plan amendment, rezoning, conditional use and variances to allow a 238,017 square foot wellness center, a 119-room boutique hotel, 37 'For-Sale' condominium units and 35,400 square feet of retail/restaurant use. A master plan amendment to the Northwinds Master Plan is requested to add 'Dwelling, 'For-Sale', Attached' to Pod A. A comprehensive land use plan amendment is requested from 'Corporate Office' to 'Mixed Use', as well as a rezoning from O-I (Office-Institutional) to MU (Mixed Use). A conditional use is requested to allow 'Dwelling, 'For-Sale', Attached' as a permitted use in the MU district. Variances are requested to reduce the minimum lot size in the MU district; to increase the maximum impervious area; to reduce the minimum open space; and to reduce landscape strips. The property is located at 2650 Northwinds Parkway and is legally described as being located in Land Lots 799, 805 and 806, 1st District, 2nd Section, Fulton County, Georgia.

- b. PH-21-05 UDC Text Amendments – Backyard Chickens

Consideration of a text amendment to Unified Development Code (UDC) Subsection 2.2.6 R-12 Dwelling, 'For-Sale', Residential, to add backyard chickens as an accessory use on minimum one (1) acre properties.

- c. PH-21-03 UDC Text Amendments – Prerequisites for Public Hearing Requests

Consideration of text amendments to Unified Development Code, Article IV Procedures to add prerequisites pertaining to the submittal of a public hearing request.

- VII. ADJOURNMENT



PLANNING COMMISSION MEETING FEBRUARY 4, 2021

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

I. CALL TO ORDER

Chairman Kung'u called the meeting to order at 6:30 p.m.

a. Welcome New Commissioners

Dana Davis

Valerie Manley, Alternate

II. ROLL CALL

Members

- Francis Kung'u (Chair)
- Fergal Brady (Vice-Chair)
- Dana Davis
- Valerie Manley
- William Perkins
- Candy Waylock
- Martine Zurinskas
- Larry Attig (Absent)
- Jamie Bendall (Alternate)(Absent)

Staff Present

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Ben Kern, Planner, GIS Specialist
- Elicia Taylor Planning and Zoning Coordinator
- Patrick Reames, City Attorney

III. APPROVAL OF MEETING MINUTES

a. January 7, 2021 Meeting Minutes

❖ Commissioner Brady offered a motion to approve

- Commissioner Waylock seconded the motion
- The motion was approved (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. CLUP-21-01/Z-21-02/V-21-03 The 1858 Residential Subdivision

Micheal Woodman presented consideration of a comprehensive land use plan amendment, rezoning and variances to allow for the construction of 11 'For-Sale' single-family detached homes on 1.68 acres in the Downtown. A comprehensive land use plan amendment is requested from 'Public, Institutional, Education' to 'Downtown Residential Density' and a rezoning is requested from O-I (Office-Institutional) and R-15 (Dwelling, 'For-Sale', Residential) to DT-R (Downtown Residential). Variances are requested to allow the alley to count toward the minimum lot size, to reduce stream buffers and to reduce side setbacks. The property is located at 0, 73, 89 and 109 Cumming Street and is legally described as being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia.

Staff's recommendation was to approve with the following conditions:

1. The site, consisting of approximately 1.68 acres, shall be zoned DT-R and developed substantially similar to site plan prepared by Plum Creek Consulting, revised 1/20/2021, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. The comprehensive land use designation of the property shall be 'Downtown Residential Density'.
3. Architecture and materials shall be developed substantially similar to the submitted renderings, except for modifications required to comply with comments from the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. A minimum of six (6) homes shall be 4-sided brick or stone and each home shall have a unique elevation with respect to design, material and color. A minimum of six (6) homes shall have a chimney and a minimum of six (6) homes shall have a front covered porch.
4. Building height shall be limited to no more than 2 stories and 35' along Cumming Street.
5. Lots shall have a front yard defined by a decorative low wall (brick or stone) or hedge with columns (brick or stone), as approved by DRB. Hardscape in front yards is limited to decorative brick pavers and/or stepping stones and shall not cover more than 25% of the front yard.
6. Side setbacks shall be 8' between structures and private alley shall be permitted to count toward meeting the minimum lot size. Variances to the maximum lot coverage shall not be permitted.
7. Cumming Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate a min. 4' planter, 8' concrete sidewalk, 10' travel lane, street trees and decorative pedestrian lights, with final approval by Staff.
8. Shade trees shall be required in the planter along Cumming Street and behind the sidewalk within the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by DRB. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.

9. Residential alley shall meet the streetscape standards in the Alpharetta Downtown Code.
10. Project entrance shall include decorative paver apron, landscaping and low wall.
11. Northwest corner of the property shall include a community focal feature, as approved by the Art Committee.
12. Pocket park shall be developed with a park-like setting with decorative landscape, hardscape, low walls and seating. Landscape shall include plant selections promoting the historic Downtown. Exotic and invasive trees and shrubs shall be removed in the pocket park, as approved by Staff.
13. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
14. Trees shall be saved as depicted on the tree save plan prepared by Plum Creek Consulting, revised 1/20/2021. Developer shall save tree# 145 (18" Magnolia), 146 (17" Magnolia), 148 (14" Redbud) and 149 (13" Redbud), if it is determined by Staff that those trees were incorrectly located on the site plan and reasonable effort can be made to save those trees. Developer shall make reasonable efforts to save additional trees in the pocket park.
15. Developer shall plant the area west of Lot 1 to landscape buffer standards and a 5' landscape strip shall be planted along the eastern property line.
16. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
17. Widths/lengths of fire department access road shall comply with Appendix D – Fire Apparatus Access Roads.
18. Prior to the issuance of an LDP, developer shall provide the City with a copy of the parking agreement with AFUMC for 12 off-site parking spaces.
19. Stream buffer encroachment and 80' average width enhanced buffer shall be permitted as depicted on the site plan prepared by Plum Creek Consulting, revised 1/20/2021. In addition to the proposed enhanced buffer (invasive species removal and revegetation north side of stream), developer shall provide additional measures (one or a combination of the measures below) to mitigate the stream buffer encroachment, as approved by Staff, such as using:
 - a. Provide an additional 20% runoff reduction or water quality volume for the project's new impervious area, which is in addition to the standard requirements.
 - b. Provide an ecological assessment of existing vegetation for the off-site riparian buffers on the south side of the stream on the AFUMC property, including recommendations for vegetative management. The plan shall detail means and methods of exotic and invasive plant removal, as well as, revegetation of the area with native riparian plants (trees, shrubs, and groundcovers) in order to fill-in existing gaps or gaps created by the removal of exotic and invasive plants. Provide a list of proposed plants and quantities. Vegetative management plan shall be implemented for four-times (4x) the proposed undisturbed buffer encroachment.
 - c. Provide off-site stream restoration within the watershed.
 - d. Other options that provide an ecological lift, as approved by Staff.
20. Developer shall provide an additional 20% channel protection volume in addition to the standard requirement for the site, as approved by Staff. An exemption from channel protection volume as described in GSMM2.2.4.2 will not be permitted for this project.
21. Garbage pickup shall be from the alley, not Cumming Street.
22. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

Applicant Presented:

- History of creation of development
- History of piping stream& buffer
- Capacity of ponds

- Church Hydrology study
- Joint Maintenance Agreement

There was discussion from the Board:

- Flow of water, capacity of ponds, water system
- Wetlands in bottom of stream
- Piping for this project
- Earthen Dam
- Ponds are wet ponds today
- Entrance of project
- Possibility of Deer in the development
- East of Main did not want connectivity to this development
- Architecture, Elevations
- Drive Under Basement
- Roof Pitches

Public Comment:

1. Jeremy Scott, 530 Veranda Ct, spoke in favor of the project representing AFUMC.
2. Percy Midback, future resident of East of Main Phase II requested information on timeline of the project.

❖ Commissioner Perkins offered a motion to approve with Staff conditions removing Condition #17.

- Commissioner Waylock seconded the motion
- The motion was approved (7-0)

1. The site, consisting of approximately 1.68 acres, shall be zoned DT-R and developed substantially similar to site plan prepared by Plum Creek Consulting, revised 1/20/2021, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. The comprehensive land use designation of the property shall be 'Downtown Residential Density'.
3. Architecture and materials shall be developed substantially similar to the submitted renderings, except for modifications required to comply with comments from the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. A minimum of six (6) homes shall be 4-sided brick or stone and each home shall have a unique elevation with respect to design, material and color. A minimum of six (6) homes shall have a chimney and a minimum of six (6) homes shall have a front covered porch.
4. Building height shall be limited to no more than 2 stories and 35' along Cumming Street.
5. Lots shall have a front yard defined by a decorative low wall (brick or stone) or hedge with columns (brick or stone), as approved by DRB. Hardscape in front yards is limited to decorative brick pavers and/or stepping stones and shall not cover more than 25% of the front yard.
6. Side setbacks shall be 8' between structures and private alley shall be permitted to count toward meeting the minimum lot size. Variances to the maximum lot coverage shall not be permitted.
7. Cumming Street streetscape shall generally be improved as follows: 30' half width right-

of-way to incorporate a min. 4' planter, 8' concrete sidewalk, 10' travel lane, street trees and decorative pedestrian lights, with final approval by Staff.

8. Shade trees shall be required in the planter along Cumming Street and behind the sidewalk within the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by DRB. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.

9. Residential alley shall meet the streetscape standards in the Alpharetta Downtown Code.

10. Project entrance shall include decorative paver apron, landscaping and low wall.

11. Northwest corner of the property shall include a community focal feature, as approved by the Art Committee.

12. Pocket park shall be developed with a park-like setting with decorative landscape, hardscape, low walls and seating. Landscape shall include plant selections promoting the historic Downtown. Exotic and invasive trees and shrubs shall be removed in the pocket park, as approved by Staff.

13. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.

14. Trees shall be saved as depicted on the tree save plan prepared by Plum Creek Consulting, revised 1/20/2021. Developer shall save tree# 145 (18" Magnolia), 146 (17" Magnolia), 148 (14" Redbud) and 149 (13" Redbud), if it is determined by Staff that those trees were incorrectly located on the site plan and reasonable effort can be made to save those trees. Developer shall make reasonable efforts to save additional trees in the pocket park.

15. Developer shall plant the area west of Lot 1 to landscape buffer standards and a 5' landscape strip shall be planted along the eastern property line.

16. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.

17. Prior to the issuance of an LDP, developer shall provide the City with a copy of the parking agreement with AFUMC for 12 off-site parking spaces.

18. Stream buffer encroachment and 80' average width enhanced buffer shall be permitted as depicted on the site plan prepared by Plum Creek Consulting, revised 1/20/2021. In addition to the proposed enhanced buffer (invasive species removal and revegetation north side of stream), developer shall provide additional measures (one or a combination of the measures below) to mitigate the stream buffer encroachment, as approved by Staff, such as using:

a. Provide an additional 20% runoff reduction or water quality volume for the project's new impervious area, which is in addition to the standard requirements.

b. Provide an ecological assessment of existing vegetation for the off-site riparian buffers on the south side of the stream on the AFUMC property, including recommendations for vegetative management. The plan shall detail means and methods of exotic and invasive plant removal, as well as, revegetation of the area with native riparian plants (trees, shrubs, and groundcovers) in order to fill-in existing gaps or gaps created by the removal of exotic and invasive plants. Provide a list of proposed plants and quantities. Vegetative management plan shall be implemented for four-times (4x) the proposed undisturbed buffer encroachment.

c. Provide off-site stream restoration within the watershed.

d. Other options that provide an ecological lift, as approved by Staff.

19. Developer shall provide an additional 20% channel protection volume in addition to the standard requirement for the site, as approved by Staff. An exemption from channel protection volume as described in GSMM2.2.4.2 will not be permitted for this project.

20. Garbage pickup shall be from the alley, not Cumming Street.

21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

b. PH-21-03 UDC Text Amendments – Prerequisites for Public Hearing Requests

This item was deferred by Staff until Thursday, March 4, 2021. It was not discussed or considered at this meeting.

Consideration of text amendments to the Unified Development Code (UDC) Article IV Procedures, to add regulations requiring that all taxes be paid in-full and all outstanding code violations on the property be rectified prior to a request for public hearing.

c. Z-20-05/CU-20-09/V-20-14 Alcovy Condominiums 82/92 Thompson Street

This item was deferred by the Applicant and was not discussed or considered at this meeting.

Consideration of a rezoning from O-P (Office-Professional) and R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) to allow for the construction of 12 'For-Sale' condominium units on 1.13 acres in the Downtown. A conditional use is requested to increase the residential density to 10.62 dwelling units per acre and a variance to allow a stream buffer encroachment. The property is located at 82 and 92 Thompson Street and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

VII. ADJOURNMENT

Chairman Kung'u adjourned the meeting at 7:50 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-21-05 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – BACKYARD CHICKENS

PLANNING COMMISSION: MARCH 4, 2021

CITY COUNCIL: MARCH 22, 2021

II. REPORT IN BRIEF:

The applicant, Rob Rose, is requesting consideration of a text amendment to the Unified Development Code (UDC) to permit backyard chickens as an accessory use in the R-12 zoning district and to allow backyard chickens on minimum one-half (1/2) acre lots in the AG, RE, R, R-22, R-15 and R-12 zoning districts. Code Enforcement placed the applicant on notice that the zoning and lot size of his property, located at 8605 Birch Hollow Drive in the Birch Hollow Subdivision, does not comply with the City's backyard chicken regulations. The applicant's property is zoned R-12 and is less than one (1) acre (0.73 acres). The City amended the UDC in June 2020 to allow backyard chickens in the AG, RE, R, R-22 and R-15 zoning districts on minimum one (1) acre lots. Staff researched other jurisdictions in the area and found the following regulations pertaining to backyard chickens:

Backyard Chicken Regulations in Other Jurisdictions

City	Min. Lot Size	Setbacks of Structures	Max. # Allowed	Other Information
Roswell	0.33 acres (14,374 sf)	25'	12/acre, max 36	Allowed in single-family districts
Milton	1.01 acres	25'	75	Allowed in single-family districts, min. 4 SF/chicken
Johns Creek	any	100' (from occupied bldgs., not incl. home)	75	Allowed in single-family districts, min. 4 SF/chicken
Marietta	15,000 SF	20' from property lines, 10' from principal structure	4	Allowed in single-family districts, required to have fenced area for chickens, min. 25 SF per chicken

III. ATTACHMENTS:

- UDC Strike Through and Underline Edits

2.2.1 AG agriculture.

A. Permitted Principal Uses. A property in the AG district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

- a. Bed and Breakfast.
- b. Dwelling, 'For-Sale' Detached.
- c. Farmlands, including livestock, poultry.

2. Business Uses.

- a. Taxidermist.

3. Semipublic Uses, Utilities.

- a. Park or Playground.

B. Accessory Uses. A property in the AG district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

- 1. Privacy and decorative fences and walls.
- 2. Home Occupation in a residence.
- 3. Family Day Care Home in a residence.
- 4. Group Home.
- 5. Special Care Home in a detached 'For-Sale' dwelling.
- 6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
- 7. Clubhouse, swimming pool, or community recreation facilities serving a development.
- 8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.
- 9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
- 10. Signs, subject to all of the requirements regulating signage herein.
- 11. Retaining walls and other site improvement structures approved as part of the development permit.

12. Backyard chickens on minimum ~~one (1)~~ one-half (1/2) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. Conditional Uses. A property in the AG district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential and Agricultural Uses.

a. Additional 'For-Sale' detached dwelling.

b. Greenhouse, Nursery.

2. Business Uses.

a. Animal Hospital, Veterinarian.

b. Broadcasting (Radio or TV).

c. Builder's Equipment.

d. Carpenter Shop, Woodworking.

e. Equestrian Center.

f. Golf Course, Driving Range.

g. Kennel.

h. Special Event Facility.

3. Semipublic Uses, Utilities.

a. Airport.

b. Athletic Facility.

c. Auditorium.

d. Cemetery.

e. Church, Synagogue or any other religious institution.

f. Club or Lodge.

g. Country Club.

h. Heliport, Public/Private.

i. Utility Substation.

j. Wireless Tower.

D. District Regulations.

Minimum lot size—5 acres.

Minimum Lot Width—200 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

([Ord. No. 744](#), § 6, 7-10-2017; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.2 Re-residential estate.

A. Permitted Principal Uses. A property in the RE district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

a. Dwelling, 'For-Sale' Detached.

2. Semipublic Uses, Utilities.

a. Park or Playground.

B. Accessory Uses. A property in the R-E district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.

a. Clubhouse, swimming pool, or community recreation facilities serving a development.

b. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.

c. Signs, subject to all of the requirements regulating signage herein.

d. Retaining walls and other site improvement structures approved as part of the development permit.

e. Backyard chickens on minimum ~~one (1)~~ one-half (1/2) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. Conditional Uses. A property in the R-E district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

a. Church, Synagogue, or any other religious institutions.

b. Golf course or golf driving range.

c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

d. Bed and Breakfast.

e. Equestrian Center.

D. District Regulations.

Minimum Lot Size—3 acres.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.3 R-Dwelling, 'for-sale', residential.

A. Permitted Principal Uses. A property in the R district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

a. Dwelling, 'For-Sale', Detached.

2. Semipublic Uses, Utilities.

a. Park or Playground.

B. Accessory Uses. A property in the R district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.

7. Clubhouse, swimming pool, or community recreation facilities serving a development.

8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.

9. Signs, subject to all of the requirements regulating signage herein.

10. Retaining walls and other site improvement structures approved as part of the development permit.

11. Backyard chickens on minimum ~~one (1)~~ one-half (1/2) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. Conditional Uses. A property in the R district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

a. Bed and Breakfast.

b. Church, Synagogue, or any other religious institutions.

c. Country Club.

d. Golf course or golf driving range.

e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

f. Equestrian Center.

D. District Regulations.

Minimum Lot Size—1 acre (43,560 square feet).

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.4 R-22 dwelling, 'for-sale', residential.

A. Permitted Principal Uses. A property in the R-22 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

a. Dwelling, 'For-Sale' Detached.

2. Semipublic Uses, Utilities.

a. Park or Playground.

B. Accessory Uses. A property in the R-22 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.
11. Backyard chickens on minimum ~~one (1)~~ one-half (1/2) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. Conditional Uses. A property in the R-22 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue or any other religious institution.
 - b. Country Club, Association or Lodge.
 - c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - d. Bed and Breakfast.
 - e. Golf Course, Driving Range.
 - f. Equestrian Center.

D. District Regulations.

Minimum Lot Size—22,000 square feet.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.5 R-15 dwelling, 'for-sale', residential.

A. Permitted Principal Uses. A property in the R-15 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

a. Dwelling, 'For-Sale', Detached.

2. Semipublic Uses, Utilities.

a. Park or Playground.

B. Accessory Uses. A property in the R-15 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.
11. Backyard chickens on minimum ~~one (1)~~ one-half (1/2) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. Conditional Uses. A property in the R-15 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

- a. Associations, (Clubs and Lodges).
- b. Church, Synagogue or other religious institution.
- c. Country Club with golf course or driving range.
- d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- e. Bed and Breakfast.
- f. Equestrian Center.

D. District Regulations.

Minimum Lot Size—15,000 square feet

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.6 R-12 dwelling, 'for-sale', residential.

A. Permitted Principal Uses. A property in the R-12 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

a. Dwelling, 'For-Sale', Detached.

2. Semipublic Uses, Utilities.

a. Park or Playground.

B. Accessory Uses. A property in the R-12 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.

7. Clubhouse, swimming pool, or community recreation facilities serving a development.

8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.

9. Signs, subject to all of the requirements regulating signage herein.

10. Retaining walls and other site improvement structures approved as part of the development permit.

11. Backyard chickens on minimum one-half (1/2) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. Conditional Uses. A property in the R-12 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

a. Associations, (Clubs and Lodges).

b. Church, Synagogue, or any other religious institutions.

c. Country Club with golf course or driving range.

d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Size—12,000 square feet.

Minimum Lot Width—80 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—30 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

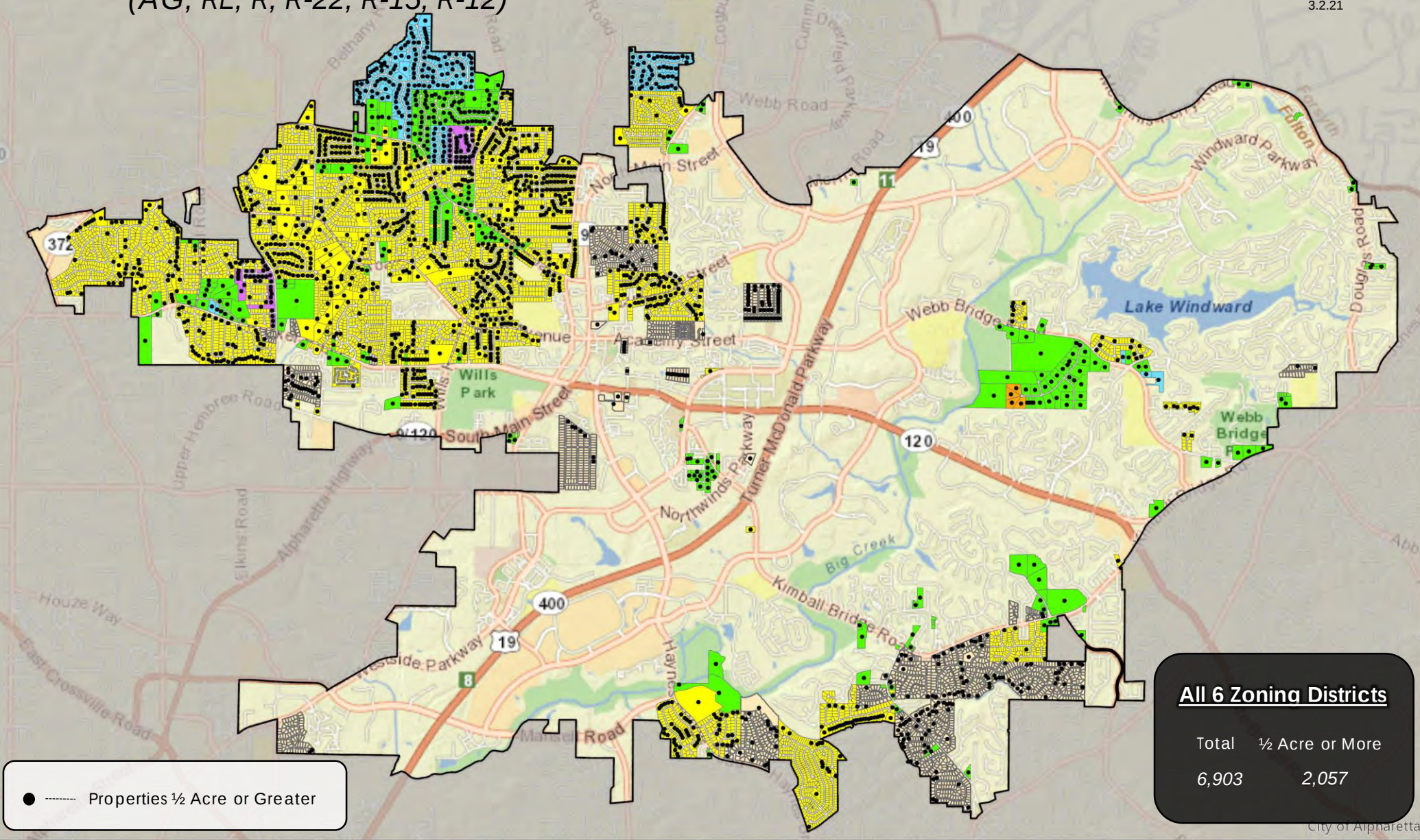
Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

BACKYARD CHICKENS PROPERTIES BY SIZE & ZONING DISTRICT

(AG, RE, R, R-22, R-15, R-12)



City of Alpharetta

AG



Total	½ Acre or More
310	286

RE



Total	½ Acre or More
4	4

R



Total	½ Acre or More
193	193

R-22



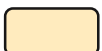
Total	½ Acre or More
66	64

R-15



Total	½ Acre or More
4,701	1,242

R-12



Total	½ Acre or More
1629	268

Letters of Support
Rose Backyard Chickens

Address

1	8540 Birch Hollow Dr.
2	8541 Birch Hollow Dr.
3	8500 Birch Hollow Dr.
4	8540 Birch Hollow Dr.
5	8550 Birch Hollow Dr.
6	8560 Birch Hollow Dr.
7	8551 Birch Hollow Dr.
8	8570 Birch Hollow Dr.
9	8591 Birch Hollow Dr.
10	8610 Birch Hollow Dr.
11	8561 Birch Hollow Dr.
12	8581 Birch Hollow Dr.
13	8591 Birch Hollow Dr.
14	8560 Birch Hollow Dr.
15	8605 Birch Hollow Dr.
16	8635 Birch Hollow Dr.
17	200 Birch Hollow Place
18	205 Birch Hollow Place
19	210 Birch Hollow Place
20	215 Birch Hollow Place
21	220 Birch Hollow Place
23	225 Birch Hollow Place
23	765 Birch Ridge Drive
24	11290 Harris Road

Date: 12/31/20

To: Whom it may Concern

Re: Chicken Coop in Birch Hollow Drive

I, William Dyon, of 8551 Birch Hollow Drive do not object to my neighbors owning chickens.

My family, including elementary age kids, love to walk down the street to see the coop and how chickens live and how they produce eggs. It is a great resource for learning and informative (and fun) for them.

If you need further information for me, I would be glad to talk to anyone. My cell is [REDACTED]

Thanks,

William Dyon

William Dyon

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: FW: Chickens in Alpharetta / 8605 Birch Hollow Dr - CAN YOU ATTEND at 6:30 Tomorrow Night?
Date: Thursday, March 4, 2021 8:38:21 AM

From: Rob Rose <usarose@icloud.com>
Sent: Wednesday, March 03, 2021 8:59 PM
To: Riley Wells <rileypwells@gmail.com>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: Re: Chickens in Alpharetta / 8605 Birch Hollow Dr - CAN YOU ATTEND at 6:30 Tomorrow Night?

Thank you Sarah and Reilly - thanks for you committing to attend and do understand that this is slap in the middle of RAT Hour with all kids and a problem time too. I have cc Michael Woodman (Alpharetta to share this correspondence) as I have agreed to do.

Thanks again for the support - see you there.

Regards

Rob and Sal

Sent from my iPad

On Mar 3, 2021, at 11:05 AM, Riley Wells [REDACTED] wrote:

Will do.

Riley Wells
[REDACTED]

On Mar 3, 2021, at 10:17 AM, Rob Rose <usarose@icloud.com> wrote:

Hello all

I we received the following letter from Michael Woodman at City of Alpharetta - Planning and Zoning.

Please can we ask that you attend this meeting tomorrow night as a show of support.

The meeting will have Covid precautions/temp testing and masks requirement before entering the chambers and starts promptly at 6:30.

There are only 2 items on the agenda and we are first up at 6:30

Michael Woodman - who is supporting us wholeheartedly will present first - stating the facts that all other cities have regulations with smaller lot size (except Milton at 1.01 acres) allowing chickens anything from 1/4

acre for 4 in Marietta to up to 75 in Johns Creek.

We will then be asked to present our case/viewpoint and then the floor (our friends and any other persons attending) are all asked for comment. We want to keep this upbeat and not be seeing to be hostile/attack any opposition to this submittal.

At the meeting we are hoping for - "Recommend to Approve" from the council.

There will be 2 future meeting where they will have to vote on March 22 to amend and April 5 to approve - we don't have to even attend those - arguments and presentations are tomorrow only.

If not successful we will have to push for the variance we originally applied for.

Please come out and support us.

Address:

City of Alpharetta - Council Chambers
Community Development Department
[2 Park Plaza](#)
[Alpharetta, Georgia 30009](#)

Date: March 4th 2021

Time: 6:30 PM

Regards

Rob and Sal



Good morning Mr. Rose.

Please find attached the staff report for your item. Your participation in the Planning Commission meeting [this Thursday \(3/4\)](#) is required. Please let me know a good time for us to speak about the meeting procedures.

Best regards,

Michael A. Woodman, AICP
Senior Planner

City of Alpharetta
Community Development Department
[2 Park Plaza](#)
[Alpharetta, Georgia 30009](#)

[\(678\) 297-6072](tel:6782976072)

www.alpharetta.ga.us

CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT SUBMITTED BY:

KATHI COOK DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-21-05 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – BACKYARD CHICKENS PLANNING COMMISSION: MARCH 4, 2021

CITY COUNCIL: MARCH 22, 2021

II. REPORT IN BRIEF:

The applicant, Rob Rose, is requesting consideration of a text amendment to the Unified Development Code (UDC) to permit backyard chickens as an accessory use in the R-12 zoning district and to allow backyard chickens on minimum one-half (1/2) acre lots in the AG, RE, R, R-22, R-15 and R-12 zoning districts. Code Enforcement placed the applicant on notice that the zoning and lot size of his property, located at 8605 Birch Hollow Drive in the Birch Hollow Subdivision, does not comply with the City's backyard chicken regulations. The applicant's property is zoned R-12 and is less than one (1) acre (0.73 acres). The City amended the UDC in June 2020 to allow backyard chickens in the AG, RE, R, R- 22 and R-15 zoning districts on minimum one (1) acre lots. Staff researched other jurisdictions in the area and found the following regulations pertaining to backyard chickens:

<image.jpg>

Sent from my iPad

On Dec 29, 2020, at 11:31 PM, Rob Rose

<usarose@icloud.com> wrote:

Hello All

We hope you are all well and staying healthy.

Rob and Sal Rose here. Many of you may not even know that we have six beautiful chickens. We have unfortunately been turned into Alpharetta Code enforcement by...no name... (lets just call her a "Karen" in the hood that saw them)

The problem is - We are .25 acre under the 1 acre / 6 chickens Alpharetta guidelines which when published were not super clear and we now find now that we have been turned in and we have until Jan 18 to comply with the

apparent infraction or face penalty and removal.
There are a few houses on our street that could legally already have chickens as they meet the 1 acre minimum - unfortunately we are just shy and we dont.

We have been asked by Alpharetta Code enforcement to apply for an Administrative Variance for our property and also get our immediate neighbors to give us a letter confirming that they have no objection to Sal's Girls to support the request.

About the Girls - there is no noise and no smell and also no rooster so no crowing - they are 7 month old now and we have had a lot of enjoyment and most days 5-6 eggs now. We have a really nice - and safe cage/run for sleeping and living in. We let them roam only when we are here because of the wild animals we have in the hood.

Our Favor.....

Could we ask if you could give us a letter that you don't object to Sal owning 6 chickens. We need a simple..I (name)..... and I live at (address)...and I don't object to our neighbors Rob and Sally Rose to owning chickens.

This short letter can be emailed to me at usarose@icloud.com - we would appreciate your support and we can submit your letter with a bunch of others as supporting documentation.

Hopefully you can come over soon - if you haven't already. We have had many parents and kids and grandkids coming over to visit our friendly chickens to learn about them and feed them too.

Here is a picture when we had some neighbors over to visit them.

<image0.jpeg>

Best Regards
Rob and Sal Rose
8605 Birch Hollow Drive
e: [REDACTED]
[REDACTED]



Letters of Support
Rose Backyard Chickens

Address

- 1 8540 Birch Hollow Dr.
- 2 8541 Birch Hollow Dr.
- 3 8500 Birch Hollow Dr.
- 4 8540 Birch Hollow Dr.
- 5 8550 Birch Hollow Dr.
- 6 8560 Birch Hollow Dr.
- 7 8551 Birch Hollow Dr.
- 8 8570 Birch Hollow Dr.
- 9 8591 Birch Hollow Dr.
- 10 8610 Birch Hollow Dr.
- 11 8561 Birch Hollow Dr.
- 12 8581 Birch Hollow Dr.
- 13 8591 Birch Hollow Dr.
- 14 8560 Birch Hollow Dr.
- 15 8635 Birch Hollow Dr.
- 16 200 Birch Hollow Place
- 17 205 Birch Hollow Place
- 18 210 Birch Hollow Place
- 19 215 Birch Hollow Place
- 20 220 Birch Hollow Place
- 21 225 Birch Hollow Place
- 22 765 Birch Ridge Drive
- 23 11290 Harris Road

From: [Woodman, Michael](#)
To: [Taylor, Bill](#)
Subject: FW: Chicken Support emails from Rob Rose - 8605 Birch Hollow Chicken Ordinance
Date: Tuesday, January 5, 2021 8:43:16 AM
Attachments: [In Support of Rose Chicken Coop.docx](#)
[rose-chicken-support.docx](#)
[My name is David Gervais and I do not object to my neighbors owning chickens. I was informed.pdf](#)
[Richard and Sarah Graves.docx](#)

From: Robin Rose [REDACTED]
Sent: Monday, January 04, 2021 4:56 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: Chicken Support emails from Rob Rose - 8605 Birch Hollow Chicken Ordinance

Chicken Support emails



From: [Vanessa and Bill Dyon](#)
To: [REDACTED]
Today at 8:21 AM

Sal's girls

To Whom It May Concern,

My name is Vanessa Dyon and I live at 8551 Birch Hollow Dr, Roswell, GA 30076. I do not object to our neighbors, Rob and Sally Rose, 8605 Birch Hollow Dr, Roswell, GA 30076, owning chickens.

My kids and I have been to visit the chickens and they are an absolute joy and add to the neighborhood. I have never heard them making any noise and their intricate home shows how much these chickens are loved and cared for.

Please let the chickens stay in our neighborhood.

Best,

Vanessa Dyon
8551 Birch Hollow Drive
Roswell, GA 30076
[REDACTED]



[userrose@icloud.com](#)

Thank you so much Vanessa - we appreciate the support. Sent from my iPad

10:09 AM



Mike Broadway

To: [REDACTED]

10:05 AM

Chickens

TO: City of Alpharetta

Subject: Rob Rose chickens

I live next door to the Rose's and the chickens are not a problem. The area the chickens are kept is nice and clean
With no odor.

I would appreciate if you would grant the Rose's the variance so they can keep the chickens.

Regards

Michael Broadway
8591 **Birch Hollow Drive**
Roswell, Ga. 30076



userose@icloud.com

Thanks Mike - we appreciate the help. Sent from my iPad

10:15 AM



Alicia Stromquist

To: usarose@icloud.com >

9:15 AM

Chickens

To whom it may concern,

My name is Alicia Stromquist and I live at 8610 Birch Hollow Dr., across the street from Rob and Sally Rose. I have no issue with the above owning chickens in their backyard.

Alicia Stromquist


Sent from my iPhone



Gregory and Annelys Maguire

To: usarose@icloud.com >

9:26 AM

Alpharetta Code Enforcement

To: Alpharetta GA Code Enforcement

From: Greg/Annelys Maguire 8500 Birch Hollow Drive Roswell GA 30076.

We (Greg & Annelys Maguire) live at 8500 Birch Hollow Drive Roswell GA 30086 and we don't object to our neighbors Rob and Sally Rose (who live at 8605 Birch Hollow Drive) to owning chickens.

Thank you.



usarose@icloud.com

Greg and Annelys Thank you so much for your help with this. Regards Rob and Sal Sent f..

10:30 AM

To Code Enforcement,

December 30, 2020

I share a backyard with the Rose chicken coop, with one backyard between us. We have found the coop to be a welcome addition. The coop is beautifully built and there is no smell. The chickens are not noisy and fun to visit with.

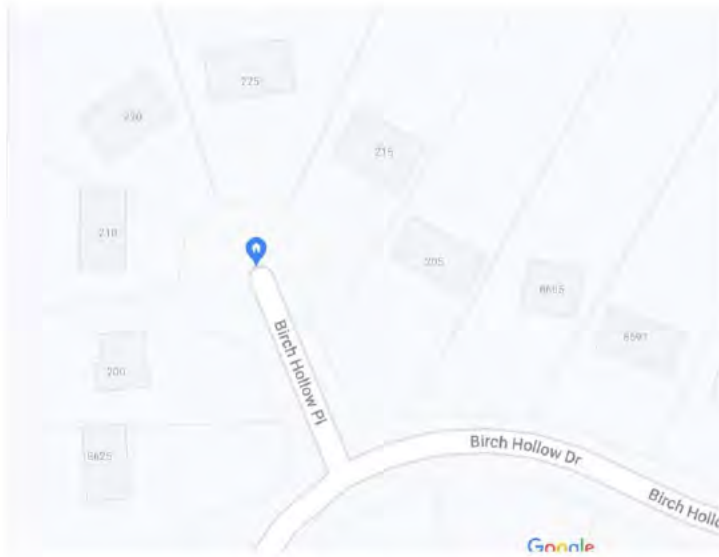
With our yards bordering flood plain, there is plenty of open space. For years, we have enjoyed the wildlife inhabiting the flood plain including ducks, geese, and egret. The chicken coop fits in with the natural environment.

We hope the coop is permitted to remain.

Kyle and Saul Watzman
215 Birch Hollow Place

30 Dec 2020

My name is Bill Maxwell, and I live at 220 Birch Hollow Pl. I have no objections to the chickens at the Rose's at 8605 Birch Hollow Drive.



William E Maxwell
Digitally signed by William E Maxwell
[Redacted Signature]
Date: 2020.12.30 09:24:18 -05'00'

City of Alpharetta, GA

12/29/2020

Code Enforcement

To whom it may concern:

This letter is from Gary and Cindy Blackstad. We live at 8561 Birch Hollow Drive, Roswell, GA 30076 (in the Alpharetta city limits). We recently became aware of a reported violation of the Alpharetta 'chicken ordinance' by the Rose family at 8605 Birch Hollow Drive, Roswell, GA 30076. The purpose of the letter is to voice our support for our neighbors, Rob and Sally Rose, and ask that a variance to the ordinance be granted to the Roses, allowing the G chickens to remain.

We watched the chicken coup as it was being built. It was well designed and is well constructed. And we often visit the chickens, especially when our grandchildren come over. My grandson always says 'Grandma, can you call Mr. Rob and find out if we can come see the chickens'. In all the times we have been at the coup, there has never been loud noises, except for squealing excited children trying to feed grass to the chickens or the laughing adult chaperones trying to do the same thing. And we have never noticed odors. There is nothing about the coup or the chickens that is offensive to any of our senses.

For about half of the homes on this street, our properties back up to the creek. And, over the years, while we have had to deal with the changes occurring to the creek (flooding), most of us treasure not only the privacy and solitude, but mostly, that little bit of nature these creek-side lots continue to offer. Like the other creatures that roam or inhabit the creek, the chickens fit into that little bit of nature behind the Rose's house.

Offensive and in violation? No, quite the opposite. It is our opinion that having the coup and chickens in our neighborhood only adds to the warm and friendly character of this neighborhood.

Please review the Rose's request and grant a variance.

Thank you.

Gary Blackstad

Cindy Blackstad

Gary & Cindy Blackstad
8561 Birch Hollow Drive, Roswell, GA 30076





Sue Toscano

To: [REDACTED]

11:07 AM

Fwd: Chickens

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

From: Susan Toscano <[REDACTED]>

Date: Tue, Dec 22, 2020, 5:48 PM

Subject: Chickens

To: Rob Rose <[REDACTED]>

To whom it may concern:

We live two houses away from the Roses's house. We never hear the chickens nor are we bothered by them. The chickens are a great addition to our neighborhood.

Sincerely,

Susan and Joe Toscano

8581 Birch Hollow Dr

Roswell, GA 30076

[See More](#)



Thanks Sue -we really appreciate your help. Sent from my iPad

11:30 AM



Brittany And Trevor (Joanne And Steven)

To: [REDACTED]

12:10 PM

Chickens- 8541 Birch Hollow

I Brittany Norman and I live at 8541 Birch Hollow Drive and I don't object to our neighbors Rob and Sally Rose to owning chickens.

Good luck! Let me know if anything else is needed to help out!

--
Brittany Norman, MS, OTR/L

[REDACTED]



[REDACTED]

12:35 PM

Thank you Brittany - we appreciate your support. Hope you guys have a good New Year...



Nara Acharya

To: [REDACTED]

12:31 PM

Rob and Sally Rose owning chickens

To whomsoever it may concern,

We Narasimha Acharya and Anuradha Acharya, living at 8590 Birch Hollow Drive, Roswell, Georgia-30076 have no objection to our neighbors Rob and Sally Rose residing at 8605 Birch Hollow Drive owning chickens in their Backyard.

Thank you,
Narasimha Acharya,
Anuradha Acharya



[REDACTED]

12:34 PM

Thank you so much - we appreciate your support. Sent from my iPad

GJ

3:51 PM

Neighborhood Chickens

To Whom it May Concern-

We live at 8570 Birch Hollow Dr, Roswell, GA 30076. We have no issues with Rob and Sally Rose having chickens at their residence. Please feel free to contact us with any questions.

Best,

Garrett and Jessica Fadden



U

Thanks for your help with this. Sent from my iPad

3:52 PM

GJ

Garrett & Jess Fadden

4:53 PM

Sure thing!



Laura and Mark Barnett - Mariel and Sam

6:13 PM

To: [REDACTED]

Chicken Coop

I am Mark Barnett, and reside at 11920 Harris Road, Roswell (part of the Birch Hollow subdivision). I have no objection to our neighbors, Rob and Sally Rose, owning chickens.
Regards, Mark



U

Thanks Mark and Laura - much appreciated. Sent from my iPad

7:00 PM

Richard and Sarah Graves
210 Birch Hollow Place
Roswell, GA 30076

December 31, 2020

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

Re: 8605 Birch Hollow Drive

To Whom It May Concern:

My husband and I reside at 210 Birch Hollow Place and are long time neighbors of Rob and Sally Rose.

We do not object to Rob and Sally Rose owning six chickens and support their request for an Administrative Variance.

Sincerely,

Sarah Graves

 **Debbie Broadway**

1:19 AM

Chickens

Hi, I'm Debbie Broadway, Rob and Sally Rose's next door neighbor. I live at 8591 Birch Hollow Drive, Roswell 30076. I have absolutely no objection to Rob and Sally owning chickens. My grandkids enjoy them when they are here visiting us.

Debbie Broadway
Sent from my iPhone



 [Redacted]

3:12 AM

Debbie - Thank you for this very kind and personal letter and the help you have given us...

 **Hilary Vore**

Yesterday

To: [Redacted]

Chickens

To whom this concerns,

I am Hilary Vore @ 8560 Birch Hollow Drive and I don't mind the chickens at all. I never hear them or anything.

-Your sister in Christ,
Hilary



 [Redacted]

3:13 AM

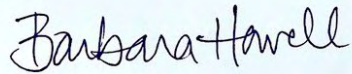
Thank you very much for the letter. Regards Rob and Sal Sent from my iPad

December 30, 2020

To Whom It May Concern,

I, Barbara Howell, live at 225 Birch Hollow Place, Roswell GA 30076 and I absolutely do not object to our neighbors Rob and Sally Rose to owning chickens.

In fact, I wholeheartedly welcome it!

A handwritten signature in cursive script that reads "Barbara Howell". The ink is dark and the handwriting is fluid.

Barbara Howell
225 Birch Hollow Place
Roswell GA 30076

Hey Rob & Sally,

We have our fingers crossed you get to keep your girls. Hope this letter helps.

Best,

Sarah & Riley

Sarah J. Wells

4 January 2021

Sarah J. Wells
8635 Birch Hollow Drive
Roswell, GA 30076

RE: Rob & Sally Rose chickens at 8605 Birch Hollow Drive

To whom it may concern,

My husband, children and I are the neighbors of Rob and Sally Rose who have six chickens lovingly housed on their property. We have no objection to the chickens living on our street and in fact, welcome them. They make no noise and produce no smell. My sons have enjoyed meeting them.

Sincerely,
Sarah J. Wells



Mary Naylor

To: [REDACTED]

Yesterday

Chickens living in Birch Hollow

To Whom it May Concern,

We, Chuck and Mary Naylor, from 200 Birch Hollow Place, Roswell, GA do NOT object to our neighbors, Rob and Sally Rose having chickens.

We've been neighbors to the Rose's for over 20 years. We appreciate them as neighbors and friends. Our kids grew up with the Rose's kids. We are hopeful all our grandchildren can experience the wonderment of visiting the chickens and learning so much about them from Rob and Sally.

Please reach out to us with any questions. Please allow the chickens to remain.

Sincerely,

Mary and Chuck Naylor

Sent from my iPhone



Forward to David Saint Martin



[REDACTED]

To: Mary Naylor

Yesterday

Mary

Sally and I thank you so much for your thoughtful letter - its amazing how fast these years have flown by - 22 years in May....wow.

MN

Mary Naylor

To: U

Yesterday

No problem! Chuck and I have often shared that we have so many neighbors we could call during middle of night, or any time and reach out for help. We have no doubt, the call would be answered! We are also the neighbors that would respond. 💕👍

Sent from my iPhone

On Jan 3, 2021, at 9:20 PM, Rob Rose <[REDACTED]> wrote:

Mary

Sally and I thank you so much for your thoughtful letter - its amazing how fast these years have flown by - 22 years in May....wow.

Thanks again.

Regards

Rob and Sal

Sent from my iPad

On Jan 3, 2021, at 8:52 PM, Mary Naylor <[REDACTED]> wrote:

To Whom it May Concern,

We, Chuck and Mary Naylor, from 200 Birch Hollow Place, Roswell, GA do NOT object to our neighbors, Rob and Sally Rose having chickens.

We've been neighbors to the Rose's for over 20 years. We appreciate them as neighbors and friends. Our kids grew up with the Rose's kids. We are hopeful all our grandchildren can experience the wonderment of visiting the chickens and learning so much about them from Rob and Sally.

You asked me to give/show you any correspondence/conversations we had with neighbors - there has been lots - nothing negative toward us or our chickens - here is another email I got from Mary Naylor in this regard.



To: Mary Naylor >

Yesterday

Mary

Sally and I thank you so much for your thoughtful letter - its amazing how fast these years have flown by - 22 years in May....wow.

Thanks again.

Regards

Rob and Sal

Sent from my iPad

[See More](#)



Mary Naylor

To: >

Yesterday

No problem! Chuck and I have often shared that we have so many neighbors we could call during middle of night, or any time and reach out for help. We have no doubt, the call would be answered! We are also the neighbors that would respond. 💕👍

Sent from my iPhone



Mary Naylor

Yesterday

Save Rob and Sally's chickens

Rob,

What if we got signs for our yards, "Save Rob and Sally's chickens"

We would definitely post in our yard.

Sent from my iPhone



Read Only - You can't save changes to this file

[Save a copy](#)

From: Steve Howell
225 Birch Hollow Place
Roswell, GA 30076

To: City of Alpharetta
Code Enforcement
2 Park Plaza
Alpharetta, GA 30009

RE: Chicken Coup located at the home of Rob and Sally Rose
8605 Birch Hollow Drive
Roswell, GA 30076

To whom it may concern:

As stated above, my name is Steve Howell and I live at 225 Birch Hollow Place, Roswell GA 30076. My home is located 3 doors west of Rob and Sally Rose. I can easily see the Rose's back yard from my front door and from my rear deck.

The Chicken Coup is visible from my home and is not offensive in any way. It has been constructed well and is well maintained. There has never been any identifiable odors or debris related to the chickens since they arrived. The Rose's are wonderful neighbors and love folks visiting their "Girls". The hens now living in the coup are a wonderful addition to our small neighborhood. I see children observing and playing with them often and I am looking forward to my 8-month-old niece being old enough to go enjoy the chickens as well. Sally Rose is always ready and willing to teach the visiting kids and adults about her Rhode Island Reds. This is education that in days past was common, but now is much harder to find in Alpharetta. I welcome these hens and more if the Rose's (or any other neighbor) is interested in raising more Rhode Island Red's or any other breeds of chickens.

As a homeowner in the Birch Hollow neighborhood, I am fully in favor of allowing the chickens to remain. They are educational, unique, fun and the free-range eggs that the Rose's occasionally share are delicious and promoting a healthy lifestyle. These hens are an excellent addition to the Birch Hollow neighborhood!

Sincerely,

Steve Howell
225 Birch Hollow Place
Roswell, GA 30076

To whom it may concern,

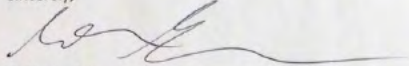
My name is Seth Gamba, and I live at 205 Birch Hollow Pl. I am right next door to Rob Rose.

I am writing this letter to express that I have no objections to Mr. Rose having his chickens next door to me. He has been a great neighbor over many years and from the start has communicated his intentions around the chickens with me as a good neighbor should.

Since having the chickens, there has been no noise, smell, or mess that has caused any concern or inconvenience to my family or my property.

I would like to support and recommend a variance to allow Mr. Rose to keep the chickens.

Sincerely,



Seth Gamba

Best Regards
Rob Rose

8605 Birch Hollow Dr.
Roswell GA 30076

Best Regards
Rob Rose

8605 Birch Hollow Dr.
Roswell GA 30076

To Code Enforcement,

December 30, 2020

I share a backyard with the Rose chicken coop, with one backyard between us. We have found the coop to be a welcome addition. The coop is beautifully built and there is no smell. The chickens are not noisy and fun to visit with.

With our yards bordering flood plain, there is plenty of open space. For years, we have enjoyed the wildlife inhabiting the flood plain including ducks, geese, and egret. The chicken coop fits in with the natural environment.

We hope the coop is permitted to remain.

Kyle and Saul Watzman
215 Birch Hollow Place

My name is Daniel Gamba and I do not object to my neighbors owning chickens. I was informed that the reason for this situation was that the chickens did not have enough space to graze in. It is perfectly fine with us if the chickens to go into our backyard.

Daniel Gamba.
in middle school.
lives at 205-
Birch Hollow place
-adjacent to us.
This was unsolicited

Richard and Sarah Graves
210 Birch Hollow Place
Roswell, GA 30076

December 31, 2020

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

Re: 8605 Birch Hollow Drive

To Whom It May Concern:

My husband and I reside at 210 Birch Hollow Place and are long time neighbors of Rob and Sally Rose.

We do not object to Rob and Sally Rose owning six chickens and support their request for an Administrative Variance.

Sincerely,

Sarah Graves

City of Alpharetta, GA

12/29/2020

Code Enforcement

To whom it may concern:

This letter is from Gary and Cindy Blackstad. We live at 8561 Birch Hollow Drive, Roswell, GA 30076 (in the Alpharetta city limits). We recently became aware of a reported violation of the Alpharetta 'chicken ordinance' by the Rose family at 8605 Birch Hollow Drive, Roswell, GA 30076. The purpose of the letter is to voice our support for our neighbors, Rob and Sally Rose, and ask that a variance to the ordinance be granted to the Roses, allowing the 6 chickens to remain.

We watched the chicken coup as it was being built. It was well designed and is well constructed. And we often visit the chickens, especially when our grandchildren come over. My grandson always says 'Grandma, can you call Mr. Rob and find out if we can come see the chickens'. In all the times we have been at the coup, there has never been loud noises, except for squealing excited children trying to feed grass to the chickens or the laughing adult chaperones trying to do the same thing. And we have never noticed odors. There is nothing about the coup or the chickens that is offensive to any of our senses.

For about half of the homes on this street, our properties back up to the creek. And, over the years, while we have had to deal with the changes occurring to the creek (flooding), most of us treasure not only the privacy and solitude, but mostly, that little bit of nature these creek-side lots continue to offer. Like the other creatures that roam or habitat the creek, the chickens fit into that little bit of nature behind the Rose's house.

Offensive and in violation? No, quite the opposite. It is our opinion that having the coup and chickens in our neighborhood only adds to the warm and friendly character of this neighborhood.

Please review the Rose's request and grant a variance.

Thank you.

Gary Blackstad

Cindy Blackstad

Gary & Cindy Blackstad
8561 Birch Hollow Drive, Roswell, GA 30076



From: [Rob Rose](#)
To: [danaspeech](#)
Cc: [Taylor, Elicia](#)
Subject: Re: Chickens at 8605 Birch Hollow Drive, Roswell, GA 30076
Date: Sunday, January 31, 2021 7:16:17 PM

Mark and Dana

Thank you both so much - very much appreciated. If there is anything that we could help you with in the future - please feel free to call absolutely anytime.

Kindest Personal Regards

Rob and Sally Rose

8605 Birch Hollow Dr

Roswell GA 30076

E. [REDACTED]
[REDACTED]

[REDACTED] my iPad

On Jan 31, 2021, at 6:43 PM, [REDACTED] wrote:

To whom it may concern,

I am writing in reference to the chickens at Rob and Sally Rose's residence at 8605 Birch Hollow Drive. I have never heard, seen or smelled the chickens at this residence. I have no objections to the chickens remaining at this address.

Thank you,
Mark and Dana Henning
765 Birch Ridge Drive
Roswell, GA 30076

From: [Robin Rose](#)
To: [Gary Becker](#)
Cc: [Gary And Mary Becker](#); [Taylor, Elicia](#); [Woodman, Michael](#)
Subject: Re: Rose Chicken Variance Birch Hollow Dr
Date: Wednesday, February 3, 2021 11:26:48 PM

Thanks Gary and Mary - much appreciated.
Best Regards
Rob Rose



8605 Birch Hollow Dr.
Roswell, GA 30076

On Feb 3, 2021, at 10:13 PM, Gary Becker  wrote:

We, Gary & Mary Becker, live at 8540 Birch Hollow Drive, Roswell, GA 30076,
don't object to our neighbors Rob and Sally Rose to owning chickens.

From: [Rob Rose](#)
To: [REDACTED]; [Woodman, Michael](#); [Taylor, Elicia](#)
Subject: Re: Rose Birch Hollow Backyard Chickens - additional supporting documentation.
Date: Sunday, February 21, 2021 1:59:58 AM

Peter and Georgina

No definitely not too late - We very much appreciate your note and it will be included with our supporting documentation. Our first date is early March - 4th - we have to be there to have R12 Zone included in the chicken ordinance code. Then on March 22 at 6:30 Alpharetta City Hall Council Chambers at 2 Park Plaza Alpharetta - we have our variance hearing - to state our view on the subject and ask for a vote to allow us a variance. We have a number of arguments that hopefully each argument can hold up and can allow the girls to stay. We would of course love the show of support to go along with our documentation when we state our case.

Hate it that 6 chickens have created such a fuss in this world falling in a heap around us - these girls of ours have educated, entertained young and old alike, fed, provided nutrients for vegetables and also provided Emotional support - for many people in our street - and let me add never ever done anything wrong to anyone...

Best Regards
Rob and Sal Rose

Sent from my iPad

On Feb 21, 2021, at 12:15 AM, [REDACTED]
[REDACTED] > wrote:

Hi Rob,

We hardly ever read this email address; hence we did not see your need for neighbor support for those beautiful chickies.

We sure hope you were allowed to keep them. But if you can still use support, let us know.

Your neighbors from 8550 Birch Hollow Dr. Peter and Georgina Latke

Again so sorry fir such a late response.

Sent from my iPhone

On Dec 29, 2020, at 11:31 PM, Rob Rose [REDACTED]
wrote:

Hello All

We hope you are all well and staying healthy.

Rob and Sal Rose here. Many of you may not even know that we have six beautiful chickens. We have unfortunately been turned into Alpharetta Code enforcement by...no name... (lets just call her a "Karen" in the hood that saw them)

The problem is - We are .25 acre under the 1 acre / 6 chickens Alpharetta guidelines which when published were not super clear and we now find now that we have been turned in and we have until Jan 18 to comply with the apparent infraction or face penalty and removal.

There are a few houses on our street that could legally already have chickens as they meet the 1 acre minimum - unfortunately we are just shy and we dont.

We have been asked by Alpharetta Code enforcement to apply for an Administrative Variance for our property and also get our immediate neighbors to give us a letter confirming that they have no objection to Sal's Girls to support the request.

About the Girls - there is no noise and no smell and also no rooster so no crowing - they are 7 month old now and we have had a lot of enjoyment and most days 5-6 eggs now. We have a really nice - and safe cage/run for sleeping and living in. We let them roam only when we are here because of the wild animals we have in the hood.

Our Favor.....

Could we ask if you could give us a letter that you don't object to Sal owning 6 chickens. We need a simple..I (name)..... and I live at (address)...and I don't object to our neighbors Rob and Sally Rose to owning chickens.

This short letter can be emailed to me at usarose@icloud.com - we would appreciate your support and we can submit your letter with a bunch of others as supporting documentation.

Hopefully you can come over soon - if you haven't already. We have had many parents and kids and grandkids coming over to visit our friendly chickens to learn about them and feed them too.

Here is a picture when we had some neighbors over to visit them.

<image0.jpeg>

Best Regards

Rob and Sal Rose

8605 Birch Hollow Drive

e: [REDACTED]

m: [REDACTED]

Sent from my iPad

From: [Rob Rose](#)
To: [Georgina Latka](#)
Cc: [Woodman, Michael](#); [Taylor, Elicia](#)
Subject: Re: Birch Hollow Drive - can you please help the Rose's at 8605
Date: Monday, February 22, 2021 3:32:58 PM

Peter and Georgina

Thank you for this letter of support - I have cc the City of Alpharetta here as they have asked me to forward any emails/correspondence in this regard to them.

We hope that you will be able to attend the hearing on 03/22/21 as detailed previously.

Regards

Rob and Sal Rose.

> On Feb 21, 2021, at 4:42 PM, [REDACTED] wrote:

>

> Dear City of Alpharetta Zoning Representatives,

>

> We would like to communicate our full support to allow the Rose's to keep their chickens without restrictions.

>

> Their chickens are so quiet, if not for this permit process; we wouldn't know they were there. They are well kept and in the private back yard of the Rose's.

>

> Please grant them the ability to keep the chickens. We are delighted to support maintaining the original character of the Alpharetta area.

>

> We support the request for the Rose family to keep their chickens.

>

> Peter and Georgina Latka

> 8550 Birch Hollow Dr

> Roswell, GA 30076

>

> Sent from my iPhone



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

CITY COUNCIL SPONSOR: JOHN HIPES

I. AGENDA ITEM TITLE: PH-21-03 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – PREREQUISITE FOR FILING PUBLIC HEARING REQUESTS

PLANNING COMMISSION: MARCH 4, 2021

CITY COUNCIL: MARCH 22, 2021

II. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Article IV Procedures, to add regulations requiring that all taxes be paid in-full and all outstanding code violations on the property be rectified prior to a request for public hearing. This standard is currently included in the City's Public Hearing application as part of the 'Instructions for Filing a Public Hearing Application'. Codifying this standard would allow for enforcement.

III. ATTACHMENTS:

- UDC Strike Through and Underline Edits
- Public Hearing Application Forms and Requirements

**AN ORDINANCE TO AMEND ARTICLE IV, SECTION 4.2.1 OF THE
UNIFIED DEVELOPMENT CODE TO ADD A NEW PARAGRAPH D PERTAINING TO
THE INITIATION AND REVIEW OF APPLICATIONS FOR LAND USE CHANGES;
TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING
ORDINANCES; AND FOR OTHER PURPOSES**

WHEREAS, on or about May 21, 2001, the City of Alpharetta (the "City") adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the "Unified Development Code"); and

WHEREAS, the Mayor and Council of the City of Alpharetta (the "City Council" or "Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make the Unified Development Code more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

WHEREAS, the City Council desires to amend Article IV of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendment to the Unified Development Code promotes the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Alpharetta.

NOW, THEREFORE, the City Council of the City of Alpharetta hereby ordains, as follows:

Section 1. Subsection 4.2.1 of Article IV of the Unified Development Code is hereby amended by adding a new Paragraph D to read as follows:

"D.

1. No application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, fees, fines, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations have been first fully discharged by payment, or until an arrangement satisfactory to the Director has been made for the payment of such debts or obligations.

2. No application pertaining to property that is not in compliance with applicable City codes and ordinances shall be accepted or reviewed for completeness until the property is brought into compliance, or until an arrangement satisfactory to the Director has been made for bringing the property into compliance.

3. It shall be the Applicant's responsibility to provide evidence or proof that (i) all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes, fees, etc. and/or (ii) the property has been brought into compliance or that arrangements have been made to bring the property into compliance."

Section 2. All ordinances, parts of ordinances or amendments in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 4. This Ordinance shall become effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia.

[SIGNATURE PAGE TO ORDINANCE AMENDING UNIFIED
DEVELOPMENT CODE ARTICLE IV, SECTION 4.2.1]

ADOPTED this _____ day of _____, 2021.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

Donald Mitchell

Karen Richard

(SEAL)

Attest:

Erin Cobb, City Clerk

Approve as to form and legal sufficiency:

C. Sam Thomas, City Attorney

4056215