



BOARD OF ZONING APPEALS

JUNE 17, 2021

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

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MEETING MINUTES**
 - A. Approval of Board of Zoning Appeals Meeting Summary from March 18, 2021.**
- IV. ITEMS FROM BOARD MEMBERS**
- V. ITEMS FROM STAFF**
 - A. Swearing in of new Board of Zoning Appeals Member, Mike Fowler.**
- VI. PUBLIC HEARING**
 - A. V-21-11 Carrio / 121 Arrowood Lane Setback Variance**
Consideration of a variance to reduce the side setback from 10' to 5' feet. The subject property is located at 121 Arrowood Lane in the Arrowood subdivision.
- VII. ADJOURNMENT**



BOARD OF ZONING APPEALS MEETING SUMMARY MARCH 18, 2021

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

This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by Board of Zoning Appeals, but not quoted or paraphrased. This document includes limited presentation by Board of Zoning Appeals and invited speakers in summary form. This is not an official record of the Alpharetta City Board of Zoning Appeals Meeting proceedings. Official Minutes are recorded and available for review.

I. CALL TO ORDER

II. ROLL CALL

I. Board Members:

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

Staff Members Present:

- Michael Woodman, Senior Planner
- Elle Taylor, Planning and Zoning Coordinator
- Ben Kern, Planner & GIS Specialist
- James Drinkard, Assistant City Administrator

III. APPROVAL OF MEETING MINUTES

A. January 21, 2021

- ❖ Board Member Harrison offered a motion to approve.
 - Vice Chair McAlonan seconded the motion.
 - Motion was approved (6-0).

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. V-21-06 Bernard/145 Cumming Street Variance

Michael Woodman, Senior Planner, presented consideration of a variance request to allow a stream buffer encroachment on a single-family detached lot. The applicant requests a reduction of the stream buffer from 150' to 75' to allow for the construction of a detached garage with pool house and swimming pool on a one (1) acre lot. Similar stream buffer variances have been approved on the properties to the west and along the same stream. The subject property is located at 145 Cumming Street.

A variance is requested from Unified Development Code (UDC) Subsection 3.3.6(C)(1)(b) Stream Buffer Protection, Land Development Requirements to allow a stream buffer encroachment into a 150' perennial stream buffer. The buffer encroachment would accommodate a detached garage with pool house and swimming pool.

The applicant stated that the survey commissioned after the purchase of the property in 2016 reflected a 50' stream buffer at the rear of the property (as shown to the right). The applicant states that they were not aware of the larger 150' stream buffer and always intended to expand the existing home. The Applicant agreed to Staff Conditions.

There was discussion from the Board:

- Mitigation for future property owners
- Drain in pool for overflow
- Expression of support for renovations in the area

There was no public comment.

❖ Board Member Perry offered a motion to approve with Staff conditions.

1. Stream buffer encroachment shall be limited to site plan prepared by Gauge Design Studio, revised 1/13/2021, except for modifications required to comply with the conditions below.
2. A bioengineered or natural boulder retaining wall may be located in the 75' impervious setback. No retaining walls or portion of a retaining wall may be located in the stream buffer.
3. Applicant's stormwater strategy, as depicted on the site plan prepared by Gauge Design Studio, revised 1/13/2021, shall require review and approval by Staff prior to submittal of an LDP.
4. To mitigate the stream buffer encroachment, applicant shall comply with one or a combination of the following measures, as approved by Staff:
 - a. Mitigation recommended by the applicant's engineer, including buffer enhancement and stormwater infiltration, as described in the memo from Brian King, dated 1/22/2021; and/or,

- b. Provide 25% additional runoff reduction or water quality volume above the standard City requirements; and/or,
 - c. Provide buffer enhancement on the remaining stream buffer. This can include, removing fallen trees from inside the stream bed that are impeding flow, plant eroded or sparsely vegetated areas of stream banks with live stakes, add enhanced buffer plantings where sparsely vegetated, and remove invasive vines; and/or
 - d. Obtain any necessary state and federal approvals for the stream and buffer impacts; and/or,
 - e. Or alternative mitigation measures, as approved by Staff.
- Board Member Wharton seconded the motion.
 - Motion was approved (6-0).

VII. ADJOURNMENT

Chairman Gelber adjourned the meeting at 6:48 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-21-11 CARRIO/121 ARROWOOD LANE SETBACK VARIANCE

BOARD OF ZONING APPEALS: JUNE 17, 2021

II. **RECOMMENDATION:**

Approve V-21-11 Carrio/121 Arrowood Lane Setback Variance, subject to the following conditions:

1. Accessory residential structures shall be permitted as depicted on the submitted plans and with a 5' side setback.
2. Property owner shall secure a building permit for the detached garage prior to commencing construction activities.
3. Property owner shall submit a planting plan to the City and plant an evergreen screen along the side property line adjacent to the residential accessory structures, subject to approval by Staff.

III. **REPORT IN BRIEF:**

The applicants, Paul and Veronika Carrio, are requesting consideration of a variance to reduce the side setback for two (2) residential accessory structures from ten-feet (10') to five-feet (5'). A detached garage (workshop) under construction and an existing in-law suite are located within five (5') of the side property line. Code Enforcement issued a Stop Work Order for the construction of the detached garage and placed the property owners on notice that the construction required a building permit and that the accessory structures did not meet the required side yard setback. The subject property is located at 121 Arrowood Lane in the Arrowood subdivision.

DISCUSSION

The submitted request, if approved, would allow two (2) residential accessory structures to remain within five-feet (5') of a side property line on a single-family detached lot. Code Enforcement issued a Stop Work Order for the construction of a detached garage without a building permit and placed on the property owners on notice that the detached garage, as well as an existing in-law suite do not meet the required ten-foot (10') side yard setback. The subject property is located at 121 Arrowood Lane in the Arrowood subdivision.

The 0.81-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and developed with a 1-story, 1,680 square foot single-family detached home. Surrounding properties are zoned R-15 and located in the Arrowood subdivision, except that the property to the west is zoned R-10 and located in the Hedington Square subdivision.

Unified Development Code (UDC) Section 2.3.3(C) Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts, requires that residential accessory structures, such as a detached garage, maintain a ten-foot (10') side and rear yard setback or the building setback, whichever is less. The subject property is zoned R-15, which has a ten-foot (10') side setback.

The site plan depicts two (2) residential accessory structures within five-feet (5') of the south, side property line. The structure closest to the road is being used as an in-law suite for the applicant's parents and is approximately 150 square feet. The structure behind the in-law suite is a 20' x 20' (400 square feet) detached garage, which is under construction. According to the applicant, the detached garage is mostly complete with the roof structure remaining.

There are examples of similar variances being approved. The Board of Zoning Appeals (BZA) granted a variance in 2001 on Harbor Cove Court for a sunroom built without a building permit and not meeting building setbacks. The variance was granted from 25' to 16'. In 2015, BZA granted a variance at 255 Clipper Bay Drive for a home that was built approximately four-feet (4') into the required ten-foot (10') side setback. The adjacent property owner objected to that variance request.

VARIANCE REQUIREMENTS

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

Response: The property has an unusual shape; however, that condition does not contribute to the applicant's variance request. The request appears to be the result of construction without a building permit.

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 in-law suite and the detached garage.

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

Response: Not applicable.

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 provided letters of no objection from the adjacent properties to the north and south, of which the neighbor to the south is impacted the most. It is Staff's opinion that approval would not cause a substantial detriment to the public good. However, the applicant should minimize impacts by planting an evergreen screen along the side property line adjacent to the accessory structures.

CONCURRENCES

Staff has reviewed the applicant's proposal and generally supports the side setback variance with the condition that an evergreen screen be provided along the side property line. The applicant built the residential accessory structures without a building permit and was not aware of the setback requirements. The applicant provided letters of no objection from the adjacent properties. If approved, the evergreen plantings should be planted along the side property line adjacent to the accessory structures, with final approval by Staff.

CITIZEN PARTICIPATION PLAN

The applicant notified adjacent property owners of the variance request and intent for the property. The applicant provided letters of no objection from the adjacent properties to the north and south.

IV. ATTACHMENTS:

- Site Plan



Aerial Map
Setback Variance
121 Arrowood Lane

V-21-11
D/LL: 1/2/599
BZA Date: 6/17/21

Location Map Provided by:
Community Development - GIS

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: V-21-11 CARRIO/121 ARROWOOD LN SETBACK VARIANCE

Paul and Veronika Carrio

904-450-0041

Contact Name: _____

Telephone: _____

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

Communicated with my respective neighbors and no comments or concerns. Please see signed letters from each neighbor, indicating no objections to moving forward with project.

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

☒

Letter

☒

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other (Please Specify) _____

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

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

Signature of Authorized Agent: _____

Paul Carrio

Date: _____

3/24/2021

April 12, 2021

Paul and Veronika Carrio
121 Arrowood Lane
Alpharetta, GA 30009

Re: V-21-11 Carrio/121 Arrowood Lane Setback Variance

Dear Property Owner:

Please allow this letter to serve as public notice for a *Setback Variance* request at 121 Arrowood Lane, Alpharetta, GA 30009 to reduce the side setback from 10' to 5' for 2 detached accessory buildings.

This item will be considered by the Board of Zoning Appeals on Thursday, June 17, 2021 at 5:30 P.M. The meeting will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your request convenience. I can be reached at pcarrio@gmail.com or 904-450-0041.

Sincerely,



Paul and Veronika Carrio

COPY

Jeffrey Smith
101 Arrowood Lane
Alpharetta, GA 30008
770-385-0593

March 18, 2021.

Attention:
Michael A. Woodman
Senior Planner
City of Alpharetta
Community Development Department

Mr. Woodman,

Paul Carrio owner of property 121 Arrowood Lane, Alpharetta, GA 30009, informed me of his intent to work with the city in gaining a variance to complete his workshop project at his residence. Mr. Carrio will keep me and his neighbors all informed in completing his workshop progress. I have no objections to his continuance.

If I may be of any further assistance, please don't hesitate to contact me.

Sincerely,


Jeffrey Smith

COPY

Barrett and Kelsey Myers
151 Arrowood Lane
Alpharetta, GA 30009
770-965-0599

March 18, 2021

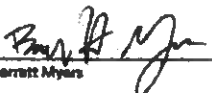
Attention:
Michael A. Woodman
Senior Planner
City of Alpharetta
Community Development Department

Mr. Woodman,

Paul Carrio owner of property 121 Arrowood Lane, Alpharetta, GA 30008, informed me of his intent to work with the city in gaining a variance to complete his workshop project at his residence. Mr. Carrio will keep me and his neighbors all informed in completing his workshop progress. I have no objections to his continuance.

If I may be of any further assistance, please don't hesitate to contact me.

Sincerely,


Barrett Myers

4.1.21

V-21-11 Arrowood Ln
Setback Variance

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PHA210016

☒ Fee Paid

Initial: DC

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: Paul and Veronika Carrio

Telephone: 904-450-0041

Address: 121 Arrowood Lane

Suite: _____

City: Alpharetta

State: GA

Zip: 30009

Fax: _____

Mobile Tel: 904-450-0041

Email: pccario@aol.com

Subject Property Information:

Address: 121 Arrowood Lane

Current Zoning: _____

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

Proposed Zoning: _____ Current Use: _____

This Application For (Check All That Apply):

☐ Conditional Use

☐ Master Plan Amendment

☐ Exception

☐ Rezoning

☐ Master Plan Review

☒ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☒ Other (990019)

APPLICANT REQUEST AND INTENT

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

Structure #1. Was added in 2010. This structure is in front of new workshop, which is structure #2. Covered existing barnhouse of 2010, in 2018, into a in-law suite. Currently my in-laws who are both elderly live there and we provide care and assistance for them, since both are disabled.

Structure #2. New workshop is designed for Dad, who is retired and enjoys welding. Workshop will be used to house his welder and other tools.

Applicant's Request (Please itemize the proposal):

Request for a variance to allow both structure #1 and structure #2 to remain. Structure #1, is completely finished, which is the in-law suite. Structure #2, which is the new workshop for Dad is 95% complete and only needs roof. Request for variance to the side setback to the workshop. Asking to reduce 10 feet requirement to its current 5 feet away from our property line. We have very good neighbors and we are all very close friends. I took time and spoke with both neighbors on each side of our property and neither neighbor(s) have any or no objections for us to continue. We apologize for any inconvenience we may have caused the city, we simply were not educated on the requirements of permits, etc. Our goal is to be in compliance and do things correctly. Thank you!

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

Intent is to be in compliance and work towards completing workshop project. With proper permits goal is to add roof, which would complete project. Please see attachments, which include signed letters from both neighbors allowing us to continue with no objections.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Paul and Veronika Carrio

Telephone: 904-450-0041

Address: 121 Arrowood Lane

Suite:

City: Alpharetta

State: GA

Zip: 30009

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

☐ Annexation

☐ Special Use

☐ Rezoning

☐ Conditional Use

☒ Variance

☐ Master Plan

☒ Land Use Application

☐ Other

Identify Authorized Applicant:

Name of Authorized Applicant: Paul and Veronika Carrio

Telephone: 904-450-0041

Address:

Suite:

City: Alpharetta

State: GA

Zip: 30009

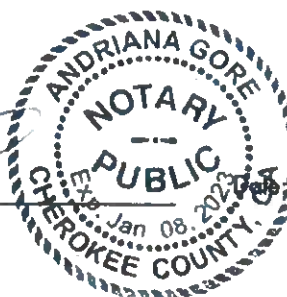
So Sworn and Attested:

Owner Signature:

Date: 3/24/2021

Notary:

Notary Signature:



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: Paul and Veronika Carrio

Subject Public Hearing Case: _____

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution has been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: 0

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: 3/24/2021

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.

No extraordinary and exceptional conditions pertaining to the subject property because of its size, shape or topography. Workshop is 20x20 with walls of 12 feet high. Workshop is built on a solid concrete foundation of 4000psi with cement blocks for its walls and structurally supported with reinforced rebar in the walls as well as in the footings all the way around the workshop.

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

Asking permission for variance acceptance. First, we apologize for any inconvenience we may have caused the city, we simply were not educated on the requirements of permits, etc. Our goal is to be in compliance and do things correctly. Yes, without the variance approval, we would endure hardship. Structure #1, which is the in-law suite, currently provides a home for my in-laws who are both elderly and disabled. Structure #2, which will be Dad's workshop, we have over \$10,000 invested in material and labor. Unfortunately, it took us over 4 years to save this amount up. We are not wealthy individuals and not receiving approval would cause us financial hardship.

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

Asking to reduce the 10 feet requirement to 5 feet. Both structures are 5 feet away from our property line.

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.

Relief, if granted, would not cause any detriment to the public or impair the purpose and intent of the zoning code. Our neighbors on both sides of our home, were kind enough to sign letters of no objection to our continuance or variance request.

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.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: _____

Paul and Veronika Carrio

904-450-0041

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.

Home: Barrett & Kelsey Myers - 131 Arrowood Lane
Alpharetta, GA 30009

Home: Jeffrey Smith - 101 Arrowood Lane
Alpharetta, GA 30009

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

☒

Letter

☒

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other (Please Specify)

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

All neighbors have my telephone number and email address. We are all very close neighbors, and often see and speak with each other on a daily basis.

4.1.21

Barrett and Kelsey Myers
131 Arrowood Lane
Alpharetta, GA 30009
770-365-0593

March 18, 2021

Attention:
Michael A. Woodman
Senior Planner
City of Alpharetta
Community Development Department

Mr. Woodman,

Paul Carrio owner of property 121 Arrowood Lane, Alpharetta, GA 30009, informed me of his intent to work with the city in gaining a variance to complete his *workshop project* at his residence. Mr. Carrio will keep me and his neighbors all informed in completing his workshop progress. I have no objections to his continuance.

If I may be of any further assistance, please don't hesitate to contact me.

Sincerely,


Barrett Myers

