



BOARD OF ZONING APPEALS MEETING MINUTES OCTOBER 21, 2021

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

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I. CALL TO ORDER

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

II. ROLL CALL

Board of Zoning Appeals Members present:

- Marc Gelber, Chair
- Sara Harrison
- Michael Gordy
- Mike Perry
- Scott Wharton, Alternate
- Anne Holcombe (once sworn-in)
- Michael Simmons (once sworn-in)
- Cliff Cobb, Alternate (once sworn-in)

Board of Zoning Appeals Members absent:

- Mike Fowler

City Staff present:

- Kathi Cook, Director of Community Development and Economic Development
- Mike Stacy, City Attorney
- Michael Woodman, Senior Planner
- Lauren Shapiro, Planning + Zoning Coordinator

III. PLEDGE TO THE FLAG

IV. SWEARING IN OF NEW BOARD OF ZONING APPEALS MEMBERS

- A. Swearing in of new Board of Zoning Appeals members, Anne Holcombe and Michael Simmons, and new Board of Zoning Appeals alternate, Cliff Cobb.

- City Attorney, Mike Stacy, read the oaths of office and swore in new Board of Zoning Appeals members Anne Holcombe and Michael Simmons, and new Board of Zoning Appeals alternate, Cliff Cobb. Once sworn, each member took their seat on the dais.

V. ELECTION OF THE BOARD OF ZONING APPEALS VICE-CHAIR

- ❖ Board Member Gordy nominated himself to serve as the Vice-Chair of the Board of Zoning Appeals.
 - Board Member Harrison seconded the motion.
 - The motion was approved unanimously (7-0).

VI. APPROVAL OF MEETING MINUTES

A. Approval of Board of Zoning Appeals meeting minutes from August 19, 2021

- ❖ Board Member Harrison offered a motion to approve the Board of Zoning appeals meeting minutes from August 19, 2021.
 - Board Member Simmons seconded the motion.
 - The motion was approved unanimously (7-0).

VII. ITEMS FROM BOARD MEMBERS

VIII. ITEMS FROM STAFF

IX. PUBLIC HEARING

A. E-21-01 Rose Backyard Chickens Exception

Consideration of an exception request to reduce the minimum lot size of a residential lot with backyard chickens from 1 acre to 0.73 acres. The property is located at 8605 Birch Hollow Drive and is legally described as being in Land Lot 551, 1st District, 2nd Section, Fulton County, Georgia.

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that the Board of Zoning Appeals approve E-21-01 Rose/8605 Birch Hollow Drive Backyard Chickens, subject to the following conditions:
 1. Backyard chickens shall be permitted at 8605 Birch Hollow Drive subject to compliance with all related City regulations, except that the property is 0.73 acres.
- The applicant, Robin Rose, is requesting consideration of an exception to allow backyard chickens on a property with a single-family detached home that is less than one (1) acre. The applicant's property is approximately 0.73 acres. In response to a complaint, Code Enforcement placed the property owner on notice that the property did not meet the minimum size to allow backyard chickens. The subject property is located at 8605 Birch Hollow Drive in the Birch Hollow subdivision.
- The applicant provided a copy of a lease agreement with the neighboring property at 8591 Birch Hollow Drive granting the applicant rights to utilize a portion of that property (approximately 24,300 square feet). Based on the agreement, the applicant has a combined lot area of 1.29 acres. There is stream running along the applicant's rear property line; however, the backyard chickens are housed in an area directly behind the home and approximately 250' away from the stream. In addition, the chicken coup and run are located approximately 29' and 44' away from the side property lines, which exceeds the minimum

25' setback requirement. The applicant has six (6) hens and no roosters.

- City Staff has reviewed the applicant's proposal and finds that the variance does not conflict with the established criteria. The applicant complies with all regulations associated with backyard chickens, except for the minimum lot size. The applicant has provided a copy of a lease agreement with the adjacent property allowing the applicant to utilize a portion of the adjacent property, which brings the combined lot area to 1.29 acres.
- The applicant notified adjacent and other property owners in the Birch Hollow subdivision regarding the request for exception and intent for the property. The subdivision does not have an HOA. The City has received over 30 emails in support of the applicant's request.
- Senior Planner Woodman commented that this is the first variance request to allow chickens on less than one acre because of the new regulation of the City, and that previously, chickens were only permitted in agricultural districts.
- The applicant, Rob and Sally Rose, residing at 8605 Birch Hollow Drive, Roswell, GA 30076, both came forward to speak on behalf of this application.

Public Comment:

- There were no public comments on this item.
- ❖ Board Member Gordy offered a motion to approve E-21-01 Rose/8605 Birch Hollow Drive Backyard Chickens, subject to the following conditions:
 1. Backyard chickens shall be permitted at 8605 Birch Hollow Drive, subject to compliance with all related City regulations, except that the property is 0.73 acres.
- Board Member Perry seconded the motion.
- The motion was approved (6-0-1; Chairman Gelber abstained).

B. V-21-14 3730 Shiraz Lane Stream Buffer Variance

DEFERRED: This item has been deferred by the applicant and will not be heard until November 18, 2021. The item will not be heard or discussed during this evening's meeting.

Consideration of a variance request to reduce the impervious setback associated with a perennial stream buffer from 50' to 24' to allow a swimming pool on a single-family detached lot. The property is located at 3730 Shiraz Lane and is legally described as being in Land Lot 10, 1st District, 1st Section, Fulton County, Georgia.

X. ADJOURNMENT

- Chairman Gelber adjourned the meeting at 5:52 p.m.