



BOARD OF ZONING APPEALS NOVEMBER 18, 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 the Board of Zoning Appeals Meeting Minutes from October 21, 2021.

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

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

DEFERRED: This item has been deferred by the Applicant and will not be heard until December 16, 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.

B. V-21-27 Falconio/1240 Wellington Place Pool Setback Variance

Consideration of a variance to reduce the rear setback from 20' to 11' for a swimming pool on a single-family detached lot. The property is located at 1240 Wellington Place and is legally described as being located in Land Lot 1101, 2nd District, 2nd Section, Fulton County, Georgia.

VII. ADJOURNMENT



BOARD OF ZONING APPEALS MEETING MINUTES OCTOBER 21, 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. The public is advised that the tapes recorded at said meeting are a matter of public record and are available upon request.

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.



BOARD OF ZONING APPEALS MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. **AGENDA ITEM TITLE:** V-21-27 FALCONIO/1240 WELLINGTON PLACE POOL SETBACK VARIANCE

BOARD OF ZONING APPEALS: NOVEMBER 18, 2021

II. **RECOMMENDATION:**

Approve V-21-27 Falconio/1240 Wellington Place Pool Setback Variance, subject to the following conditions:

1. Swimming pool shall be permitted as depicted on the plans prepared by Georgia Classic Pools, dated 9/1/21 and with an 11' rear setback.
2. Property owner shall install evergreens and 6' privacy fence as depicted on the plans prepared by Georgia Classic Pools, dated 9/1/21.

III. **REPORT IN BRIEF:**

The applicant, Ashley Barton, is requesting consideration of a variance to reduce the rear setback for a pool from twenty-feet (20') to eleven-feet (11'). The subject property is located at 1240 Wellington Place in the Ruth's farm subdivision.

DISCUSSION

The submitted request, if approved, would allow for a swimming pool at the rear of a single-family home with a reduced rear setback of eleven-feet (11'). The subject property is located at 1240 Wellington Place in the Ruth's Farm subdivision.

The 0.34-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and developed with a 2-story, 5,528 square foot single-family detached home. Surrounding properties are zoned R-15 and are located in the Ruth's Farm subdivision, except that the property backs up to a property owned by the Alpharetta Historic Society, Inc.

Unified Development Code (UDC) Subsection 2.3.3(B) Accessory uses and structures – Swimming Pools, requires swimming pools and auxiliary structures to maintain a twenty-foot (20') setback from the rear and side property lines or the same setback as the principal structure, whichever is less. The property has a 30' rear setback and ten-foot (10') side setback; therefore, the twenty-foot (20') setback applies to the rear and ten-foot (10') setback applies to the side.

The site plan depicts a 901 square foot swimming pool at the rear of the existing home. An eleven-foot (11') rear setback is proposed for the pool. The swimming pool has a long narrow shape in order to minimize further impact into the rear setback. There are no specimen trees impacted by the pool. Smaller trees to be removed with the installation of the pool are proposed to be replaced with five (5) 4" Arborvitae. A six-foot (6') wood privacy fence is proposed along the rear and side property lines to screen the pool for neighboring properties.

As shown in the table below, there are several examples of similar setback variance approvals.

Similar Approved Setback Variances

Address	Request	Approval Date (Board/Council)
145 Sweetbay Circle	Reduce rear setback from 20' to 10' for a pool.	BZA 9.17.20
342 Pebble Trail	Reduce front setback from 35' to 23' for addition.	BZA 11.21.19
140 North Bluff	Reduce side setback from 20' to 10' for a pool.	BZA 6.20.19
1515 Shade Tree Way	Reduce rear setback from 35' to 24' for covered deck.	BZA 6.20.19
8410 Harbour Point	Reduce rear setback from 10' to 5' for a screened porch.	BZA 4.18.19
1021 Colony Drive	Reduce rear and side setback for an accessory structure.	Council 7.10.17
165 Cumming Street	Reduce side setback from 10' to 2.5' for an attached garage.	Council 1.23.17
1510 Shade Tree Way	Reduce side setback from 10' to 2.5' for an elevated walkway.	Council 5.29.12

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 given its location on a cul-de-sac. The location on the cul-de-sac required that the home be setback further than other homes on the same street.

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

Response: Application of the ordinance would significantly reduce the footprint of the pool. The property has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be setback further than other homes on the same street. Other homes in the Ruth's Farm Subdivision have pools in the rear yard.

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

Response: The property has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be setback further than other homes on the same street.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: Relief should not cause substantial detriment to the public good. The property has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be setback further than other homes on the same street. In addition, the applicant provided letters of no objection from the adjacent properties on either side and from the Ruth's Farm HOA.

CONCURRENCES

Staff has reviewed the applicant's proposal and generally supports the rear setback variance for the swimming pool. The property has an unusual shape due to its location on a cul-de-sac, which required the home to be setback further than other homes. The proposed narrow shape of the pool limits further impacts to the rear setback and the applicant proposes evergreens and a six-foot (6') privacy fence along the rear and side property lines to screen the pool from neighboring properties. In addition, the applicant has provided letters of no objection from the adjacent properties on each side and from the Ruth's Farm HOA.

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 adjacent properties on either side and the from the Ruth's Farm HOA.

IV. ATTACHMENTS:

- Site Plan

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: **Falconio Pool**

Contact Name: **Ashley Barton**

Telephone: **404-863-2450**

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.

No concerns or comments received. I have attached 2 letters of support received so far. The HOA will be providing approval upon city approval. We have preliminary approval at this time.

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: **Ashley Barton**

Digitally signed by Ashley Barton
Date: 2021.11.01 12:40:27 -04'00'

Date: **11/01/2021**

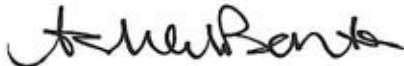
Print Form

GEORGIA CLASSIC POOL

Dear Neighbor,

My name is Ashley Barton and I represent Georgia Classic Pool. We have been recently contracted with the homeowners at 1240 Wellington Place, Alpharetta, GA 30004, Anastasia Falconio. We have been working on a pool permit through the city but, due to the specific zoning requirements, we are forced to go through the variance process. The rear setback line for their property is 20 ft. Due to the vision for their backyard, we are proposing to encroach into the rear setback approximately 9' to build a swimming pool, still leaving substantial space between the pool and the rear property line. We must go through this variance process and present our case in front of the Board of Zoning. I am writing this letter to notify you of our current request. Your support would be much appreciated as we go through this process. Please see attached site plan for an idea of what we are proposing. Please notice on our site plan that we are also proposing substantial screening in the form of evergreens and a 6 ft privacy fence. If you are in support of our proposal, would you so kindly print and sign the bottom of this letter.

Thank you so much,

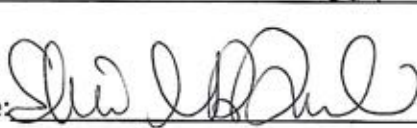


Ashley Barton

ashley@georgiaclassicpool.com

404-863-2450

Homeowner Name: Matthew Sevel and Sheri Rosenthal-Sevel

Homeowner Signature:  Matthew Sevel

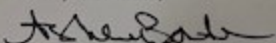
Homeowner Address: 1250 Wellington Place, Alpharetta, GA 30004

GEORGIA
CLASSIC
POOL

Dear Neighbor,

My name is Ashley Barton and I represent Georgia Classic Pool. We have been recently contracted with the homeowners at 1240 Wellington Place, Alpharetta, GA 30004, Anastasia Falconio. We have been working on a pool permit through the city but, due to the specific zoning requirements, we are forced to go through the variance process. The rear setback line for their property is 20 ft. Due to the vision for their backyard, we are proposing to encroach into the rear setback approximately 9' to build a swimming pool, still leaving substantial space between the pool and the rear property line. We must go through this variance process and present our case in front of the Board of Zoning. I am writing this letter to notify you of our current request. Your support would be much appreciated as we go through this process. Please see attached site plan for an idea of what we are proposing. Please notice on our site plan that we are also proposing substantial screening in the form of evergreens and a 6 ft privacy fence. If you are in support of our proposal, would you so kindly print and sign the bottom of this letter.

Thank you so much,

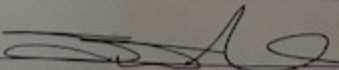


Ashley Barton

ashley@georgiaclassicpool.com

404-863-2450

Homeowner Name: Stephanie Mueller

Homeowner Signature: 

Homeowner Address: 1230 Wellington Place Alpharetta 30004

Ashley Barton

From: Anastasia Falconio <anastasia.falconio@gmail.com>
Sent: Sunday, October 31, 2021 9:25 PM
To: Ashley Barton
Subject: FW: Falconio Variance: 1240 Wellington Place, Alpharetta, GA 30004

FYI

My neighbors Kurt said they sent the form in

Sheri and Matt said they have it and haven't sent in yet

They said they would give to me tomorrow and I'll send to you

Anastasia

What else you do need?

Sent from [Mail](#) for Windows

From: [HOA Board](#)
Sent: Thursday, October 21, 2021 10:22 PM
To: anastasia.falconio@gmail.com
Subject: Re: Falconio Variance: 1240 Wellington Place, Alpharetta, GA 30004

Anastasia,

Thank you for submitting your plans.

We are approving, subject to you receiving the necessary variance from the city.

Please check with your neighbors, the Mueller's about possibly sharing a 6' privacy fence since both of you are installing pools.

Fence color will need to be approved.

Thank you,

Ruth's Farm HOA Board

On Oct 17, 2021, at 3:49 PM, anastasia.falconio@gmail.com wrote:

To: Architectural committee Ruth Farm HOA

Hi

I would like to submit these plans for approval for my property at 1240 Wellington Pl.

This information has been submitted to the city of Alpharetta as I do need a variance for the project. The picture is only a representation and not the final like in the drawings.

Please let me know what other information you would like to see.

Anastasia Falconio
Mobile 321-231-4540

<Falconio Site PG 1 090121.pdf>

<2021_Falconio_Anastasia_018.jpg>

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: V-21-27

PH #: PHA21004

☒ Property Taxes & Code Violations Verified

☒ Fee Paid Initial: DH

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." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted 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: Ashley Barton Telephone: 404-863-2450

Address: 1301 Iron Mountain Road Suite: _____

City: Canton State: GA Zip: 30115 Fax: _____

Mobile Tel: 404-863-2450 Email: ashley@georgiaclassicpool.com

Subject Property Information:

Address: 1240 Wellington Place Alpharetta, GA 30004 Current Zoning: R-15

District: 2 Section: 2 Land Lot: 1101 Parcel ID: 22 43201 1012027

Proposed Zoning: R-15 Current Use: Residential - Single Family

This Application For (Check All That Apply):

- | | | |
|--|--|---|
| ☐ Conditional Use | ☐ Master Plan Amendment | ☐ Comprehensive Plan Amendment |
| ☐ Rezoning | ☐ Master Plan Review | |
| ☒ Variance | ☐ Public Hearing | |
| ☐ Exception | ☐ Other <u>(Specify):</u> _____ | |

APPLICANT REQUEST AND INTENT

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

The proposed use of this property is to build an inground swimming pool in the rear of this residential single family home.

Applicant's Request (Please itemize the proposal):

We are requesting a variance of 9' from the rear property line in order to propose a swimming pool.

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

Our intent is to build a 901 sq ft swimming pool in the rear of this residential single family home lot. Our proposal, should it be approved, would facilitate the building of this pool to create an aesthetically appealing pool on this lot. The lot currently has a 30' BL in the rear, however, the code as it stands states that pools must follow a 20' setback from the property. Our proposed pool plan has only a width of 15 ft at the narrowest part. If we had to build within the 20' setback, this would not allow for enough room to build a pool between the setback and the rear of the house.

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This proposal will be compatible to surrounding properties in that there are neighboring properties building a pool or have already built a pool. There are similiar houses with similiar pools on the same street and neighboring street. One of the biggest differences is the size of of the the subject lot vs that of some in the same neighborhood with pools is larger.

How will this proposal affect the use and value of the surrounding properties?

The proposal of the pool would affect the use and value of the home and therefore the surrounding properties in this neighborhood in a positive way with the addition of pool. We feel this will drastically increase the value of this home which in turn affects the neighbors and neighborhood for the better.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

This property is already developed as a residential single family lot.

What would be the increase to population and traffic if the proposal were approved?

There would not be an increase to population as this is a pool being proposed on a single family residential lot. There would be minimal traffic increase while the project was underway, but nothing that would impact the flow of traffic in the neighborhood.

What would be the impact to schools and utilities if the proposal were approved?

There would be no impact to schools or utlitiies.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

This proposed variance affects a property in a low density residential area according to the Future Land Use Map. I would say it is consistent with the Alpharetta Compreshensive Plan for this particular area because it allows for the homeowner to build into their proprety and put money back into their home.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

There are no existing or changing conditions which affect the development of the property.

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.

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.

There are a few exceptional conditions that pertain to this particular property. First of all, the location of the property presents a hardship in the fact that it is situated within a cul-de-sac. This causes an unusual shape for the property itself. If you look at this property in relation to the other lots on the same street, you can see that the ones outside of the cul-de-sac are larger and more rectangular in shape. Whereas, the cul-de-sac location causes it to lose the straight lines and larger advantage. Because of this, it creates a very small backyard space to work with. The 20' setback as code currently states does not allow much space to build behind the house.

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

The Zoning Code standards as they relate to the subject property would create an unnecessary hardship because having to enforce the 20' setback would essentially take away a large portion of their backyard. We are proposing a fairly "thin" pool being at 15' width. At this pool width, we are at 4'3" from the back of the house at the narrowest point and that keeps us at 11' from back property line should this variance get us approved. In an attempt to avoid a narrow "lap lane" style pool, we felt this was the smallest we could go and still give a few feet between the house and pool with respect to the property line as well.

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

There are a few peculiar conditions. First, the property lines are not straight and the distance between the house and property line on the South side are wider than that on the north side of the property. This does make it difficult to create cohesive, aesthetically appealing pool without the approval of this variance. Secondly, the size of the lot compared to others in the same neighborhood or even on the same street. The size is drastically smaller compared to even their next door neighbor on the south side.

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.

If relief was granted, there would not be any substantial detriment to the public good nor would it impair the purpose and intent of the Zoning Code. We feel that what we are proposing would be confined to the property itself. Erosion control measures and proper draining measures would be implemented so that it would not negatively affect neighboring properties. There would also be sufficient screening implemented to ensure privacy from surrounding lots. On our site plan, we propose evergreens to be planted along the north property line. This would be an improvement from what is currently there, which is little to no screening. Also, we are proposing to install the same fencing as is consistent with neighboring properties. This would be a 6 ft privacy fence along the sides and rear.

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.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Anastasia Falconio

Telephone: 321-231-4540

Address: 1240 Wellington Place

Suite: _____

City Alpharetta

State: GA

Zip: 30004

Authorization:

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

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

- | | |
|---|--|
| ☐ Annexation | ☐ Special Use |
| ☐ Rezoning | ☐ Conditional Use |
| ☒ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☐ Other |

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Ashley Barton

Telephone: 404-863-2450

Address: 301 Iron Mtn Rd

Suite: _____

City Canton

State: GA

Zip: 30115

So Sworn and Attested:

Owner Signature: Anastasia Falconio Trustee

Date: 9/29/21

Notary:

Notary Signature: Brandy J. Weldy

Date: 9/29/21



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: **Ashley Barton**

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: **N/A** Position: _____

Description of Contribution: **N/A** Value: **0**

Description of Contribution: **N/A** Value: **0**

Description of Contribution: **N/A** Value: **0**

Description of Contribution: **N/A** Value: **0**

Description of Contribution: **N/A** Value: **0**

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: 9/29/21

Return Recorded Document to:
Feldman Law Offices, LLC
1847 Peeler Road
Suite C
Dunwoody, GA 30338

Deed Book 57588 Pg 585
Filed and Recorded Jun-05-2017 08:38am
2017-0197053
Real Estate Transfer Tax \$0.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF FULTON

File # 17-345

THIS INDENTURE, Made this 26th day of May, 2017, between Anastasia Falconio of the County of FULTON, and the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Anastasia Beth Falconio, as Trustee of the Anastasia Beth Falconio Trust No. One of the county of FULTON, and the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto the said Grantee.

All that tract or parcel of land lying and being in Land Lot 1101 of the 2nd District, 2nd Section, Fulton County, Georgia, being Lot 42, Ruth's Farm Subdivision, as per plat recorded in Plat Book 370, Page 115-122, Fulton County, Georgia Records, which plat is incorporated herein by reference and made a part of this description. Said property being known as 1240 Wellington Place according to the present system of numbering property in Fulton County, Georgia.

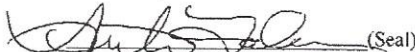
This conveyance is made subject to that Security Deed from Anastasia Falconio to JPMORGAN CHASE BANK, N.A. dated 05/26/17 and secured in the amount of \$575,200.00

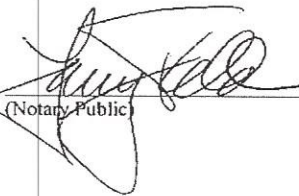
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:


(Unofficial witness)

 (Seal)
Anastasia Falconio


(Notary Public)



LOCATION: REAR YARD.

BACKFLOW PREVENTER

WAY AND GATES MUST BE 20' FROM RIGHT OF

Where a wall of a dwelling or structure serves as part of the lower, doors and operable windows, with a wall height of 10 ft or more, and the window and doors in the wall shall be equipped with one or more of the following:



ON COUNTY
GEORGIA

ALPHARETTA, GA 30004

CANTON, OH 30113
770-521-0708

[illegible]

CONSTRUCTION VEHICLES/EQUIPMENT
PROHIBITED IN RIGHT OF WAY

SECRET AND ITS SIGNIFICANCE:

NET EX 4.794 + PROP 2.184 = 6.978

SHOWN ON SITE
PLAN.

THESE MAY REQUIRE PERIODS OF DRESSING WITH \$100 AS CONDITIONS DEMAND.

EXISTING TREE TABLE:

[illegible]

TOTAL FDF: 93" - 49" = 44"

$$DF(44.85 - 44) = .85 \text{ REQUIRED.}$$

QUANTITY/DIAMETER/SPECIES

OF MET

CODE	PRACTICE	DETAIL	MAP SYMBOL	DESCRIPTION
Ds1	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)		Ds1	Establishing temporary protection for disturbed areas where erosion is likely to occur, using suitable growing season to produce an erosion retaining cover.
Ds2	DISTURBED AREA STABILIZATION (WITH TEMP SEEDING)		Ds2	Establishing a temporary vegetative cover with fast growing seedlings on disturbed areas.
Ds3	DISTURBED AREA STABILIZATION (WITH PERM SEEDING)		Ds3	Establishing a permanent vegetative cover such as trees, shrubs, vines, grasses or legumes on disturbed areas.
Ds4	DISTURBED STABILIZATION (BUNDING)		Ds4	A permanent vegetative cover using seeds on highly erodible or critically eroded lands.



**CRITICAL ROOT ZONES WILL BE
IMPACTED**

ARBORICULTURAL CLIMBING AND FELLING TECHNIQUES, TREES

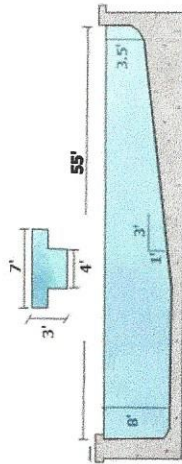
the City and District are hereby prior to closing out the FMC Project."

direction of an ISA Certified Arborist.®



- Equipment:**
Pump: Jandy 2 HP
Filter: Zodiac CV580 Cartridge
Chem Type: Salt
- Lighting:**
Pool: 2 - 500watt LED
Spa: 100watt LED
Heater: 400k BTU Jandy
Cleaner: Polaris 280
Steel CXC 12"
- Piping:** Returns & Skimmer: 2 1/2"
Drain: VGB Compliant
Coping: 1 1/2" flagstone
Tile: 6"x6" ceramic
Inside finish: pebble tec

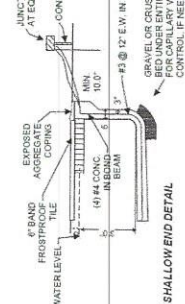
ALL PUMP MOTORS AND WET
NICHE FIXTURES ARE
PROTECTED WITH GFCI
OVERCURRENT DEVICES



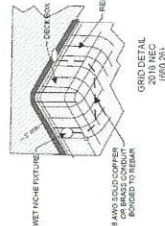
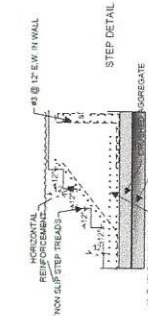
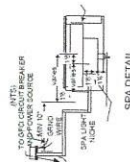
CURRENT APPLICABLE CODES
FROM 2018 ISPSC CODE, WITH
GEORGIA AMMENDMENTS (2020)

GEORGIA
CLASSIC
POOL
1301 IRON MOUNTAIN RD
CANTON, GA 30115
770-521-0708

PREPARED FOR THE FALCONIO
RESIDENCE:
1240 WELLINGTON PLACE
ALPHARETTA, GA 30004



POOL COVERS: HEATED POOLS SHALL BE EQUIPPED WITH A VAPOR-RETARDANT POOL COVER ON OR AT THE WATER SURFACE. POOLS HEATED TO MORE THAN 60°F (32°C) SHALL HAVE A POOL COVER WITH A MINIMUM INSULATION VALUE OF R-12. R403.10.4 (2015)



STEP DETAIL

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: Falconio Pool Project

Contact Name: Ashley Barton

Telephone: 404-863-2450

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.

Matthew & Sheri Sevel

1250 Wellington PL

Alpharetta Historical Society

1135 Mayfield Rd

Ruth's Farm HOA

Email

Russ & Shital Foster

1230 Wellington PL

Pete & Jeannae Geist

1345 Brandy Wipe Trail

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.

We are sending letters to the homeowners that share the property lines.
We are sending an email to Ruth's Farm HOA.

I am providing my phone number and email address at the bottom of the letter should they choose to contact me with any questions.

GEORGIA
CLASSIC
POOL

Dear Neighbor,

My name is Ashley Barton and I represent Georgia Classic Pool. We have been recently contracted with the homeowners at 1240 Wellington Place, Alpharetta, GA 30004, Anastasia Falconio. We have been working on a pool permit through the city but, due to the specific zoning requirements, we are forced to go through the variance process. The rear setback line for their property is 20 ft. Due to the vision for their backyard, we are proposing to encroach into the rear setback approximately 9' to build a swimming pool, still leaving substantial space between the pool and the rear property line. We must go through this variance process and present our case in front of the Board of Zoning. I am writing this letter to notify you of our current request. Your support would be much appreciated as we go through this process. Please see attached site plan for an idea of what we are proposing. Please notice on our site plan that we are also proposing substantial screening in the form of evergreens and a 6 ft privacy fence. If you are in support of our proposal, would you so kindly print and sign the bottom of this letter.

Thank you so much,



Ashley Barton

ashley@georgiaclassicpool.com

404-863-2450

Homeowner Name: _____

Homeowner Signature: _____

Homeowner Address: _____



Real Estate

View Bill

As of 9/28/2021

Bill Year 2020

Bill 2014353

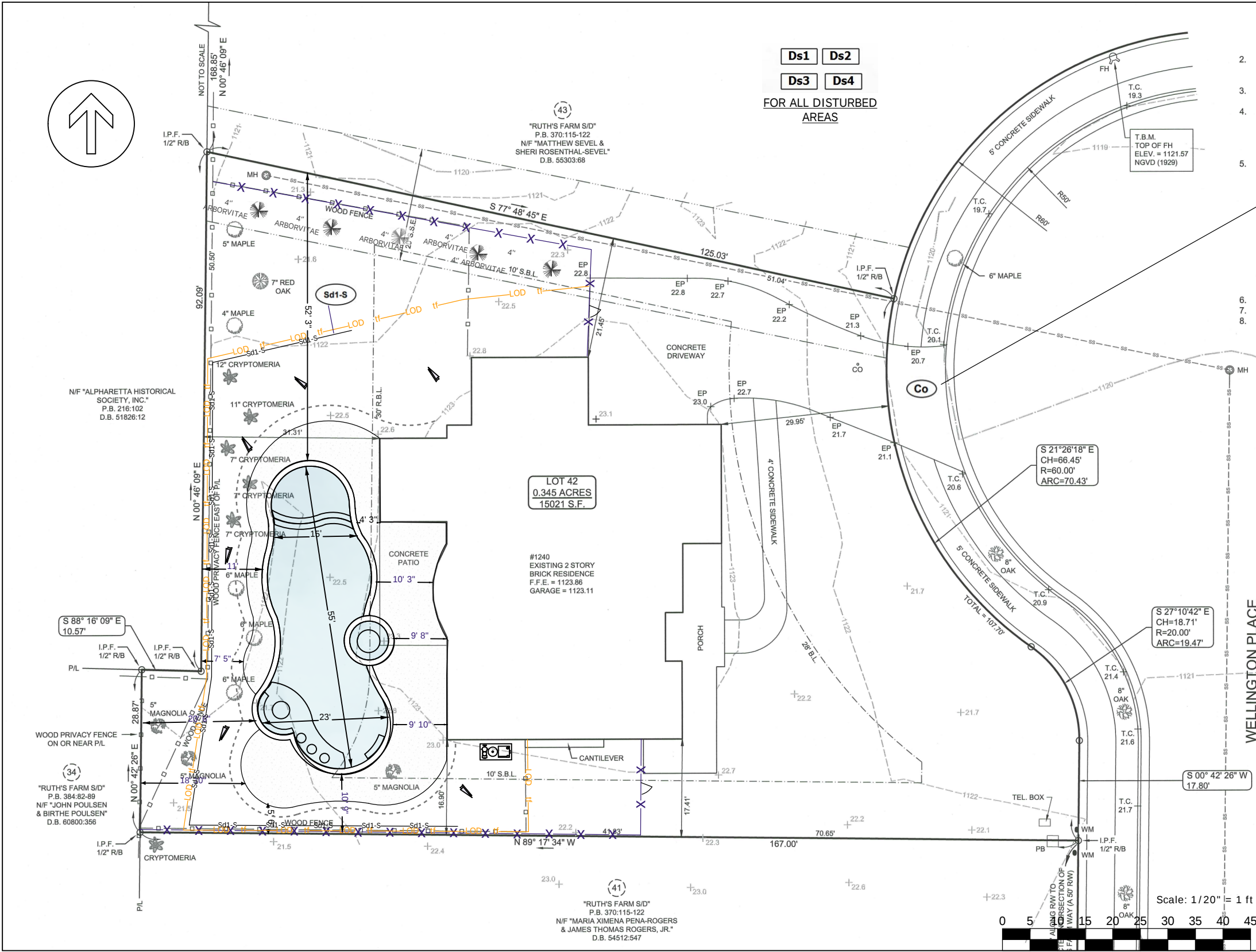
Owner ANASTASIA BETH FALCONIO TRUST

Parcel ID 22 -4320-1101-201-9

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2020	\$1,300.37	\$1,300.37	\$0.00	\$0.00	\$0.00
TOTAL		\$1,300.37	\$1,300.37	\$0.00	\$0.00	\$0.00

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EX DRIVEWAY TO BE USED AS THE CONSTRUCTION EXIT. ALL MATERIALS SPILLED MUST BE REMOVED IMMEDIATELY BY SWEEPING. EXCESSIVE OFFSITE TRACKING MAY WARRANT INSTALLATION OF A CONSTRUCTION EXIT AT THE DISCRETION OF CITY OF ALPHARETTA INSPECTOR. THE CONSTRUCTION EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF THE FLOW OF MUD ONTO PUBLIC RIGHT OF WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH STONE AS CONDITIONS DEMAND.

ARBORIST:

EXISTING TREE TABLE:

QUANTITY / DIAMETER / SPECIES / TBR

1	4"	MAPLE	
1	5"	MAPLE	
3	6"	MAPLE	-3
3	5"	MAGNOLIA	-2
1	7"	OAK	
3	7"	CRYPTOMERIA	-3
1	11"	CRYPTOMERIA	
1	12"	CRYPTOMERIA	

TOTAL EDF: 93" - 49" = 44"

TOTAL LOT: .345 AC
REQUIRED TREE DENSITY: 130" PER ACRE:
130 X .345 = 44.85" REQUIRED.

SDF (.345 X 130) = 44.85
EDF (93 - 49) = 44
RDF (44.85 - 44) = .85 REQUIRED.

PROPOSED TREES:

QUANTITY / DIAMETER / SPECIES

5 4" ARBORVITAE = 20" RDF
NEW PROPOSED EDF: 44" + 20" = 64"
SDF MET

PARKING OF DUMPSTERS OR OTHER CONSTRUCTION VEHICLES/EQUIPMENT IS PROHIBITED IN RIGHT OF WAY

IMPERVIOUS CALCULATIONS:

EXISTING IMPERVIOUS:

HOUSE/PORCHES: 3,404 SQ'
CONC. PATIO: 242 SQ'
WALKWAY: 220 SQ'
DRIVEWAY: 1,170 SQ'
TOTAL EXISTING: 5,036 SQ' / 33.5%

DEMO CONC. PATIO: - 242 SQ'
NET EXISTING: 4,794 SQ' / 31.9%

PROPOSED NEW IMPERVIOUS:
POOL/SPA (H2O): 901 SQ'
COPING: 161 SQ'
PAVER DECKING: 1,110 SQ'
EQUIPMENT: 12 SQ'
TOTAL PROPOSED: 2,184 SQ' / 14.5%

NET EX 4,794 + PROP 2,184 = 6,978 SQ' / 46.4%

LOCATION OF ALL ZONING BUFFERS, ACCESS EASEMENTS, & DRAINAGE EASEMENTS SHOWN ON SITE PLAN.

PROPOSED STRUCTURES:

901 SQ' SHOTCRETE POOL W/ ATTACHED SPA, PAVER POOL DECKING.

LOCATION: REAR YARD.

POOL WILL HAVE AN ENCLOSED CARTRIDGE FILTER SYSTEM

MAIN DRAINS LOCATED IN DEEP END FOR FILTRATION ONLY: OVERFLOW TO DRAIN TOWARDS BACK SIDE OF PROPERTY

BACKFLOW PREVENTER ATTACHED AT HOSE BIB

POOL FENCES MUST INCLUDE AT LEAST ONE GATED EXIT WITH A MINIMUM WIDTH OF 36" WIDE. THIS EXIT MUST OPEN OUTWARD AND BE SELF CLOSING AND SELF LATCHING.

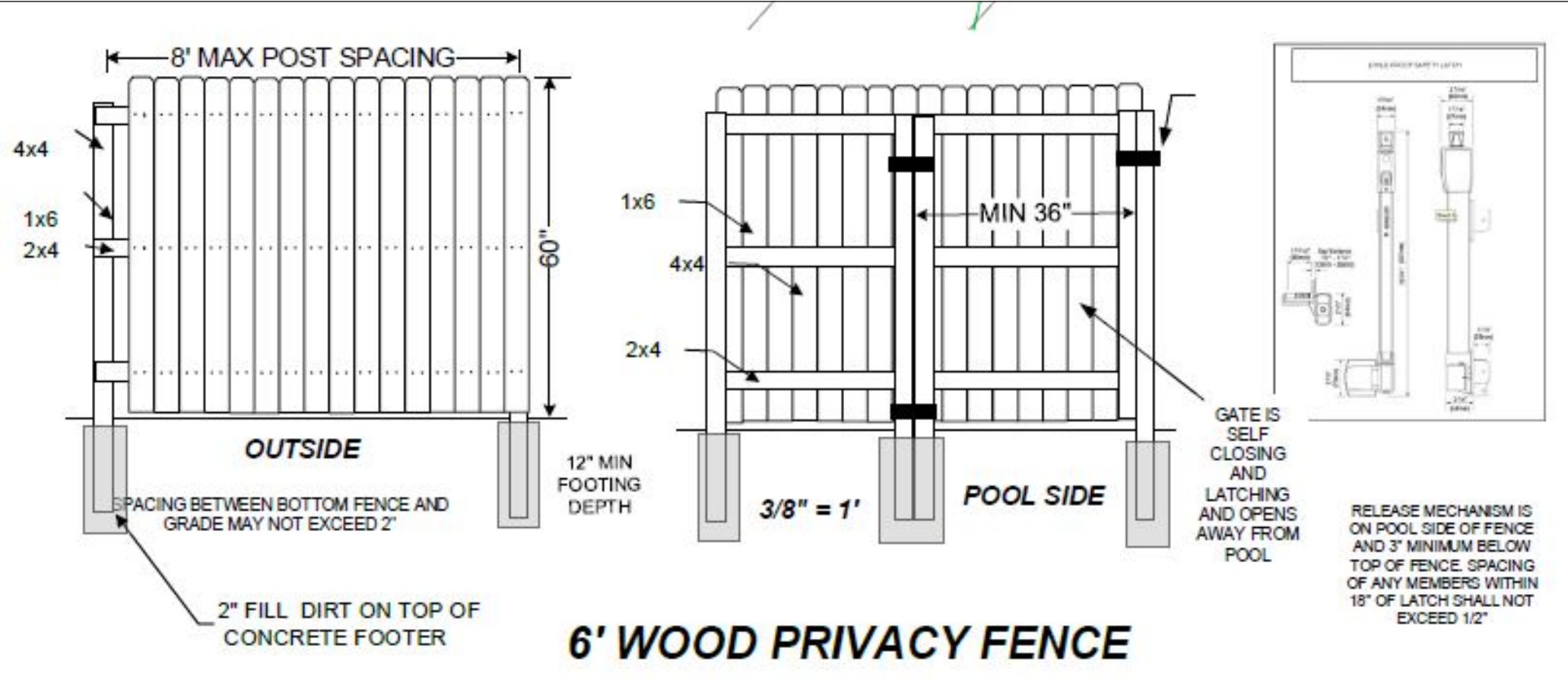
THE MINIMUM HEIGHT OF A POOL FENCE MUST BE FIVE FEET AND THE MAXIMUM HEIGHT OF A POOL FENCE CANNOT EXCEED EIGHT FEET. FENCES AND WALLS USED AS BARRIERS, MAY NOT BE FINISHED WITH BRIGHT OR PRIMARY COLORS. IF ONLY ONE SIDE OF THE FENCE IS TO BE FINISHED, THE FENCE SHALL BE CONSTRUCTED WITH THE FINISHED SIDE TOWARD THE NEIGHBORING PROPERTY.

FENCE MUST BE LOCATED 3' FROM THE RIGHT OF WAY AND GATES MUST BE 20' FROM RIGHT OF WAY MEASURED ALONG DRIVE.

ISPSC Section 305.4

Where a wall of a dwelling or structure serves as part of the barrier, doors and operable windows with a sill height of less than 48 inches that provide direct access to the aquatic vessel through the wall, shall be equipped with one or more of the following:

1. An alarm that produces an audible warning when the door or its screen or window, is opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located 54 inches or more above the threshold of the door. In dwellings or structures required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located not greater than 54 inches and not less than 48 inches above the threshold of the door.



6' WOOD PRIVACY FENCE

GEORGIA
CLASSIC
POOL
1301 IRON MOUNTAIN RD
CANTON, GA 30115
770-521-0708

24 HR CONTACT:
BRANDY WELDY
678-231-2665
brandy@georgiaclassicpool.com

SITE PLAN PREPARED FOR :

ANASTASIA FALCONIO

1240 WELLINGTON PL
ALPHARETTA, GA 30004

LOT 42
RUTH'S FARM SUBDIVISION
LL 1101
DIST. 2 SEC 2
CITY OF ALPHARETTA
FULTON COUNTY
GEORGIA

PG 1 OF 2 : SITE PLAN

***RELEASED FOR CONSTRUCTION

SCALE: 1" = 20'

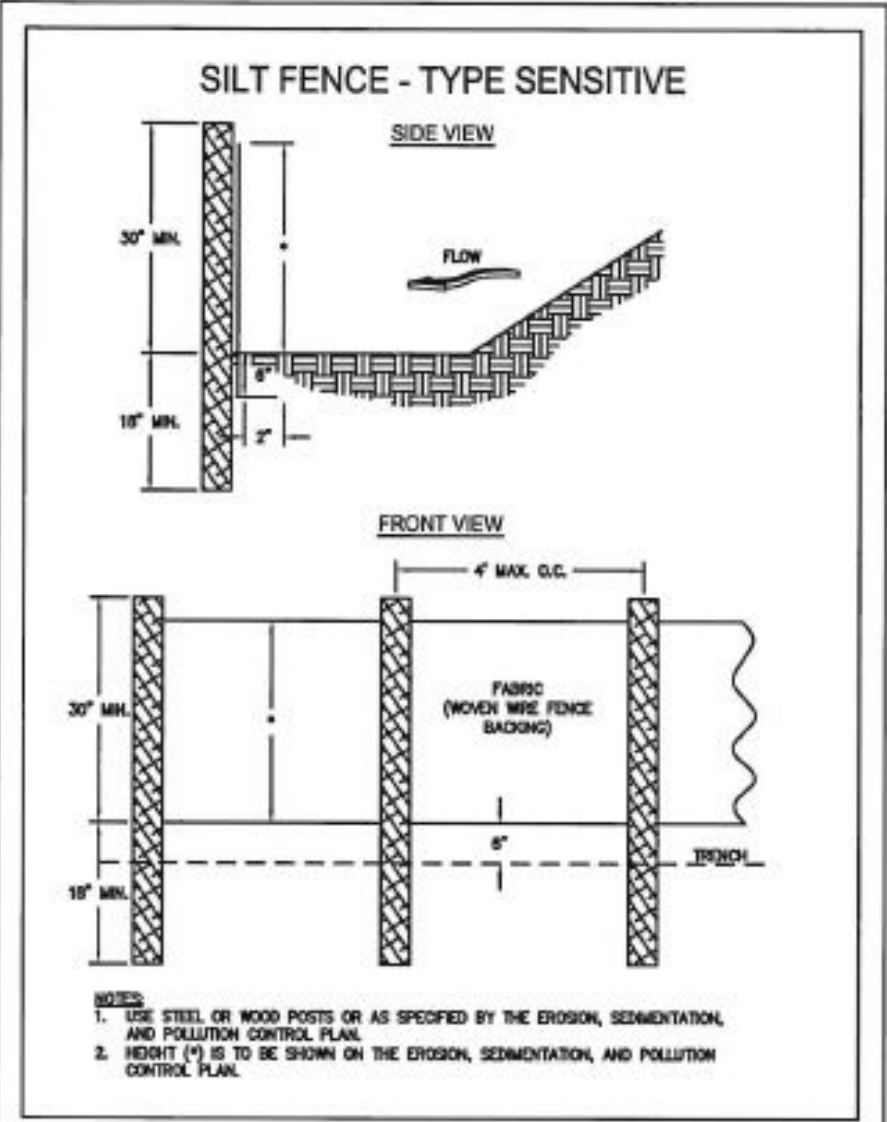
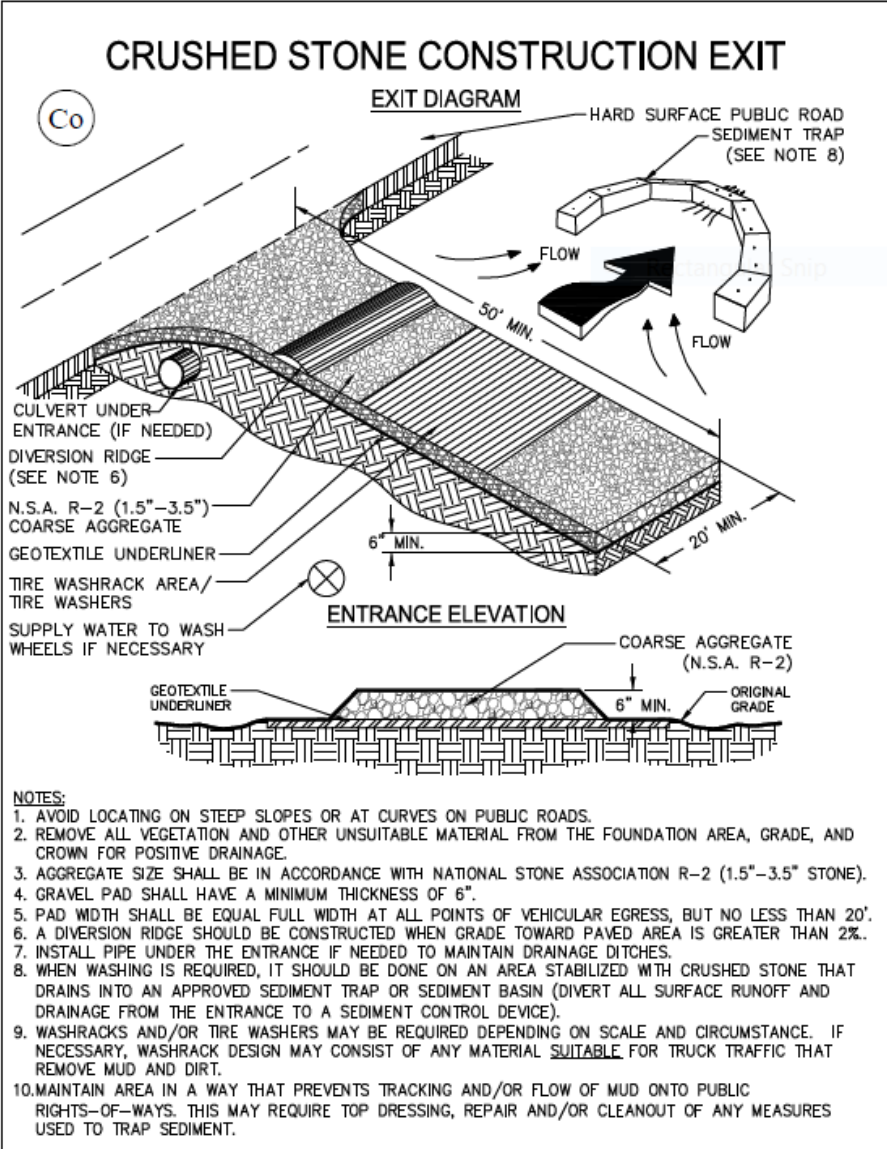
09/01/2021



IF YOU DO GEORGIA...
CALL US FIRST!
1-800-282-7411
770-823-4344
(METRO ATLANTA ONLY)
UTILITY PROTECTION CENTER
IT'S THE LAW

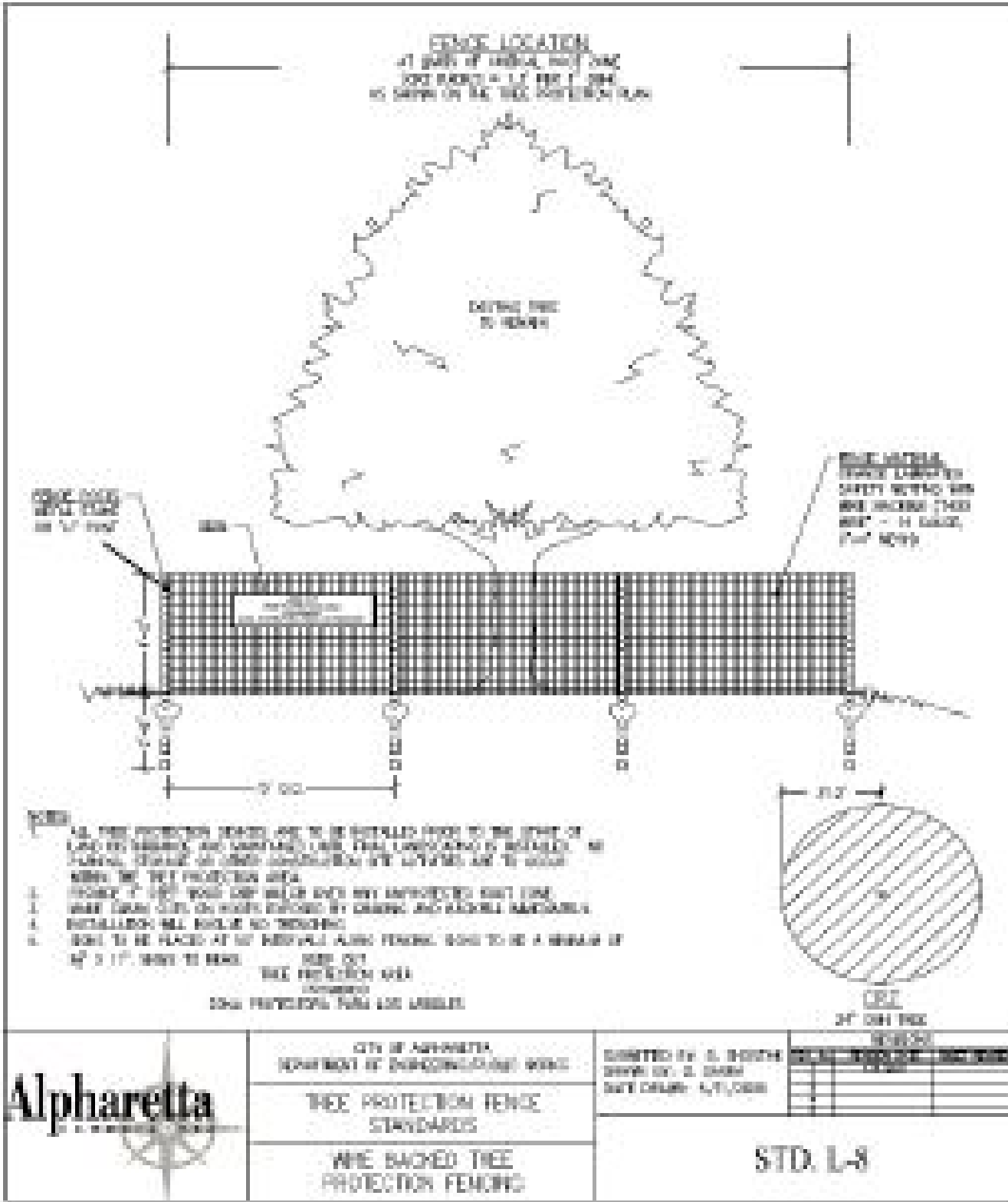
VEGETATIVE PRACTICES

CODE	PRACTICE	DETAIL	MAP SYMBOL	DESCRIPTION
Ds1	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)		Ds1	Establishing temporary protection for disturbed areas where seedlings may not have a suitable growing season to produce an erosion retarding cover.
Ds2	DISTURBED AREA STABILIZATION (WITH TEMP SEEDING)		Ds2	Establishing a temporary vegetative cover with fast growing seedlings on disturbed areas.
Ds3	DISTURBED AREA STABILIZATION (WITH PERM SEEDING)		Ds3	Establishing a permanent vegetative cover such as trees, shrubs, vines, grasses, or legumes on disturbed areas.
Ds4	DISTURBED AREA STABILIZATION (SODDING)		Ds4	A permanent vegetative cover using sods on highly erodable or critically eroded lands.



"All work performed within the critical root zone of any specimen tree is to be performed under the supervision of an ISA Certified Arborist. The Project Arborist is to be present at tree save fence inspection during the site initiation process. The Project Arborist shall be in coordination with the City Inspector throughout the course of the project. An arborist report is to be provided to the City Land Disturbance Inspector prior to closing out the ENG Permit."

"All Specimen and Boundary Tree roots encountered within the approved Limits of Disturbance that are 1/2" or greater shall be clean cut under the direction of an ISA Certified Arborist."



THIS SITE IS NOT LOCATED WITHIN A ZONE (A, AE, SHADED ZONE X) AS DEFINED BY F.I.R.M. PANEL NUMBER 13121C0052G AS OF JUNE 19, 2020

PARCEL ID # 22 43201 1012027

ZONED R-15

SETBACKS:
FRONT: 28' BL
SIDES: 10' SBL
REAR: 30' RBL

TOTAL LOT AREA:
15,021 SQ'
.345 AC

LOD:
4,300 SQ'
.098 AAC

CITY OF ALPHARETTA GSWCC EROSION CONTROL PLAN:

- THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL PRACTICES PRIOR TO, OR CONCURRENT WITH LAND DISTURBING ACTIVITIES.
- EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE -NO DISTURBED AREAS TO BE EXPOSED MORE THAN 14 DAYS.

NOTES:

1. NO SILT FENCE WILL BE INSTALLED NOR ANY SITE WORK PRIOR TO APPROVAL FROM INSPECTOR.
2. TREE PROTECTION FENCE MUST BE INSTALLED ACCORDING TO APPROVED SITE PLAN AND CORNERS OF POOL MUST BE STAKED. WHEN THIS IS COMPLETED, CALL INSPECTOR AT 678-237-6200 TO SCHEDULE AN ONSITE INSPECTION PRIOR TO ANY FURTHER LAND DISTURBANCE.
3. SILT FENCE MUST BE MAINTAINED THROUGHOUT THE PROJECT AND MUD MUST NOT BE TRACKED ONTO ROADWAY.

ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLE OR SITE ONTO ROADWAY OR INTO STORM DRAIN SYSTEM SHALL BE REMOVED IMMEDIATELY BY SWEEPING. EXCESSIVE OFFSITE TRACKING MAY WARRANT THE INSTALLATION OF A CONSTRUCTION EXIT AT THE DISCRETION OF THE CITY OF ALPHARETTA INSPECTOR. THE CONSTRUCTION EXIT SHALL BE MAINTAINED IN A CONDITION, WHICH WILL PREVENT TRACKING OR FLOW OF MUD ONTO PUBLIC RIGHT OF WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH STONE, AS CONDITIONS DEMAND.

EROSION CONTROL SEEDING SCHEDULE (Ds1, Ds2, Ds3).

CONTRACTOR SHALL PROTECT ALL DISTURBED AREAS BY TEMPORARILY RE-SEEDING UNTIL PERMANENT GROUND COVER IS ESTABLISHED. (MAXIMUM 3 WEEKS).

SOIL PREPARATION:

ADD 2 TONS OF LIME PER ACRE FOR PERMANENT GRASS. HAY MULCH FOR TEMPORARY COVER AT 5000 LBS. PER ACRE.

TOP DRESSING: APPLY WHEN PLANTS ARE 2-4 INCHES TALL.

FERTILIZER: (AMMONIUM NITRATE 33%) 300 LBS PER ACRE.

SECOND YEAR FERTILIZER: (5-10-15) OR EQUIVILANT 500 LBS. PER ACRE.

SEEDING RATES:

SUMMER 4/1-9/15 BERMUDA (HULLED) 10 LBS. PER ACRE
COOL 9/1-11/1 FESCUE (KY.31) 50 LBS PER ACRE
WINTER 11/1-4/15 ANNUAL RYE GRASS 50 LBS. PER ACRE