



BOARD OF ZONING APPEALS
AUGUST 19, 2021
DEPARTMENT OF COMMUNITY DEVELOPMENT
ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 5:30 PM

OFFICIAL MINUTES

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 further advised that the tapes recorded at said meeting are a matter of public record and are available upon request or may be viewed online at: <https://www.youtube.com/user/alpharettagov>.

I. CALL TO ORDER

Chairman Gelber called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Board of Zoning Appeals Members present:

- Marc Gelber, Chair
- Sara Harrison
- Jeremy Scott
- Mike Fowler
- Michael Gordy
- Scott Wharton, Alternate

Board of Zoning Appeals Members absent:

- *Mike Perry*

City Staff present:

- Kathi Cook, Director of Community Development
- Lauren Shapiro, Planning + Zoning Coordinator

IV. ELECTION OF BOARD OF ZONING APPEALS VICE-CHAIR

- ❖ Board Member Scott offered a motion nominating himself to serve as the Vice-Chair of the Board of Zoning Appeals.
 - Board Member Fowler seconded the motion.
 - The motion was approved unanimously (6-0).

V. APPROVAL OF MEETING MINUTES

A. Approval of the Board of Zoning Appeals Meeting Minutes from July 15, 2021.

- ❖ Board Member Fowler offered a motion to approve the Board of Zoning Appeals meeting minutes from July 15, 2021.
 - Board Member Gordy seconded the motion.
 - The motion was approved unanimously (6-0).

VI. ITEMS FROM BOARD MEMBERS

VII. ITEMS FROM STAFF

VIII. PUBLIC HEARING

A. V-21-20 Martin / 905 Cobblestone Court Setback Variance

Kathi Cook, Director of Community Development, presented consideration of a variance request to reduce the rear setback for a covered deck from 35' to 20'. The home is located in the Fairfax subdivision, of which the final plat requires a 35' rear setback. The subject property is located at 905 Cobblestone Court in the Fairfax subdivision. The submitted request, if approved, would allow for a 20' x 20' covered deck at the rear of a single-family home with a reduced rear setback of twenty-feet (20'). The home is located in the Fairfax subdivision, of which the final plat requires a 35' rear setback. The subject property is located at 905 Cobblestone Court in the Fairfax subdivision.

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;

Response: The property is a corner lot with the home angled to the intersection of Cobblestone Court and Fairfax Drive. The position of the home and the presences of trees in the rear yard significantly limit the location for a porch.

Director Cook shared that Staff does support the variance, and 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 and Fairfax HOA.

Lisa Martin, Applicant for V-21-20 Martin / 905 Cobblestone Court Setback Variance, spoke on behalf of this item.

- The application has been accurately represented.

There were no public comments for this item.

- ❖ Board Member Gordy offered a motion to approve the variance request from 35 feet to 20 feet.

- Board Member Harrison seconded the motion.
- The motion was approved unanimously (6-0).

B. V-21-21 Baxley Setback Variance

Kathi Cook, Director of Community Development, presented consideration of a variance request to reduce a front setback for 7 single-family detached lots from 35' to 25'. The subject property is located at 12780 and 12790 Hopewell Road in the Baxley subdivision. The submitted request, if approved, would allow for a front setback reduction from 35' to 25' for six (6) single-family detached lots in a new subdivision. The subject property is located at 12780 and 12790 Hopewell Road in the Baxley subdivision. The property is zoned R-15 (Dwelling, 'For-Sale', Residential) and is approved for a seven (7) lot subdivision.

A public hearing and variance were approved on the subject property on December 10, 2018 to allow a gated community and to allow a hammerhead turn around in lieu of a cul-de-sac. In addition, an administrative variance was approved in 2018 to reduce the front setback from 35' to 28', reduce side setbacks from 10' to 8', reduce an impervious setback from 75' to 60' and to reduce the rear setback on Lots 1-6 from 25' to 20'.

Director Cook shared that there are gabion basket retaining walls, and Staff made a recommendation for the gabion basket retaining walls to be planted. This is not a part of the request, but was brought to Staff's attention, and we want to make sure that it is addressed.

Staff has reviewed the proposal and finds that the variance request is not in conflict with the established review criteria. There are exceptional conditions pertaining to the subject property with regard to its unusual shape and topography. Lots 1-5 have an average lot depth of 125', which is shallow as compared to adjacent R-15 lots. The lots to the south have an average depth of 235' to the south and lots to the west have an average depth of 210'. If approved, it is recommended that the gabion basket retaining walls be planted.

Director Cook shared that there are five similar approved setback variances, and the most similar is at Twelve on Canton, which was to reduce R-10 front setback from 30' to 25' and side setback from 10' to 5' for a new subdivision.

Director Cook stated that Staff specifically looked at 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;

Response: There are exceptional conditions pertaining to the subject property with regard to its unusual shape and topography. Lots 1-5 have an average lot depth of 125', which is shallow as compared to adjacent R-15 lots. The lots to the south have an average depth of 235' to the

south and lots to the west have an average depth of 210'.

The Applicant notified adjacent property owners of the variance request and intent for the property. According to the report, the applicant met with the adjacent property owner to the north and west, who stated he was in favor of the variance request.

Director Cook stated that the recommendation is to approve V-21-21 Baxley Setback Variance and read Staff's recommended conditions:

1. Front setback shall be 25', as depicted on the site plan prepared by B.C. Engineering, Inc, revised 7/14/21.
2. Gabion basket retaining walls shall be planted with ivy or similar landscaping, as approved by Staff.

Board of Zoning Appeals questions and discussion:

- There was originally 7 homes and it was reduced to 6?
 - Director Cook stated that the Applicant may be able to answer that question, but she believes that he may have received a request for a larger home and that two lots were combined.

Scott Reese, for Brumbelow, Reese, and Associates, presented on behalf of V-21-21 Baxley Setback Variance.

- In 75 years of constructing homes, you either adapt to the times or you perish. In the last 2 years, the market has changed.
- Originally, these were to be basement lots with a walkout in the rear. There is about 18 feet of elevation from the road to the north property line.
- When we first started the subdivision to now, the request for homes has changed to walk out on site dwellings (one level living).
- Because of the size and shape of the original tract and the elevation change, the wall and grading has reduced the building envelope. To satisfy potential buyers, we need to keep the building envelope the same as it was originally.
- We thought with a gated community and reducing the setback, there would be limited access in the neighborhood and it should not negatively affect the adjacent neighborhoods.
- We do have a letter from the adjoining property owner, and he believes that this will enhance the final product.
- The number of lots was reduced from 7 to 6 because of the grading and losing buildable area.

Board of Zoning Appeals questions and discussions:

- Are you fine with the conditions recommended by Staff?
 - The Applicant stated yes, and we think the planting on the wall will be an enhancement. The picture shown of the currently installed gabion wall is by far the worst that it will ever look. The landscaping will have to match the price point of the home.

- ❖ Vice-Chair Scott offered a motion to approve, subject to Staff's conditions.
 - Board Member Gordy seconded the motion.
 - The motion was approved (5-0-1; Chairman Gelber abstained from voting on this item).

IX. ADJOURNMENT

Chairman Gelber adjourned the meeting at 5:46 p.m.