



Board of Zoning Appeals Meeting
January 20, 2022
Department of Community Development
ALPHARETTA CITY HALL | 2 PARK PLAZA
5:30 PM

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I. CALL TO ORDER

- Alexandra Callum, Planning + Zoning Coordinator, called the meeting to order at 5:30 p.m.

II. ROLL CALL

- Board of Zoning Appeals Members present:
 - Marc Gelber, Chair
 - Michael Gordy, Vice-Chair
 - Anne Holcombe
 - Mike Perry
 - Mike Fowler
 - Lisa Shippel
 - Donna Murphy
- Board of Zoning Appeals Members absent:
 - Scott Wharton, Alternate
 - Cliff Cobb, Alternate
- Staff present:
 - Michael Woodman, Planning + Development Services Manager
 - Eric Graves, Senior Transportation Engineer/ Planner
 - Alexandra Callum, Planning + Zoning Coordinator
 - Ben Kern, GIS Specialist/ Planner
 - Mike Stacy, City Attorney

III. SWEARING-IN CEREMONY OF MIKE FOWLER, DONNA, SHAW MURPHY, & LISA SHIPPEL

IV. ELECTION OF THE CHAIR AND VICE-CHAIR

- ❖ Board Member Perry offered a nomination to elect Board Member Gelber as Board of Zoning Appeals Chairman.

- Board Member Fowler seconded the nomination.
- The nomination was approved unanimously (7-0).
- ❖ Board Member Perry offered a nomination to elect Board Member Gordy as Board of Zoning Appeals Vice-Chair.
 - Board Member Shippel seconded the nomination.
 - The nomination was approved unanimously (7-0).

V. APPROVAL OF MEETING MINUTES

- ❖ Board Member Fowler offered a motion to approve the December 16, 2021 meeting minutes.
 - Board Member Gordy seconded the motion.
 - The motion was approved 5-0-2, with Board Members Shippel and Murphy recusing themselves since they were not at the December meeting.

VI. ITEMS FROM BOARD MEMBERS

VII. ITEMS FROM STAFF

VIII. PUBLIC HEARING

A. V-21-30 / 5090 Jonquilla Drive Pool Variance

- Manager Woodman came forward to present this item.
 - The applicant, Bellareed Pools, is requesting consideration of a variance to reduce the rear setback for a pool from twenty-feet (20') to twelve-feet (12'). The subject property is located at 5090 Jonquilla Drive in the Westminster at Crabapple subdivision.
 - There is one (1) specimen tree impacted with the installation of the pool requiring removal. Replacement is proposed with seven (7) – two-inch (2") hardwood and evergreen trees. A new five-foot (5') wood privacy fence is proposed along the side and rear property lines, matching the existing fence along the rear of the property.
 - As shown in the table below, there are several examples of similar setback variance approvals:

Address	Request	Approval Date (Board/Council)
1240 Wellington Place	Reduce rear setback from 20' to 11' for a pool.	BZA 11.18.21
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

- 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. The pool contractor mistakenly constructed pool in the wrong configuration.

- 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 from the Westminster at Crabapple HOA.
- Staff is recommending approving V-21-30 5090 Jonquilla Drive Pool Setback Variance, subject to the following conditions:

1. Swimming pool shall be permitted as depicted on the plans prepared by Bellareed Pools, dated 7/01/2021 and with a 12' rear setback.
 2. Property owner shall install trees and 5' privacy fence as depicted on the plans prepared by Bellareed Luxury Pools, dated 07/01/2021.
- The Board of Zoning Appeals discussed the following:
 - Did the pool being flipped have any impact on the setback? The original did not require a variance.
 - How did this happen? The L shape was supposed to be in the variance. It was assumed the pool should be in reverse. This is the first time we have been seen for this issue. Three sets of eyes will review every plan moving forward.
 - Did the homeowners ever see it as it was approved? No, what they saw was the original design.
 - Did the neighbors who are directly affected write letters of approval? Yes.
 - Are the trees being planted to buffer the neighbors? No. they are recommendations from the arborist. The arborist did not allow for evergreen screening because of the existing tree canopy. They would not survive.

Public Comment:

- There were no public comments for this item.
 - ❖ Board Member Perry offered a motion to approve the item subject to staff conditions, which include:
 1. Swimming pool shall be permitted as depicted on the plans prepared by Bellareed Pools, dated 7/01/2021 and with a 12' rear setback.
 2. Property owner shall install trees and 5' privacy fence as depicted on the plans prepared by Bellareed Luxury Pools, dated 07/01/2021.
 - Board Member Holcombe seconded the motion.
 - The motion was approved unanimously (7-0).

B. V-21-28 / 5070 North Somerset Lane Fence Variance

- Senior Planner Graves came forward to present this item.
 - The applicant, Eva Groener, is requesting consideration of a variance to increase the height of a residential privacy fence enclosing the rear yard from six-feet (6') to eight-feet (8'). The City's Code Enforcement placed the applicant on notice that the fence did not comply with the City's height regulations for residential fences. The subject property is located at 5070 North Somerset Lane in the Somerset at Henderson Village subdivision.
 - 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, abutting two side yards in close proximity to neighboring structures. In addition, the applicant provided letters of no objection from the adjacent property owners.
 - The applicant notified surrounding property owners and the Somerset at Henderson Village HOA of the variance request and intent for the property. Letters of no objection from HOA and the adjacent property owners were provided by the applicant.
 - City Staff has reviewed the applicant's proposal and finds that the variance does not conflict with the established criteria. The subject property has an unusual shape, abutting two side yards in close proximity to neighboring structures. In addition, the applicant provided letters of no objection from the adjacent property owners and the HOA.
- The Board of Zoning Appeals discussed the following:
 - Is this in line with the HOA guidelines? The city does not enforce HOA requirements, but the HOA provided

- o a letter of support.
- o In response to the HOA question: the HOA recommended me to build a higher fence. I went to HOA asking and they agreed before I bought the fence.
- o Are there other 8-foot fences in the neighborhood? Yes.

Public Comment:

- There were no public comments for this item.
 - ❖ Board Member Murphy offered a motion to approve the item.
 - o Board Member Perry seconded the motion.
 - o The motion was approved unanimously (7-0).

IX. ADJOURNMENT

- Chairman Gelber adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Alexandra Callum

Alexandra Callum, Planning + Zoning Coordinator