



BOARD OF ZONING APPEALS JANUARY 19, 2017

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

- I. CALL TO ORDER**
 - A. Election of 2017 Officers**
- II. ROLL CALL**
- III. APPROVAL OF MEETING MINUTES**
 - A. November 2016**
- IV. ITEMS FROM BOARD MEMBERS**
- V. ITEMS FROM STAFF**
 - A. Code of Ordinances Section 5.6 - Board of Appeals**
- VI. PUBLIC HEARING**
 - A. V-17-01 Alpharetta United Methodist Church**
Consideration of a request for a variance to reduce the required tree recompense by fifty per cent (50%). The subject property is located at 69 North Main Street, at the southeast corner of North Main Street and Cumming Street.
- VII. ADJOURNMENT**



BOARD OF ZONING APPEALS MEETING SUMMARY

November 17, 2016

PUBLISHED: Friday, January 20, 2017
Department of Community Development
WWW.ALPHARETTA.GA.US

*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 the 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 Board of Zoning Appeals Meeting proceedings. Official Minutes are recorded and available for review.*

I. ROLL CALL

Board Members Present:

- Mike Webber, Chairman
- John Monson, Vice Chairman
- Hans Appen
- Eamon Keegan
- Marc Gelber
- Kyle Lewis

Board Members Absent:

- Wes Williams

Staff Present:

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Elle Taylor, Boards Assistant

II. APPROVAL OF MEETING MINUTES

- ❖ Vice Chairman Monson offered a motion to approve the June 16, 2016 minutes
- The motion was approved by a unanimous vote (3-0-2)(Appen, Lewis)

III. ITEMS FROM BOARD MEMBERS

IV. ITEMS FROM STAFF

V. PUBLIC HEARING

A. V-16-29 900 Reece Rd/Premier Pools

Michael Woodman, Senior Planner presented consideration of a variance to reduce the pool setback requirement from 20' to 10'.

After presentation from Jason Smith, Premier Pools and discussion from the Board:

❖ **Vice Chairman Monson offered a motion to approve with Staff Conditions:**

1. Encroachment shall be limited to submitted plans depicting a 10' side pool setback.
2. The applicant shall comply with any conditions of approval from The Oaks on Charlotte Drive HOA prior to the issuance of a building permit for the proposed pool.
3. Applicant shall plant evergreen trees and/or shrubs along the side property line to screen the pool from the adjacent property located at 910 Reece Road as approved by Staff.
4. Applicant shall install a retaining wall, as depicted on the submitted plans, 5' from the structural root plate of the 19" hardwood as approved by Staff.

- The motion received a second from Board Member Keegan
- The motion was approved by a unanimous vote (6-0)
-

B. V-16-30 Braeden Sign Variance

Michael Woodman, Senior Planner, presented consideration of a sign variance to reduce the free-standing sign setback from the right-of- way from ten feet to five feet.

After presentation from Melissa Casteel, Applicant and discussion from the Board:

❖ **Vice Chairman Monson offered a motion to approve with Staff Conditions:**

1. Encroachment shall be limited to submitted plans, dated 9/29/16, depicting a 5' encroachment into the 10' free-standing sign setback from Northwinds Parkway and the new local road right-of-way lines.
2. Decorative landscaping shall be planted around the base of the monument as approved by the Design Review Board.
3. Developer shall provide identification (wayfinding) signage for the loop multi-use trail through the Georgia 400 buffer as approved by Staff. Developer shall install an additional power point and install conduits every 100' on the loop trail.

- The motion received a second from Board Member Gelber
- The motion was approved by a unanimous vote (6-0)

There was discussion of proposed Loop Trail with regard to this project.

VI. ADJOURNMENT

Chairman Webber adjourned the meeting at 5:58 p.m.

SECTION 5.6 - BOARD OF APPEALS

5.6.1 Establishment.

A Board of Appeals is hereby created. The Mayor and each Council Member shall each appoint one (1) member who shall serve at the pleasure of the Mayor or Council Member making the appointment. Members may be reimbursed for any authorized travel expenses incurred while representing the Board.

5.6.2 Proceedings of the board of appeals.

- A. The Board of Appeals shall elect a Chairperson and a Vice Chairperson from its members who shall serve for one year or until re-elected or until their successors are elected. The Board of Appeals shall meet in public hearing in accordance with a schedule of hearings established by the Director. Other meetings of the Board of Appeals shall be held at the call of the chairperson and at such other times as the Board of Appeals may determine. All meetings of the Board of Appeals shall be open to the public.
- B. A majority of the entire Board of Appeals shall constitute a quorum. The vote of the majority of the Board of Appeals members present and voting at a meeting which a quorum is present shall be necessary to affirm any order, requirement, decision or other determination of the Director, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation of this Ordinance.
- C. The Director shall serve as secretary to the Board. The secretary shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record. On all appeals, applications and matters brought before the Board of Appeals, the Secretary shall inform in writing all of the parties in interest of its decision.

5.6.3 Powers and duties of the board of appeals.

The Board of Appeals shall have the following duties:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Director in the enforcement of this Ordinance.
- B. To authorize, a hardship variance or an exception from the terms of this Ordinance, where such variance or exception does not constitute more than 50% of the stipulated code requirement and as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will in an individual case, result in unnecessary hardship, or will provide no benefit to the public, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- C. To decide on other matters where a decision of the Board of Appeals may be specifically required by the provisions of this Ordinance.
- D. The Board, in the execution of duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Superior Court.
- E. The actions of The Board of Appeals shall be final unless appealed to Superior Court within 30 days of Board action.



BOARD OF ZONING APPEALS MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: V-17-01 ALPHARETTA FIRST UNITED METHODIST CHURCH VARIANCE

BOARD OF ZONING APPEALS: JANUARY 19, 2017

II. RECOMMENDATION:

Approve V-17-01 Alpharetta First United Methodist Church Variance subject to the following conditions:

1. Applicant shall plant recompense trees on-site as depicted on the plan prepared by Cornerstone Site Consultants, LLC, dated 11/4/2016, as approved by Staff. On-site tree recompense shall be planted prior to Certificate of Occupancy for any future phase of development or by 1/19/2019, whichever comes first.
2. A minimum of 20 recompense trees shall be planted in the public right-of-way or on other City-owned property as identified and approved by Staff. Off-site tree recompense shall be planted no later than 1/19/2019.
3. Applicant shall upgrade shrub screening of parking areas adjacent to the public right-of-way, as approved by Staff. Shrubs shall be evergreen and a minimum of two (2) feet at planting. Six (6) shrubs may be substituted for one (1) recompense tree. No more than 20 recompense trees shall be substituted with parking lot screening shrubs. On-site tree recompense shall be planted prior to Certificate of Occupancy for any future phase of development or by 1/19/2019, whichever comes first.

III. REPORT IN BRIEF:

The applicant, Alpharetta First United Methodist Church, is requesting consideration of a variance to reduce the required tree recompense by fifty percent. The required tree recompense is associated with a 2012 stormwater management and parking facility project. The subject property is located at 69 North Main Street, at the southeast corner of North Main Street and Cumming Street.

DISCUSSION

The applicant, Alpharetta First United Methodist Church (AFUMC), is requesting a variance to reduce the required tree recompense by fifty percent. If approved, the applicant's tree recompense requirement would be reduced from 119.6 to 59.8 – four-inch (4") caliper trees. The subject property is located at 69 North Main Street, at the southeast corner of North Main Street and Cumming Street.

Unified Development Code (UDC) Section 3.2, Appendix A states that, "Specimen trees that cannot be saved must be replaced with trees having three (3) times the unit value of the tree removed with a minimum four-inch (4") tree caliper by species with potentials for comparable size and quality."

AFUMC was established at the Downtown Alpharetta location in 1871. Over nearly 150 years, the church has expanded its facilities, as well as its land area to include seven (7) parcels totaling approximately 16.6 acres. A stream buffer variance was approved by the State and City in 2012 to pipe a stream running through the property in order to allow for the construction of parking lot and new stormwater management facility. The required tree recompense is associated with the above-mentioned stormwater and parking project, which resulted in a significantly larger detention pond to serve the site. The previous detention pond was built prior to stormwater management requirements and was inadequate to support the site. The 2012 stormwater facility project provided detention and water quality treatment for the existing church site, new parking lot, as well as for future expansion of the church. In 2015, the City granted an administrative variance to reduce the required tree recompense.

Because the AFUMC site has developed over such a long period of time, there are some landscape Code deficiencies on the property. These include the landscape strip along North Main Street, parking lot screening, parking lot landscape islands, and detention pond screening. GDOT's Main Street roadway project will further impact green space and landscaping on the church property, requiring approximately 20' of right-of-way along the North Main Street frontage of the AFUMC property.

To address the tree recompense requirement and enhance the site landscaping, the applicant has provided a tree planting plan depicting a total of 20 trees to be planted in various locations throughout the subject site. Given the constraints on the property, staff believes there are opportunities to replace required recompense trees with shrub plantings to screen parking from the public right-of-way, as well as to improve the overall aesthetics of the property. Staff also recommends that the applicant provide off-site tree plantings within the public right-of-way or on other City-owned property to address tree recompense.

VARIANCE REVIEW CRITERIA

The 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: There are many factors contributing to AFUMC's hardship, including the larger stormwater facility, location in the Downtown where sites historically have greater impervious coverage, right-of-way taking related to GDOT's North Main Street project, and development constraints that come with nearly 150 years of growth.

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

Response: The applicant could plant the required recompense trees on-site; however, most trees would likely not survive over the long-term due to insufficient rooting space.

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

Response: There are many factors contributing to AFUMC's hardship, including the larger stormwater facility, location in the Downtown where sites historically have greater impervious coverage, right-of-way taking related to GDOT's North Main Street project, and development constraints that come with nearly 150 years of growth.

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's requested variance will not cause a substantial detriment to the public good. The applicant proposes to plant 20 recompense trees at various locations throughout the AFUMC site. In addition, staff recommends shrub plantings to screen parking areas from adjacent public rights-of-way, as well as off-site tree recompense plantings.

CONCURRENCES

Staff has reviewed the applicant's proposal and is in general agreement with the requested tree recompense variance. There are many factors contributing to AFUMC's hardship, including the 2012 stormwater facility,

location in the Downtown, right-of-way taking related to GDOT's North Main Street project, and development constraints that come with nearly 150 years of growth. The AFUMC site was established in 1871 and has gradually expanded its Downtown campus over the years. The required tree recompense is related to the 2012 stormwater and parking project, which resulted in a significantly larger detention pond to serve the existing site, new parking lot, and future expansion of the church. The previous detention pond was built prior to stormwater management requirements and was inadequate to support the site. Given the constraints on the property, staff believes there are opportunities to replace required recompense trees with shrub plantings to provide screening, as well as to improve the overall aesthetics of the property. Conditions are recommended requiring on-site planting of recompense trees, shrub plantings to screen parking areas from the public right-of-way, as well as off-site tree recompense plantings.

CITIZEN PARTICIPATION PLAN

The applicant notified adjacent property owners of the variance request and intent for the property. The citizen participation report states that no comments were received.

IV. ATTACHMENTS:

- Planting Plan
- Administrative Variance Letter, dated 10/15/2015
- AFUMC Letter, dated 11/6/2012

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

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: Rene Watson, Alpharetta First United Methodist Church

Telephone: 678-867-7503

Address: 69 North Main Street

Suite: _____

City Alpharetta

State: GA

Zip: 30009

Fax: 770-663-7740

Mobile Tel: 770-380-4931

Email: rwatson@afumc.org

Subject Property Information:

Address: 69 North Main Street, Alpharetta, GA 30009

Current Zoning: 

District: _____

Section: _____

Land Lot: _____

Parcel ID: _____

Proposed Zoning: 

Current Use: _____

This Application For (Check All That Apply):☐ Conditional Use☐ Master Plan Amendment☐ Rezoning☐ Master Plan Review☒ Variance☐ Public Hearing☐ Comprehensive Plan Amendment☐ Other (Specify): _____

Alpharetta United Methodist Church

PROPERTY OWNER AUTHORIZATION

Property Owner Information:Contact Name: Jeremy Scott, Chair, Board of TrusteesTelephone: 678-867-7503Address: 69 North Main Street

Suite: _____

City AlpharettaState: GAZip: 30009Authorization:

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:

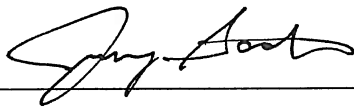
Name of Authorized Applicant: Rene Watson, Minister of AdministrationTelephone: 678-867-7503Address: 69 North Main Street

Suite: _____

City AlpharettaState: GAZip: 30009

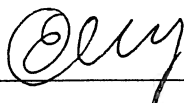
So Sworn and Attested:

Owner Signature: _____

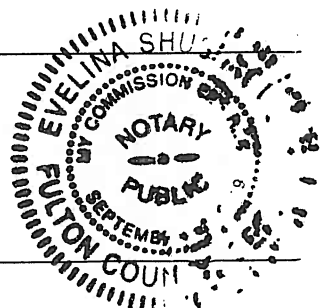

Date: 10/28/16

Notary:

Notary Signature: _____



Date: _____

10/28/16

Alpharetta United Methodist Church

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: Rene Watson, Alpharetta First United Methodist Church

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: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

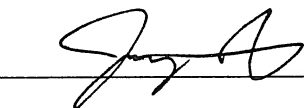
Description of Contribution: _____

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: _____

10/28/16

APPLICANT REQUEST AND INTENT

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

The proposed (and existing) use of the property is for church activities including, but not limited to:

- Worship & Fellowship activities
- Community outreach events
- Mother's Morning Out and Preschool
- Bible studies, community service projects
- General church administration activities

Applicant's Request (Please itemize the proposal):

The intent of this request is for a 50% variance on the outstanding tree recompense initiatives as part of past property improvements. Specifically, AFUMC is siting a hardship based on location available to complete the requisite planting of 119-4" caliper trees. The requested 50% variance would lower the requirement for AFUMC to plant 59.5 - 4" caliper trees. Supporting narratives in this application and visual representation can be supplied to substantiate the need for variance due to property constraints.

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

The proposal for variance follows an on-site inspection regarding feasibility of the tree recompense requirements to support the need for the reduction from 119 to 59.5. Furthermore, on-site inspection conducted supports sufficient space, free from limitations, to plant only approximately 20 - 4" caliper trees on the existing property, and would need to coordinate with the City to complete the remaining, if approved, 39.5 - 5" caliper trees. Limitations include existing structures, hardscape coverage, underground sewer lines, and overhead power lines.

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.

The extraordinary conditions of the subject property include space limitations sufficient to support planting and survivability of the 119 - 4" caliper trees. Structures, overhead power lines, underground sewer lines, and hardscape coverage limit the available area to comply with the original requirement.

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

The hardscape noted is due to location and existing conditions of the property to comply with the required 119 - 4" caliper trees planting.

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

Existing conditions including hardscape coverage, overhead powerlines, underground sewer, and existing structures. While not peculiar per se, these elements diminish the feasibility of the established requirements.

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.

AFUMC does not believe the proposed relief impairs the public good or the purpose and intent of the Zoning code. This is primarily due to the existing plant coverage and overall landscaping aesthetics 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.





2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

October 15, 2015

Wayne Ledbetter, Church Administrator
Alpharetta First United Methodist Church
69 North Main Street
Alpharetta, Georgia 30009

Dear Mr. Ledbetter and Trustees:

The City has agreed to allow the maximum administrative variance of 20% to the required recompense replanting detailed in the attached letter for the Stormwater Project. This letter is dated November 6, 2012 and was recorded with the Fulton County Clerk of Court. The numbers used to determine recompense were those numbers in parenthesis and not the written out numbers as they were incorrect.

The new requirement will reduce your recompense from 89.7 units or 149.5 - 4" caliper trees down to 71.76 units or 119.6 - 4" caliper trees. This is an overall reduction of 17.94 units or 29.9 trees. The City will require 119 - 4" caliper trees to be planted due to rounding.

Additionally any planting on City property must follow the City Tree Planting and Maintenance Specifications that were provided to you on 9/15/2015 by email. This includes adhering to a watering schedule to ensure survivability.

Furthermore the City requires that anytime a tree is planted within 10' of City owned hardscapes a root barrier is installed. We have also agreed to reduce your replanting requirement by the dollar amount spent on the purchase only of the root barrier at the rate of \$800 per tree. As an example if you spend \$800 on the root barrier then your total requirement will be reduced by 1 - 4" caliper tree.

MAYOR
DAVID BELLE ISLE

COUNCIL MEMBERS
D.C. AIKEN
MICHAEL CROSS
JIM GILVIN
MIKE KENNEDY
DONALD F. MITCHELL
CHRIS OWENS

CITY ADMINISTRATOR
ROBERT J. REGUS

In summary the AFUMC will be required to meet the following items to comply with their recompense requirements:

- Plant 119 – 4" caliper trees
- Follow City of Alpharetta Tree Planting and maintenance Specifications
- Install root barrier where needed.

Thank you again for taking the time to contact me regarding the Alpharetta First United Methodist Church's recompense replanting requirement. The initial deadline for completion of the plantings was November of 2016. I can extend the timeline until the end of the fall of 2017. This will provide you with 3 fall planting seasons (2015, 2016, & 2017) in order to complete this project. The City will work with you to choose locations and tree species that best suit the City of Alpharetta design preferences as well as the Churches goals.

Please let me know if you have any questions. I can be reached by email at dshostak@alpharetta.ga.us or by phone at (678)297-6229.

Respectfully,



David Shostak
City Arborist



November 6, 2012

Mr. David Shostak
City of Alpharetta Engineering/Public Works
1790 Hembree Road
Alpharetta, GA 30004

RE: **Agreement between the City of Alpharetta and Alpharetta First
United Methodist Church
Storm Water Project- Tree Planting Schedule
Tax Parcel ID: 22-4984-1268-065-4
Alpharetta First United Methodist Church
Alpharetta, Georgia**

Dear Mr. Shostak,

Alpharetta First United Methodist Church is in the process of planning for the future growth of the church facility and has plans under review for upgrading and expanding the storm water management facility. As a part of this project, the church will be removing specimen trees and will need to provide recompense for the trees removed.

The project will be removing eight (8) specimen tree with a unit value of ~~ninety five and four tenths~~ (105.9) units. During the construction of the storm water pond and parking facility we will be re-planting sixteen and two tenth (16.2) units on site. The remaining ~~seventy nine and two tenth~~ (89.7) units will be planted on various City properties over the following four (4) years. We will coordinate each year's planting with the City Engineering Department and will develop a plan for re-planting for each phase.

We thank you for your consideration in this matter and a copy of this letter will be recorded with the Fulton County Clerk of Court prior to Certificate of Occupancy.

Respectfully,


Wayne Ledbetter
Church Administrator