



Board of Zoning Appeals Meeting June 16, 2022

Community Development
ALPHARETTA CITY HALL | 2 PARK PLAZA
5:30 PM

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I. CALL TO ORDER

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

II. ROLL CALL

- Board of Zoning Appeals Members present:
 - Marc Gelber, Chair
 - Donna Murphy
 - Lisa Shippel
 - Michael Gordy
 - Anne Holcombe
 - Scott Wharton, alternate
- Board of Zoning Appeals Members absent:
 - Mike Perry
 - Mike Fowler
 - Cliff Cobb, alternate
- Staff present:
 - Kathi Cook, Director of Community Development
 - Alexandra Callum, Planning + Zoning Coordinator
 - Nikisha Mistry, GIS Specialist

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MEETING MINUTES

- ❖ Vice-Chair Gordy made a motion to approve the February 17, 2022 meeting minutes.
 - Board Member Holcombe seconded the motion.
 - The motion was approved unanimously (6-0).

- ❖ Board Member Murphy made a motion to approve the April 21, 2022 meeting minutes.
 - Vice-Chair Gordy seconded the motion.
 - The motion was approved unanimously (6-0).

V. ITEMS FROM BOARD MEMBERS

VI. ITEMS FROM STAFF

VII. PUBLIC HEARING

A. V-22-15 / 203 Jere Drive

DEFERRED: this item was deferred by the Applicant. It was not heard or considered during the June 16, 2022 Board of Zoning Appeals meeting.

B. V-22-19 / 640 Brookford Drive

- Director Cook came forward to present this item.
 - The applicant, Duane McGinnis, is requesting consideration of a variance to UDC Article 3, Section 3.4.5 B in order to allow an existing basement to remain at its current elevation which is 8 inches above the flood plain versus the current City requirement of 3 feet above flood plain. The subject property is located at 640 Brookford Drive.
 - The home has existed at its current location since the 1970's and sustained substantial fire damage in 2021. An application for a building permit was received and processed in 2021 after fire damage to the home resulted in over 50% of the home requiring repairs. During the review of the project, it was indicated to the city that the homeowner was going to complete minor repairs and build directly on their existing foundation. The foundation appeared to be adjacent to, but outside, of the floodplain line shown on maps. Since no site plan was required since the homeowner was building back on an existing foundation and none was provided, an evaluation of substantial damage / improvement was not performed.
 - A building permit was issued by the city on August 6, 2021 to rebuild on the current foundation. In April of this year the owner requested to add a deck to the structure which was outside the original foundation and that is when staff found that the home is within the floodplain requiring the foundation to be built at 3 feet above the flood elevation unless a variance is granted. Variances for Article 3 Flood Plain must be based upon extreme hardship due to the unique shape and topography of the property.
 - Damage or improvement 50% or more to a structure requires bringing the structure into compliance with today's floodplain regulations. The homeowner informed staff that he was not aware that the flood plain had changed and now a portion of the home was within the flood plain. The homeowner contracted a surveyor recently to survey the finished floor elevation of the basement and found that it was 0.8 feet above floodplain. (City regulations require finished floor of a substantially damaged and improved home to be at least 3 feet above floodplain).
 - The City of Alpharetta Unified Development Code Section 3.4.6 Variance procedures outlines the criteria set forth for granting a hardship variance. The ordinance specifically states..."in reviewing such requests, the City and Board of Zoning Appeals shall consider all technical evaluations, relevant factors and all standards specified in this and other sections of this ordinance":

1. A finding of good and sufficient cause. Response: The property has an unusual shape given its location at the beginning of a cul-de-sac. The stream is along the eastern property line and cuts across the southern line limiting buildable area. Removal of the foundation would significantly impact the heavily wooded established lot and could impact established stream buffer areas. The property has a slope of approximately 11% and all but 40' of the property is within the 150' impervious setback buffer established in the late 1990's.
 2. A determination that failure to grant the variance would result in exceptional hardship; and: Response: Application of the ordinance would require significant reconstruction that could impact the heavily wooded lot.
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary expense, or the creation of a nuisance. Response: The home has existed at this location since the 1970's and approval would not impact or cause a threat to public safety or create a nuisance.
- Staff has reviewed the applicant's proposal and supports the request to allow the existing foundation to remain at its current elevation which is 8 inches above the flood plain due to the shape and topography of the lot. The issues specific to this lot include the limited buildable area, shape of the property due to the cul de sac intrusion, stream buffer location, buffer impacts as well as tree removal that would be necessary. Approval would prevent additional buffer disturbances and most importantly approval would not increase flood heights or pose threats to public safety or create a nuisance.
 - The applicant notified adjacent property owners of the variance request and intent for the property. The applicant has not received any comments.
 - Approve V-22-19 640 BROOKFORD DRIVE Variance, subject to the following conditions:
 1. There shall be no expansion of the existing footprint.
 2. Decks, porches, etc. must comply with flood plain regulations and must obtain necessary permits.
- The applicant, Duane McGinnis, came forward to speak on behalf of this application.
 - I bought the lot in 1976.
 - I have no intentions to expand the footprint of the house.
 - The Board of Zoning Appeals discussed the following:
 - Did you look at the floodplain maps from 1980? We did, and regulations changed. We went through the history, and we didn't have the 200 feet requirement until 2014.
 - Is this a buildable lot? Yes, it had a house on it that burned. The owner has lived here since the 1980s. It was given a permit in the 80s and burned in 2021. He came to obtain a permit to rebuild the same footprint. Although he is outside the floodplain, he would need a variance if it was a brand-new home.
 - This variance doesn't necessarily have to do with the deck, right? Correct. It was noticed the variance was needed when the applicant came to get the permit for the deck.
 - The slope of the lot is the main reason.
 - Is it an insurable property, or does it now require flood insurance? I made an inquiry about flood insurance and sent them the elevation certificate, and I am not required to have flood insurance, but I can buy if I choose.

Public Comment:

- There were no public comments for this item.
 - ❖ Board member Shippel offered a motion to approve the item subject to all conditions as set forth by Staff, which include:
 1. There shall be no expansion of the existing footprint.
 2. Decks, porches, etc. must comply with flood plain regulations and must obtain necessary permits.
 - Board Member Holcombe seconded the motion.
 - The motion was approved unanimously (6-0).

VIII. ADJOURNMENT

- Chairman Gelber adjourned the meeting at 5:51 p.m.

Respectfully submitted,

Alexandra Callum

Alexandra Callum, Planning + Zoning Coordinator