



BOARD OF ZONING APPEALS MARCH 16, 2023

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. ELECTION OF CHAIRMAN & VICE CHAIRMAN
- IV. APPROVAL OF MEETING MINUTES
 - A. Meeting Minutes 9-15-2022
- V. ITEMS FROM BOARD MEMBERS
- VI. ITEMS FROM STAFF
- VII. PUBLIC HEARING

A. V-23-05 Caliber Car Wash/1500 Mansell Road

This item was deferred by the applicant from February 16, 2023 to the March 16, 2023 Board of Zoning Appeals meeting.

Consideration of a variance to reduce a front setback from 65' to 32.5' to allow for the redevelopment of the property with an automatic car wash. The property is located 1500 Mansell Road and is legally described as being located in Land Lot 560, 1st District, 2nd Section, Fulton County, Georgia.

B. 263 Canton Street Appeal

This item was deferred by the appellant from February 16, 2023 to the March 16, 2023 Board of Zoning Appeals meeting.

Consideration of an appeal to an administrative decision related to a Notice of Violation for tree removal. The property is located at 263 Canton Street and is legally described as being located in Land Lot 1197, 2nd District, 2nd Section, Fulton County, Georgia.

VIII. ADJOURNMENT



Board of Zoning Appeals Meeting
September 15, 2022
Community Development
ALPHARETTA CITY HALL | 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 the Board of Zoning Appeals, but not quoted or paraphrased. This document includes limited presentation by the 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 5:30 p.m.

II. ROLL CALL

- Board of Zoning Appeals Members present:
 - Marc Gelber, Chair
 - Michael Gordy, Vice-Chair
 - Lisa Shippel
 - Mike Fowler
 - Anne Holcombe
 - Mike Perry
- Board of Zoning Appeals Members absent:
 - Donna Murphy
 - Scott Wharton, Alternate
 - Cliff Cobb, Alternate
- Staff present:
 - Michael Woodman, Planning + Development Services Manager
 - Alexandra Callum, Planning + Zoning Coordinator

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MEETING MINUTES

- ❖ Vice-Chair Gordy made a motion to approve the meeting minutes of June 16, 2022.
 - Board Member Holcombe seconded the motion.
 - The motion was approved unanimously (6-0).

V. ITEMS FROM BOARD MEMBERS

VI. ITEMS FROM STAFF

VII. PUBLIC HEARING

A. V-22-23 / 1355 Brandywine Trail Rear Setback Variance

- Manager Woodman came forward to present this item.
 - The applicant, Shalin Patel, is requesting consideration of a variance to reduce the rear setback from 30' to 15' for the construction of a covered porch. The subject property is located at 1355 Brandywine Trail in the Ruth's Farm subdivision.
 - The property has an unusual shape given its location on a cul-de-sac. Additionally, the lot is nearly as wide as it is deep. The combination of limited lot depth and a location on the cul-de-sac requiring the home be setback further than other homes on the same street greatly restrict the use of the rear property.
 - Staff has reviewed the applicant's proposal and generally supports the rear setback variance for the covered porch. The property has an unusual shape due to its location on a cul-de-sac and limited lot depth, which required the home to be setback further than other homes. Similar requests have been approved in the past, including a pool rear setback variance to eleven feet (11') for another property in Ruth's Farm. In addition, the applicant provided letters of no objection from the adjacent properties on either side and from the Ruth's Farm HOA.
 - The applicant provided letters of no objection from the adjacent properties on either side and from the Ruth's Farm HOA. They did not receive a response from their neighbors to the rear.
 - Approve V-22-23 Patel/1355 Brandywine Trail Rear Setback Variance, subject to the following conditions:
 1. Porch shall be permitted as depicted on the plans prepared by Peachtree Deck & Porches, dated 3/29/22, and with a 15' rear setback.
 2. Replace any removed trees on a 1 tree for 1 tree basis, excluding any specimen trees, as approved by Staff.
- The applicant, Mr. Patel, was present and did not have anything further to add to the presentation of the item.
- The Board of Zoning Appeals had no discussion regarding the item.

Public Comment:

There were no public comments for this item.

- ❖ Vice-Chair Gordy offered a motion to approve the item, subject to Staff's conditions.
 - Board Member Fowler seconded the motion.
 - The motion was approved unanimously (6-0).

Final Conditions:

1. Porch shall be permitted as depicted on the plans prepared by Peachtree Deck & Porches, dated 3/29/22, and with a 15' rear setback.
2. Replace any removed trees on a 1 tree for 1 tree basis, excluding any specimen trees, as approved by Staff.

B. V-22-26 / 420 Rill Crest Court Fence Variance

- Manager Woodman came forward to present this item.
 - The applicants, Curtis Donatto and Gloria Ante, are requesting consideration of a variance to allow for the existing side and rear yard eight-foot (8') fence to remain as is with the finished side of fence oriented inward. The City's Code Enforcement placed the applicant on notice that the fence did not comply with the City's maximum height and appearance regulations for residential fences. The subject property is located at 420 Rill Crest Court in the Berkshire Manor subdivision.
 - Unified Development Code (UDC) Subsection 2.3.6 Fence and wall requirements, states the following: "Height of fences and walls used as fences shall not exceed six (6) feet on residential property and eight (8) feet on non-residential property. These limits may be exceeded by up to 50% on sloped lots where the appearance of an even fence line is desired." Regarding appearance, the UDC states: "All fencing shall be constructed with finished side facing away from the owner's property."
 - City Staff has reviewed the applicant's proposal and finds that the variance does not conflict with the established criteria. The property fence has already been installed and the applicant provided letters of no objection from the adjacent property owners.
 - The applicant notified surrounding property owners of the variance request and intent for the property. Letters of no objection from the adjacent property owners were provided by the applicant.
 - Approve V-22-26 420 Rill Crest Court Fence Variance, subject to the following conditions:
 1. An eight-foot (8') privacy fence shall be permitted as depicted on the submitted plans.
 2. The orientation of the fence shall be permitted with the finished side facing inward.
- The applicant, Curtis Donato, presented on behalf of the application.
 - I did not know that what I was doing was against Code.
 - The fence has been up since August 4, 2021.
 - It was installed by a neighbor who knows how to do fences.
 - I made it eight feet tall for security reasons.
- The Board of Zoning Appeals discussed the following:
 - Are there any homes in the subdivision like this? *No, but I have seen one in the area.*

- When was this installed?
- Did you have a company install this? *Yes.*
- Did your installer ever mention city approval to you? *No.*
- Have you contacted the neighbor behind you? *Yes, and her husband said she will not sign it. She is the one who reported me.*
- Why do you want it facing that way with the boards exposed? *I think it looks nicer that way.*
- How would someone know that they are installing a fence the right or wrong way? *We have a lot of issues with residential fences because people really do not know. There is a question-and-answer section on the website, but a lot of people do not know it exists. We would like to bring it up at the mayor's quarterly meeting with neighborhoods.*
- What requires a permit from the city for fences? *We do not require a permit.*
- The Board discussed concerns of people having to come to Board of Zoning Appeals after the fence has already been built.
- The street side has the framing on the inside.
- How many gates are on the fence? *There is just one on the right side.*

Public Comment:

- Donna Lifton – 315 Knoll Ridge Court
 - The reason I will not sign my approval is because everyone around me has the correct fencing.
 - The common knowledge is that the framing of the fence is on the inside.
 - My backyard looks the way it does because of construction.
 - The slats are six feet, but the frame goes down.
 - My house is on a slope.
- ❖ Board Member Perry offered a motion to approve the item, subject to Staff's condition with the following clarification:
 1. An eight-foot (8') privacy fence shall be permitted as depicted on the submitted plans.
 - ~~2. The orientation of the fence shall be permitted with the finished side facing inward.~~
 - Vice-Chair Gordy seconded the motion.
 - During the motion, the Board discussed the following:
 - They can go and take out the slats and turn it over to the inside of the fence.
 - The motion was approved unanimously (6-0).

Final Condition:

1. An eight-foot (8') privacy fence shall be permitted as depicted on the submitted plans.

VIII. ADJOURNMENT

- Chairman Gelber adjourned the meeting at 6:02 p.m.

Respectfully submitted,

Alexandra Callum

Alexandra Callum, Planning + Zoning Coordinator



BOARD OF ZONING APPEALS MEETING

STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: BRIAN BORDEN

I. **AGENDA ITEM TITLE:** V-23-05 CALIBER CAR WASH/1500 MANSELL ROAD SETBACK VARIANCE

BOARD OF ZONING APPEALS: MARCH 16, 2023

II. **RECOMMENDATION:**

Approve V-23-05 Caliber Car Wash/1500 Mansell Road Setback Variance, subject to the following conditions:

1. Site layout shall be permitted as depicted on the plans prepared by Carter Harkleroad Group, dated 12/27/22, and with a 32.5' front setback along Mansell Road.
2. Building shall have the appearance of a 25' tall structure and shall be substantially similar to the elevations depicting a gray roof and prepared by Alex Roush Architects, Inc., dated 1/23/23, with final approval by DRB.
3. Landscaping shall be substantially similar to the landscape plan prepared by Manley Land Design, dated 1/27/23, with final approval by DRB.
4. Developer shall assess site landscaping and replace dead, dying or missing landscape material.
5. Developer shall plant additional shrubs and ornamental grasses in the landscape strip along Mansell Road and Westside Parkway. These plantings shall be installed near the highest ground elevations to provide additional site screening, as approved by DRB.

III. **REPORT IN BRIEF:**

The applicant, Caliber Car Wash, is requesting consideration of a variance which reduces the front setback by 50%, resulting in a reduction to the front setback from 65' to 32.5' along Mansell Road. The variance request is being initiated upon City Staff input on a code compliant site plan prepared for Caliber Car Wash. The code compliant site plan places the building to the rear of the site and has canopy covered parking spaces for individuals to perform self-service automotive detailing. The requested variance would allow for the building to be moved closer to the street and to place the canopied parking spaces to the rear of the site in order to be less visible from Mansell Road. It would also increase the area available to stack vehicles waiting to enter the car wash building and reduce the chance of impacting circulation internally or potentially in the public right-of-way. The subject property is located at 1500 Mansell Road at the east corner of Mansell Road and Westside Parkway.

DISCUSSION

The submitted request, if approved, would reduce the front setback for the principal structure of a car wash facility. Unified Development Code (UDC) Subsection 2.2.17(D) L-I Industrial District Regulations, requires a 65' front setback adjacent to non-local streets. The intent of this request is to address City Staff's concern related to the aesthetics of the property from the street, and it would resolve concern over the site layout's limited vehicle stacking entering the car wash structure. Under current development regulations for the site and as represented by the applicant on a code compliant site plan, the car wash building would be located at the rear of the site. The view from Mansell Road would consist of canopy covered parking spaces with individual outdoor equipment for automotive detailing at each parking space, if constructed

as allowed by Code. With input from Staff, the applicant has offered an alternate site layout which requires a front setback variance. The variance reduces the front setback along Mansell Road from 65' to 32.5'. This allows the car wash building to be located to the front of the site, with the building effectively screening to the view of the automotive detailing facilities located at the rear of the site. The subject property is located at 1500 Mansell Road at the east corner of Mansell Road and Westside Parkway.

The 1.15-acre property is zoned LI (Light Industrial) and is developed with a two-story, 7,250 square foot building which was formerly occupied by a bank with drive-thru. The site contains a retaining wall along both road frontages that is only visible from within the site. As a result, the site sits approximately thirteen-feet (13') below the grade of the street in some areas. Surrounding properties are zoned LI and occupied by automobile dealerships. Across Westside Parkway from the site in the City of Roswell, a Home 2 Suites hotel was recently constructed.

The applicant has provided both a code-compliant site plan that can be constructed without approval of a variance, as well as a site plan reflecting the front setback variance request. The code-compliant site plan maintains the general layout of the existing site, as the site driveways are all shared with adjoining properties. The existing retaining wall is depicted to remain along both street frontages. The car wash building meets the 65' setback from both Mansell Road and Westside Parkway with the actual distance of the building from Mansell Road being more than 155'. Three (3) rows of Individual automotive detailing spaces with blue canopies are located between Mansell Road and the car wash building. The tops of the canopies would be at or just above the grade of the road. The code-compliant layout accommodates only six (6) stacking spaces for vehicles queuing at the entrance to the car wash building. Should additional vehicles arrive, they could be stacked into the internal site intersection with the neighboring property and extend this blockage into the site driveway or potentially into the public right-of-way.

Similar to the code-compliant plan, the alternate plan prepared with input from City Staff maintains much of the same development layout as exists on the site with driveways remaining as installed and the site's retaining wall behind both road frontages remaining in place. However, there are significant changes to the development's proposed layout. The car wash building would be moved to within 32.5' of Mansell Road and would be a two (2) story structure with a height of 25'. There would be a ten-foot (10') wide "escape" lane between the building and existing retaining wall to allow motorists to leave the drive-thru car wash lane, if necessary. Due to the height change between the site and street elevations, the escape lane should have limited visibility. Behind the two (2) story building, three (3) rows of canopy-covered automotive detail stations are depicted. The re-orientation of the building to the front of the site also allows an increase in the stacking of vehicles to approximately ten (10) stacking spaces from the six (6) shown on the code-compliant plan.

VARIANCE REVIEW CRITERIA

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 is topographically constrained. The site drops up to thirteen-feet (13') from adjacent roads at their highest points. Due to this, shorter structures such as those proposed for canopy coverage over parking spaces and automotive detailing equipment would be looked down upon by motorists and pedestrians along Mansell Road.

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

Response: Application of the ordinance would not prevent the car wash from being constructed. City Staff encouraged the applicant to seek this variance due to a believed benefit to the City with an improved site layout and a reduction of impacts to neighboring properties and public rights-of-way.

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 can be developed as a car wash facility without approval of the requested variance. However, the variance sought by the applicant seeks to improve upon the viewshed of Mansell Road which would otherwise encompass the tops of three (3) rows of canopy-covered parking spaces.

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 car wash development could be constructed under present regulations. In comparison with the code-compliant plan, the changes to the site layout represent an improvement to the public good as the proposed plan addresses concerns over the limited amount of vehicle stacking available and the proximity of the drive-through to Mansell Road.

CONCURRENCES

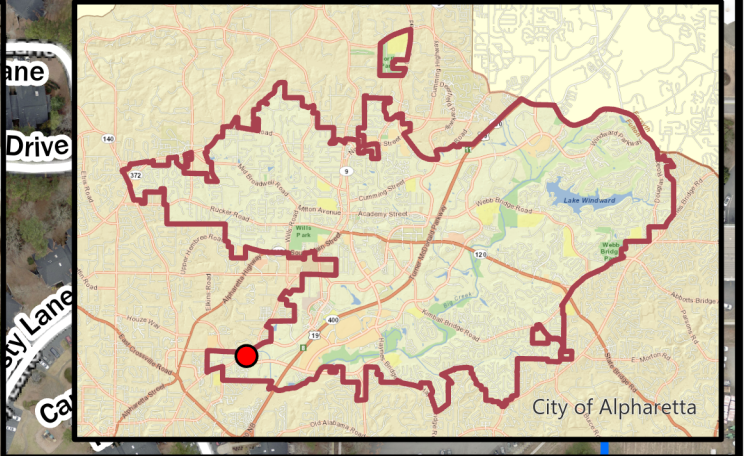
Staff has reviewed the applicant's proposal and is supportive of the requested front setback variance. A car wash use is a permitted use in the LI zoning district. The 65' front setback would not prohibit the construction of the car wash facility. However, at the encouragement of Staff, the developer sought an alternate site layout to achieve an improved appearance from Mansell Road and to increase vehicle stacking which would limit impacts to adjoining properties. The preferred plan to achieve these outcomes reduces the front setback to 32.5' and flips the site design to bring the building forward to the street. Existing trees on the site will largely remain intact. However, due to the rapid decrease in elevation from Mansell Road and Westside Parkway, Staff suggests the street frontage be improved with shrubs and ornamental grasses at the highest grades of the property to ensure their visibility.

CITIZEN PARTICIPATION PLAN

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

IV. ATTACHMENTS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- Citizen Part B
- Application

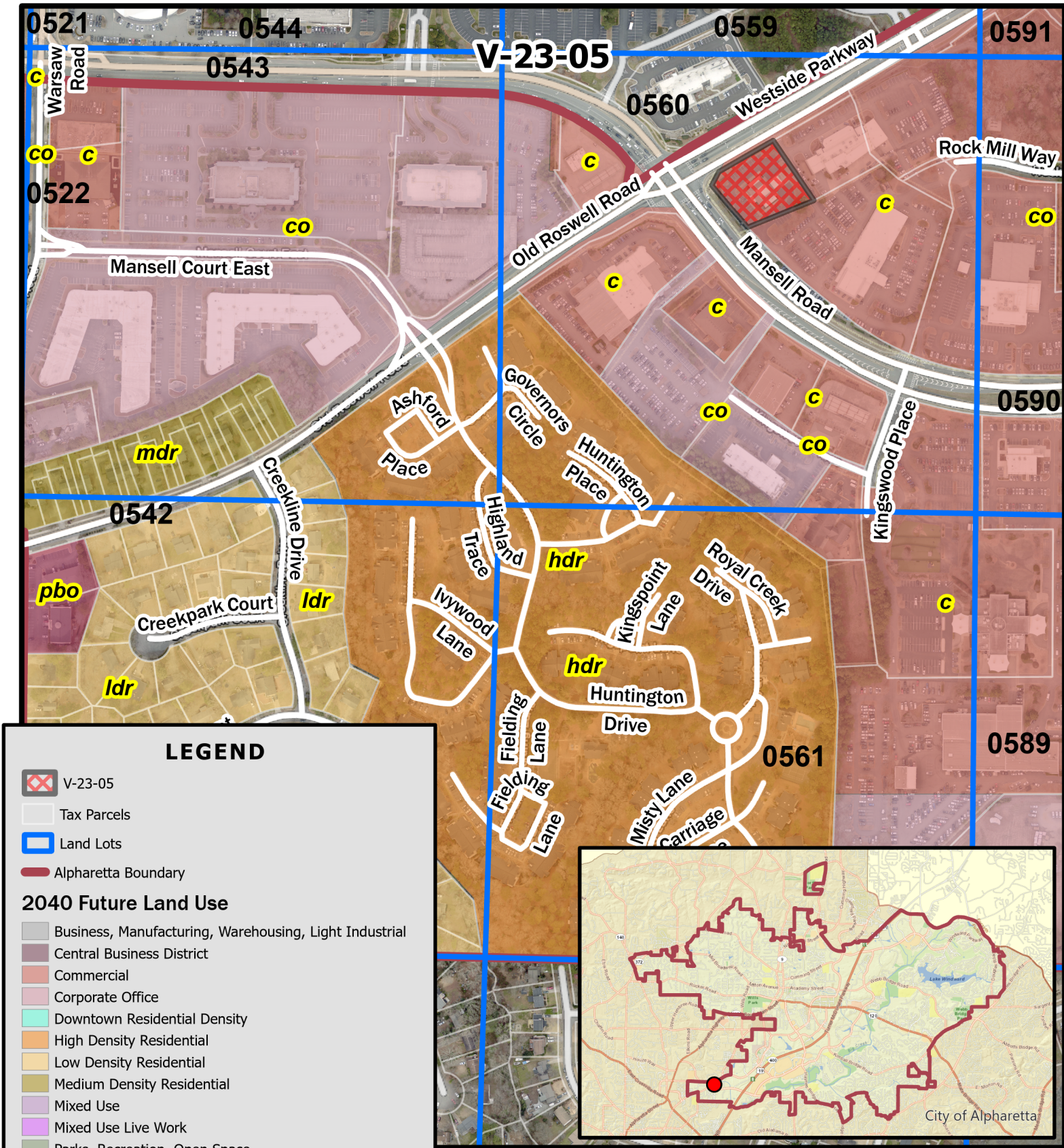


V-23-05
D/LL: 1/2/0560
BZA: 2/16/23



**Location Map Provided by:
Community Development - GIS**

BZA: 2/16/23



LEGEND

V-23-05

Tax Parcels

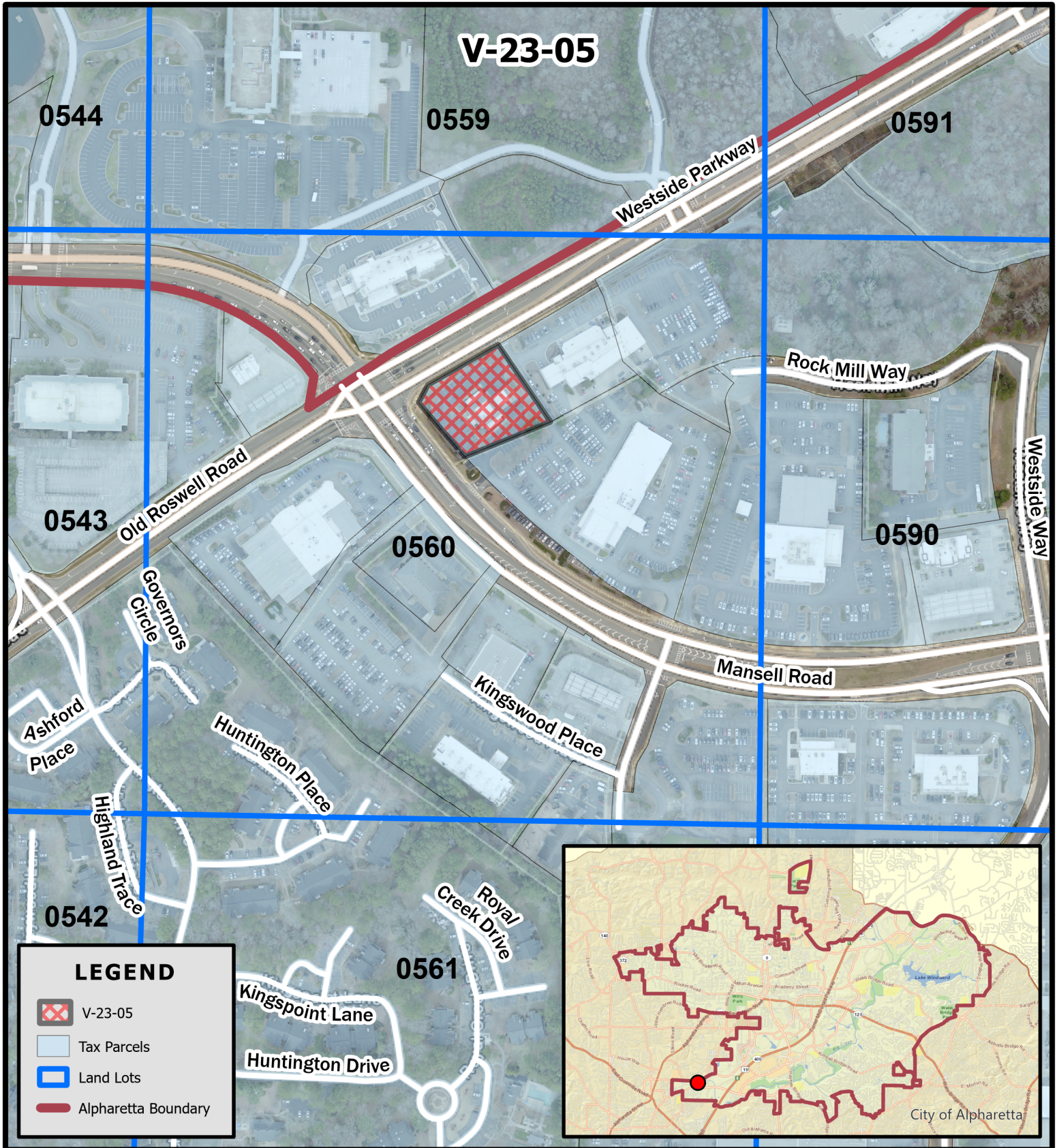
Land Lots

Alpharetta Boundary

2040 Future Land Use

- Business, Manufacturing, Warehousing, Light Industrial
- Central Business District
- Commercial
- Corporate Office
- Downtown Residential Density
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Mixed Use Live Work
- Parks, Recreation, Open Space
- Professional Business Office
- Public, Institutional, Education
- Residential Estate
- Very Low Density Residential

V-23-05
D/LL: 1/2/0560
BZA: 2/16/23



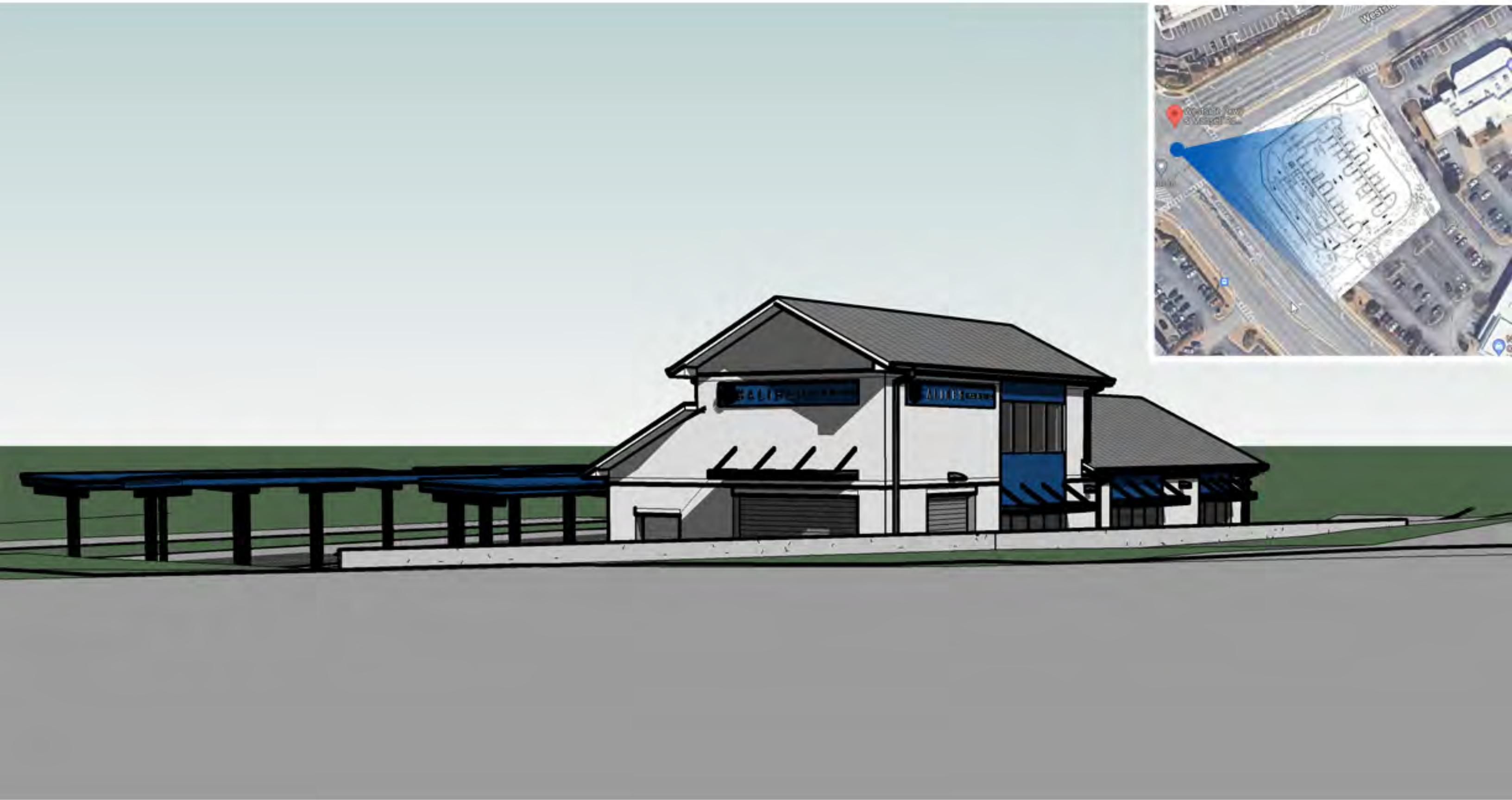
V-23-05
D/LL: 1/2/0560
BZA: 2/16/23

Location Map
Caliber Car Wash
1500 Mansell Road





CALIBER CAR WASH - PERSPECTIVE STUDY | MANSELL ROAD, GA



VIEW 1 - CENTER OF INTERSECTION

CALIBER CAR WASH - PERSPECTIVE STUDY | MANSELL ROAD, GA



VIEW 2 - WESTSIDE PKWY

CALIBER CAR WASH - PERSPECTIVE STUDY | MANSELL ROAD, GA



VIEW 3 - MANSELL RD

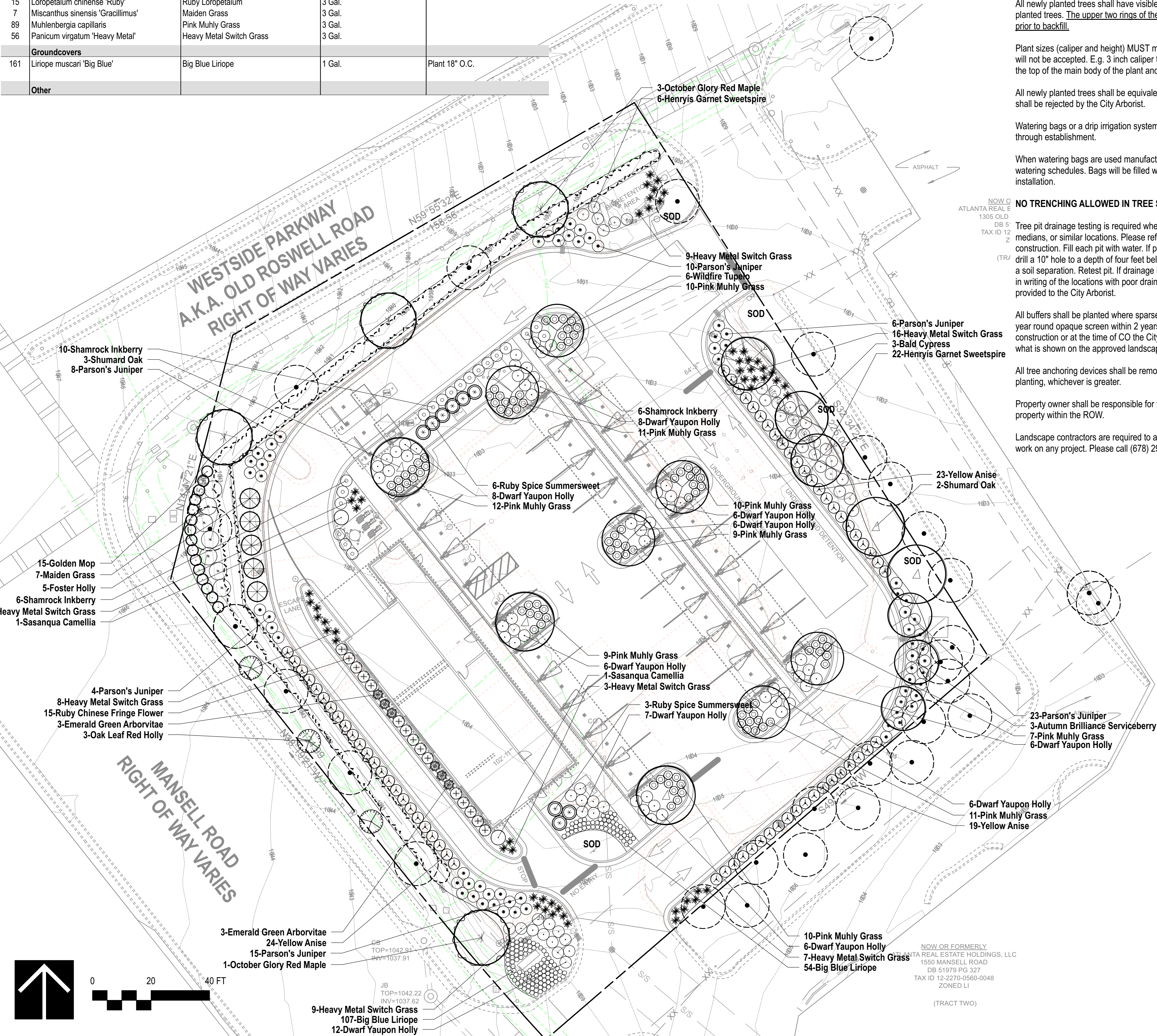
CALIBER CAR WASH - PERSPECTIVE STUDY | MANSELL ROAD, GA



VIEW 4 - BIRD'S EYE VIEW FROM INTERSECTION

PLANT LIST

Qty	Botanical Name	Common Name	Scheduled Size	Remarks
Trees				
4	Acer rubrum 'October Glory'	October Glory Red Maple	3" Cal.; 12' Hgt.	B & B; single straight leader
3	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	1" Cal.	Multi-trunked
3	Ilex x 'Cona'	Oak Leaf Red Holly	7'-8" Hgt.	Well-branched, full to ground
5	Ilex x attenuata 'Fosteri'	Foster Holly	1" Cal.	Full to ground
6	Nyssa sylvatica 'Wildfire'	Wildfire Tupelo	3" Cal; 12' Hgt.	B & B; single straight leader
5	Quercus shumardii	Shumard Oak	4" Cal; 14' Hgt.	B & B; single straight leader
3	Taxodium distichum	Bald Cypress	4" Cal; 14' Hgt.	B & B; single straight leader
6	Thuja occidentalis 'Smaragd'	Emerald Green Arborvitae	6'-8" Hgt.	
Shrubs				
2	Camellia sasanqua	Sasanqua Camellia	7 Gal.	
15	Chamaecyparis pisifera 'Golden Mop'	Golden Mop	24" Hgt.	Plant 48" O.C.
9	Clethra alnifolia 'Ruby Spice'	Ruby Spice Summersweet	3 Gal.	
22	Ilex glabra 'Shamrock'	Shamrock Inkberry	3 Gal.	
71	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	3 Gal.	
66	Illicium parviflorum	Yellow Anise	3 Gal.	
28	Itea virginica 'Henry's Garnet'	Henry's Garnet Sweetspire	3 Gal.	
66	Juniperus squamata expansa 'Parsonii'	Parson's Juniper	3 Gal.	Plant 30" O.C.
15	Loropetalum chinense 'Ruby'	Ruby Loropetalum	3 Gal.	
7	Miscanthus sinensis 'Gracillimus'	Maiden Grass	3 Gal.	
89	Muhlenbergia capillaris	Pink Muhly Grass	3 Gal.	
56	Panicum virgatum 'Heavy Metal'	Heavy Metal Switch Grass	3 Gal.	
Groundcovers				
161	Liriope muscari 'Big Blue'	Big Blue Liriope	1 Gal.	Plant 18" O.C.
Other				



CITY OF ALPHARETTA LANDSCAPE NOTES:

The City Arborist must inspect the site before installation of erosion control measures. Land disturbance without a site inspection and approval by the City Arborist will result in a "Stop-Work Order" and fines.

If tree survey inaccuracies are found on-site, a stop work order will be issued until revised plans are approved and processed based on accurate information.

Design Landscape Architect or Project Arborist will inspection, verify, and approve the landscape has been planned per the approved plans and city standards prior to contacting the City Arborist for a CO inspection.

Trees agreed upon to be saved are the responsibility of the owner.

A 4" layer of mulch is required for the CRZ of Specimen Trees, Trees of Quality, and Tree Groupings. Mulch must be applied prior to start of construction and shall not touch the trunk of the tree(s).

A minimum 2" layer of mulch is required for all existing, non-specimen, landscape trees, including street and parking lot trees. Mulch must be applied prior to start of construction and shall not touch the trunks of tree(s).

All mulch must be organic consisting of wood chips, shredded bark, pine needles, or similar. Synthetic mulch is not approved for use in the City of Alpharetta.

All newly planted trees shall have visible root flares at finished grade. No circling roots shall be allowed on planted trees. The upper two rings of the wire basket, all burlap, and strapping MUST be cut and removed prior to backfill.

Plant sizes (caliper and height) MUST match the sizes on the plans. Plants that do not meet these minimums will not be accepted. E.g. 3 inch caliper trees must be 3 inches or larger. Plant height measurement is taken at the top of the main body of the plant and not at the tip of the topmost growth.

All newly planted trees shall be equivalent in quality to a Florida #1 grad or better. All trees of lesser quality shall be rejected by the City Arborist.

Watering bags or a drip irrigation system MUST be provided for all trees immediately after planting and remain through establishment.

When watering bags are used manufacturers recommendations MUST be followed for proper sizing and watering schedules. Bags will be filled weekly by owner and during droughts for a minimum of 18 months after installation.

NO TRENCHING ALLOWED IN TREE SAVE AREAS INCLUDING IRRIGATION.

Tree pit drainage testing is required when trees are planted in parking lot islands, sidewalk tree pits, roadway medians, or similar locations. Please refer to City Details regarding planting pit or landscape island construction. Fill each pit with water. If percolation is less than 100% within a 12 hour period, use an auger to drill a 10" hole to a depth of four feet below the bottom of the pit. Fill hole with drainage gravel and cover with a soil separation. Retest pit. If drainage is still unsatisfactory, City Arborist and Project Arborist must be notified in writing of the locations with poor drainage to provide a solution before planting. Testing results must be provided to the City Arborist.

All buffers shall be planted where sparse sand code required screening shall be installed in order to create a year round opaque screen within 2 years of construction or as directed by the City of Alpharetta. During construction or at the time of CO the City may require additional plantings to meet these requirements above what is shown on the approved landscape plan.

All tree anchoring devices shall be removed from tree after one complete growing season or one year after planting, whichever is greater.

Property owner shall be responsible for the care and maintenance of the trees and landscaping that front their property within the ROW.

Landscape contractors are required to attend the City of Alpharetta Pre-Construction class prior to beginning work on any project. Please call (678) 297-6070 for information and to reserve a pot.

GENERAL LANDSCAPE NOTES

- Landscape Contractor to read and understand the Landscape Details and Specifications prior to finalizing bids. The Landscape Specifications shall be adhered to throughout the construction process.
- Contractor is responsible for locating and protecting all underground utilities prior to digging.
- Contractor is responsible for protecting existing trees from damage during construction.
- Contractor is responsible for understanding and adhering to all constraints and limits of the site ie: Code requirements as stated on the landscape plan, minimum plant sizes in the plant list, property boundaries, limits of disturbance, easements and buffers.
- All tree protection devices to be installed prior to the start of land disturbance, and maintained until final landscaping.
- Tree protection areas to be protected from sedimentation.
- Tree protection fencing shall be inspected daily; repair or replaced as needed.
- No parking, storage or other construction activities shall occur within tree protection areas.
- All planting areas shall be cleaned of construction debris (ie. concrete, rock, rubble, building materials, etc) prior to adding and spreading of the topsoil.
- Minimum 4" depth of topsoil shall be added to all planting and sodded areas. Graded areas shall be held down the appropriate elevation to account for topsoil depth. See Landscape Specifications for required topsoil characteristics.
- Remove debris from all parking lot islands, fracture/loosen subgrade to a min. 24" depth and add topsoil to a 6'-8" bermed height above island curbing; refer to landscape specifications and landscape island detail.
- Prior to beginning work, the Landscape Contractor shall inspect the subgrade, general site conditions, verify elevations, utility locations, irrigation, approve topsoil provided by the General Contractor and observe the site conditions under which the work is to be done. Notify the General Contractor of any unsatisfactory conditions, work shall not proceed until such conditions have been corrected and are acceptable to the Landscape Contractor.
- Any deviations from the approved set of plans shall be approved by the Landscape Architect.
- Landscape shall be installed in conformance with ANSI Z60.1 the "American Standard for Nursery Stock" and the accepted standards of the American Association of Nurserymen.
- Existing grass in proposed planting areas shall be killed and removed. Hand rake to remove all rocks and debris larger than 1 inch in diameter, prior to adding topsoil and planting shrubs.
- Sod to be delivered fresh (Cut less than 24 hours prior to arriving on site), laid immediately, rolled, and watered thoroughly immediately after planting. Edge of sod at planting beds are to be "V" trenched; see Landscape Details.
- Any existing grass disturbed during construction to be fully removed, regraded and replaced. All tire marks and indentions to be repaired.
- Soil to be tested to determine fertilizer and lime requirements prior to laying sod.
- Annual and perennial beds: add min. 4 inch layer of organic material and till to a min. depth of 12 inches. Mulch annual and perennial beds with 3 inch depth of mini nuggets.
- All shrubs beds (existing and new) to be mulched with a min. 3 inch layer of mulch (brown, double shredded hardwood mulch).
- Planting holes to be dug a minimum of twice the width of the root ball, for both shrubs and trees. Set plant material 2-3" above finish grade. Backfill planting pit with planting mix as specified in the Landscape Specifications.
- Water thoroughly twice in first 24 hours and apply mulch immediately.
- The Landscape Contractor shall guarantee all plants installed for one full year from date of acceptance by the owner. All plants shall be alive and at a vigorous rate of growth at the end of the guarantee period. The Landscape Contractor shall not be responsible for acts of God or vandalism. See Landscape Specifications for Warranty requirements/expectations.
- Any plant that is determined dead, in an unhealthy, unsightly condition, lost its shape due to dead branches, or other symptoms of poor, non-vigorous growth, shall be replaced by the Landscape Contractor. See Landscape Specifications for warranty requirements/expectations.
- Stake all evergreen and deciduous trees as shown in the planting detail and as per the Landscape Specifications.
- Remove stakes and guying from all trees after one year from planting.

LANDSCAPE REQUIREMENTS

SITE DENSITY							
REQUIRED	1.	130 inches per site acreage					
		1.15 acre x 130 inches	=	149.5 inches			
		See sheet L-001 for Existing Trees List	=	101 inches existing			
			=	48.5 inches required			
	2.	No more than 25% of any (1) genus					
		25 x 25%	=	6 max of any (1) genus			
	3.	No less than 50% of the trees planted shall be native tree species					
		25 x 50%	=	13 native trees required			
	4.	No less than 40% of the trees planted shall be overstory trees					
		25 x 40%	=	9 overstory trees required			
5.	No less than 40% of all landscaping shall be native						
	(25 trees + 420 shrubs) x 40%	=	178 native plants required				
PROVIDED	1.	QTY	TREE	SIZE (INCHES)	NATIVE	PERCENT	
		3	Bald Cypress	4	Yes	8%	
		4	Red Maple	3	Yes	16%	
		3	Serviceberry	3	Yes	12%	
		5	Foster Hollies	1	No	20%	
		6	Black Gum	3	Yes	24%	
		4	Shumard Oak	3	Yes	16%	
		25	Total				
						68 inches provided	
	2.	No more than 4 of any one genus is being planted					
	3.	20 trees are native					
	4.	20 overstory trees					
	5.	226 native plants					
	B. PARKING LOT						
	REQUIRED	1.	200 SF of landscape island at the end of each parking bay				
2.		Each landscape island shall have at least (1) shade tree					
		9 landscape islands	=	9 landscape island trees required			
PROVIDED	1.	All landscape islands are 200 SF minimum					
	2.	3 Shumard Oak, 6 Black Gum	=	9 landscape island trees provided			
C. LANDSCAPE STRIPS							
REQUIRED	1.	(1) 4"-Cal tree per 40 LF of street frontage					
		Mansell Road: 242 LF / 40 LF	=	6 street trees required			
		Westside Parkway: 200 LF / 40 LF	=	5 street trees required			
	2.	Screen paved areas and parking from ROW with 24" Hgt. double row of shrubs					
	3.	(1) 4"-Cal tree per 40 LF of landscape strip along all property lines which do not adjoin a ROW or private road					
		Northeast: 190 LF / 40 LF	=	5 perimeter trees required			
		Southeast: 140 LF / 40 LF	=	4 perimeter trees required			
	PROVIDED	1.	Mansell Road: 5 existing street trees, 1 Red Maple	=	6 street trees		
		Westside Parkway: 2 existing street trees, 3 Red Maples	=	5 street trees			
2.		Double row of 24" Hgt. shrubs provided					
3.		Northeast: 3 Bald Cypress, 2 Shumard Oak	=	5 perimeter trees			
		Southeast: 5 existing Willow Oaks	=	5 perimeter trees existing			

NO TREE SHALL BE PLANTED ON ANY AREA OF AN EARTHEN DAM OR EMBANKMENT.

ALL TREES MUST BE PLANTED OUTSIDE OF ANY UTILITY EASEMENTS, UNLESS APPROVED BY THE CITY ARBORIST OR UTILITY PROVIDER.

This pertains to ALL utilities (water, sewer, gas, fiber optic, electric, etc.).



Manley Land Design, Inc.
51 Old Canton Street
Alpharetta, Georgia 30009

770.442.8171 tel

CLIENT:



CALIBER CAR WASH

1500 Mansell Road
Alpharetta, GA 30009

PROJECT INFORMATION

REVISION SCHEDULE:

NO. DATE BY DESCRIPTION

MLD PROJECT #: 2022317

DRAWN BY: MB

CHECKED BY: AN

DATE: 1/27/23

Landscape Plan

PRELIMINARY

L-100

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: V-23-05/PHA230002 - Variance request for 1500 Mansell Rd.

Contact Name: Parks F. Huff Telephone: (770)422-7016

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.

I sent a letter with the applicant's proposed site plan enclosed to surrounding property owners under USPS Certificate of Mailing on January 23, 2023 (proof of mailing attached). My office received no responses to that mailing regarding this application.

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: _____

Parks F. Huff, Attorney for the Applicant

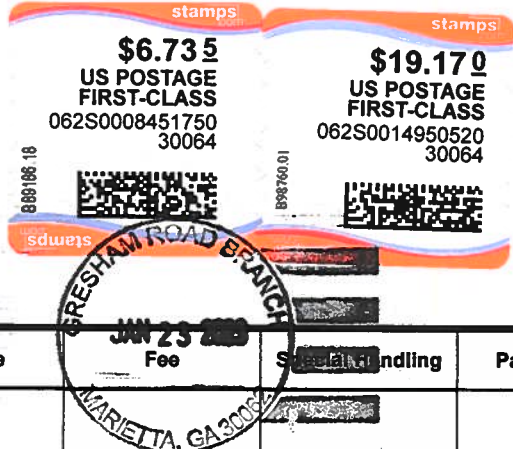
Date: _____

2/10/2023

Print Form



Certificate of Mailing — Firm

Name and Address of Sender SAMS, LARKIN & HUFF, LLP Parks F. Huff 376 Powder Springs Street Ste. 100 Marietta, GA 30064	TOTAL NO. of Pieces Listed by Sender 14 Postmaster, per (name of receiving employee) USPS 1290 Gresham Road Marietta, GA 30062 <i>W Marshall</i>	TOTAL NO. of Pieces Received at Post Office™ 	Affix Stamp Here 14 pieces x \$1.85=\$25.90 Postmark with Date of Receipt. 			
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift	
1. See the attached sheet						
2.						
3.						
4.						
5.						
6.						

ATLANTA REAL ESTATE HOLDING L L C
2905 PREMIERE PKWY STE 300
DULUTH GA 30097

ATLANTA REAL ESTATE HOLDINGS LLC
2905 PREMIERE PKWY STE 300
DULUTH GA 30097

ATLANTIC HOTEL GROUP LLC
2145 DULUTH HWY STE A
DULUTH GA 30097

CHRISTMAN NORTH POINT INVESTMENTS LLC
6031 BROOKHAVEN CIR
JOHNS CREEK GA 30097

CORNER STONE INC
P.O. BOX 2437
SMYRNA GA 30081

F7 400L LLC
3455 PEACHTREE RD NE STE 700
ATLANTA GA 30326

F7 MOO LLC
3455 PEACHTREE RD NE STE 655
ATLANTA GA 30326

GA 92 LAIGHT LLC
1107 BROADWAY #11E
NEW YORK NY 10010

HARE KRISHNA ALPHARETTA HOTEL LLC
285 COUNTRY CLUB DR
STOCKBRIDGE GA 30281

HENNESSY CADILLAC INC
3040 PIEDMONT RD
ATLANTA GA 30305

OLD ROSWELL ONE SIX NINE TWO THREE LLC
3330 CUMBERLAND BLVD STE 300
ATLANTA GA 30339

PSH BUCKHEAD LLC
116 B TOMMY STALNAKER DR
WARNER ROBINS GA 31088

TUCKER FED SAVING & LOAN ASSOC
1500 MANSELL RD
ALPHARETTA GA 30004

TYFOR INVESTMENT INC
1460 SQUIRE LN
CUMMING GA 30041-6746

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

PH #: _____

☐ Property Taxes & Code Violations Verified

☐ 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." 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: Parks F. Huff Telephone: 770.422.7016

Address: 376 Powder Springs St. Suite: 100

City: Marietta State: GA Zip: 30064 Fax: _____

Mobile Tel: 404-975-8859 Email: phuff@samslarkinhuff.com

Subject Property Information:

Address: 1500 Mansell Road Current Zoning: LI

District: 1st Section: 2nd Land Lot: 560 Parcel ID: 12-227005600451

Proposed Zoning: NA Current Use: A vacant bank building

This Application For (Check All That Apply):

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

APPLICANT REQUEST AND INTENT

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

The applicant proposes to redevelop the vacant bank building into a modern tunnel car wash. The site sits below the grade of the intersection. The applicant is seeking a front setback variance to move the building forward and reducing the front setback by 50% to provide a better street presentation and better internal circulation.

Applicant's Request (Please itemize the proposal):

- 1) Reduce the front setback from 65 feet to 32.5 feet. Unified Development Code Section 2.2.17 (D.)

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

The applicant proposes to build a new car wash on a site that is currently a vacant bank building. The property is zoned LI and the adjacent uses are car dealerships. The use is consistent with the area. The applicant was originally reviewing the site plan as part of the DRB process but the staff asked for the building to be located on the front rather than the back to better shield the vacuum stations. This move requires a setback variance. The site sits significantly below the grade of the intersection which creates redevelopment challenges. The variance will create a more attractive project and create better access to the existing joint driveways.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: 1500 Mansell REO, LLC

Telephone: _____

Address: 6020 Richmond Hwy.

Suite: _____

City: Alexandria

State: VA

Zip: 22303

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: Caliber Car Wash

Telephone: _____

Address: 3625 Cumberland Blvd. Suite 1150

Suite: _____

City: Atlanta

State: GA

Zip: 30339

So Sworn and Attested:

Owner Signature: _____

1500 Mansell REO, LLC

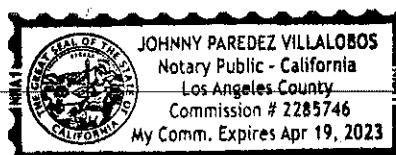
Date: _____

1/11/23

Notary:

Notary Signature: _____

Johnny Paredes Villalobos



Date: _____

01/13/2023

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE A PUBLIC HEARING APPLICATION

1.

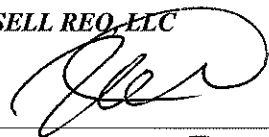
My name is Gevorg Sedrakyan. I am the officer who is delegated the responsibility for authenticating records of 1500 MANSELL REO, LLC, a Domestic Limited Liability Company (the "Titleholder Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to an Application for Public Hearing ("Application") regarding certain real property owned by the Titleholder Company located in the City of Alpharetta, Georgia.

2.

In accordance with the requirements for completing an Alpharetta Application for Public Hearing, I hereby attest on behalf of the Titleholder Company that an authorized representative of Titleholder Company has reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant Company to which this Certificate is attached and hereby certify:

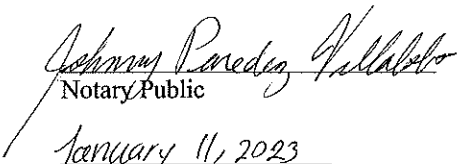
- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Titleholder Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Titleholder Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Titleholder Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution and the filing of the Application on behalf of the Titleholder Company by the officer or other representative of the Applicant Company has been duly authorized by the Titleholder Company.

1500 MANSELL REO, LLC

By: 

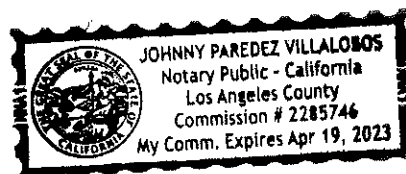
Print Name: Gevorg Sedrakyan

Its: Owner


Notary Public

January 11, 2023
Date

(NOTARY SEAL)



CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE AN APPLICATION FOR VARIANCE

1.

My name is Ashley Reddick. I am the officer or corporate representative who is delegated the responsibility for authenticating records of *Caliber Car Wash*. ("Applicant"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Application regarding certain real property located in the City of Alpharetta, Georgia.

2.

In accordance with the Requirements for completing a City of Alpharetta Application, I hereby attest on behalf of the Applicant that I have reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Applicant Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Applicant Company who executed the Application for Variance does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Application and the filing of the Application on behalf of the Applicant Company by the officer or other representative of the Applicant has been duly authorized by the Applicant Company.

Caliber Car Wash

By: *G. Ashley Reddick* Date *01/16/2023*

G. Ashley Reddick

Title: *Development Manager*

Kristina M Longfellow
Signature of Notary Public

1-16-2023
Date



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: **Caliber Car Wash**

Subject Public Hearing Case: **Application for variance-1500 Mansell Rd.**

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: _____

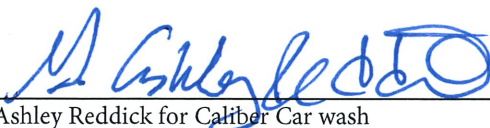
Description of Contribution: _____ Value: _____

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-3.

Signature: 
G. Ashley Reddick for Caliber Car wash

Date: **01/16/2023**

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: Caliber Car Wash

Subject Public Hearing Case: Variance request-1500 Mansell Rd.

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: _____

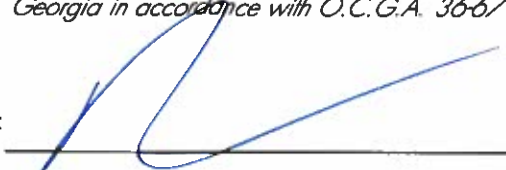
Description of Contribution: _____ Value: _____

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-3.

Signature: 

Date: 1-17-2023

Parks F. Huff, Attorney for the Applicant

13

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 site has topography challenges that create the need for the variance. The site sits well below the grade of the intersection and this grade cannot be raised because the access points which are shared by adjacent properties are fixed. The applicant worked with the city staff to create a site plan that works with the topography but the site plan has a 50% front setback variance reducing the front setback from 65 feet to 32.5 feet. This reduction allows the building to be close to the road creating a better visual than having the parking and vacuum stations on the front. This variance also allows the circulation to work better to ensure traffic entering the site from Mansell Road is not impeded.

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

The application of the zoning standard creates an unnecessary hardship because it unnecessarily limits the usability of the site. The site is zoned LI and is surrounded by automotive uses. The site shares common access with the adjacent uses which limits the ability to adjust the grade which is currently significantly below the grade of the intersection. By allowing the building to move forward, the site will be more attractive visually from the road and will work better for access from both Mansell Road and Westside Parkway.

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

The site conditions are peculiar to the property. The existing building is a closed bank. The site is zoned LI and is not appropriate for retail type uses because it sits significantly below the grade of the intersection. The parking lot and FFE of the existing building is 13 feet below the grade of the intersection and this cannot be raised because the shared vehicular access points are fixed at lower elevations.

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.

The granting of the variance furthers the purpose and intent of the zoning code by putting the building towards the front of the building which will be more attractive than the parking and vacuum stations. Access is also improved with the variance being granted.

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.

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: Caliber Car Wash

Contact Name: Parks F. Huff Telephone: 770-422-7016

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.

See the attached list

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.

The applicant will send a letter and a copy of the site plan to adjoining and property owners within 500 feet of the subject property sharing the proposed variance request. The applicant will provide contact information so affected property owners can get additional information if requested. The applicant will provide a Certificate of Mailing from the US Post Office to show proof of mailing the notification letters.

Property Owners Within 500 Feet

PIN	Property Owner	Address	City, State, ZIP
12 227005600568	ATLANTA REAL ESTATE HOLDING L L C	2905 PREMIERE PKWY STE 300	DULUTH GA 30097
12 227005600048	ATLANTA REAL ESTATE HOLDINGS LLC	2905 PREMIERE PKWY STE 300	DULUTH GA 30097
12 226005600313	ATLANTIC HOTEL GROUP LLC	2145 DULUTH HWY STE A	DULUTH GA 30097
12 227005600543	CHRISTMAN NORTH POINT INVESTMENTS LLC	6031 BROOKHAVEN CIR	JOHNS CREEK GA 30097
12 227005600394	CORNER STONE INC	P.O. BOX 2437	SMYRNA GA 30081
12 226005590829	F7 400L LLC	3455 PEACHTREE RD NE STE 700	ATLANTA GA 30326
12 226005590837	F7 MOO LLC	3455 PEACHTREE RD NE STE 655	ATLANTA GA 30326
12 227005600402	GA 92 LAIGHT LLC	1107 BROADWAY #11E	NEW YORK NY 10010
12 227005600527	HARE KRISHNA ALPHARETTA HOTEL LLC	285 COUNTRY CLUB DR	STOCKBRIDGE GA 30281
12 227005600436	HENNESSY CADILLAC INC	3040 PIEDMONT RD	ATLANTA GA 30305
12 227005600584	OLD ROSWELL ONE SIX NINE TWO THREE LLC	3330 CUMBERLAND BLVD STE 300	ATLANTA GA 30339
12 226005590811	PSH BUCKHEAD LLC	116 B TOMMY STALNAKER DR	WARNER ROBINS GA 31088
12 227005600451	TUCKER FED SAVING & LOAN ASSOC	1500 MANSELL RD	ALPHARETTA GA 30004
12 227005600428	TYFOR INVESTMENT INC	1460 SQUIRE LN	CUMMING GA 30041-6746

TO THE MAYOR AND CITY COUNCIL
CITY OF ALPHARETTA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW the Applicant, Caliber Car Wash, hereinafter referred to as the "Applicant" and asserts the following:

1.

By Application for Variance, the Applicant has applied for a Variance as to requirements of the City of Alpharetta Unified Development Code (hereinafter "the Code") which impose certain requirements as same apply to the property more particularly set forth in said Application (hereinafter referred to as the "Subject Property").

2.

The Applicant states that a literal interpretation and enforcement of the Code provisions creates a hardship.

3.

Enforcement of the Code requirements concerning the Subject Property creates an unnecessary and unreasonable hardship with no resulting substantial benefit to the public good.

4.

The Variance sought by the Applicant concerning the Subject Property will not impair the purpose, spirit and intent of the Code and stands to alleviate any and all non-compliance of the foregoing requirements while causing no substantial detriment to the public good.

5.

Applicable Code provisions concerning the required Variance are unconstitutional as applied to the Subject Property in that same deprive the Applicant of property under and pursuant to Article I, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of property without due process violates the constitutional prohibition against the taking of private property without just compensation.

6.

Applicable Code provisions, as applied to the Subject Property, violate the Applicant's rights to the unfettered use and development of the Subject Property in conformity with the existing Code in that the Code creates an unreasonable hardship totally unrelated to public health, safety, morality, or general welfare and is therefore confiscatory and void. Further, same is unconstitutional in that it is arbitrary, unreasonable and injurious resulting in relatively little gain or benefit to the public while at the same time inflicting serious injury and loss upon the Applicant.

7.

The Code is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with Applications for Variances also violate Article I, Section I, Paragraphs I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary

safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

This the 17th day of January 2023.

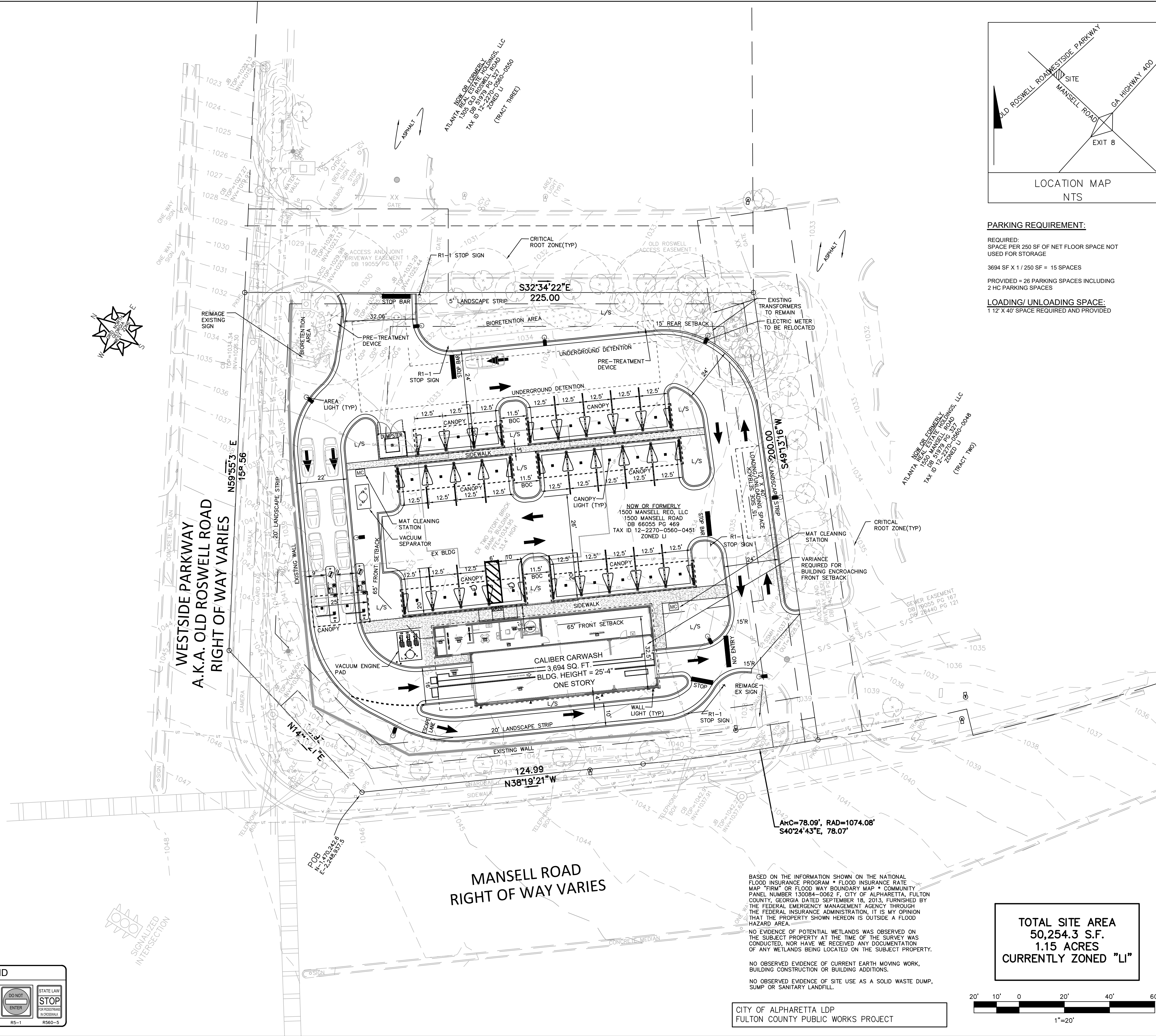
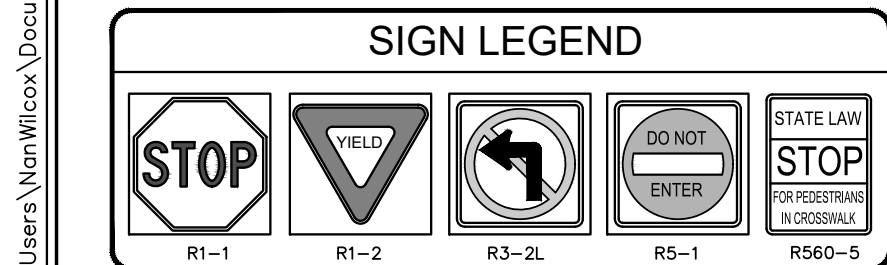
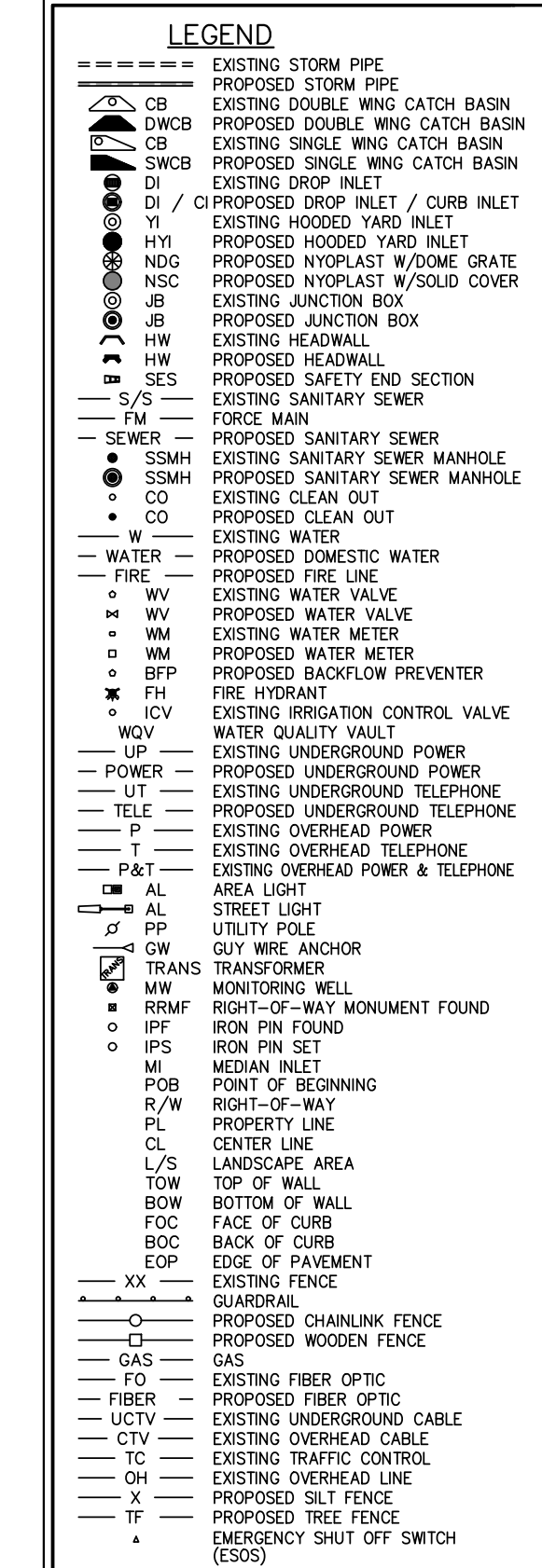
SAMS LARKIN & HUFF, LLP

By: 

PARKS F. HUFF

Attorney for Applicant

Georgia Bar No. 375010



SITE NOTES:

1. ALL DIMENSIONS SHOWN ARE MEASURED TO THE FACE OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS.
2. THE CONTRACTOR IS TO FIELD VERIFY DIMENSIONS FOR ACCURACY PRIOR TO BEGINNING CONSTRUCTION. IF DISCREPANCIES EXIST, CALL ENGINEER IMMEDIATELY.
3. DEVIATIONS FROM THESE PLANS AND SPECIFICATIONS WITHOUT THE PRIOR CONSENT OF THE ENGINEER OF RECORD MAY BE CAUSE FOR THE WORK TO BE UNACCEPTABLE.
4. "TYP" MEANS THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED
5. TESTING OF MATERIALS REQUIRED FOR THE CONSTRUCTION OF THE PAVING IMPROVEMENTS SHALL BE PERFORMED BY AN PROFESSIONAL ORGANIZATION FOR TESTING MATERIALS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT THE WORK CONSTRUCTED MEETS THE REQUIREMENTS OF THE PROJECT SPECIFICATIONS.
6. ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" LATEST EDITION, AS WELL AS APPLICABLE STATE AND LOCAL REQUIREMENTS, UNLESS OTHERWISE NOTED.
7. TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE STATE DOT STANDARDS.
8. ALL HANDICAP RAMPING, STRIPING, AND PAVEMENT MARKINGS SHALL CONFORM TO THE "ADA STANDARDS FOR ACCESSIBLE DESIGN", LATEST EDITION.
9. THE PAVING CONTRACTOR IS TO COORDINATE WITH THE BUILDING CONTRACTOR ON THE CONSTRUCTION AND PAVING NEAR ANY BUILDINGS, SCREENING WALLS, DUMPSTER PADS AND ENCLOSURES.
10. ALL DISCREPANCIES FOUND BY THE CONTRACTOR RELATED TO UNDERGROUND UTILITIES OR OTHER APPURTENANCES SHALL BE RESOLVED TO THE SATISFACTION OF THE OWNER/DEVELOPER AND ENGINEER OF RECORD PRIOR TO INSTALLATION OF ANY PAVEMENT.
11. EXISTING MANHOLE TOPS, INLETS, VALVE BOXES, ETC. ARE TO BE ADJUSTED AS REQUIRED TO MATCH FINISHED GRADES. IF NECESSARY, RE-ADJUSTMENTS SHALL BE PERFORMED UPON COMPLETION OF PAVING, FINE GRADING, AND LANDSCAPING TO ENSURE A SMOOTH TRANSITION.
12. ALL PAVEMENT TO BE SLOPED FOR POSITIVE DRAINAGE.

ADA NOTES:

1. ACCESSIBLE ROUTES AND GENERAL SITE ELEMENTS SHALL COMPLY WITH THE STANDARDS OUTLINED IN THE D.O.J. "2010 ADA STANDARDS FOR ACCESSIBLE DESIGN" AND "2015 GEORGIA ACCESSIBILITY CODE."
2. WALKING SURFACES MUST HAVE A RUNNING SLOPE NO STEEPER THAN 1:20 (5.00%), AND A CROSS SLOPE NO STEEPER THAN 1:48 (2.08%).
3. RAMPS MUST HAVE A RUNNING SLOPE NO STEEPER THAN 1:12 (8.33%), AND A CROSS SLOPE NO STEEPER THAN 1:48 (2.08%).
4. RAMPS WITH A RISE GREATER THAN 6" (0.5') SHALL HAVE HANDRAILS. THE MAXIMUM RAMP RISE SHALL BE NO GREATER THAN 30" (2.5').
5. LANDINGS SHALL BE AT LEAST AS WIDE AS THE ASSOCIATED RAMP AND/OR CURB RAMP, AND HAVE A SLOPE NO GREATER THAN 1:48 (2.08%) IN ALL DIRECTIONS. EXCEPTION: LANDINGS THAT CHANGE DIRECTION SHALL BE AT LEAST 60" (5.0') WIDE.
6. A MINIMUM 60" (5.0') LONG LANDING SHALL BE PROVIDED AT THE TOP AND BOTTOM OF A RAMP. EXCEPTION: A MINIMUM 36" (3.0') LAND LANDING SHALL BE PROVIDED AT THE TOP OF A CURB RAMP, AND NO LANDING IS REQUIRED AT THE BOTTOM.
7. PARKING SPACES AND THE ASSOCIATED ACCESS ALIDE(S) SHALL HAVE A SLOPE NO GREATER THAN 1:48 (2.08%) IN ALL DIRECTIONS.
8. GROUND SURFACES ARE TO BE STABLE, FIRM, AND SLIP RESISTANT.
9. DETECTABLE WARNINGS SHALL BE INSTALLED ON WALKING SURFACES TO WARN OF HAZARDS ON WALKS, RAMPS, AND LANDINGS.

WASTE GENERATION :

(1) 6 CY DUMPSTER SERVICED ONCE A WEEK.

RECYCLABLES: 25% x 6 CY = 1.5 CY CONTAINER.



Know what's below.
Call before you dig.

DATE	NO.	REVISION	BY

PREFERRED SITE PLAN

FOR

CALIBER CAR WASH

LOCATED

1500 MANSELL ROAD

LAND LOT 560, 1ST DISTRICT, 2ND SECTION

CITY OF ALPHARETTA

FULTON COUNTY, GEORGIA

TAX ID: 12-2270-0560-0451

SCALE: 1"=20'	PRJ. NO.: 6381	DATE: 12-27-22	BY: NSW
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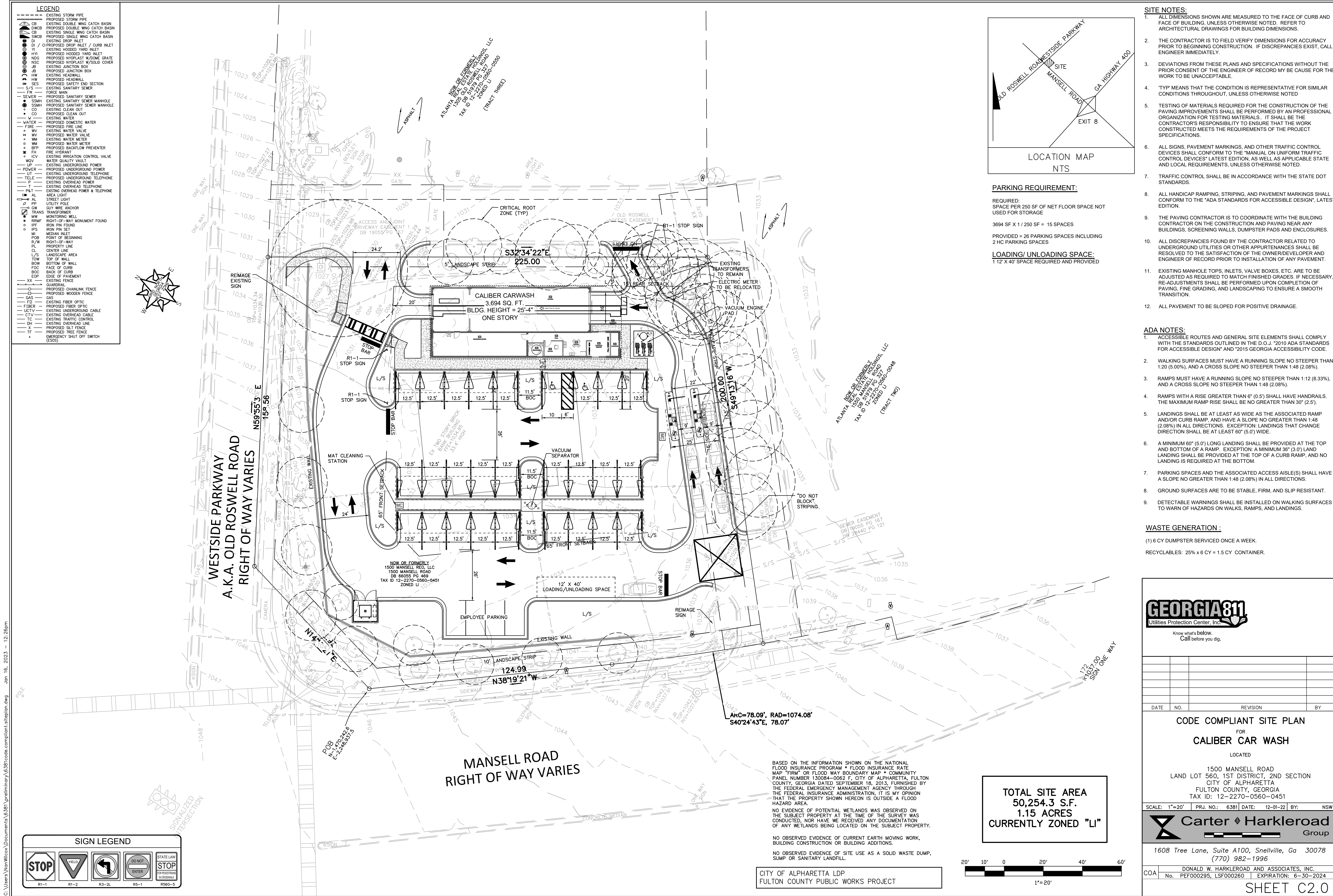


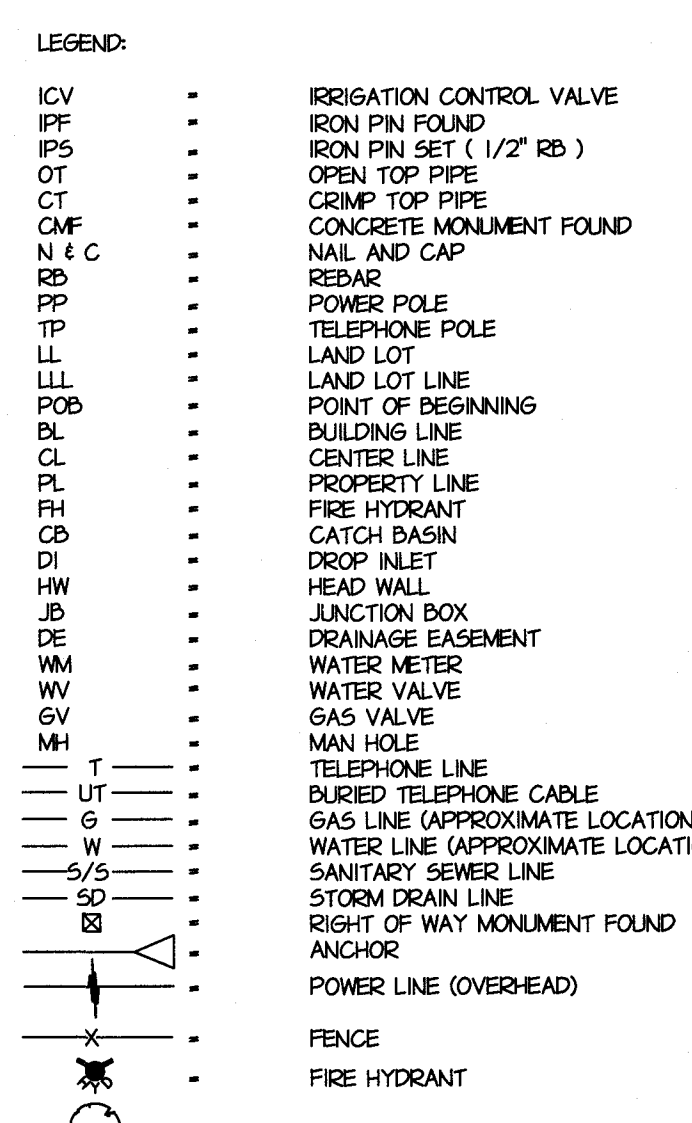


1600 Tree Lane, Suite A100, Snellville, Ga 30078
(770) 982-1996

DONALD W. HARKLEROAD AND ASSOCIATES, INC.	
No. PEF000295, LSF000280	EXPIRATION: 6-30-2024

SHEET C2.0



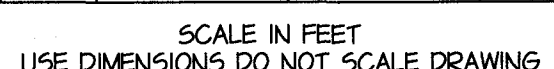


The survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67, Authority O.C.G.A. Sec. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1 thru 4, 6 thru 11, 13 and 14 of Table A thereof. The field work was completed on 11/10/22.

Relevant to Rule 180-6.08 of the Georgia State Board of Registration for Professional Engineers

20	10	0	20	40	60
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DATE	NO.	REVISION	B
ALTA/NSPS LAND TITLE SURVEY			
FOR			

LOCATED
1500 MANSELL ROAD
LL 560 1ST DISTRICT 2ND SECTION
CITY OF ALPHARETTA
FULTON COUNTY, GEORGIA

www.dekalbsurveys.com
COA 1086

SHEET 1 OF 3

SHEET 1 OF 2

TOTAL SITE AREA
50,254.3 S.F.
1.15 ACRES
CURRENTLY ZONED "L1"

THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83(2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

THE SOURCE OF VERTICAL DATUM IS THE TRIMBLE NETWORK

BASED ON THE INFORMATION SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM * FLOOD INSURANCE RATE MAP "FIRM" OR FLOOD WAY BOUNDARY MAP * COMMUNITY PANEL NUMBER 130084-0062 F. CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA DATED SEPTEMBER 18, 2013, FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE FEDERAL INSURANCE ADMINISTRATION, IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS OUTSIDE A FLOOD HAZARD AREA.

NO EVIDENCE OF POTENTIAL WETLANDS WAS OBSERVED ON THE SUBJECT PROPERTY AT THE TIME OF THE SURVEY WAS CONDUCTED, NOR HAVE WE RECEIVED ANY DOCUMENTATION OF ANY WETLANDS BEING LOCATED ON THE SUBJECT PROPERTY.

NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK,
BUILDING CONSTRUCTION OR BUILDING ADDITIONS

NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

SITE DESCRIPTION

Site Description
1500 Mansell Road

All that tract or parcel of land lying and being in Land Lot 560 of the 1st District 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

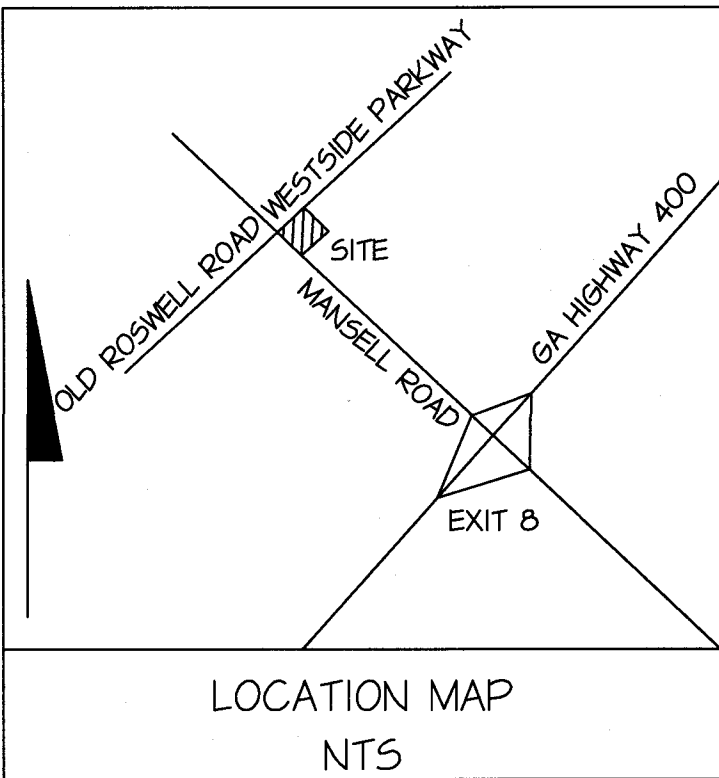
Beginning at an iron pin set, said iron pin having coordinates of North 1,470,242.6 and East 2,248,937.5, coordinates bases on NAD83 State Plane Coordinate system, Georgia West zone and located at the northeasterly end of the mitered intersection with Mansell Road (Right of Way varies) and southeasterly Right of Way of Westside Parkway (Right of Way varies); thence along the mitered intersection of Mansell Road (Right of Way varies) North 14 Degrees 17 Minutes 21 Seconds, 85.93 feet to a PK Nail set; thence along the southeasterly Right of Way of Westside Parkway (Right of Way varies) North 59 Degrees 55 Minutes 32 Seconds East feet 158.56 to a PK Nail set; thence leaving the Right of Way of Westside Parkway South 32 Degrees 34 Minutes 22 Seconds East feet 225.00 to an iron pin set; thence South 49 Degrees 13 Minutes 16 Seconds West feet 200.00 to a PK Nail found on the northeasterly Right of Way line of Mansell Road (Right of Way varies); thence along northeasterly Right of Way of Mansell Road following a curve to the right an arc distance of 78.09 feet, said curvature having a radius of 1,074.08 feet and a chord bearing and distance of North 40 Degrees 24 Minutes 17 Seconds West, 78.07 feet to an iron pin set; thence continuing along the Right of Way of Mansell Road (Right of Way varies) North 38 Degrees 19 Minutes 21 Seconds West, 124.99 feet to an iron pin set and The Point of Beginning containing 1.15 acres.

This is the same property conveyed to 1500 Mansell REO, LLC by PNC Bank, National Association in Deed Book 66055, Page 469, Fulton County, Georgia records.

TITLE COMMITMENT

We have reviewed First American Title Insurance Company for Title Insurance No. S-12573 with an effective date of November 25, 2022, at 8:00 a.m., and have the following opinion concerning Items (9.) through (31.), Schedule B - Section 2:

9. Right of Way Easement from J.B. Cook to Sawnee Electric Membership Corporation, a Georgia corporation, dated January 26, 1963, recorded February 11, 1963, in Deed Book 4010, Page 573, Fulton County, Georgia records.
10. Sewer Easement between Jess B. Cook, Jr. and Fulton County, Georgia, dated May 13, 1975, recorded June 26, 1975, in Deed book 6294, Page 1, Fulton County records.
11. Sewer Easement from Shauky A. Shaheen to Citizens and Southern Mortgage Company, a Georgia corporation, dated March 1, 1976, recorded March 5, 1976 in Deed Book 6439, Page 303, Fulton County, Georgia records. Does affect subject property.
12. Easement from Citizens and Southern Financial Corporation to Georgia Power Company, dated June 28, 1977, recorded August 18, 1977 in Deed Book 6770, Page 357, Fulton County, Georgia records. Blanket type easement does affect subject property.
13. Permit for Anchors, Guy Poles and Wires from J. Davis Adams, Opal Abbink, individually and as Trustee of the Residual Trust of Richard L. Duke, and Kendall J. Zelliff, Jr., as Trustee under the Residual Trust of Richard L. Duke to Georgia Power Company, dated July 31, 1985, recorded August 8, 1985, in Deed Book 9653, Page 24, Fulton County, Georgia records. Blanket type easement does affect subject property.
14. Right of Way Deed from J. Davis Adams, Opal D. Abbink, and Opal D. Abbink and Kendall J. Zelliff, Jr., as Trustees under Item V of the Will of Richard L. Duke to the City of Alpharetta, dated January 18, 1990, recorded February 15, 1990 in Deed Book 13204, Page 173, Fulton County, Georgia records; as affected by:
- a. Quitclaim Deed dated February 5, 1992, recorded February 10, 1992 in Deed Book 14974, Page 256, Fulton County, Georgia records.
- b. Quitclaim Deed dated July 5, 1994, recorded July 11, 1994 in Deed Book 18477, Page 1, Fulton County, Georgia records. Does not affect subject property.
15. Easement from J. Davis Adams and Opal D. Abbink, individually, and Kendall J. Zelliff and Opal D. Abbink, as Trustees to Georgia Power Company, dated January 25, 1992, recorded June 16, 1993 in Deed Book 16797, Page 244, Fulton County, Georgia records. Blanket type easement does affect subject property.
16. Sewer Easement from J. Davis Adams, Opal D. Abbink, and Kendall J. Zelliff, Jr., to Fulton County, Georgia, dated December 20, 1993, recorded March 29, 1994 in Deed Book 18037, Page 185, Fulton County, Georgia records. Does not affect subject property.
17. Declaration of Restrictive Covenants by J. Davis Adams, Opal D. Abbink, individually, Opal D. Abbink, as Trustee under Item V of the Will of Richard L. Duke, and Kendall J. Zelliff, Jr., as Trustee under Item V of the Will of Richard L. Duke, dated July 8, 1994, recorded July 11, 1994 in Deed Book 18477, Page 20, Fulton County, Georgia records; as affected by: (as to appurtenant easement area only)
- a. Modification of Restrictive Covenants dated August 28, 1995, recorded September 12, 1995 in Deed Book 19983, Page 11, Fulton County, Georgia records.
- b. Second Modification to Declaration of Restrictive Covenants, dated September 16, 1995, recorded October 3, 1995 in Deed Book 20082, Page 232, Fulton County, Georgia records.
- c. Third Modification to Declaration of Restrictive Covenants, dated April 3, 1998, recorded April 7, 1998 in Deed Book 24211, Page 128, Fulton County, Georgia records. Does affect subject property.
18. Declaration of Covenants, Conditions, Restrictions and Easements by J. Davis Adams, individually, Opal D. Abbink, individually, Opal D. Abbink, as Trustee under Item V of the Will of Richard L. Duke and Kendall J. Zelliff, Jr., as Trustee under Item V of the Will of Richard L. Duke and Tucker Federal Savings and Loan Association, a federal savings and loan association, dated December 15, 1994, recorded December 15, 1994 in Deed Book 19055, Page 167, Fulton County, Georgia records; as affected by:
- a. Agreement to Amend Declaration of Covenants, Conditions, Restrictions and Easement, dated February 18, 1998, recorded April 7, 1998 in Deed Book 24211, Page 160, Fulton County, Georgia records.
- b. Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements, dated March 18, 2010, recorded March 25, 2010 in Deed Book 48887, Page 199, Fulton County, Georgia records.
- c. Estoppel Certificate, dated December 3, 2012, recorded February 27, 2013 in Deed Book 52315, Page 101, Fulton County, Georgia records. Does affect subject property.
19. Utility Easement from J. Davis Adams, Opal D. Abbink, individually, and Opal D. Abbink and Kendall J. Zelliff, Jr., as Co-Trustees of the Residual Trust Under the Will of Richard L. Duke to Georgia Power Company, a Georgia corporation, dated February 28, 1995, recorded March 15, 1995 in Deed Book 19355, Page 36, Fulton County, Georgia records. Does affect subject property.
20. General Utility Easement Agreement and Declaration of Restrictions from J. Davis Adams, Opal D. Abbink, Opal D. Abbink and Kendall J. Zelliff, Jr., as Co-Trustees of Residual Trust u/w of Richard L. Duke dated September 9, 1976 to Wallace Enterprises, a Georgia corporation, dated September 28, 1995, recorded October 3, 1995 in Deed Book 20082, Page 218, Fulton County, Georgia records. Does not affect subject property.
21. Declaration of Covenants by Thomas W. Kelley, dated September 19, 1997, recorded April 7, 1998 in Deed Book 24211, Page 188, Fulton County, Georgia records. (as to appurtenant easement area only) Does affect subject property.
22. Sewer Easement from Thomas W. Kelley to Fulton County, dated January 26, 2000, recorded January 27, 2000 in Deed Book 28440, Page 121, Fulton County, Georgia records. (as to appurtenant easement area only) Does affect subject property.
23. Reciprocal Easement Agreement between Thomas W. Kelley, Christman North Point Investments, LLC, a Georgia limited liability company and Al Gossett, dated January 26, 2000, recorded January 27, 2000 in Deed Book 28440, Page 124, Fulton County, Georgia records; as affected by: (as to appurtenant easement area only)
- a. Estoppel Certificate dated December 3, 2012, recorded December 6, 2012 in Deed Book 51979, Page 342, Fulton County, Georgia records. Does not affect subject property.
24. Easement rights contained in that certain Limited Warranty Deed from Thomas W. Kelley and Christman North Point Investments, LLC, a Georgia limited liability company, dated January 26, 2000, recoded January 27, 2000 in Deed Book 28440, Page 160, Fulton County, Georgia records. (as to appurtenant easement area only) Does affect subject property.
25. Assignment of Declarant's Rights between Opal D. Abbink, individually, and Opal D. Abbink and Kendall J. Zelliff, Jr., as Co-Trustees under Item V of the Will of Richard L. Duke and Mansell Holdings, JDA, LLC, a Georgia limited liability company, dated May 23, 2000, recorded September 1, 2000 in Deed Book 29433, Page 197, Fulton County, Georgia records. Does affect subject property.
26. Right of Way Deed from Peggy P. Dempsey to The City of Alpharetta, Georgia, dated August 28, 2000, recorded October 6, 2000 in Deed Book 29543, Page 599, Fulton County, Georgia records. Does not affect subject property.
27. Sewer Easement from Gossett of Georgia, LLC to Fulton County, dated January 27, 2004, recorded March 19, 2004 in Deed Book 37259, Page 181, Fulton County, Georgia records. (as to appurtenant easement area only) Does not affect subject property.
28. Easement from Gossett of Georgia, LLC, a Georgia limited liability company to Georgia Power Company, dated August 4, 2004, recorded October 4, 2004 in Deed Book 38585, Page 59, Fulton County, Georgia records. (as to appurtenant easement area only) Does affect subject property.
29. Affidavit of Condemnation, dated December 21, 2007, recorded December 21, 2007 in Deed Book 46133, Page 55, Fulton County, Georgia records. (as to appurtenant easement area only)
30. Affidavit of Condemnation, dated December 21, 2007, recorded December 21, 2007 in Deed Book 46133, Page 69, Fulton County, Georgia records. (as to appurtenant easement area only)
31. Affidavit of Condemnation, dated December 21, 2007, recorded December 21, 2007 in Deed Book 46133, Page 89, Fulton County, Georgia records. (as to appurtenant easement area only)



- LEGEND:
- ICV - IRRIGATION CONTROL VALVE
 - IPF - IRON PIN FOUND
 - IPS - IRON PIN SET (1/2" RB)
 - OT - OPEN TOP PIPE
 - CT - CRIMP TOP PIPE
 - CMF - CONCRETE MONUMENT FOUND
 - N + C - NAIL AND CAP
 - RB - REBAR
 - PP - POWER POLE
 - TP - TELEPHONE POLE
 - LL - LAND LOT
 - LLL - LAND LOT LINE
 - POB - POINT OF BEGINNING
 - BL - BUILDING LINE
 - CL - CENTER LINE
 - PL - PROPERTY LINE
 - PH - FIRE HYDRANT
 - CB - CATCH BASIN
 - DI - DROP INLET
 - HW - HEAD WALL
 - JB - JUNCTION BOX
 - DE - DRAINAGE EASEMENT
 - WM - WATER METER
 - WV - WATER VALVE
 - GV - GAS VALVE
 - MH - MAN HOLE
 - T - TELEPHONE LINE
 - UT - BURIED TELEPHONE CABLE
 - G - GAS LINE (APPROXIMATE LOCATION)
 - W - WATER LINE (APPROXIMATE LOCATION)
 - S/S - SANITARY SEWER LINE
 - SD - STORM DRAIN LINE
 - BI - RIGHT OF WAY MONUMENT FOUND
 - ANCHOR - ANCHOR
 - POWER LINE (OVERHEAD)
 - FENCE
 - FIRE HYDRANT
 - TREE



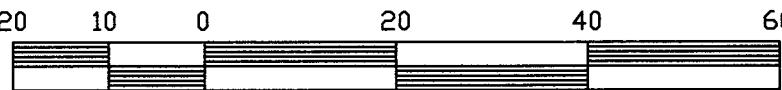
The survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67, Authority O.C.G.A. Sec. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

To Caliber Car Wash, LLC
(names of others as negotiated with the client)

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Item 1 thru 4, 6 thru 11, 13 and 14 of Table A thereof. The field work was completed on 11/10/22.

Date: 1-12-23
Jonathan M. Coe Jonathan M. Coe Ga. R.L.S. #3354

Pursuant to Rule 180-6.09 of the Georgia State Board of Registration for Professional Engineers and Land Surveyors, the term "certify" or "certification" relating to land surveying services shall mean a signed statement based on facts and knowledge known to the land surveyor and is not a guarantee or warranty, either expressed or implied.



SCALE IN FEET
USE DIMENSIONS DO NOT SCALE DRAWING

DATE	NO.	REVISION	BY

ALTA/NSPS LAND TITLE SURVEY			
FOR			
CALIBER CAR WASH, LLC			
FIRST AMERICAN TITLE INSURANCE COMPANY			
LOCATED			
1500 MANSELL ROAD			
LL 560 1ST DISTRICT 2ND SECTION			
CITY OF ALPHARETTA			
FULTON COUNTY, GEORGIA			
SCALE: 1" = 20'		JOB NO.: 6381SRVY	FIELD DATE: 11/10/22



DEKALB SURVEYS, INC.
407 WEST PONCE DE LEON AVENUE, SUITE B,
DECATUR, GEORGIA 30030

COA DEKALB SURVEY, INC.
No. LSF001086 EXPIRATION: 06/30/2024

SHEET 2 OF 2

TOTAL SITE AREA
50,254.3 S.F.
1.15 ACRES
CURRENTLY ZONED "L1"

Site Description

1500 Mansell Road

All that tract or parcel of land lying and being in Land Lot 560 of the 1st District 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin set, said iron pin having coordinates of North 1,470,242.6 and East 2,248,937.5, coordinates bases on NAD83 State Plane Coordinate system, Georgia West zone and located at the northeasterly end of the mitered intersection with Mansell Road (Right of Way varies) and southeasterly Right of Way of Westside Parkway (Right of Way varies); thence along the mitered intersection of Mansell Road (Right of Way varies) North 14 Degrees 17 Minutes 21 Seconds, 85.93 feet to a PK Nail set; thence along the southeasterly Right of Way of Westside Parkway (Right of Way varies) North 59 Degrees 55 Minutes 32 Seconds East feet 158.56 to a PK Nail set; thence leaving the Right of Way of Westside Parkway South 32 Degrees 34 Minutes 22 Seconds East feet 225.00 to an iron pin set; thence South 49 Degrees 13 Minutes 16 Seconds West feet 200.00 to a PK Nail found on the northeasterly Right of Way line of Mansell Road (Right of Way varies); thence along northeasterly Right of Way of Mansell Road following a curve to the right an arc distance of 78.09 feet, said curvature having a radius of 1,074.08 feet and a chord bearing and distance of North 40 Degrees 24 Minutes 43 Seconds West, 78.07 feet to an iron pin set; thence continuing along the Right of Way of Mansell Road (Right of Way varies) North 38 Degrees 19 Minutes 21 Seconds West, 124.99 feet to an iron pin set and The Point of Beginning containing 1.15 acres.

This is the same property conveyed to 1500 Mansell REO, LLC by PNC Bank, National Association in Deed Book 66055, Page 469, Fulton County, Georgia records.



BOARD OF ZONING APPEALS MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. **AGENDA ITEM TITLE:** 263 CANTON STREET APPEAL TO ADMINISTRATIVE DETERMINATION

BOARD OF ZONING APPEALS: MARCH 16, 2023

II. **REPORT IN BRIEF:**

The appellant, Jarvis Tree Experts, is requesting consideration of an appeal to an administrative determination related to a Violation Notice, dated November 16, 2022 and updated February 1, 2023. The updated notice cites a violation of Unified Development Code (UDC) Subsection 3.2.6 and relates to the removal of a 33" Water Oak based on incorrect data. The appellant argues that while the readings from the June 2022 Resistograph Report were inadvertently incorrect, the City Arborist had sufficient information in order to allow the tree to be removed. The appellant also claims that the tree is not a specimen tree based on the updated October 2022 Resistograph Report and therefore the fines and recompense in the Notice of Violation are in error. The City counters that the incorrect data in the June 2022 Resistograph Report resulted in the decision to allow the tree to be removed and that the updated data in the October 2022 Resistograph Report was insufficient to determine whether or not the tree was a specimen tree. The subject property is located at 263 Canton Street, generally on the east side of Canton Street and north of Mayfield Road.

DISCUSSION

The appeal to administrative determination is related to a Violation Notice, dated November 16, 2022 and updated February 1, 2023. The updated notice cites a violation of Unified Development Code (UDC) Subsection 3.2.6 related to the removal of a 33" Water Oak on an adjacent property (boundary tree). The City contends that the decision to allow the boundary tree to be removed was based on incorrect resistograph data and that the updated resistograph data was insufficient to determine whether or not the tree was a specimen tree. The violation requires the appellant to pay a fine and provide recompense for three-times (3x) the inches removed, or 99", to be planted on the subject property or paid into the City tree bank. The appellant argues that the City Arborist had sufficient information, including photographs of the tree from the June 2022 Resistograph Report and observations of the tree during a site visit, to allow the tree to be removed. In addition, the appellant contends that the fines and recompense are in error since the tree was not a specimen tree. The subject property is located at 263 Canton Street, generally on the east side of Canton Street and north of Mayfield Road.

In conjunction with a request for a Residential Individual Lot Land Disturbance Permit (ENG) to demolish and re-build a single-family detached home, the appellant submitted the June 2022 Resistograph Report to justify certain requested tree removals. An update to the June Report depicted the 33" Water Oak with a 23" cavity in the center of the tree. As a result, the City approved the ENG permit on August 17, 2022 which included the requested tree removals. On September 19, 2022, the City was made aware that the tree had been removed and that there was no decay observed, as indicated in the appellant's report June Reports. The City reached

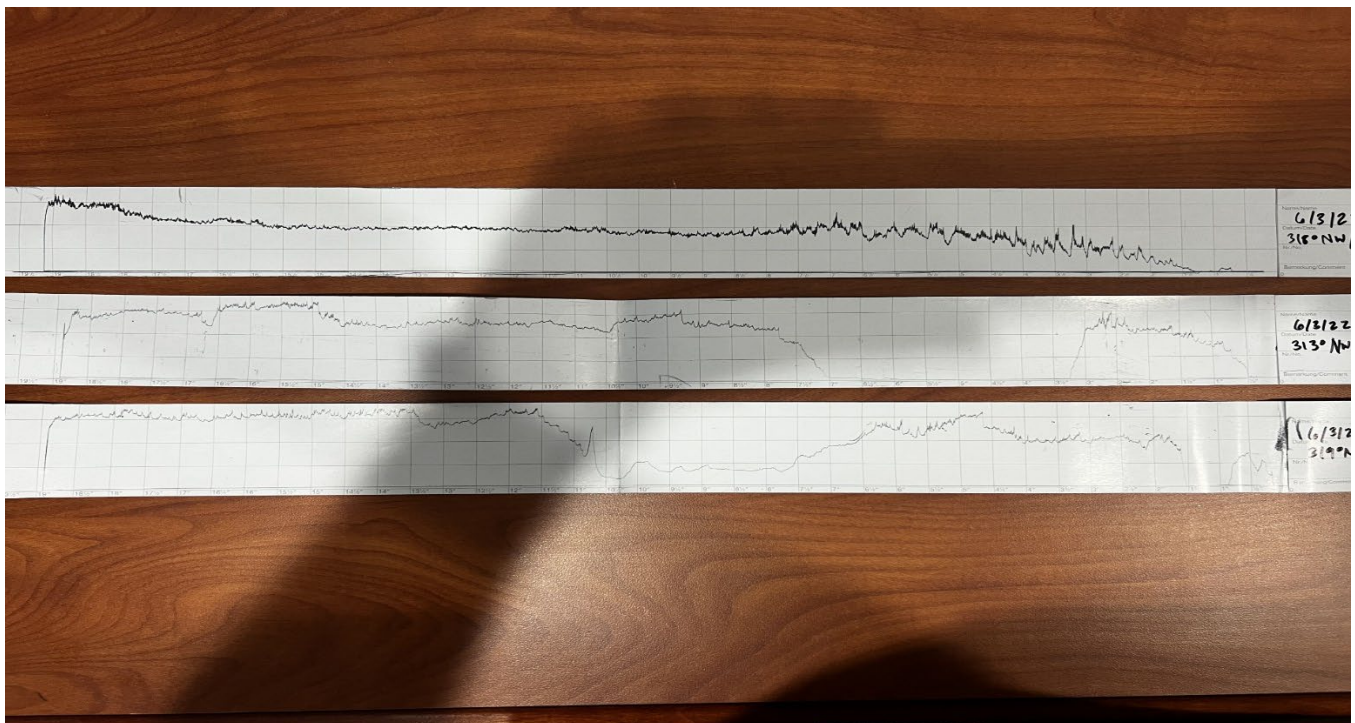
out to the appellant asking for an explanation. The appellant responded to the City on October 20, 2022 indicating that a mistake had been made in the preparation of the original report and provided a new report (October 2022 Resistograph Report). In response, the City issued a Notice of Violation to appellant on November 16, 2022 and an update to the Notice of Violation on February 1, 2023.

The updated Notice of Violation references a violation of the following UDC subsection:

UDC Subsection 3.2.6 Application Requirement, outlines the City's application submittal requirements related to a request for land disturbance permit.

The above-violation relates to the City's assertion that the appellant, in violation of UDC § 3.2.6, removed a tree based on incorrect resistograph data submitted to the City. The appellant's Notice of Appeal states that the City Arborist had sufficient information (photographs of the tree in the June 2022 Report and site visit observations of the tree) to allow the tree to be removed. However, the City Arborist's decision to allow the tree to be removed was based on the resistograph information in the June 2022 Report, not just a visual observation of the tree. Decay or cavities inside the tree would not have been apparent to the City Arborist based on a visual observation of the exterior of the tree.

A resistograph takes a reading of the density of wood inside a tree to identify any decay or cavities. Readings are done by measuring the resistance of a small diameter drilling needle driven into the trunk or branch of a tree at a constant speed. Flat lines indicate no resistance and jagged lines indicate resistance and stronger wood (see images below).



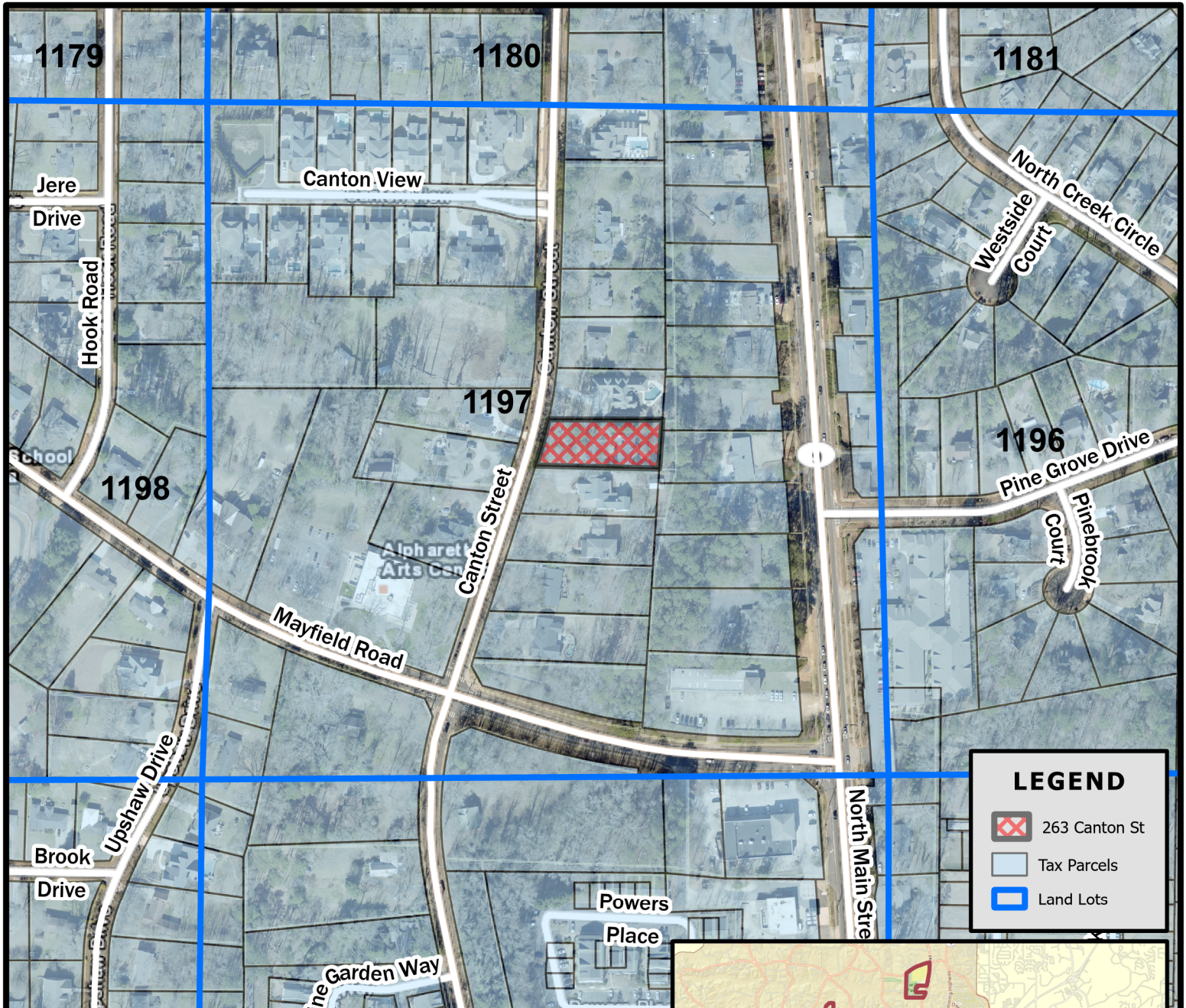
The appellant also claims that the tree is not a specimen based on the updated October 2022 Resistograph Report and therefore the fines and recompense in the Notice of Violation are in error. However, the resistograph information provided in the October Report was only for a small section of the tree; readings were taken at 313 degrees, 318 degrees, and 319 degrees. The

resistograph should have been taken at various points around the circumference of the tree trunk in order to paint a picture of the complete inside of the tree. Therefore, the City Arborist did not have sufficient information to determine whether or not the tree was healthy or not. A small cavity in a tree does not necessarily mean that the tree is in poor health.

The appellant asserts that the tree is not a specimen tree and is a hazard due to the presence of a bleeding cavity in a bifurcation of the tree, as well as a failure in the upper canopy. Neither a bleeding cavity nor a canopy failure indicate that a tree is unhealthy or is a hazard. Trees often compartmentalize the area of decay and recover. In addition, tree care can be used to treat trees to outgrow or recover from this issue. No evidence was provided in the tree reports indicating a failure in the upper canopy of the tree.

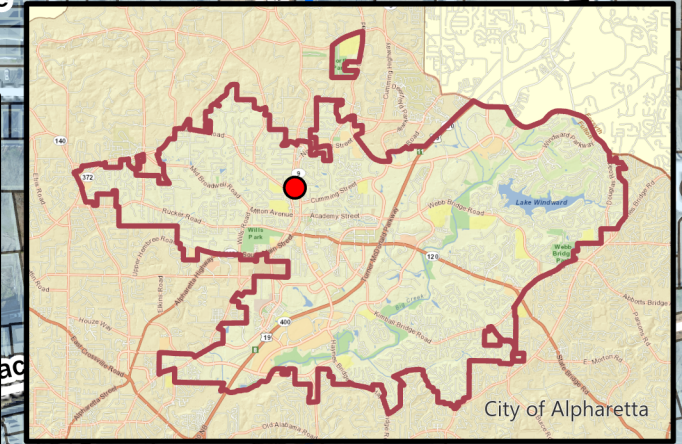
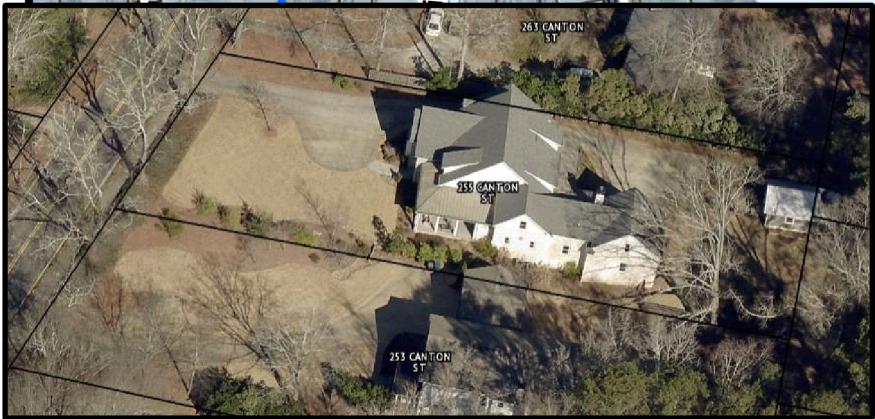
III. ATTACHMENTS:

- Aerial Map
- Location Map
- Notice of Violation (updated), dated February 1, 2023
- Notice of Violation, dated November 16, 2022
- Notice of Appeal, dated February 16, 2023
- Notice of Appeal, dated December 28, 2022
- Tim McDowell email, dated October 20, 2022
- June 2022 Resistograph Report
- June 2022 Resistograph Report (update)
- October 2022 Resistograph Report
- ENG2200099 263 Canton Street Stamped Plan 08172022



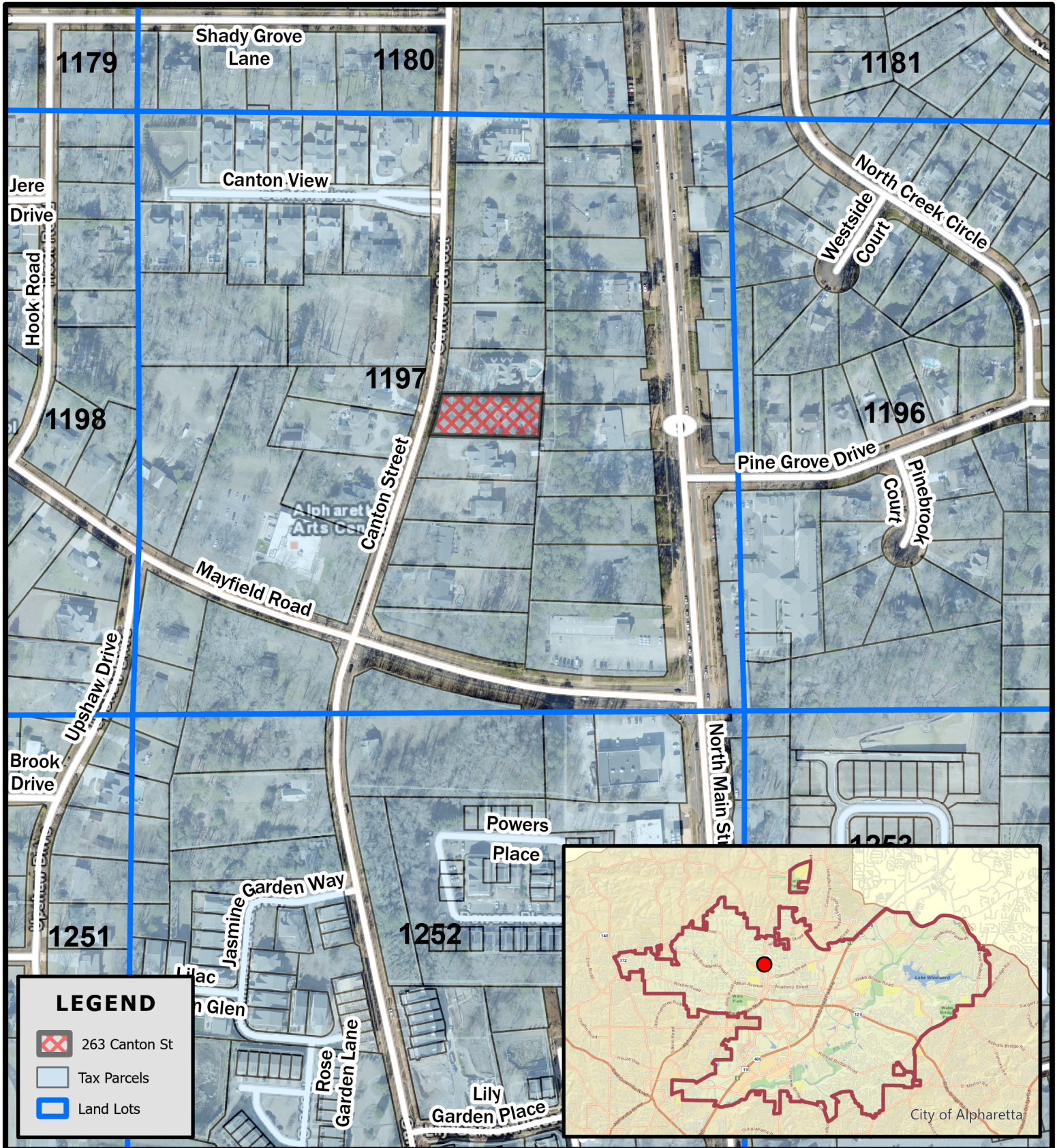
LEGEND

- 263 Canton St
- Tax Parcels
- Land Lots



D/LL: 2/2/1197
BZA: 2/16/23

Aerial Map 263 Canton Street Appeal



D/LL: 2/2/1197

BZA: 2/16/23

Location Map 263 Canton Street Appeal



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

February 1, 2023

Oscar Pourshiravi
DMD Engineering & Construction, Inc.
8343 Roswell Road, #410
Sandy Springs, Georgia 30350
a.pourshiravi@dmdengineeringinc.com

&

Joshua Jarvis
Jarvis Tree Experts
1180 Hightower Trail
Atlanta, Georgia 30350
joshua@jarvistreeexperts.com

RE: UDC Violation: 263 Canton Street (ENG2200099)-Update

Dear Mr. Pourshirava and Mr. Jarvis:

This is your official notification of the violation of the Unified Development Code Sections 3.2.6 that occurred at the property referenced above. The City of Alpharetta requires an assessment of all specimen size trees by a Qualified Professional to determine if said trees will be classified as specimen trees and offered additional protections under the law.

During September of 2022 the city was made aware that the assessment provided for the subject tree was provided in error. The data submitted to the city that resulted in the decision to allow this tree to be removed was determined to be from a different tree.

Included with this letter is a Violation Summary and measures necessary to comply with the violation. Please work together to provide the city a resolution to this violation.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "DS", written over a light blue horizontal line.

David Shostak
City Arborist

CC: Rebecca and Stewart Croucher
Mike Chaloux
Chris Owens
Kathi Cook

MAYOR
JIM GILVIN

MAYOR PRO TEM
DAN MERKEL

COUNCIL MEMBERS
JASON BINDER
DOUGLAS J. DERITO
JOHN HIPES
DONALD F. MITCHELL
BRIAN WILL

CITY ADMINISTRATOR
CHRIS LAGERBLOOM

VIOLATION SUMMARY FOR: 263 Canton Street, 30009

Violations:

- Removal of a 33 inch Water oak based upon incorrect data.

Measures Necessary to comply:

- Pay fine of \$1000 within 10 business days of this notice.
- Provide a tree recompense plan for three times the inches removed (99 inches of new trees) to be planted back on the property at 263 Canton Street.
- For trees that cannot be planted the code allows you to make a payment in the amount of \$300 per inch of unplanted trees to the City tree bank.
- Trees shall be a minimum 2" caliper for deciduous trees or 9-10 foot tall for evergreen trees.

All payments shall be made at the Community Development Department at the lower level of City Hall at 2 Park Plaza, Alpharetta, Georgia 30009 and please reference the ENG# listed above.

The remaining items shall be provided to the city within one month of the date of this letter.

February 16, 2023

VIA FEDERAL EXPRESS OVERNIGHT DELIVERY AND EMAIL
(kcook@alpharetta.ga.us; mwoodman@alpharetta.ga.us)Board of Appeals
Alpharetta City Hall
2 Park Plaza
Alpharetta, GA 30009

Re: Amended and Supplemental Notice of Appeal Regarding November 16,
2022 UDC Violation for 263 Canton Street (ENG2200099) as updated on
February 1, 2023 (the "Notice of Violation")

Dear Board of Appeals:

This law firm represents Joshua Jarvis and Jarvis Tree Experts ("Appellants") regarding the above referenced matter. Appellants contest the Notice of Violation and fines/recompense included therein for the alleged wrongful removal of a 33-inch water oak (the "Tree").

The Notice of Violation is in error for multiple reasons. To begin, the Violation Summary states that it is based on "[r]emoval of a 33 inch [w]ater oak based upon incorrect data." While Appellants concede that the readings from the June 2022 Resistograph Report (the "June Report")¹ for the Tree were inadvertently incorrect, Appellants submitted photographs of the correct Tree with the June Report. In addition, before issuing the permit to remove the Tree, the City Arborist, David Shostak ("Mr. Shostak"), personally visited the subject site and observed the Tree. Accordingly, Mr. Shostak had sufficient information regarding the Tree upon which to issue the permit, regardless of the June Report's readings.

In addition, Appellants supplemented the information regarding the Tree with correct readings on October 20, 2022 (the "October Report"), well before the issuance of the Notice of Violation.² Therefore, Appellants provided Mr. Shostak with the information he needed to issue the permit through the June Report, Mr. Shostak's personal observations of the Tree, and the October Report with corrected readings.

¹ A true and correct copy of the June Report and photograph are attached hereto as Exhibit A.

² A true and correct copy of the October Report and photograph are attached hereto as Exhibit B.

Moreover, the information provided by Appellants demonstrates that the Tree is not a Specimen Tree under the UDC and therefore the fines/recompense included in the Notice of Violation are in error. The Tree was diseased and dying, with a bleeding cavity in the bifurcation, and therefore did not qualify as a Specimen Tree because it was not in healthy condition. See UDC § 3.2.2 (defining of Specimen Tree as “[a]ny tree which qualifies for special consideration for preservation due to its size, type, **condition**, location, or historical significance **and which also** meets the minimum size criteria”) (emphasis added).

Further, the removal of any tree which is dead or has become or threatens to become a danger to human life or property is exempted under the UDC. UDC § 3.2.3(6). The Tree certainly met this criteria. The Tree had a bleeding cavity at the bifurcation of a large limb that hung over the road and was a hazard to cars and to people. The Tree already had a failure of the upper canopy that almost damaged a vehicle below. Therefore, the Tree is exempted under the UDC from the fines/recompense set forth in the Notice of Violation.

Finally, this was not the knowing removal of the Tree without a permit. Appellants sought a permit, provided the required information, had Mr. Shostak out to the site to personally observe the Tree, and he approved the Tree’s removal. When it was discovered that some of the information provided was in error, Appellants supplemented the required information with corrected data sufficient to justify removal of the Tree. These facts do not, and cannot, justify the imposition of criminal penalties and recompense imposed by the Notice of Violation.

Thank you for your prompt attention to this matter. I look forward to hearing from you.

Sincerely,

Stephen M. Parham

Enclosures

cc: Joshua Jarvis (*via email only*)
David Shostak (*via email dshostak@alpharetta.ga.us*)

EXHIBIT A.



JARVIS TREE EXPERTS

3/25/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

RE: Resistograph/Climbing Inspection

On June 2nd, 2022, I inspected the health and condition of the listed trees located at 263 Canton St Alpharetta GA, 30009. A resistograph and climbing inspection was utilized to measure affected sound wood in the main stems and root flares.

Ultimately, the governing body's (City of Alpharetta) arborist or representative shall determine whether a tree is classified as dead, dying, hazardous, and/or specimen status. No warranties express or implied are made with respect to the report. It shall be understood the OWNER makes use of this report by the ARBORTST at OWNER's sole risk and that the report is provided as best expert opinion. In no manner does this report guarantee the life or imply any length of life span of the trees. See attached photos.

#2-28"DBH Water Oak located at front right of drive

- First reading was from 140 degrees SE at approximately 4' above ground level. At 9" the readings start to gradually drop and do not return. This indicates there is some sound wood affected in the main stem. 43.3% affected
- Second reading was from 40 degrees NE at approximately 3' above ground level. At 13" in the readings drop off and do not return. This indicates sound wood affected in the main stem. 27.4% affected
- Third reading was from 175 degrees S at approximately 4' above ground level. At 9" the readings drop off erratically and return at 14.5" then continue gradually drop. This indicates sound wood affected in the main stem. 36.47% affected



33" Water Oak located at left front this tree is a boundary tree

- First reading was from 240 degrees SW at approximately 4' above ground level. At 11" the reading drops significantly and does not return. This indicates decay in the main stem. 45.6% affected.
- Second reading was from 175 degrees NE at approximately 3' above ground level. At 10" the readings drop off erratically and do not return. This indicates decay in the main stem. 44.73% affected
- Third reading was from 80 degrees W at approximately 3' above ground level. At 7" the readings drop erratically and do not return. This indicates decay in the main stem. 64.6% affected
- Climbing inspection was performed and I observed a nesting cavity in bifurcation 6" deep. A 12"-14" leader is hanging over the roadway.

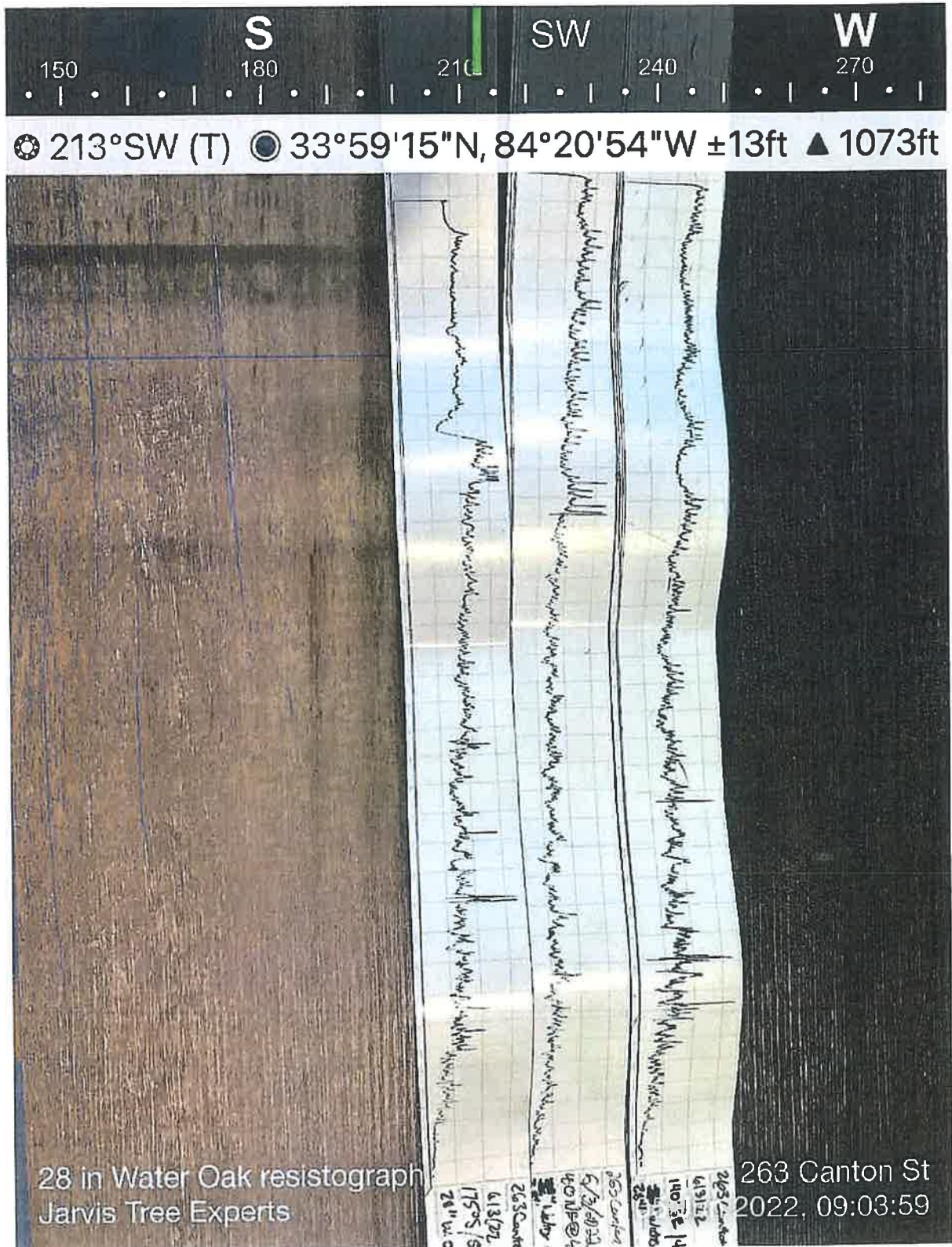
Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Likewise, remedial treatments cannot be guaranteed. Clients may choose to accept or disregard the recommendations of the arborists, or to seek additional advice.

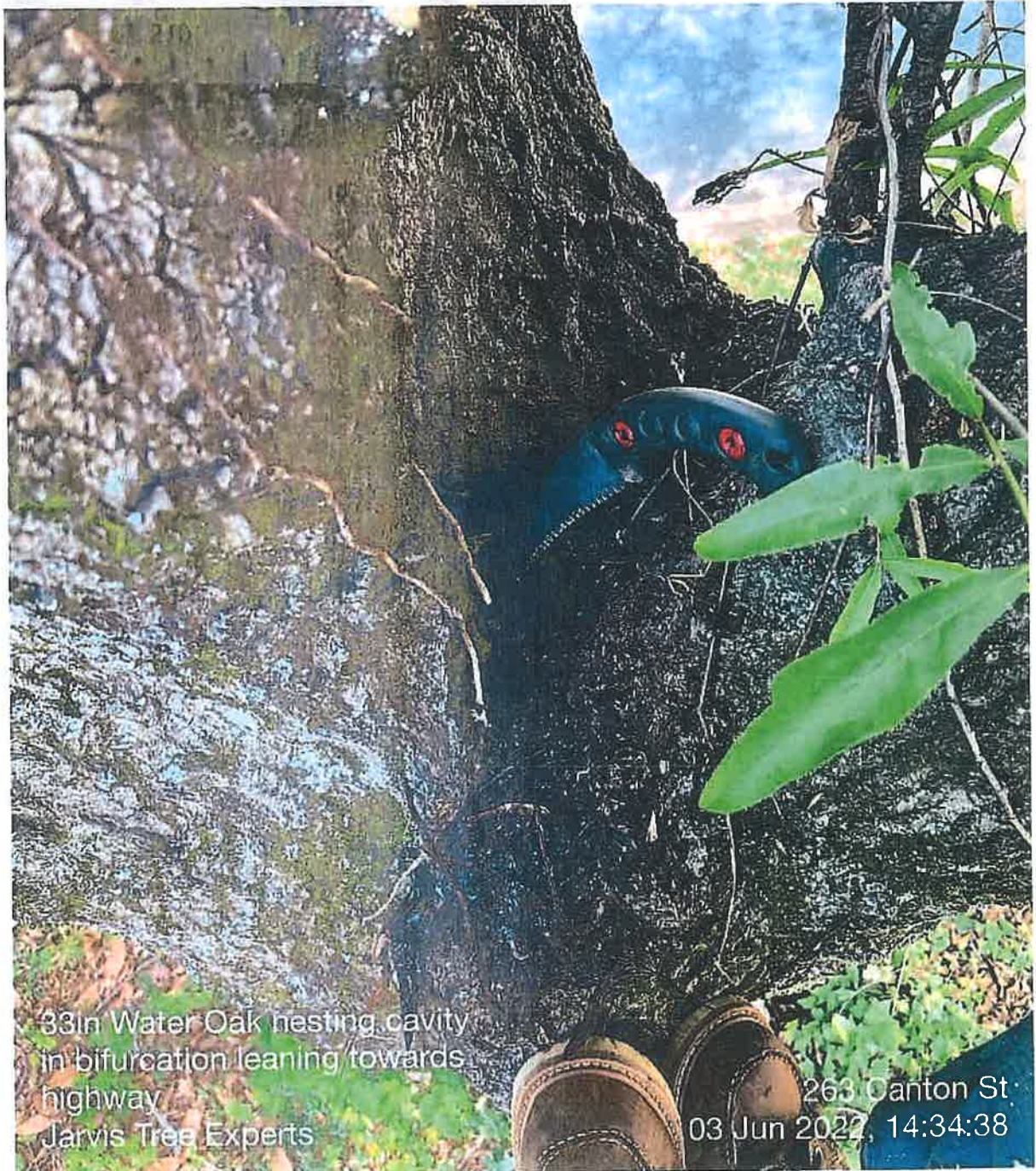
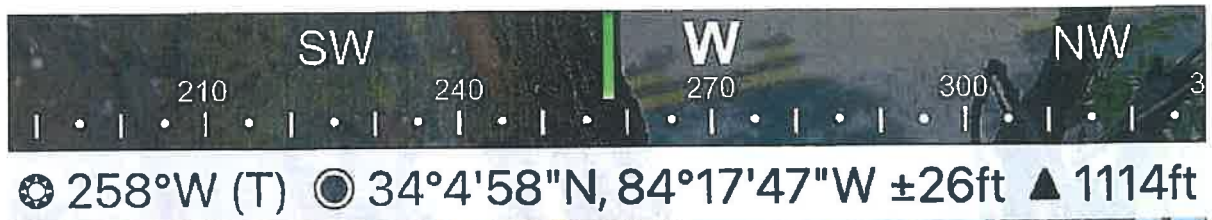
Kind regards,

A handwritten signature in black ink, appearing to read "Tim McDowell".

Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts







33in Water Oak nesting cavity
in bifurcation leaning towards
highway
Jarvis Tree Experts

263 Canton St.
03 Jun 2022, 14:34:38

NW N NE
300 330 0 30
● 343°N (T) ● 34°4'59"N, 84°17'47"W ±16ft ▲ 1090ft



S SW W
150 180 210 240 270
☉ 211°SW (T) ☉ 34°4'57"N, 84°17'47"W ±32ft ▲ 1130ft



Resistograph 28in Water Oak
right of drive
Jarvis Tree Experts

263 Canton St
03 Jun 2022 14:49:47

W NW N
240 270 300 330 0
● 300°NW (T) ● 34°4'58"N, 84°17'47"W ±16ft ▲ 1117ft



28in Water Oak phytopthera in
parent stem
Jarvis Tree Experts

263 Canton St
03 Jun 2022 14:57:27



⊙ 343°N (T) ⊙ 34°4'59"N, 84°17'47"W ±16ft ▲ 1090ft



33in Water Oak bleeding crack
in bifurcation
Jarvis Tree Experts

263 Canton St.
03 Jun 2022 13:37:57

EXHIBIT B.



JARVIS TREE EXPERTS

10/18/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

RE: Resistograph/Climbing Inspection

On June 2nd, 2022, I inspected the health and condition of the listed trees located at 263 Canton St Alpharetta GA, 30009. A resistograph and climbing inspection was utilized to measure affected sound wood in the main stems and root flares. Ultimately, the governing body's (City of Alpharetta) arborist or representative shall determine whether a tree is classified as dead, dying, hazardous, and/or specimen status. No warranties express or implied are made with respect to the report. It shall be understood the OWNER makes use of this report by the ARBORTST at OWNER's sole risk and that the report is provided as best expert opinion. In no manner does this report guarantee the life or imply any length of life span of the trees. See attached photos.

33" Water Oak located at left front this tree is a boundary tree

- First reading was from 318 degrees NW at 17.5' below bifurcation. This reading only showed some slight soft tissue, but resistance did build up after about 4.5-5 inches into the tree. I checked the drill bit to make sure we were on the correct setting, and it was observed that we were. Usually, a slow buildup of this nature is indicative of decay starting to make its way down the stem, or at least that has been my experience. The second reading does start to show some decay.
- Second reading was from 313-degrees at 19' from the ground into lower bleeding area near bifurcation. This reading, which was right at the lower bleeding canker area, showed an initial loss after 1.5 inches, but came back up until around 6.5 inches and continued to decline until about 11.5 inches. That was about 5 inches of soft or disrupted tissue.
- Third reading was from 319-degrees NW at 21' from the ground. Third reading which was right into the area of decay seen in the photo, showed a significant loss at around 3" into the tree and did not improve until about 7.5 inches. This was again another 4.5-5" of wood loss



- A climbing inspection was performed, and I observed a nesting cavity in bifurcation 6" deep. A 12"-14" leader is hanging over the roadway.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fall in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Likewise, remedial treatments cannot be guaranteed. Clients may choose to accept or disregard the recommendations of the arborists, or to seek additional advice.

Kind regards,

A handwritten signature in black ink, appearing to read "Tim McDowell".

Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts



☉ 258°W (T) ☉ 34°4'58"N, 84°17'47"W ±26ft ▲ 1114ft



33in Water Oak nesting cavity
in bifurcation leaning towards
highway
Jarvis Tree Experts

263 Canton St
03 Jun 2022, 14:34:38

December 28, 2022

VIA FEDERAL EXPRESS OVERNIGHT DELIVERY AND EMAIL
(kcook@alpharetta.ga.us)Board of Appeals
Alpharetta City Hall
2 Park Plaza
Alpharetta, GA 30009Re: Notice of Appeal Regarding November 16, 2022 UDC Violation for 263
Canton Street (ENG2200099) (the "Notice of Violation")Dear Board of Appeals¹:

This law firm represents Joshua Jarvis and Jarvis Tree Experts ("Appellants") regarding the above referenced matter. Appellants contest the Notice of Violation and fines/recompense included therein for the alleged wrongful removal of a 33-inch water oak (the "Tree").

The Notice of Violation is in error for multiple reasons. To begin, the Notice of Violation states that it is based on "[r]emoval of a 33 inch [w]ater oak based upon incorrect data." While Appellants concede that the readings from the June 2022 Resistograph Report (the "June Report")² for the Tree were inadvertently incorrect, Appellants submitted photographs of the correct Tree with the June Report. In addition, before issuing the permit to remove the Tree, the City Arborist, David Shostak ("Mr. Shostak"), personally visited the subject site and observed the Tree. Accordingly, Mr. Shostak had sufficient information regarding the Tree upon which to issue the permit, regardless of the June Report's readings.

In addition, Appellants supplemented the information regarding the Tree with correct readings on October 20, 2022 (the "October Report"), well before the issuance of the Notice of Violation.³ Therefore, Appellants provided Mr. Shostak with the

¹ The Appellants interpret the UDC as providing the avenue of appeal to the Board of Appeals. If, however, the appeal should first be heard by the Director, Appellants request the appeal be routed to the Director.

² A true and correct copy of the June Report and photograph are attached hereto as Exhibit A.

³ A true and correct copy of the October Report and photograph are attached hereto as Exhibit B.

information he needed to issue the permit through the June Report, Mr. Shostak's personal observations of the Tree, and the October Report with corrected readings.

Moreover, the information provided by Appellants demonstrates that the Tree is not a Specimen Tree under the UDC and therefore the fines/recompense included in the Notice of Violation are in error. The Tree was diseased and dying, with a bleeding cavity in the bifurcation, and therefore did not qualify as a Specimen Tree because it was not in healthy condition. See UDC § 3.2.2 (defining of Specimen Tree as "[a]ny tree which qualifies for special consideration for preservation due to its size, type, **condition**, location, or historical significance **and which also** meets the minimum size criteria") (emphasis added).

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Thank you for your prompt attention to this matter. I look forward to hearing from you.

Sincerely,


Stephen M. Parham

(with express permission)
By ATP

Enclosures

cc: Joshua Jarvis (via email only)
David Shostak (via email dshostak@alpharetta.ga.us)

EXHIBIT A.



3/25/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

RE: Resistograph/Climbing Inspection

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#2-28"DBH Water Oak located at front right of drive

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33" Water Oak located at left front this tree is a boundary tree

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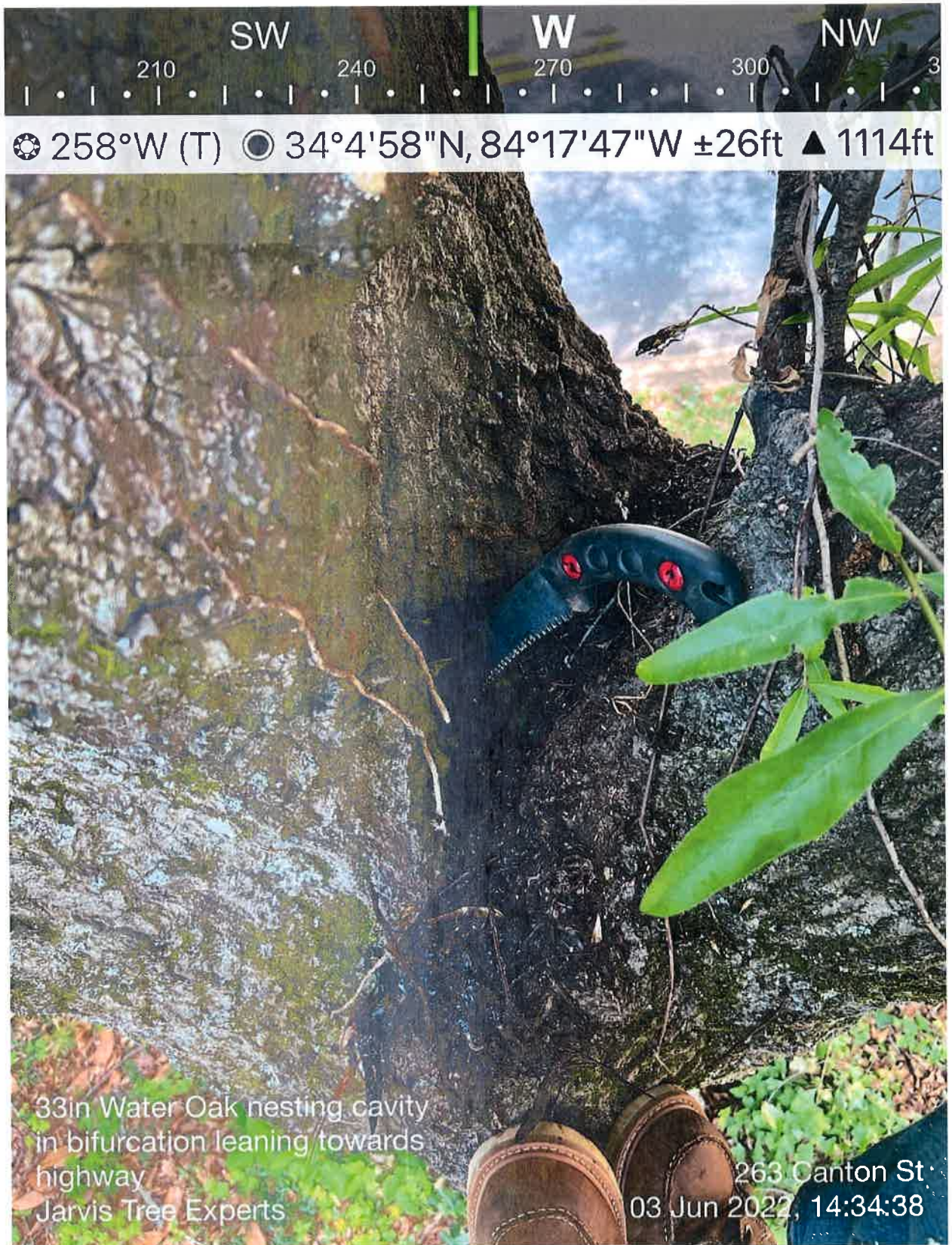
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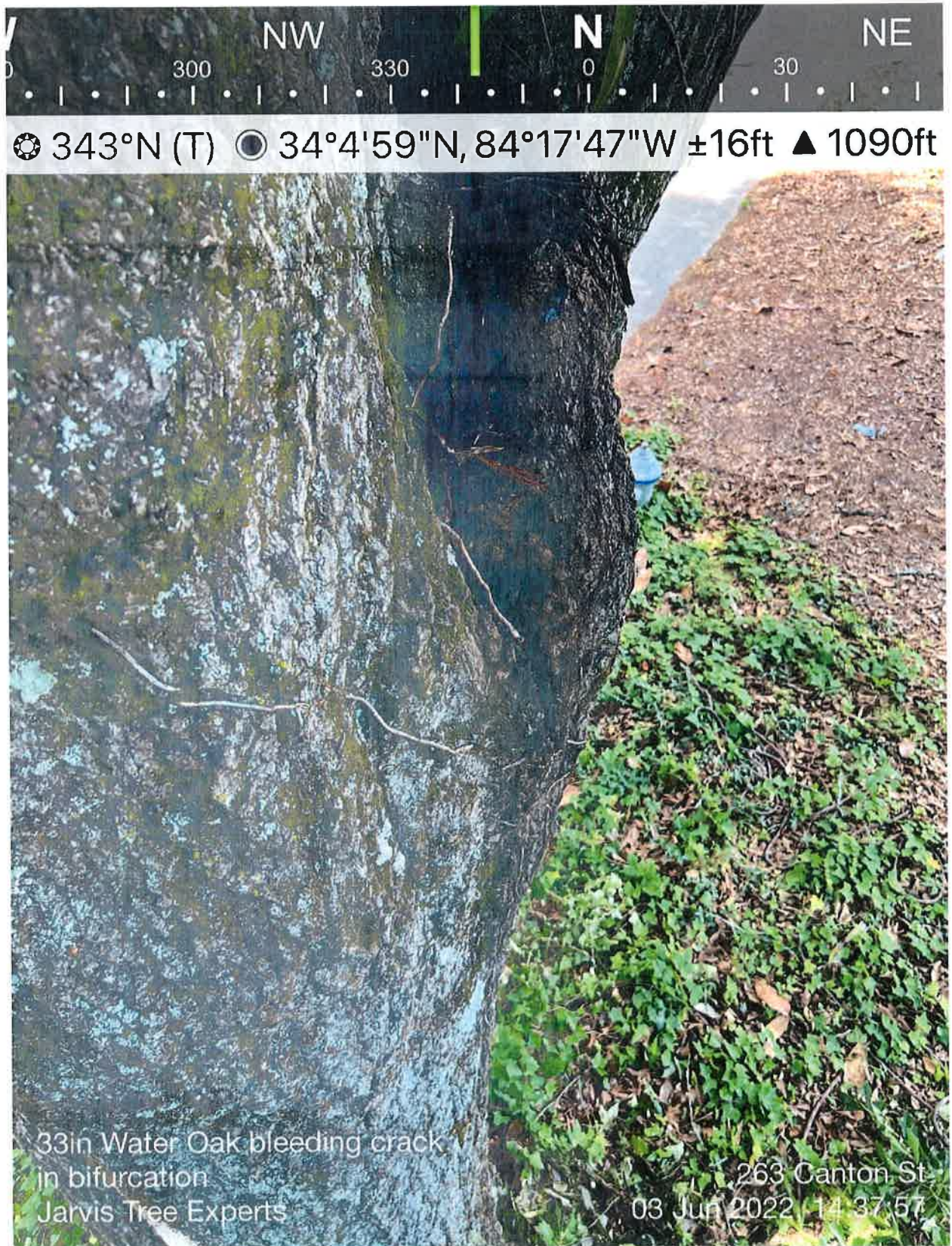
Kind regards,



Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts













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33in Water Oak bleeding crack
in bifurcation
Jarvis Tree Experts

263 Canton St
03 Jun 2022 14:37:57
Page 76 of 120

EXHIBIT B.



10/18/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

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ISA Certified Arborist SO-10780A
Jarvis Tree Experts



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33in Water Oak nesting cavity
in bifurcation leaning towards
highway
Jarvis Tree Experts

263 Canton St
03 Jun 2022, 14:34:38
Page 80 of 120

Woodman, Michael

Subject: FW: 263 Canton St
Attachments: 263 Canton St_2022-06-03_14-34-38.jpg; 263 Canton St_2022-06-03_14-37-57.jpg; 263 Canton Resistograph report.docx; IMG-1284.jpg

From: Tim McDowell <tim@jarvistreeexperts.com>
Sent: Thursday, October 20, 2022 11:14 AM
To: Shostak, David <dshostak@alpharetta.ga.us>
Cc: Joshua Jarvis <joshua@jarvistreeexperts.com>; Cook, Kathi <Kcook@alpharetta.ga.us>
Subject: Re: 263 Canton St

[CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

David,

I appreciate your patience with this situation. I am sorry I made a mistake during the preparation of the original report. During this time I was currently moving and distracted with my personal life. I have since sifted through the photos, readings, and prepared a new report based on the decay that we found to be present in the weak union that was hanging over the street. I apologize once again for my oversight and have attached the new report with the proper readings. If you need any further information please let me know.

Regards,

Tim McDowell

Sales Arborist, ISA SO-10780A

tim@jarvistreeexperts.com

678.430.6216

JARVIS TREE EXPERTS



On Tue, Oct 18, 2022 at 12:38 PM Shostak, David <dshostak@alpharetta.ga.us> wrote:

Josh,

Just following up on this. I need to hear something by Friday of this week or I may have to issue a violation.



JARVIS TREE EXPERTS

3/25/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

Initial
Report

RE: Resistograph/Climbing Inspection

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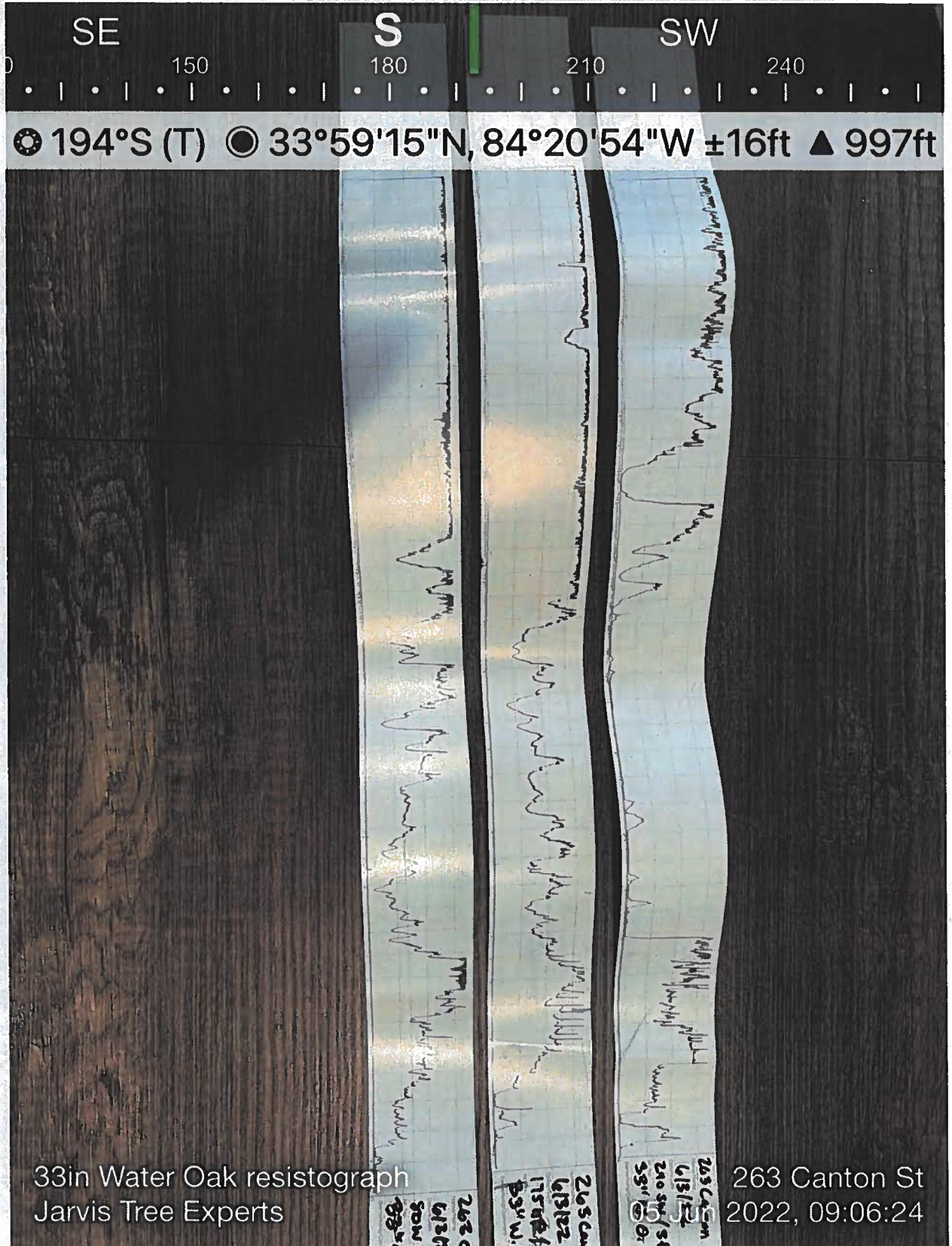
- First reading was from 240 degrees SW at approximately 4' above ground level. At 11" the reading drops significantly and does not return. This indicates decay in the main stem. 45.6% affected.
- Second reading was from 175 degrees NE at approximately 3' above ground level. At 10" the readings drop off erratically and do not return. This indicates decay in the main stem. 44.73% affected
- Third reading was from 80 degrees W at approximately 3' above ground level. At 7" the readings drop erratically and do not return. This indicates decay in the main stem. 64.6% affected
- Climbing inspection was performed and I observed a nesting cavity in bifurcation 6" deep. A 12"-14" leader is hanging over the roadway.

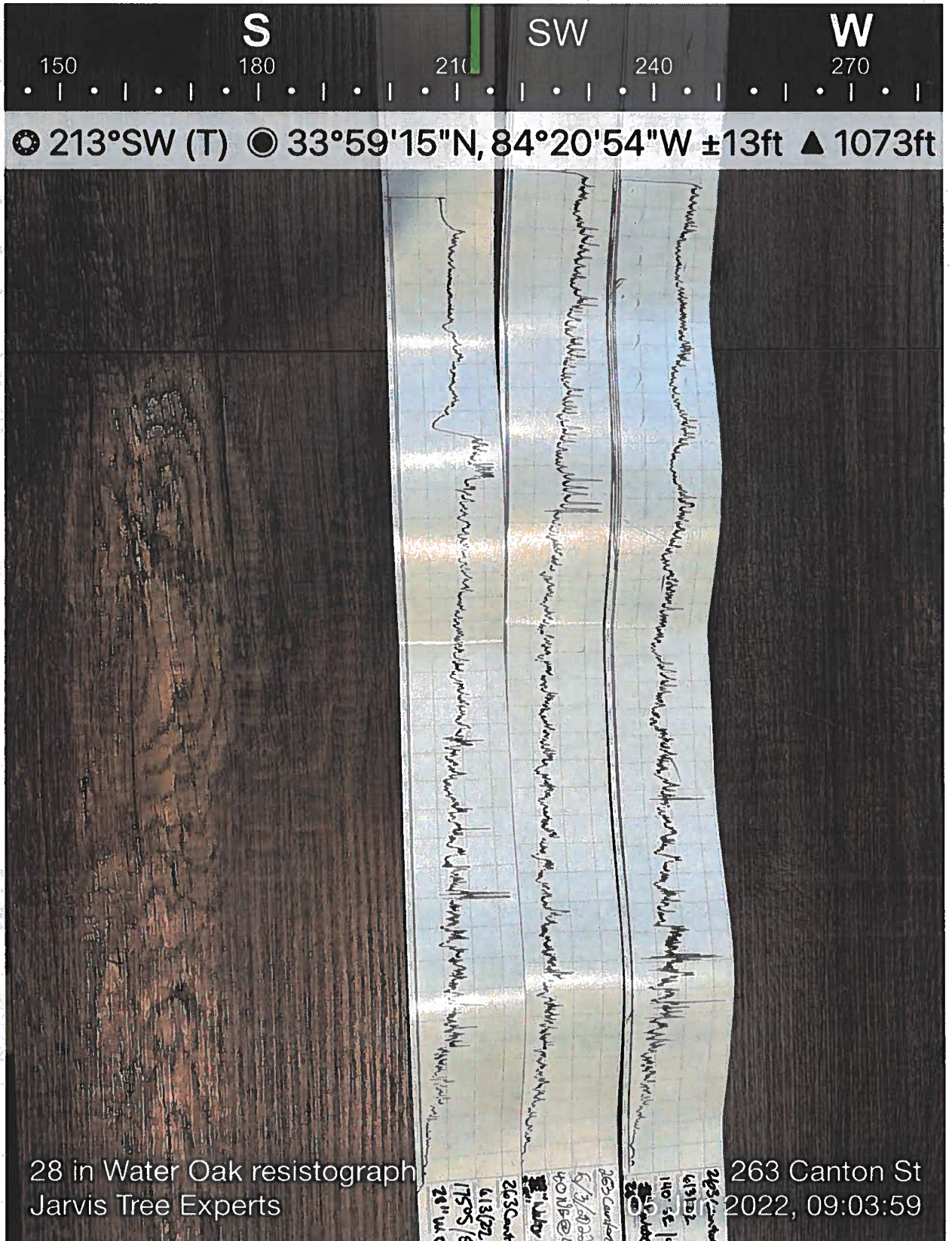
Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Likewise, remedial treatments cannot be guaranteed. Clients may choose to accept or disregard the recommendations of the arborists, or to seek additional advice.

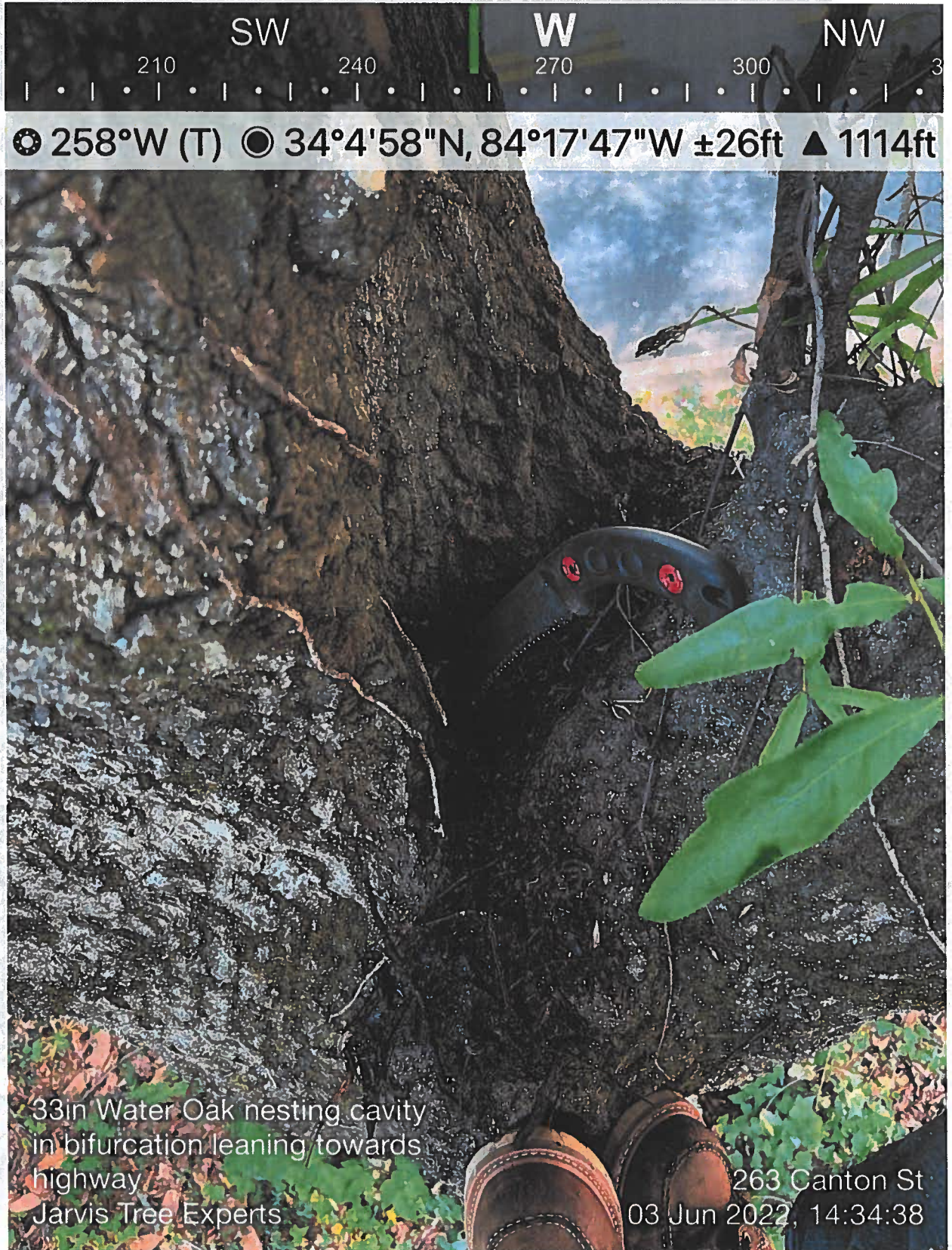
Kind regards,

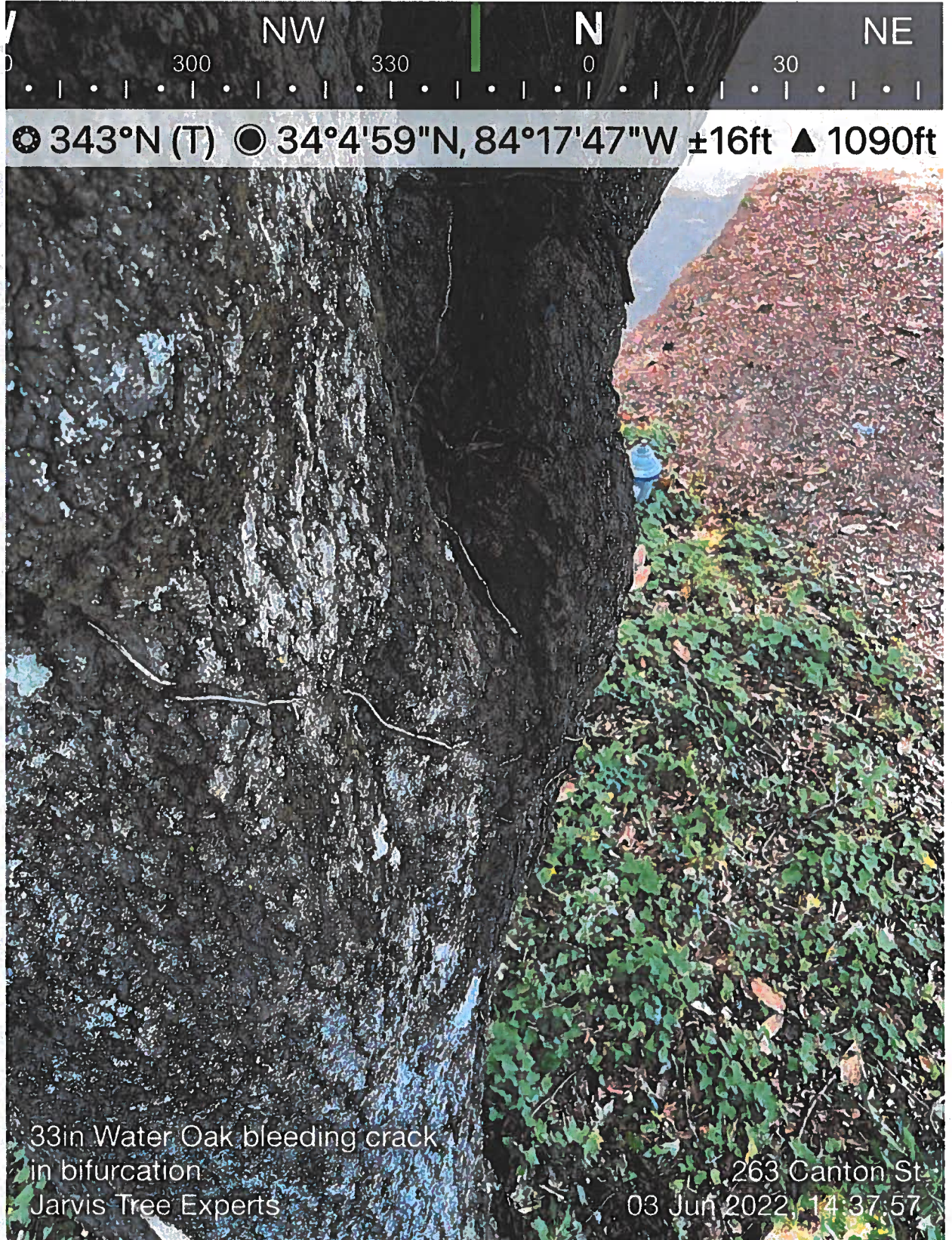
A handwritten signature in black ink, appearing to read "Tim McDowell".

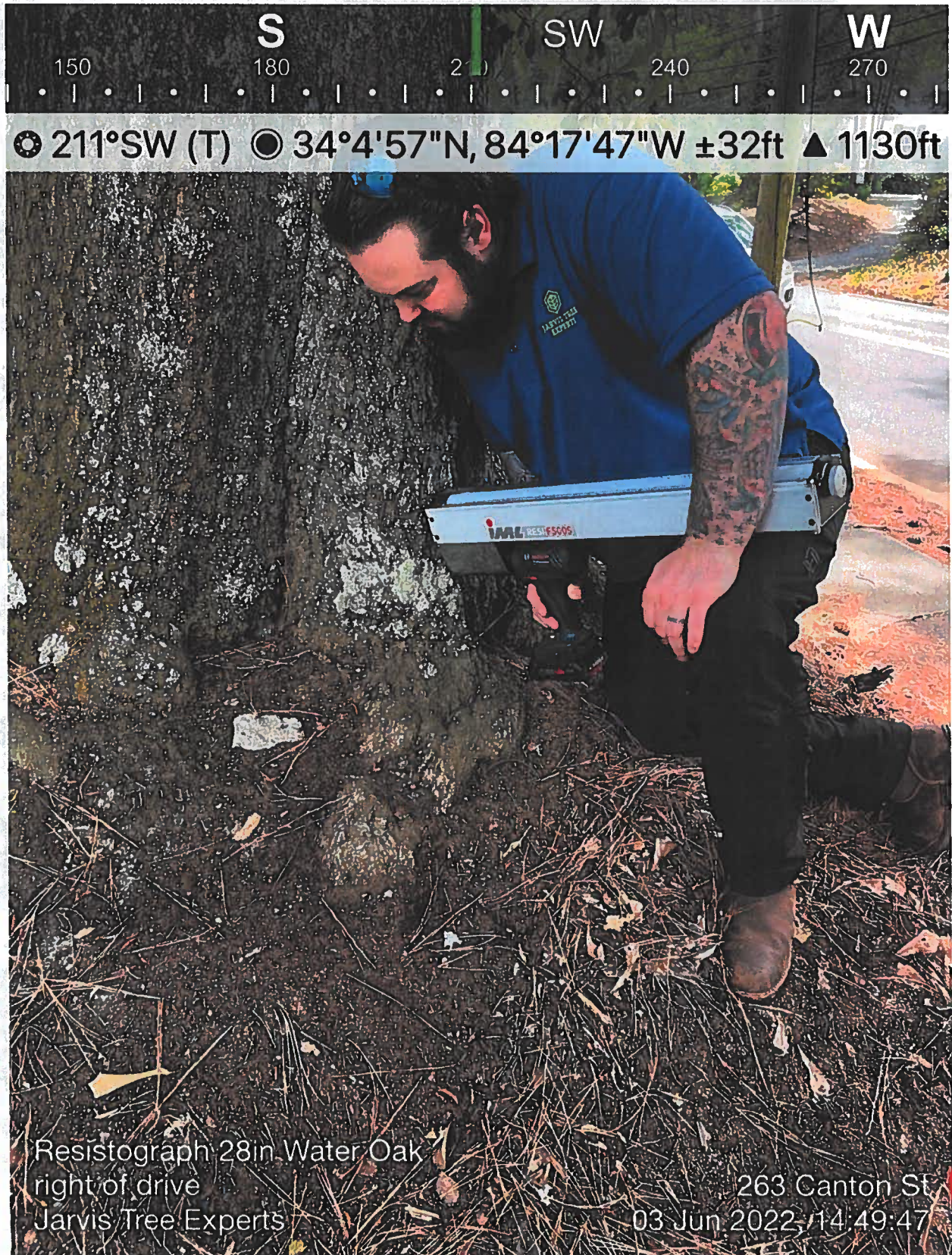
Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts

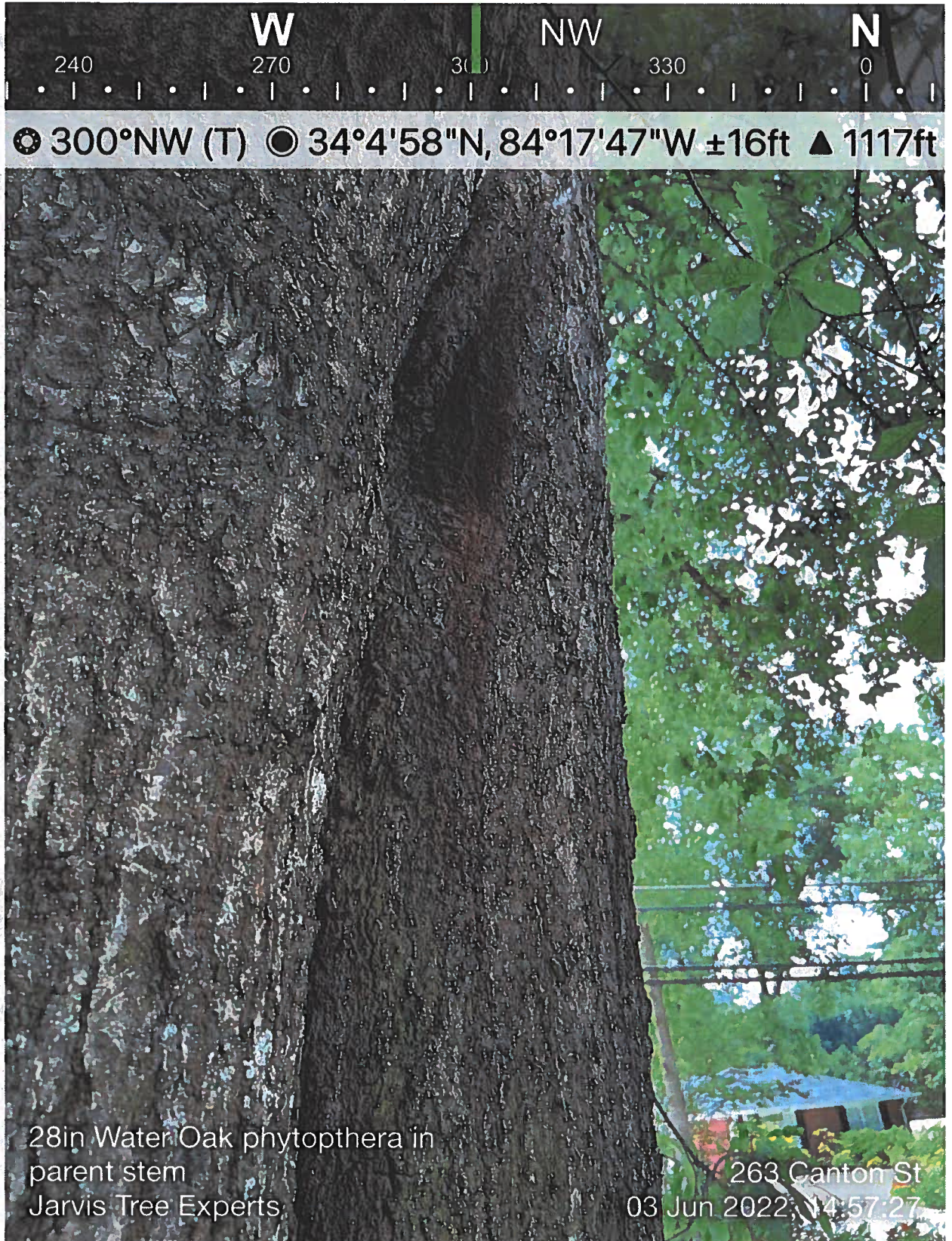














JARVIS TREE EXPERTS

3/25/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

2nd "Updated
Report"

RE: Resistograph/Climbing Inspection

On June 2nd, 2022, I inspected the health and condition of the listed trees located at 263 Canton St Alpharetta GA, 30009. A resistograph and climbing inspection was utilized to measure affected sound wood in the main stems and root flares.

Ultimately, the governing body's (City of Alpharetta) arborist or representative shall determine whether a tree is classified as dead, dying, hazardous, and/or specimen status. No warranties express or implied are made with respect to the report. It shall be understood the OWNER makes use of this report by the ARBORTST at OWNER's sole risk and that the report is provided as best expert opinion. In no manner does this report guarantee the life or imply any length of life span of the trees. See attached photos.

#2-28"DBH Water Oak located at front right of drive

- First reading was from 140 degrees SE at approximately 4' above ground level. Readings stay consistent throughout. This indicates sound wood throughout.
- Second reading was from 40 degrees NE at approximately 3' above ground level. Readings are consistent. This indicates sound wood throughout.
- Third reading was from 175 degrees S at approximately 4' above ground level. At 9" the readings drop off erratically and return at 14.5" then continue gradually drop. This indicates sound wood affected in the main stem. 36.47% affected

33" Water Oak located at left front this tree is a boundary tree



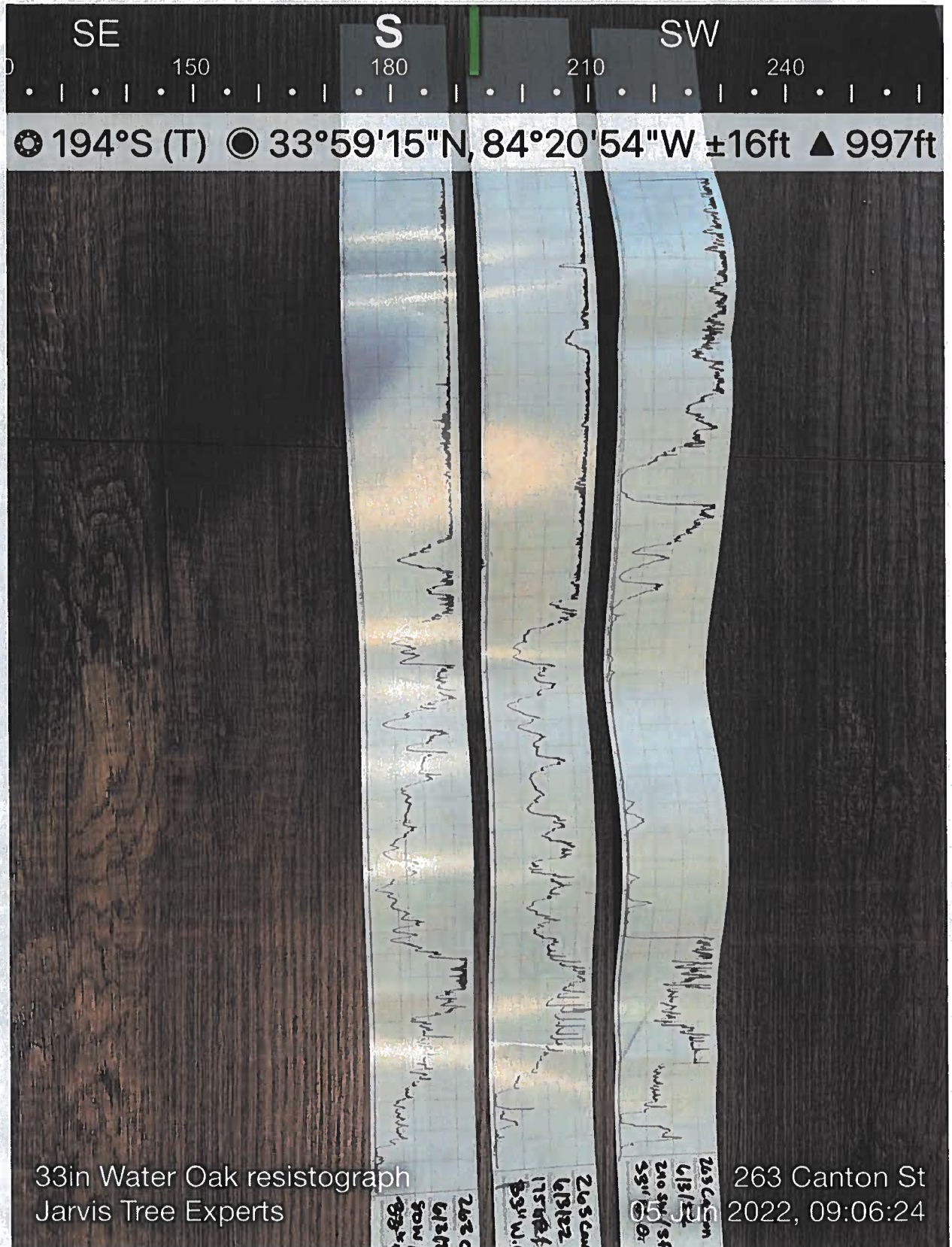
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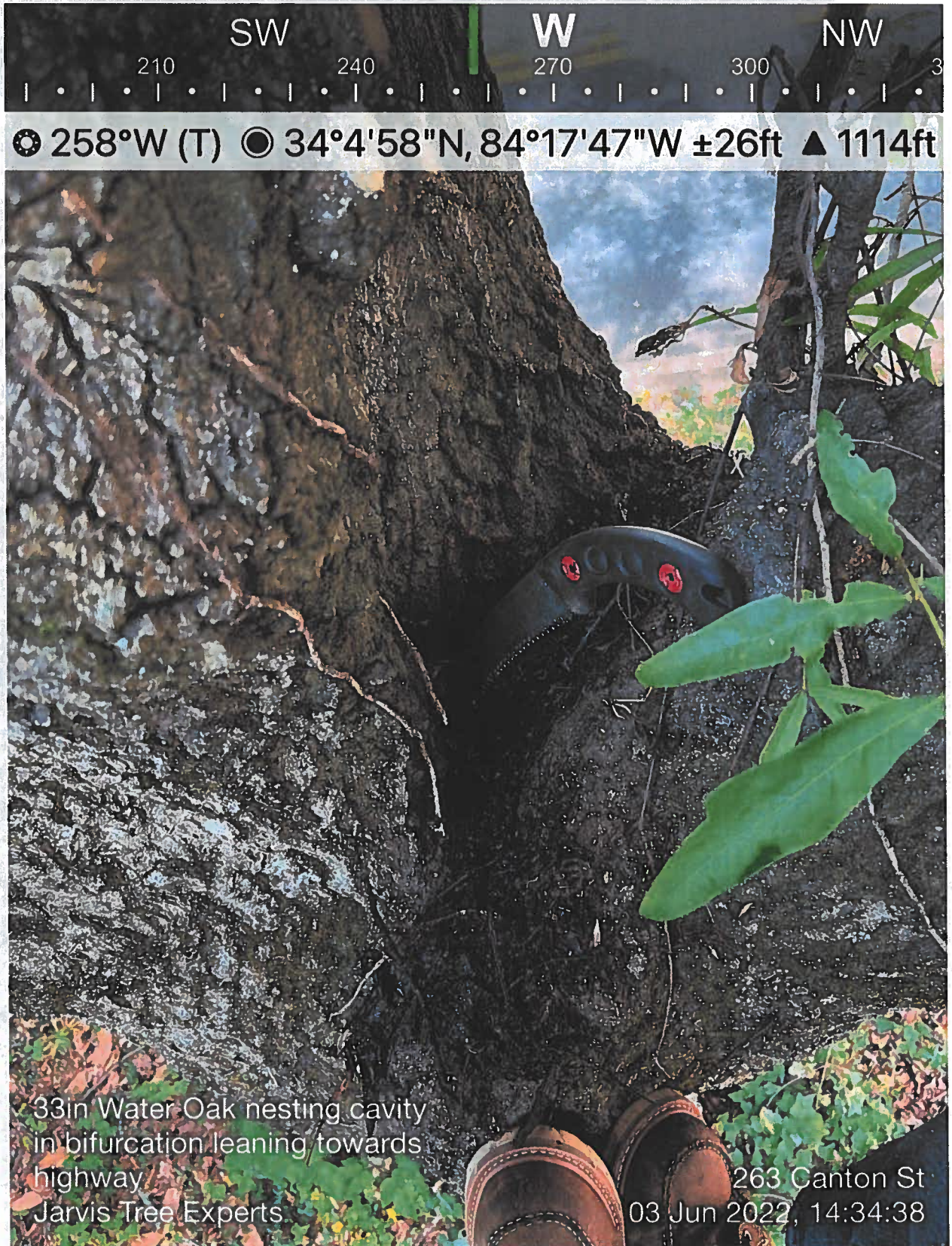
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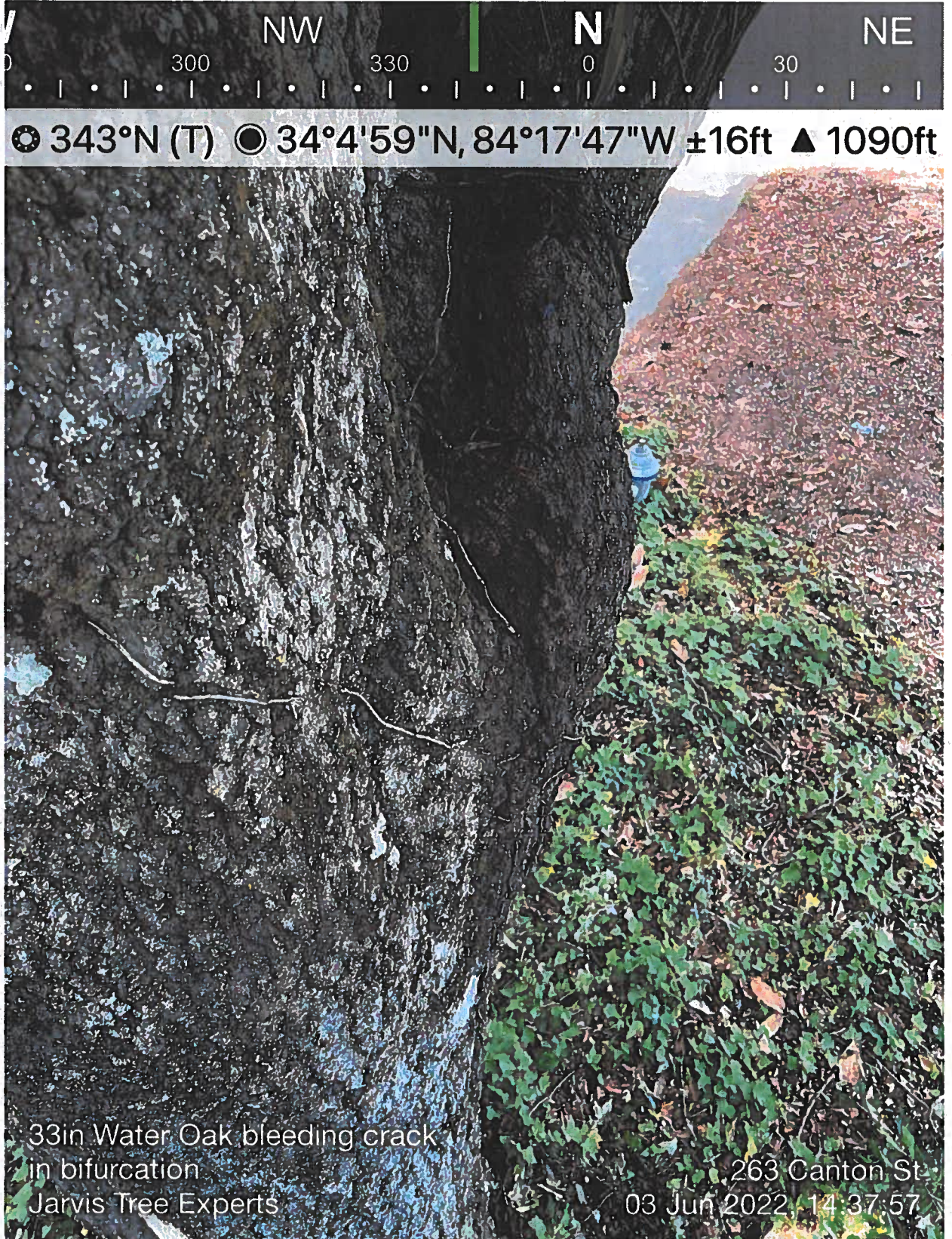
Kind regards,

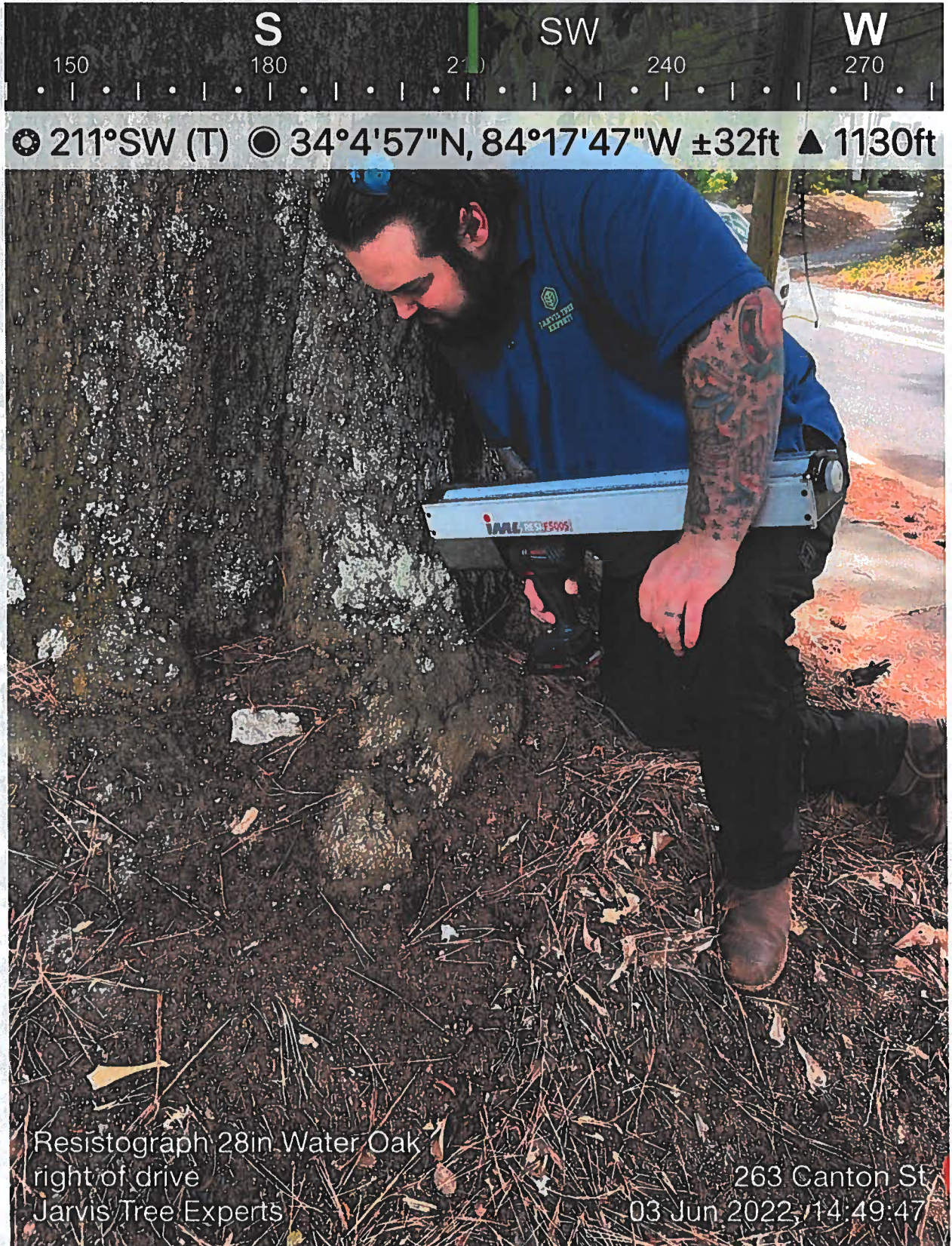
A handwritten signature in black ink, appearing to read "Tim McDowell", with a stylized flourish at the end.

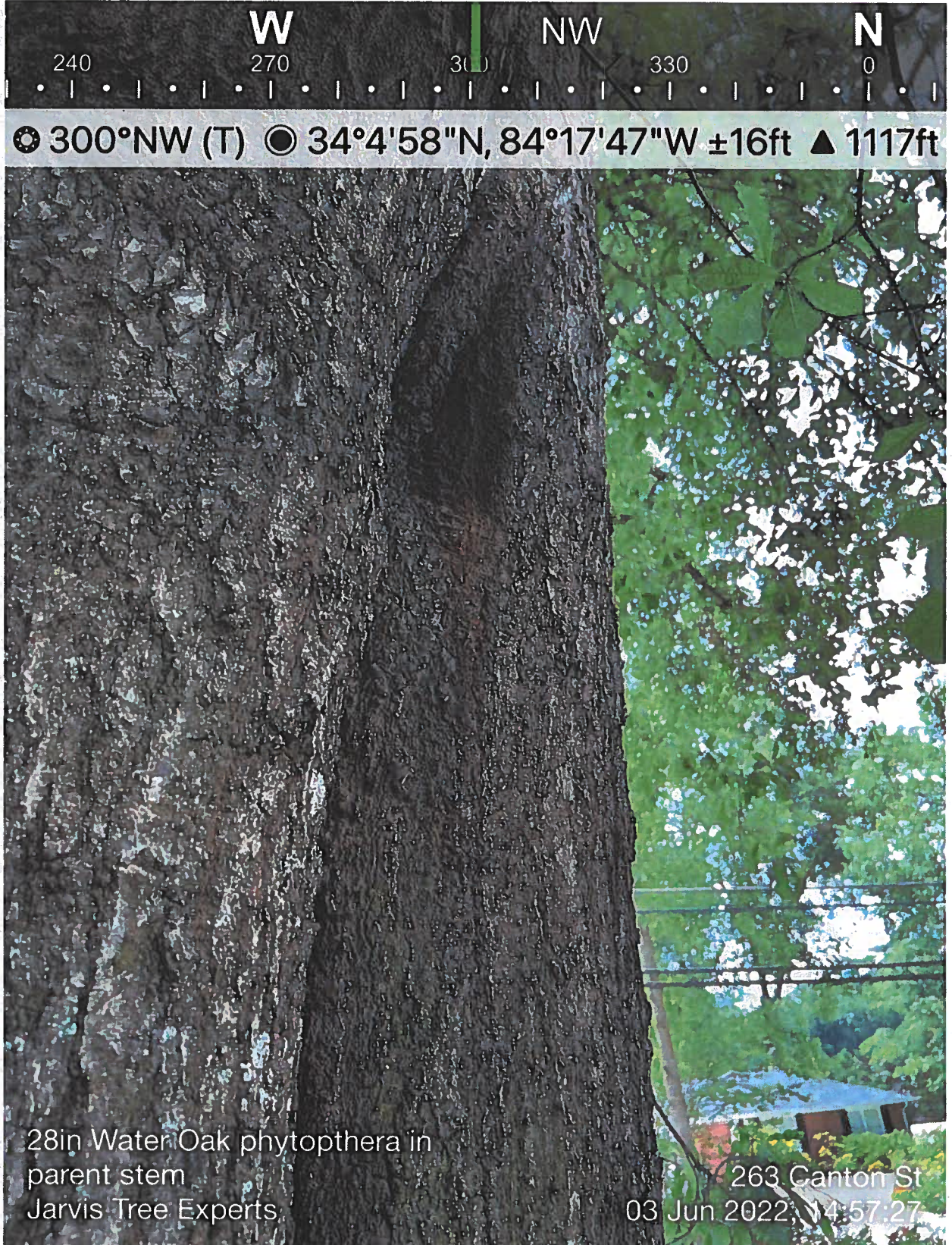
Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts













JARVIS TREE EXPERTS

3rd Report

10/18/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

RE: Resistograph/Climbing Inspection

On June 2nd, 2022, I inspected the health and condition of the listed trees located at 263 Canton St Alpharetta GA, 30009. A resistograph and climbing inspection was utilized to measure affected sound wood in the main stems and root flares. Ultimately, the governing body's (City of Alpharetta) arborist or representative shall determine whether a tree is classified as dead, dying, hazardous, and/or specimen status. No warranties express or implied are made with respect to the report. It shall be understood the OWNER makes use of this report by the ARBORTST at OWNER's sole risk and that the report is provided as best expert opinion. In no manner does this report guarantee the life or imply any length of life span of the trees. See attached photos.

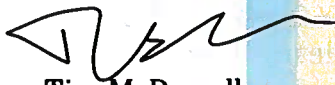
33" Water Oak located at left front this tree is a boundary tree

- First reading was from 318 degrees NW at 17.5' below bifurcation. This reading only showed some slight soft tissue, but resistance did build up after about 4.5-5 inches into the tree. I checked the drill bit to make sure we were on the correct setting, and it was observed that we were. Usually, a slow buildup of this nature is indicative of decay starting to make its way down the stem, or at least that has been my experience. The second reading does start to show some decay.
- Second reading was from 313-degrees at 19' from the ground into lower bleeding area near bifurcation. This reading, which was right at the lower bleeding canker area, showed an initial loss after 1.5 inches, but came back up until around 6.5 inches and continued to decline until about 11.5 inches. That was about 5 inches of soft or disrupted tissue.
- Third reading was from 319-degrees NW at 21' from the ground. Third reading which was right into the area of decay seen in the photo, showed a significant loss at around 3" into the tree and did not improve until about 7.5 inches. This was again another 4.5-5" of wood loss

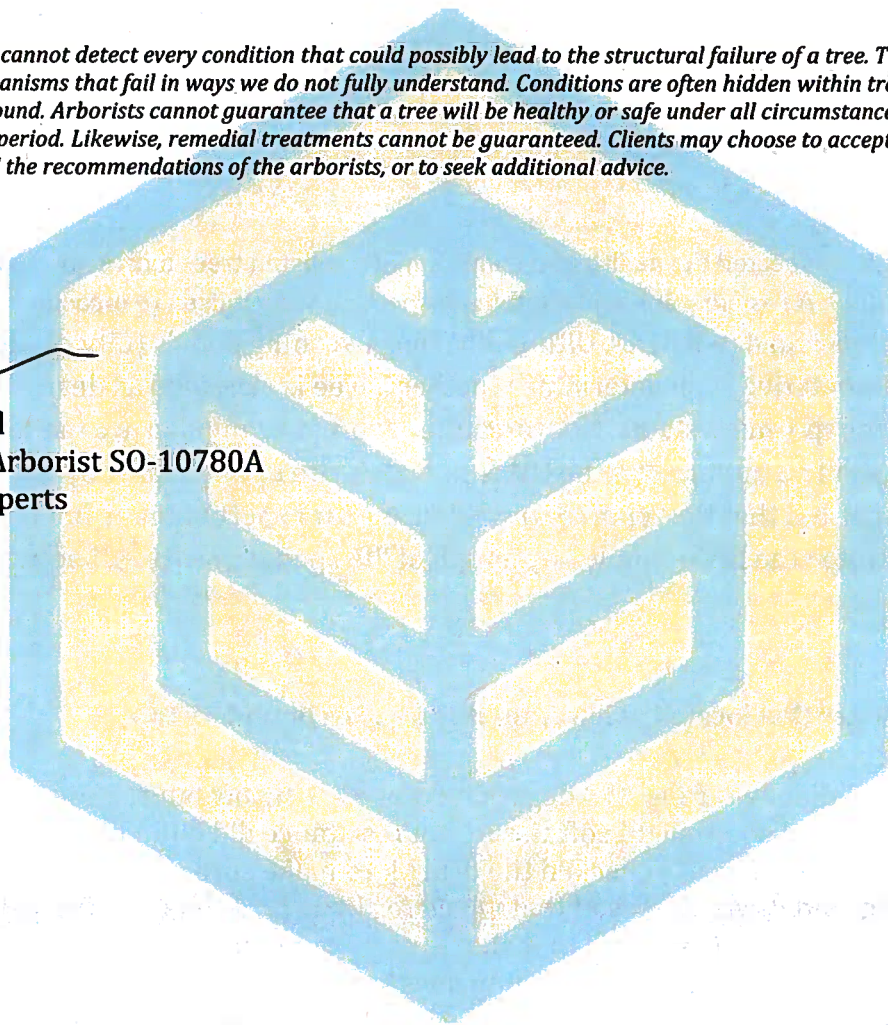
- A climbing inspection was performed, and I observed a nesting cavity in bifurcation 6" deep. A 12"-14" leader is hanging over the roadway.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Likewise, remedial treatments cannot be guaranteed. Clients may choose to accept or disregard the recommendations of the arborists, or to seek additional advice.

Kind regards,



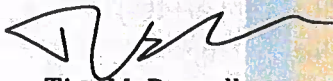
Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts



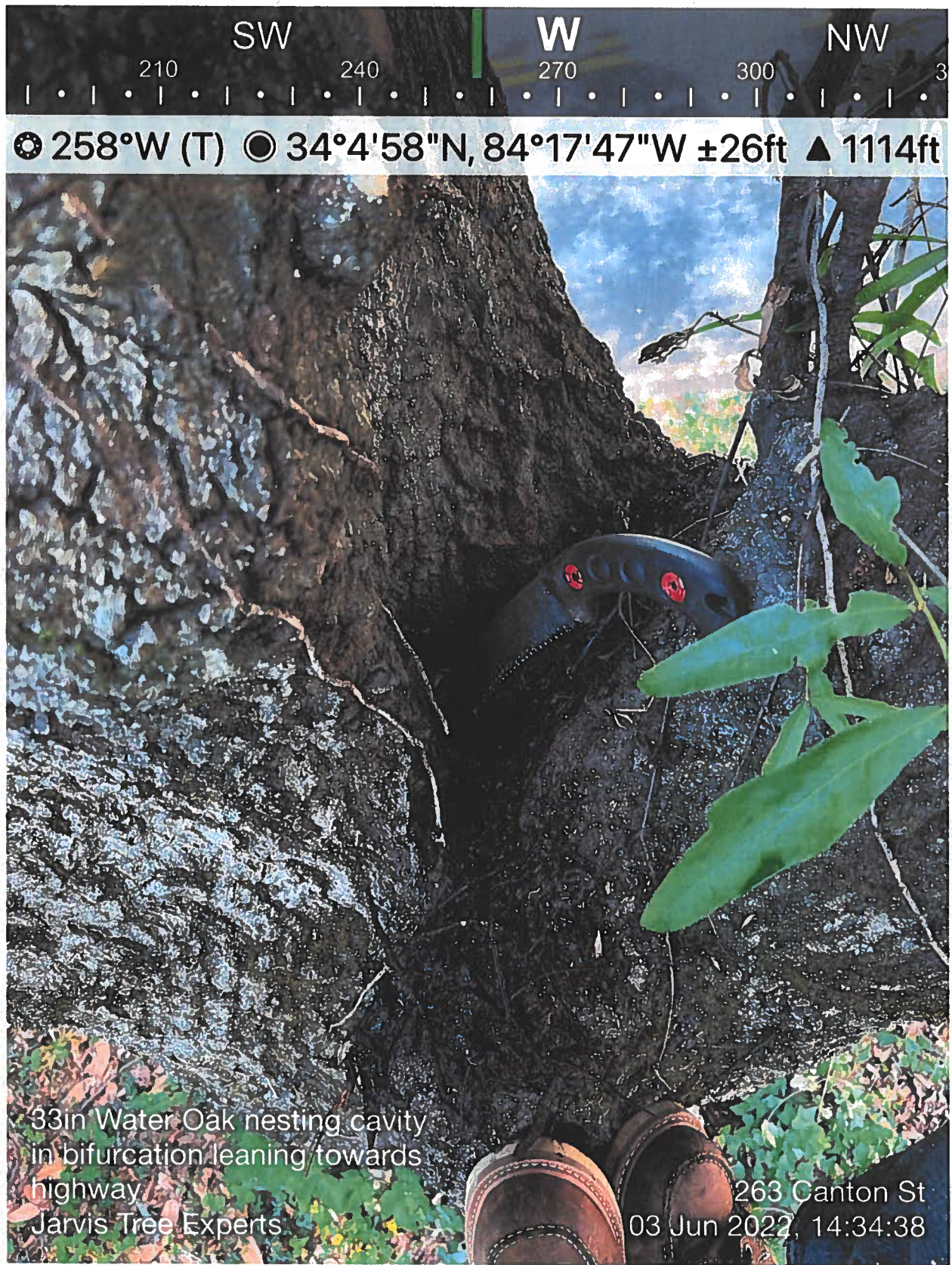
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Kind regards,



Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts



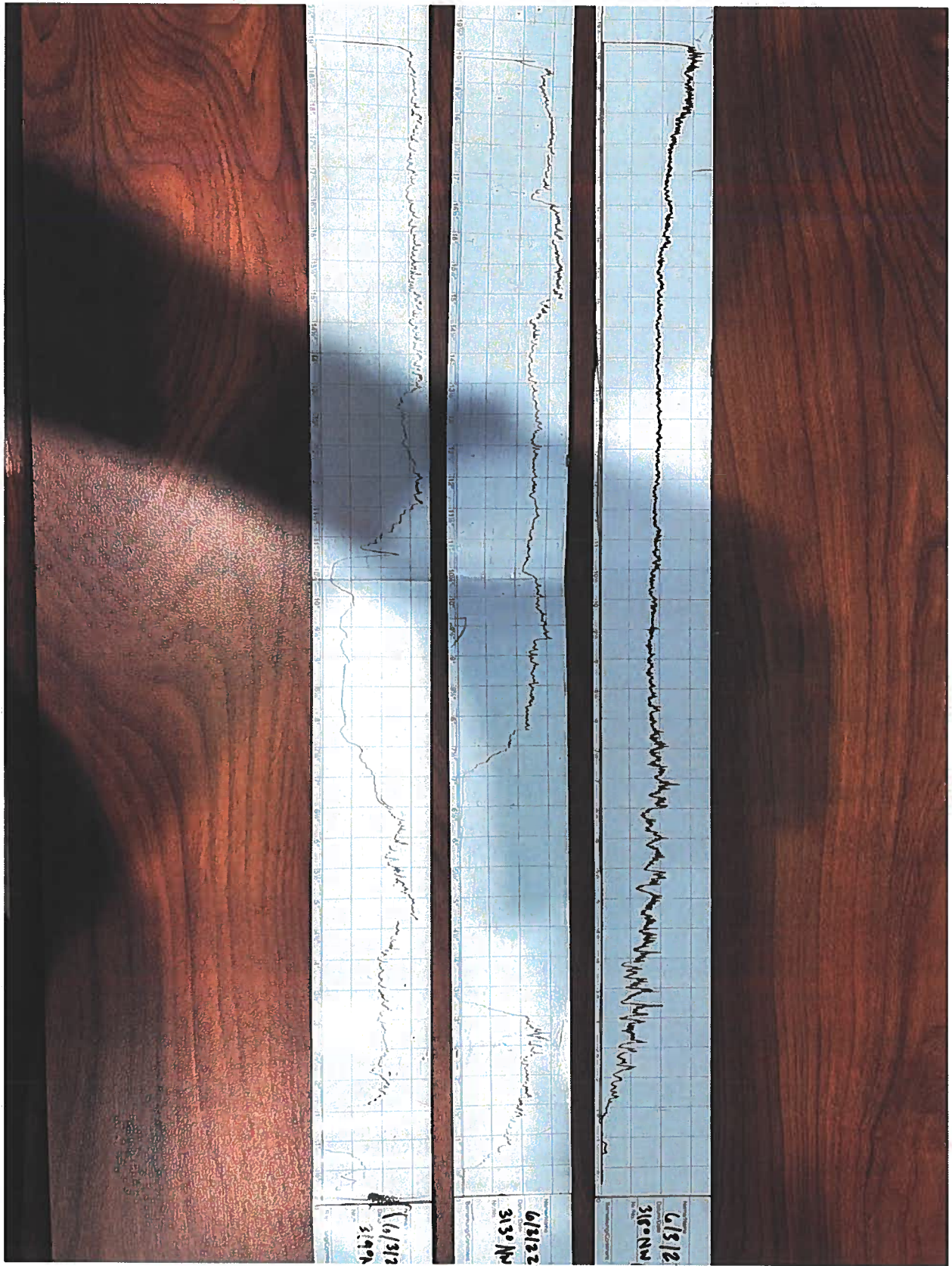


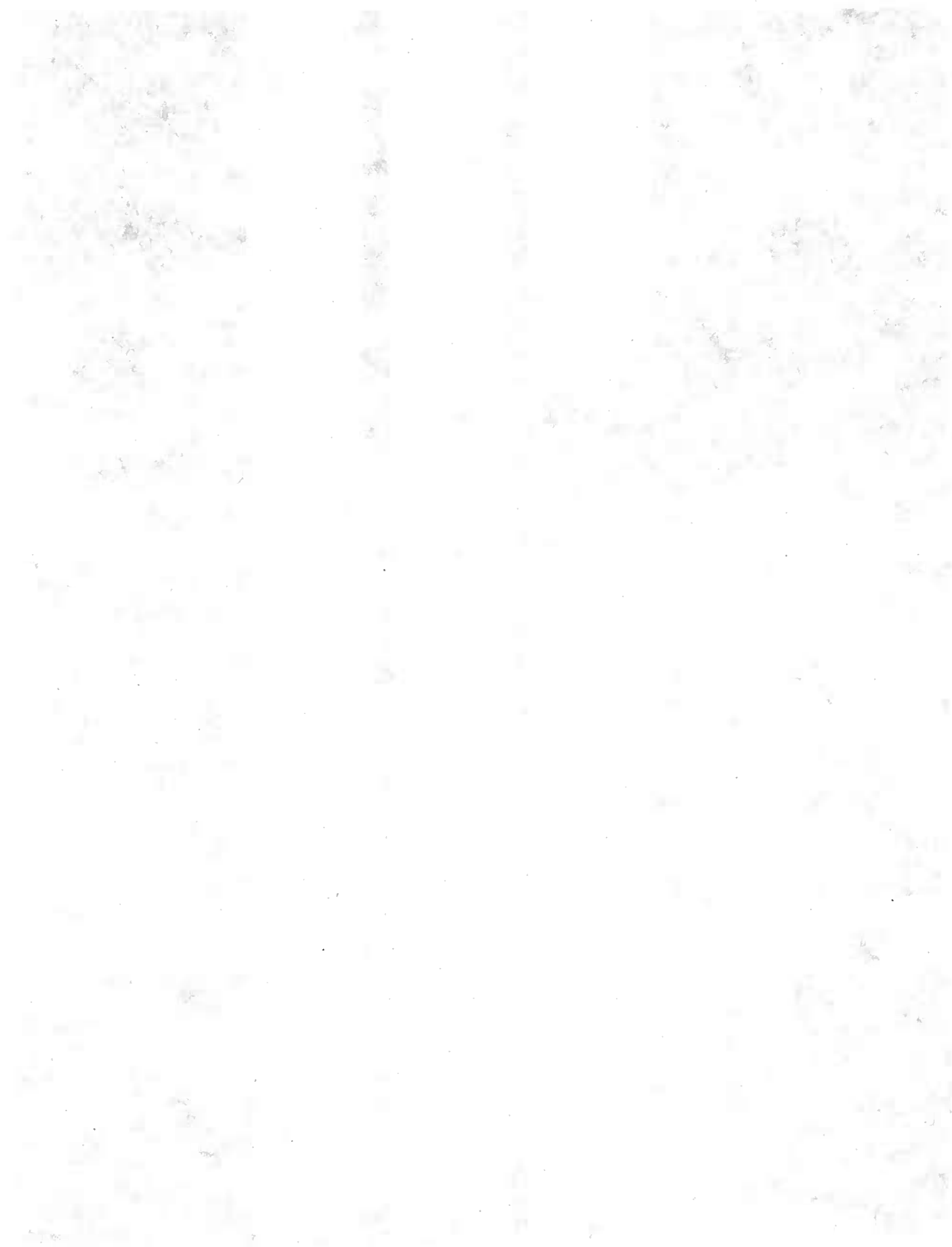
☉ 343°N (T) ☉ 34°4'59"N, 84°17'47"W ±16ft ▲ 1090ft



33in Water Oak bleeding crack
in bifurcation
Jarvis Tree Experts

263 Canton St
03 Jun 2022 14:37:57





263 CANTON STREET

NEW HOME SITE PLANS

Prepared for
REBECCA & STEWART CROUCHER

263 CANTON STREET
ALPHARETTA, GA 30009

A LANDSCAPE PLAN
ADDRESSING GARDEN DISTRICT
LANDSCAPE STRIP ALONG
CANTON STREET TO BE
SUBMITTED FOR REVIEW AND
APPROVAL BY 12/15/2022.

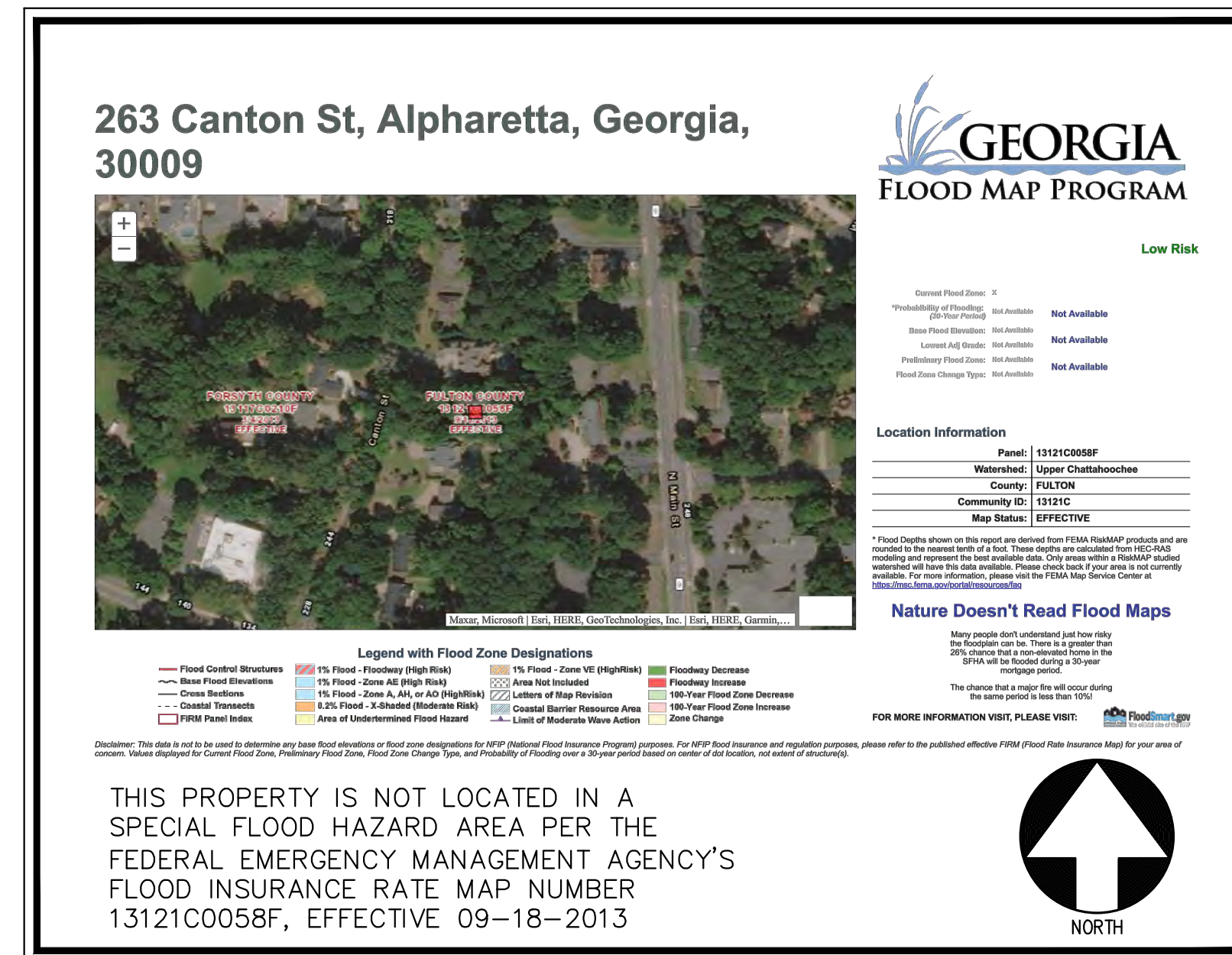
Reviewed for
Code Compliance
Aug 17, 2022
Jill Bazinet, PE
City of Alpharetta
Stormwater Engineering

This plan is not complete until
stamped by City Arborist

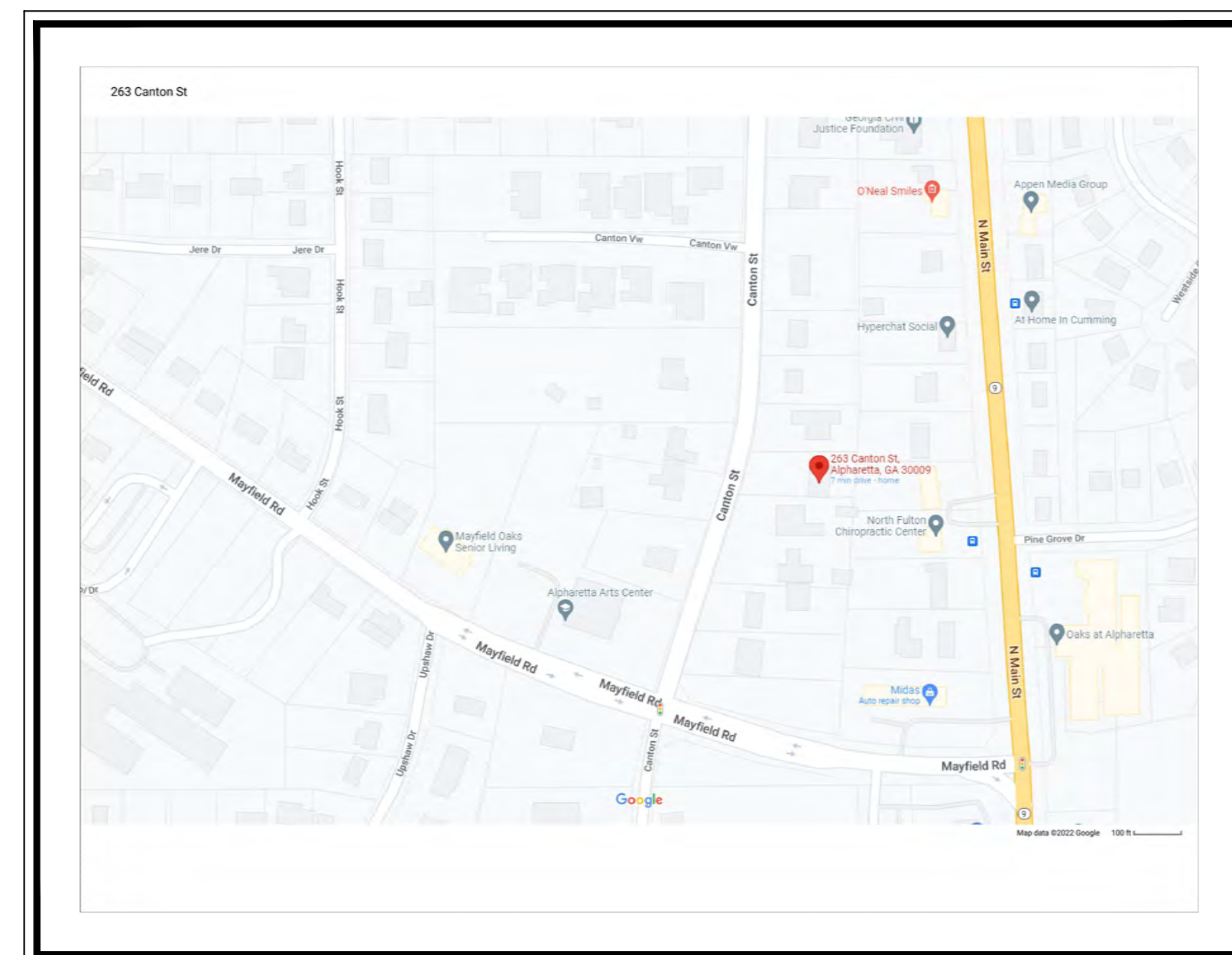


24 HOUR CONTACT
OSCAR POURSHIRAVI
(770) 616-0019

TOTAL AREA 0.55 AC.
DISTURBED AREA 0.40 AC.



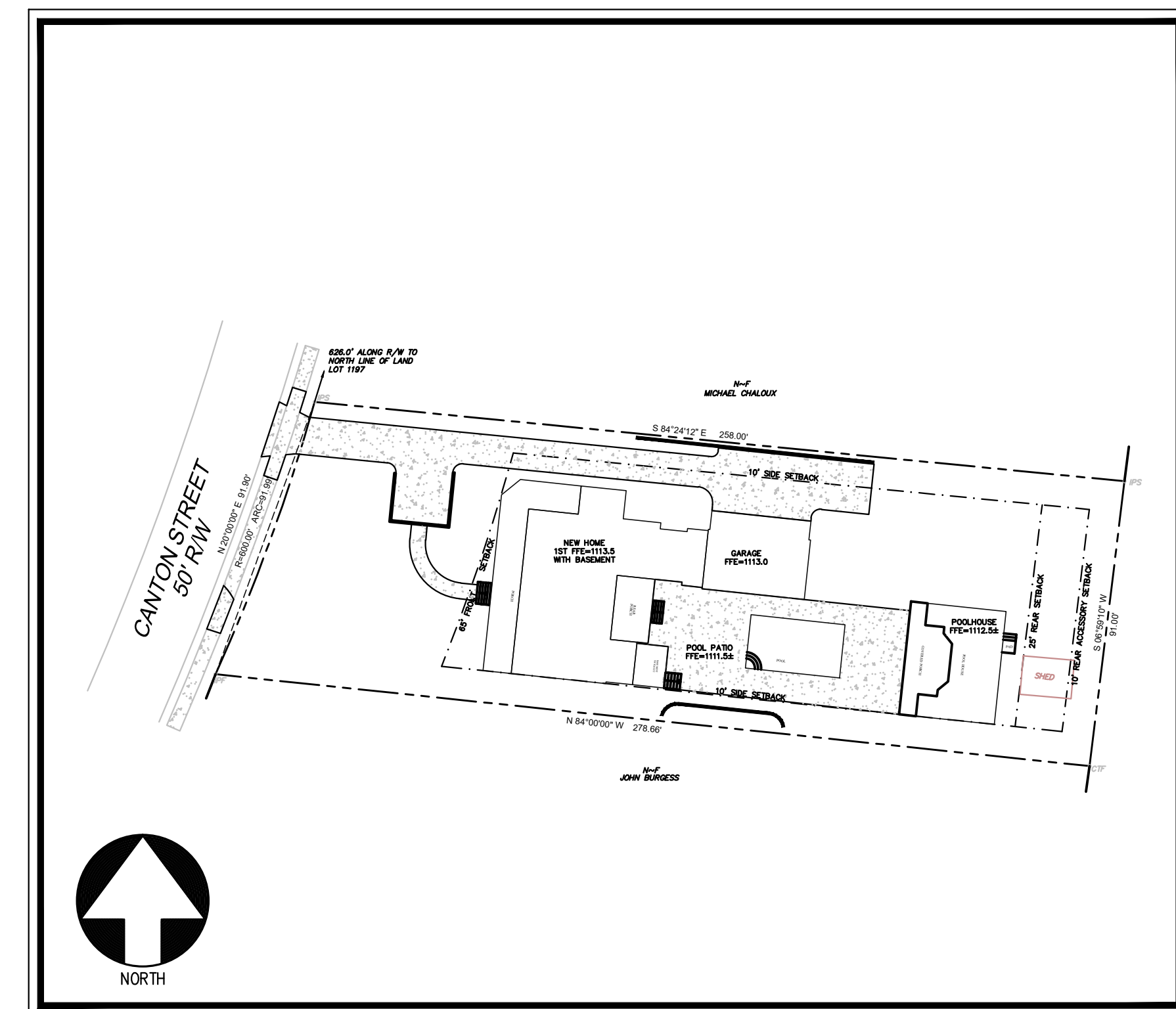
FLOOD MAP



AREA MAP

Land Lot 1197
of the 2nd District, 2nd Section
Fulton County
City of Milton, Georgia

INDEX		
Sheet #	Title	
C000	COVER SHEET	
C001	PROJECT NOTES	
C002	BOUNDARY TREE AGREEMENTS	
C003	RESISTOGRAPH REPORT & CALCULATIONS	
C002	SURVEY	
C100	EXISTING CONDITIONS	
C101	DEMOLITION PLAN	
C102	TREE PLAN	
C200	SITE PLAN	
C300	GRADING PLAN	
C400	EROSION CONTROL PLAN	
C500	UTILITY PLAN	
C600	SITEWORK DETAILS	
Original Issue Date: 06/03/2022		
REVISIONS		
REVISION	DATE	SHEET NUMBER(S)
1	07/20/22	ALL SHEETS
2	8/11/22	ADD SHEET C002 & C003, REVISE C101-C400



SITE MAP
1"=40'

REVISIONS

NO.	DATE

DATE: 06/03/2022

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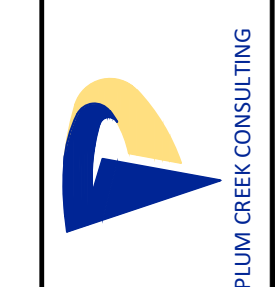
263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009
CITY OF ALPHARETTA, FULTON COUNTY
ZONING P-15

LAND LOT 1197
2nd DISTRICT, 2nd SECTION



08/11/2022

COVER SHEET
Plum Creek Consulting, LLC
7425 Mid Branch Road
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcc.com



DESIGNED BY: KO
CHECKED BY: CO
PROJECT NO: 22-0402
SHEET: C000

Page 109 of 120

July 20, 2022

Bob & Virginia Burgess
255 Canton Street
Alpharetta, GA 30009

RE: 263 Canton Street- New Home Construction

Dear Bob & Virginia,

As you know, Stewart and I are in the process of planning and constructing a new home for ourselves next door to you at 263 Canton Street. As part of the process, we have hired consultants to help our builder through the process. Now that our home is planned, we realize that there are several trees along our shared property line that will be impacted by the construction beyond the limits outlined in the City Code.

Based on information that we have collected; the installation of silt fence and construction of our new pool house will impact the roots of your 18-inch oak tree (shown on the attached plan) by approximately 45%. We have a 16-inch oak tree next to yours that will be similarly impacted. The City Code allows for a maximum of 20%. Given the location of the tree and the extent of the root zone impact, we believe that it is best for the tree to be removed.

You also own a second 18-inch oak tree that will be impacted by 20%. We have reworked our plan to minimize this impact as much as possible.

With your permission, Stuart and I will hire a tree company to remove the first tree at our expense. We will also hire someone to provide care for the second tree to help improve its health and minimize impact to its roots. (We will make sure that they are licensed and insured, with you named as a certificate holder along with us.)

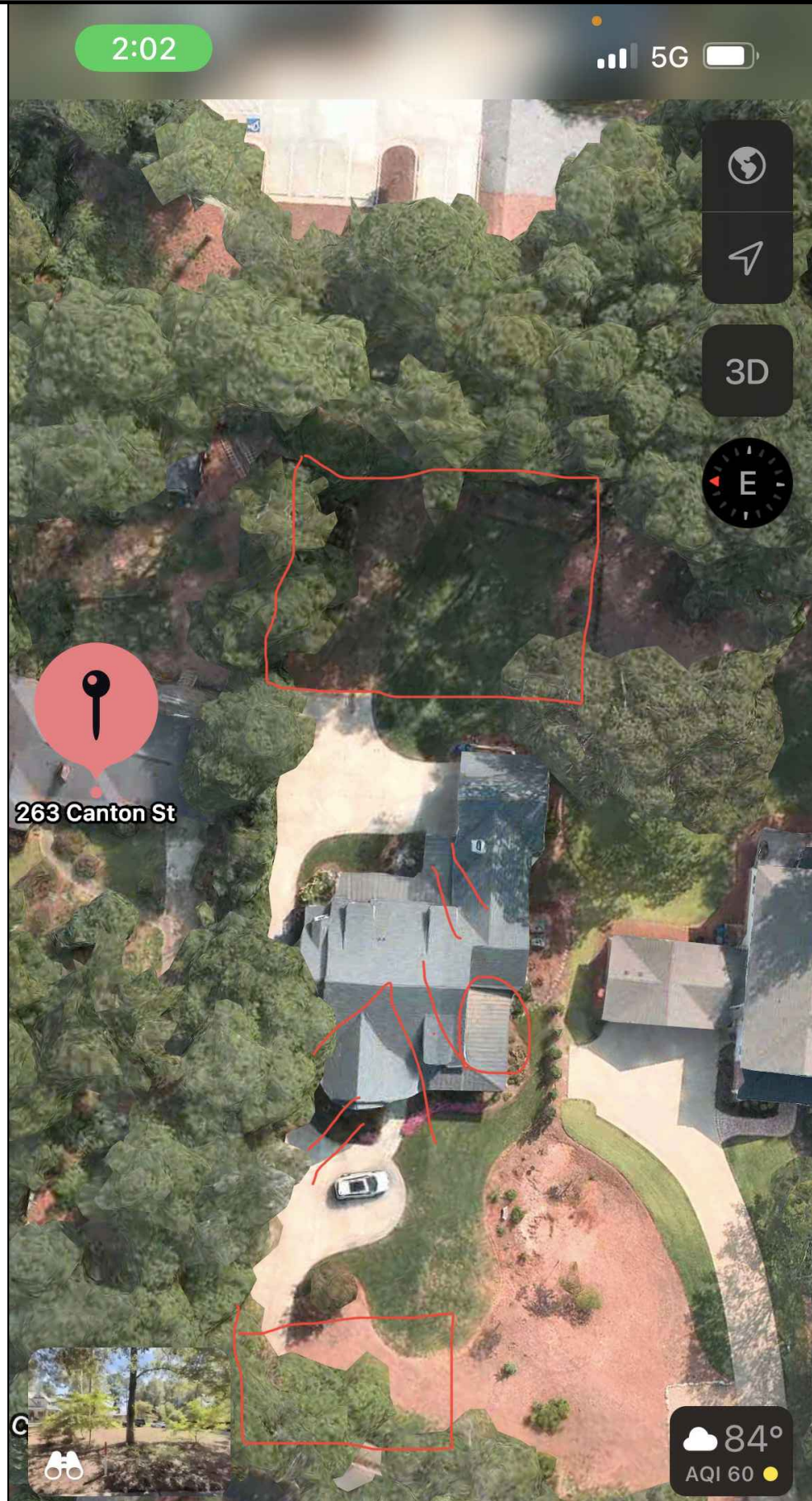
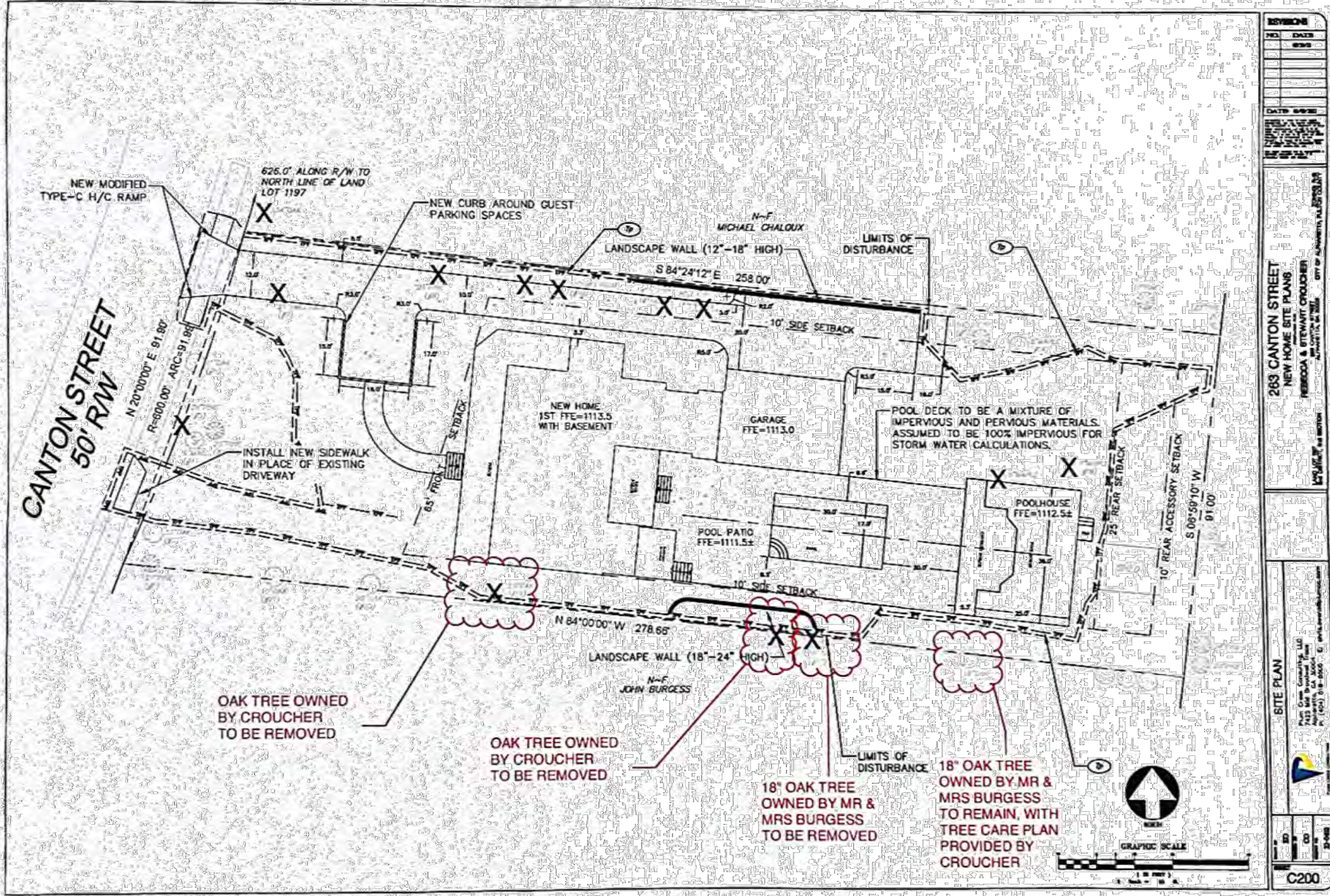
We will also be removing three other trees of ours along the same property line because of the same reasons. Those are also noted on the attached plan, and we wanted to let you know beforehand.

☐ If you agree to allow our tree company to remove this tree, please indicate by signing in the space provided below. We appreciate your help and understanding. Please let us know if you have any questions.

Sincerely,

Rebecca & Stuart Croucher
Agreed to by:

Signed Name *Virginia Burgess* Date *7/25/2022*
Pint *Virginia Burgess*



255 CANTON STREET
REMAINING DBH = 76+”

July 20, 2022

Michael & Rhonda Chaloux
273 Canton Street
Alpharetta, GA 30009

RE: 263 Canton Street - New Home Construction

Dear Michael & Rhonda,

As you know, Stewart and I are in the process of planning and constructing a new home for ourselves next door to you at 263 Canton Street. As part of the process, we have hired consultants to help our builder through the process. Now that our home is planned, we realize that there are several trees along our shared property line that will be impacted by the construction beyond the limits outlined in the City Code.

Based on information that we have collected; the installation of silt fence and construction of our home will impact the roots of a 22-inch pine tree in the southeast corner (back right) of your property (shown on the attached plan) by approximately 8%. The City Code allows for a maximum of 20%. Given the location of the tree and the extent of the root zone impact we believe that the tree will be fine. If you have any questions or concerns, we will be happy to have our arborist meet and answer them.

As you know, we have also hired an arborist to evaluate the 34-inch oak tree in your yard, up near Canton Street. He has found decay and his testing shows the presence of a hollow spot inside the trunk. With your permission, we will have this tree removed as part of our work.

We will also be removing five trees of ours along the same property line due to conflicts with our new home and tree health (one has pine beetles). Those are also noted on the attached plan, and we wanted to let you know beforehand.

☐ If possible, please indicate by signing in the space provided below that you are aware of the situation and are comfortable

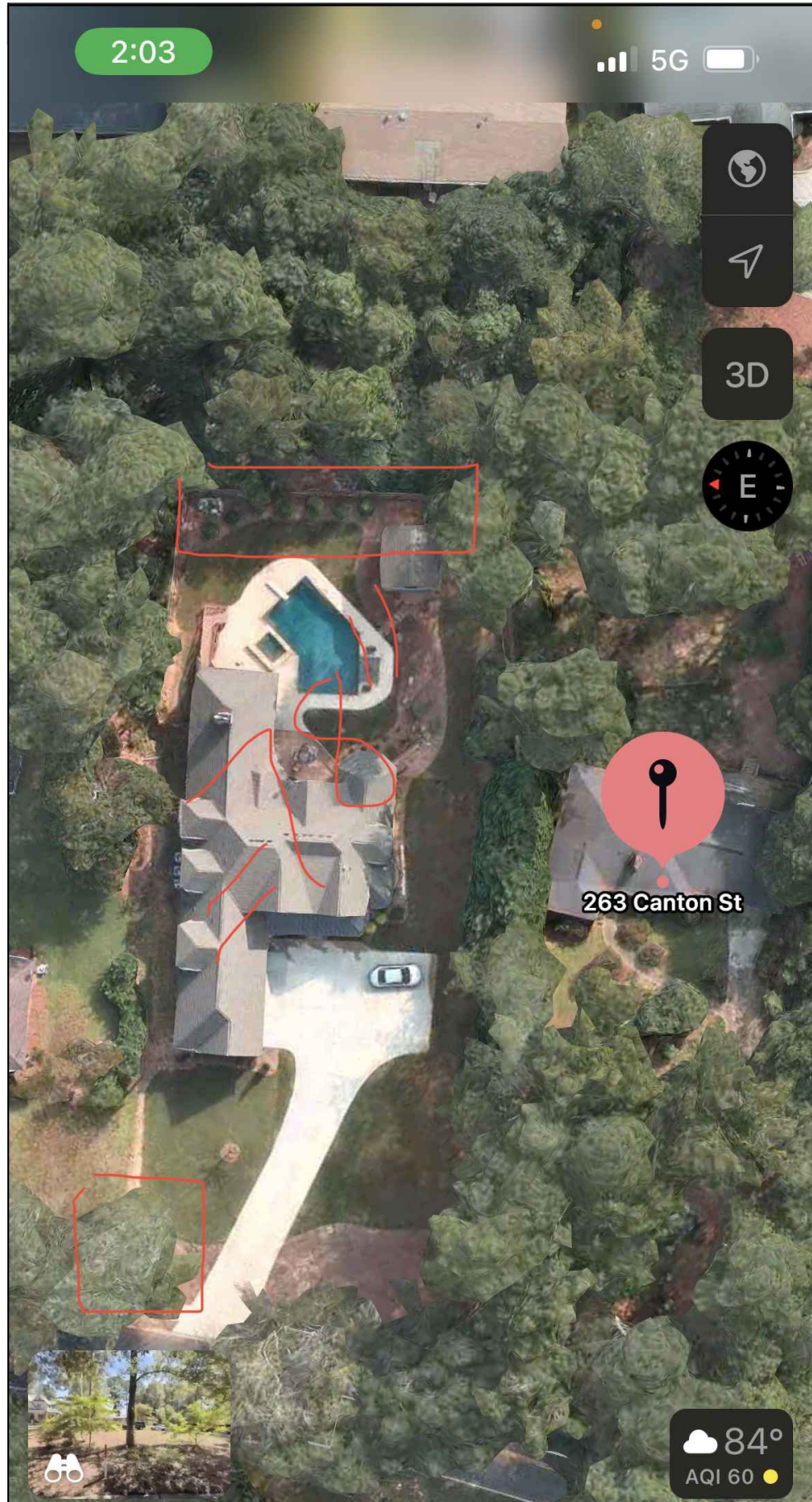
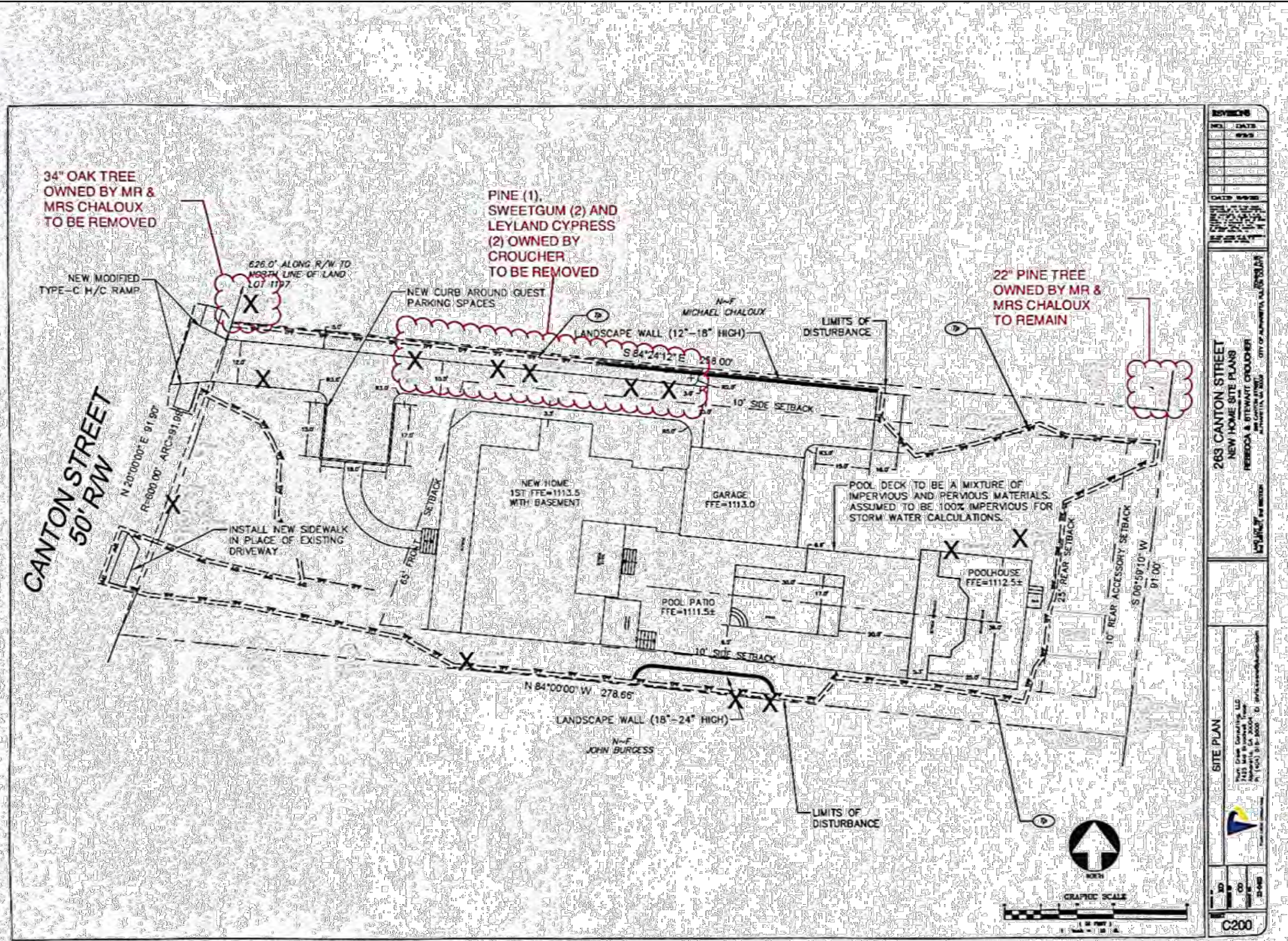
with your pine tree remaining. We appreciate your help and understanding. Please let us know if you have any questions.

Sincerely,

Rebecca & Stuart Croucher

Agreed to by: *Michael Chaloux*

Signed Name *Michael Chaloux* Date *7-23-22*
Pint *Michael Chaloux*



273 CANTON STREET
REMAINING DBH = 78+”

REVISIONS

NO.	DATE

DATE: 08/11/2022

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263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009

LAND LOT 1197
2nd DISTRICT, 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY

263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009

LAND LOT 1197
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LAND LOT 1197
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REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009

LAND LOT 1197
2nd DISTRICT, 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY



3/25/2022

Chris Owens
Plum Creek Consulting
263 Canton St.
Alpharetta GA, 30009

RE: Resistograph/Climbing Inspection

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33" Water Oak located at left front this tree is a boundary tree

1180 Hightower Trail * Sandy Springs, GA 30350 * (770) 676-7586 * JarvisTreeExperts.com



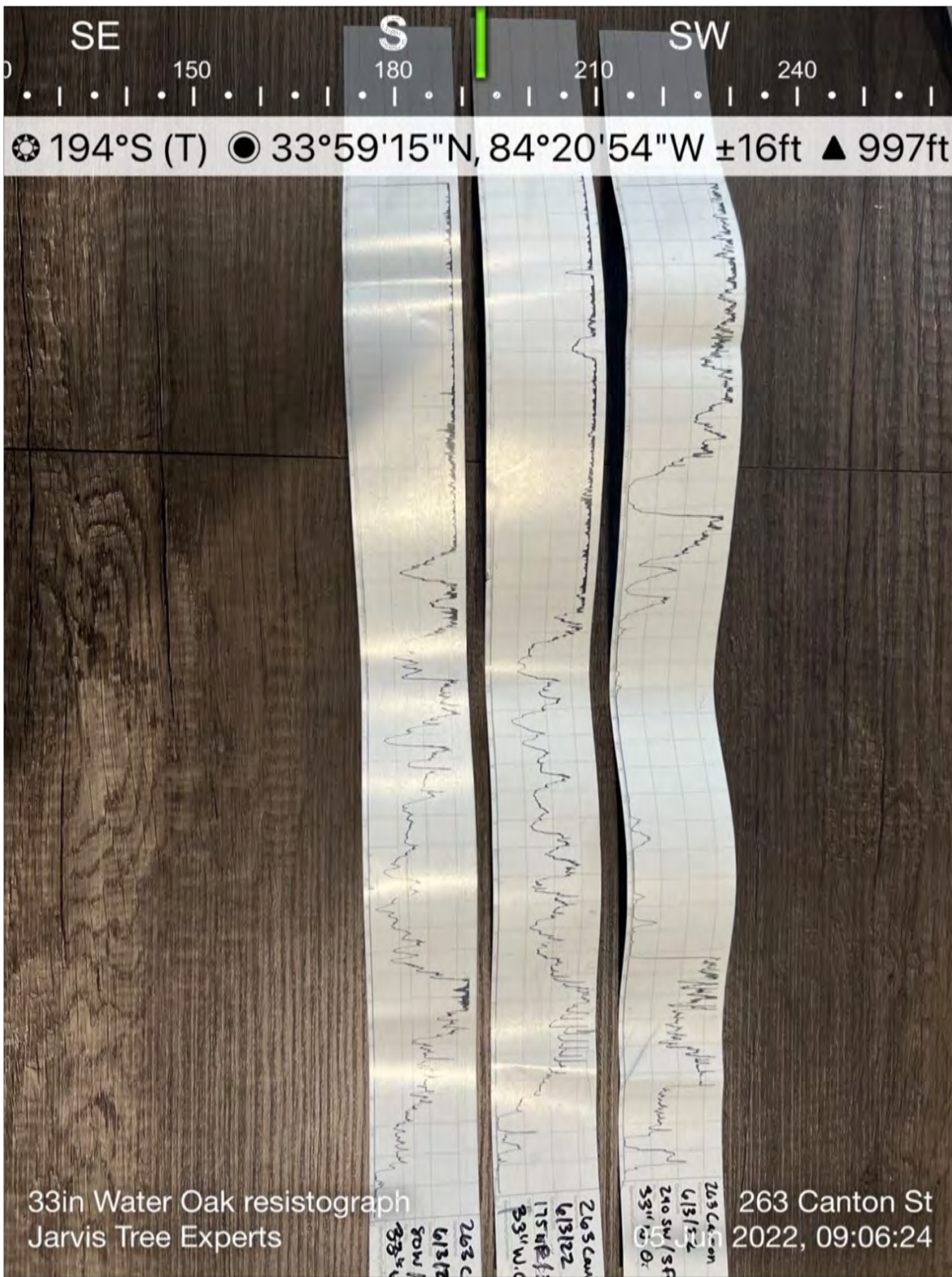
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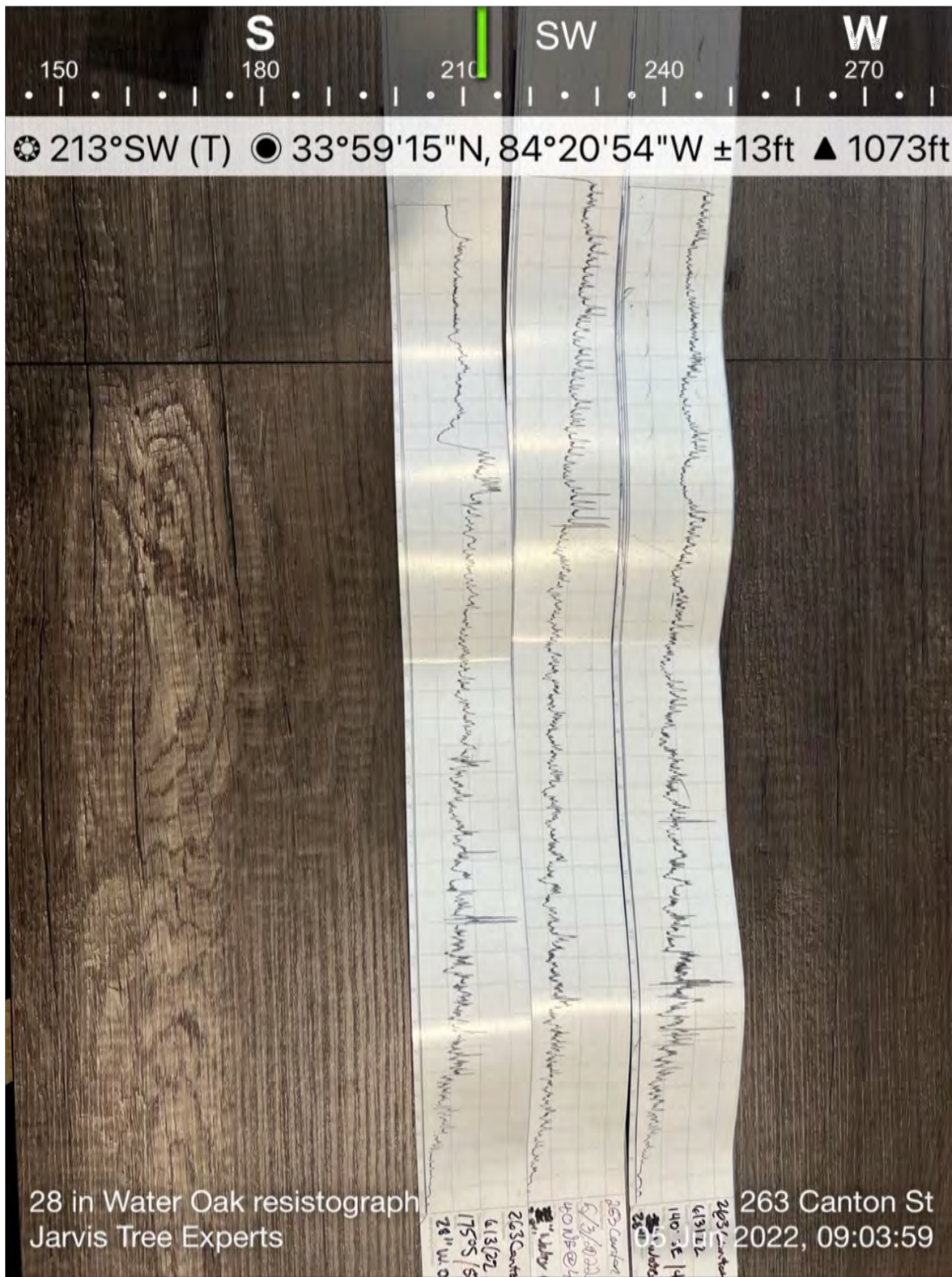
Kind regards,

Tim McDowell
ISA Certified Arborist SO-10780A
Jarvis Tree Experts

Page 2 of 8



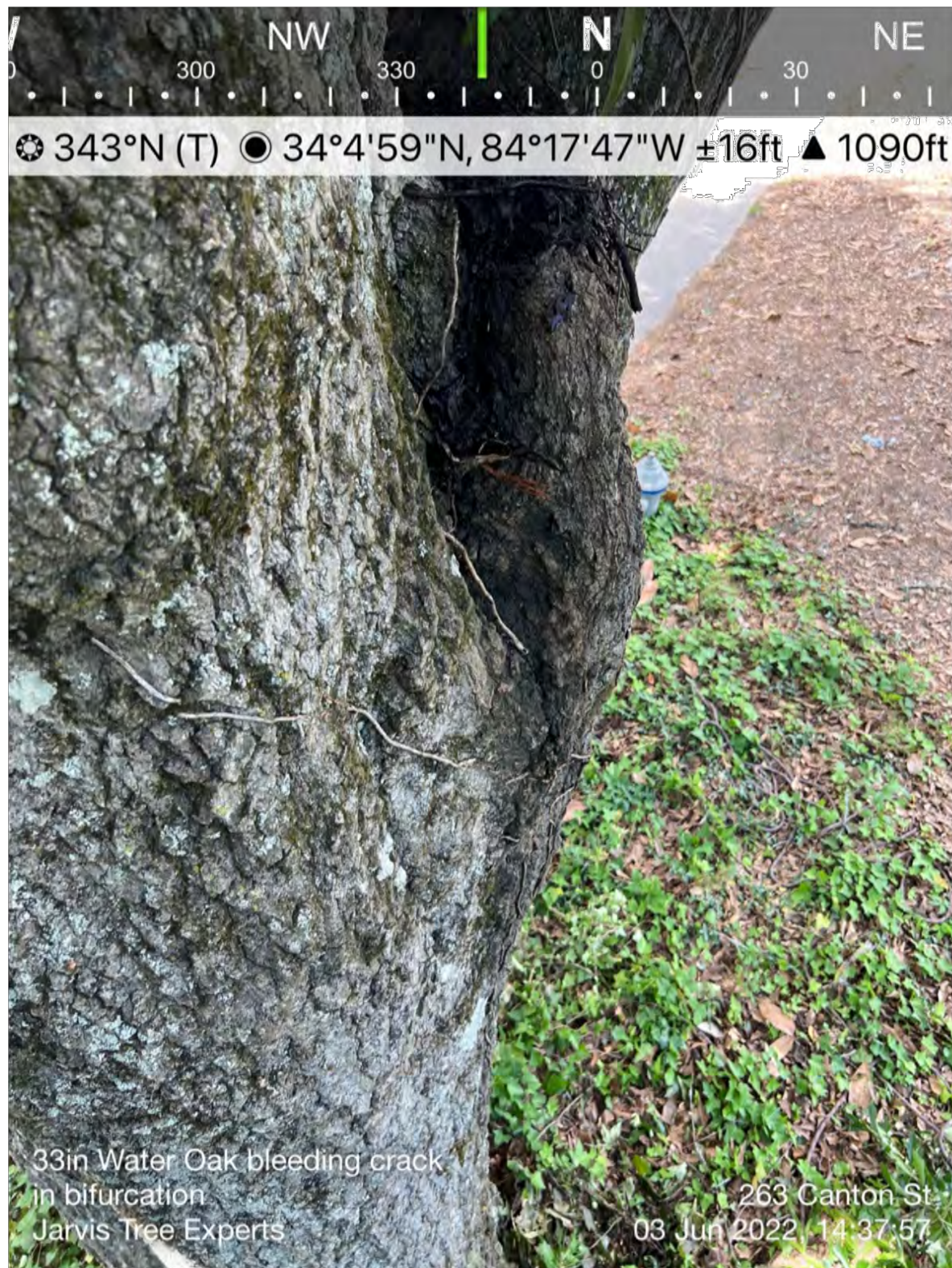
Page 3 of 8



Page 4 of 8



Page 5 of 8



Page 6 of 8



Page 7 of 8



Page 8 of 8

REVISIONS

NO.	DATE

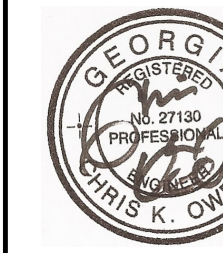
DATE: 08/11/2022

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LAND LOT 1187
2nd DISTRICT, 2nd SECTION

263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009

LAND LOT 1187
2nd DISTRICT, 2nd SECTION



08/11/2022

RESISTOGRAPH REPORT & CALCULATIONS

Plum Creek Consulting, LLC
7425 Mid Branch Road
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@lumcc.com



DRAWN BY: KO
CHECKED BY: CO
PROJECT NO: 22-0402

SHEET
C003

LEGEND AND SYMBOLS USED

- IFF - Iron Pin Foundation
- IRF - Iron Rod Set (1/2" Capped Rebar)
- RBF - Rebar Foundation
- OFR - Open Top Pipe Found
- CTFR - Combined Top Pipe Found
- CMN - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- PP - Power Pole
- LP - Light Pole
- WED - Utility Water Meter
- FH - Fire Hydrant
- WM - Water Manhole
- GW - Gas Valve
- GM - Gas Meter
- SMH - Sewer Manhole
- CB - Catch Basin
- DI - Drop Inlet
- C/O - Cleanout
- PDY - Power Box
- CD - Deedious Tree
- CNF - Confused Tree
- CMP - Corrugated Metal Pipe
- RCB - Reinforced Concrete Pipe
- R/W - Right of Way
- N/F - Now or Foreverly
- DB - PS - Deed Book and Page
- PB - PS - Plat Book and Page
- PDB - Point of Beginning



1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
2. This plat has been calculated for closure and has a mathematical error of 1: 300,000+.
3. Field angles and measurements acquired for the production of this plat were obtained on 2/10/2022 using a Leica TCPR 1203 Total Station.
4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
5. No provisions have been made to secure the delineation of any wetlands, historical, or cultural features that may exist on this property.
6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered as best information available. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall be deemed to understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief; and based on existing data and information currently available. The certification is not intended as an expressed or implied warranty or guarantee.

ZONING STATEMENT

Any graphic depiction of setback lines and other matters of zoning classification are the surveyor's interpretation of the zoning information furnished. The surveyor offers no certification as to the zoning of the subject property or compliance with zoning regulations for the structures or businesses on the subject property.

Subject Property Currently Zoned R-15
Building Setbacks:
Front - 35' local street (65' all other streets)
Side - 10'
Rear - 25'

N~F
THAI CHANG
INVESTMENTS, LLC



08/11/2022

AREA
24,052 SQ.FT.
0.55 ACRES



SURVEYOR'S CERTIFICATION

This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel. The recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated herein. Recordation of this survey does not imply approval of the local jurisdiction, availability of permits, compliance with local regulations or requirements, nor suitability for any use or purpose of the land.

Further, the undersigned land surveyor certifies that this map or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act OCGA 15-6-67

John C. Groves, Jr. RLS 3237



CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	91.99'	600.00'	N 20°00'00" E	91.90'



TOPOGRAPHIC SURVEY PREPARED FOR
PLUM CREEK CONSULTING, LLC

263 CANTON STREET

LOCATED IN LAND LOT 1197
2ND DISTRICT, 2ND SECTION
FULTON COUNTY, GEORGIA

DATE: 2/15/22

SCALE: 1"=20'

DRAWING: 22-032

COORD:

REVISIONS:

SHEET #: 1 of 1

CANTON STREET
50' R/W

N 20°00'00" E 91.90'
R=600.00' ARC=91.99'

EXISTING 8" SANITARY SEWER LINE
LOCATION TAKEN FROM FULTON COUNTY MAPPING
(V.I.F.)

EXISTING SANITARY SEWER MANHOLE
LOCATION TAKEN FROM FULTON COUNTY MAPPING
(V.I.F.)

626.0' ALONG R/W TO
NORTH LINE OF LAND
LOT 1197

EXISTING SEPTIC TANK
AND FIELD LINES
(APPROX. V.I.F.)

N~F
MICHAEL CHALOUX

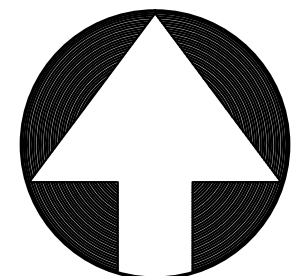
#263
ONE STORY
BRICK & FRAME
F.F.E. 1115.64

N 84°00'00" W 278.66'

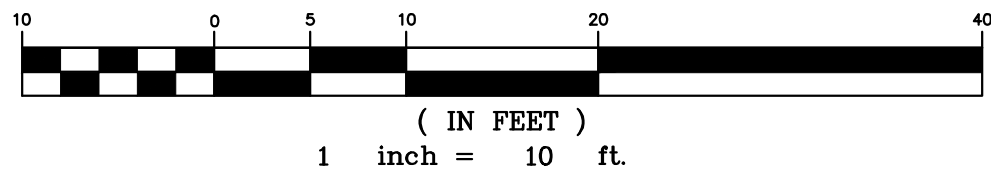
N~F
JOHN BURGESS

EXISTING WATER LINE
(APPROX. V.I.F.)

EXISTING 12" WATER MAIN
(APPROX. V.I.F.)



GRAPHIC SCALE



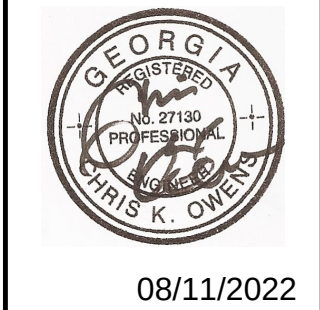
REVISIONS	
NO.	DATE
1	07/20/22
2	08/11/2022
DATE: 06/03/2022	

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263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009

ZONING R-15
CITY OF ALPHARETTA, FULTON COUNTY

LAND LOT 1197
2nd DISTRICT, 2nd SECTION

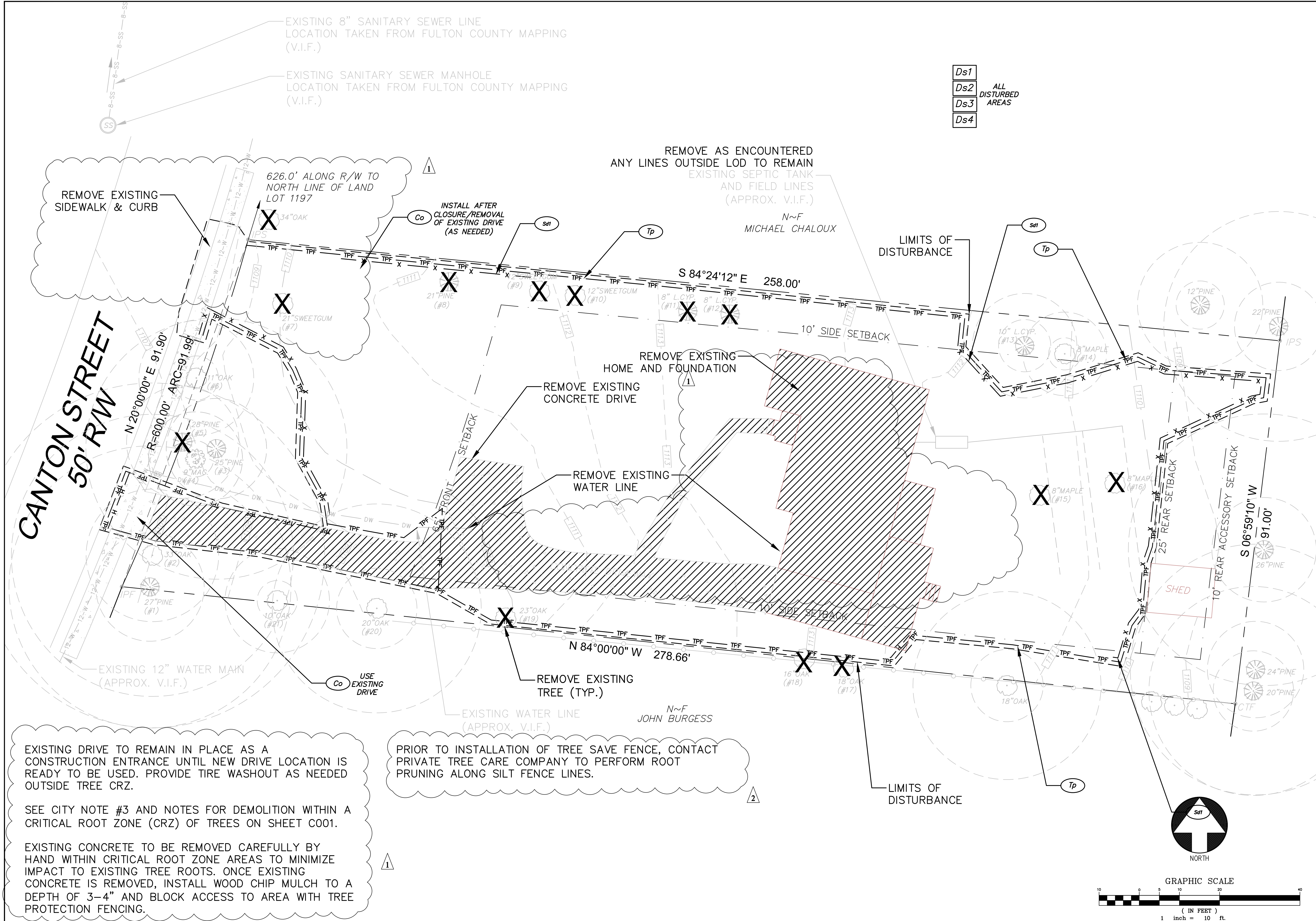


EXISTING CONDITIONS PLAN

Plum Creek Consulting, LLC
7425 Mid Branch Trace
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcc.com

PLUM CREEK CONSULTING

DRAWN BY KO	CHECKED BY CO	PROJECT NO. 22-0402
SHEET C100		



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NO.	DATE
1	07/20/22
2	08/11/2022

DATE: 06/03/2022

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263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009
ZONING R-16
CITY OF ALPHARETTA, FULTON COUNTY

DEMOLITION PLAN

Plum Creek Consulting, LLC
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Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcc.com

PLUM CREEK CONSULTING

DESIGNED BY: KO

CHECKED BY: CO

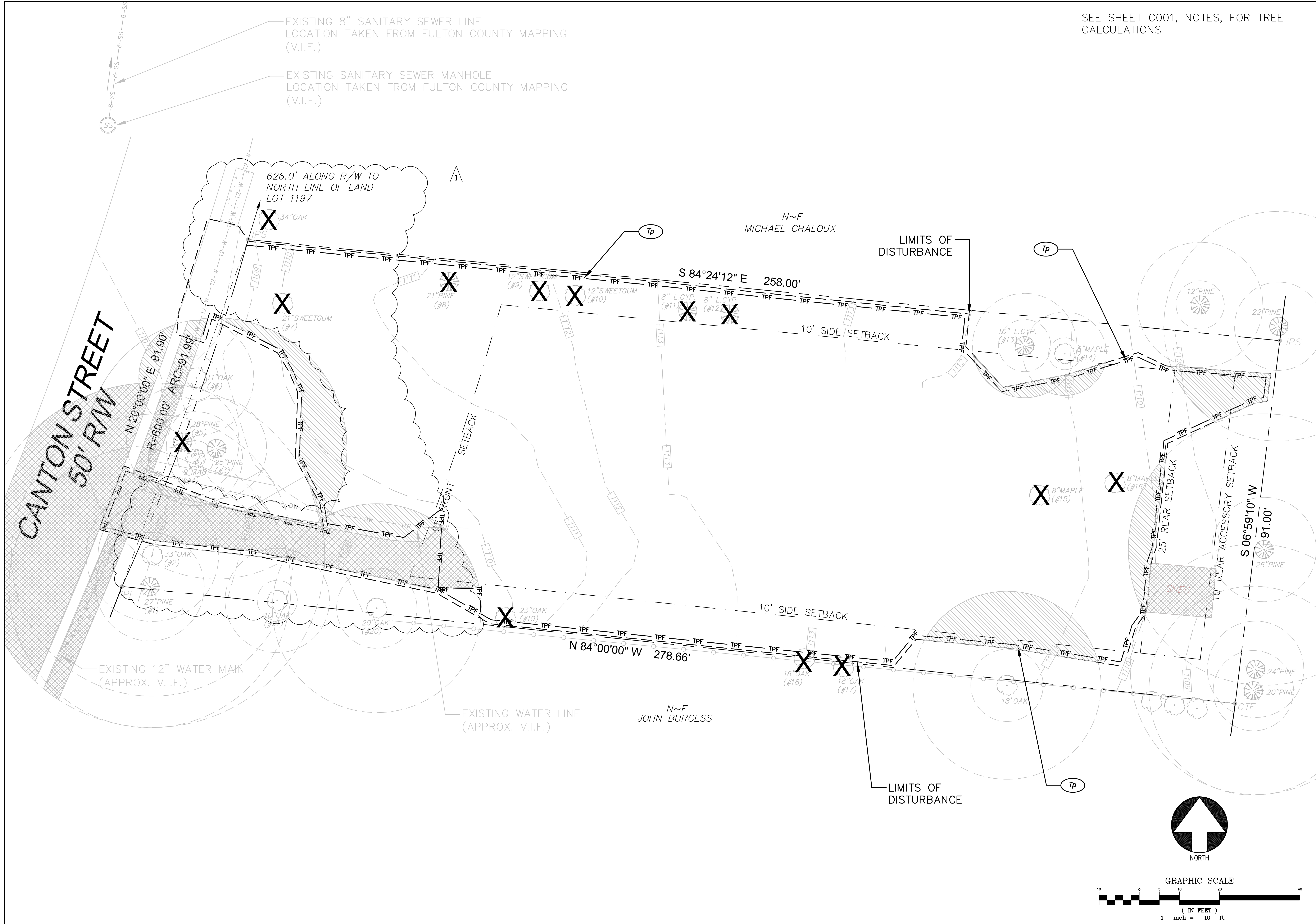
PROJECT NO: 22-0402

SHEET

C101

GEORGIA
PLUM C. OWENS
08/11/2022

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.



SEE SHEET C001, NOTES, FOR TREE CALCULATIONS

REVISIONS	
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263 CANTON STREET NEW HOME SITE PLANS PREPARED FOR REBECCA & STEWART CROUCHER 263 CANTON STREET ALPHARETTA, GA 30009 CITY OF ALPHARETTA, FULTON COUNTY	
LAND LOT 1197 2nd DISTRICT, 2nd SECTION ZONING R-15	
 08/11/2022	
TREE PLAN Plum Creek Consulting, LLC 7425 Mid Branch Road Alpharetta, GA 30004 P: (404) 518-5505 E: chris.owens@lumcc.com	
DRAWN BY: KO	CHECKED BY: CO
PROJECT NO: 22-0402	
SHEET: C101	

CANTON STREET
50' R/W

NEW MODIFIED
TYPE-C H/C RAMP

626.0' ALONG R/W TO
NORTH LINE OF LAND
LOT 1197

NEW CURB AROUND
TURNAROUND

LANDSCAPE WALL (12"-18" HIGH)

LIMITS OF
DISTURBANCE

S 84°24'12" E 258.00'

10' SIDE SETBACK

POOL DECK TO BE A MIXTURE OF
IMPERVIOUS AND PERVIOUS MATERIALS.
ASSUMED TO BE 100% IMPERVIOUS FOR
STORM WATER CALCULATIONS.

NEW HOME
1ST FFE=1113.5
WITH BASEMENT

GARAGE
FFE=1113.0

POOL PATIO
FFE=1111.5±

POOLHOUSE
FFE=1112.5±

SHED

LANDSCAPE WALL (18"-24" HIGH)

LIMITS OF
DISTURBANCE

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

263 CANTON STREET				IMPERVIOUS AREA CHART		
EXISTING IMPERVIOUS AREA (SF) TO REMAIN ON SITE:						
HOME	0					
DRIVEWAY	0					
DECK	0					
PATIO	0					
POOL	0					
OTHER	200 (STORAGE SHED)					
	200					
EXISTING IMPERVIOUS AREA (SF) TO BE REMOVED FROM SITE:						
DEMOLISHED HOME	1900					
REMOVED DRIVEWAY	2200					
REMOVED DECK	350					
REMOVED SCREEN PORCH	120					
OTHER	0					
	4570					
PROPOSED IMPERVIOUS AREA (SF) TO BE ADDED TO SITE:						
NEW HOME OR ADDITION	4200					
NEW DRIVEWAY	3500					
NEW DECK OR PATIO	2400					
NEW POOL	700					
OTHER	1200 (POOL HOUSE)					
	12000 SF					
TOTAL NET NEW IMPERVIOUS AREA (PROPOSED MINUS REMOVED)				SF	AC	
				7,430	0.17	
TOTAL NEW OR REPLACED IMPERVIOUS AREA (PROPOSED)				12,000	0.28	
TOTAL IMPERVIOUS AREA ON SITE AT END (PROPOSED + EXISTING TO REMAIN)				12,200	0.28	

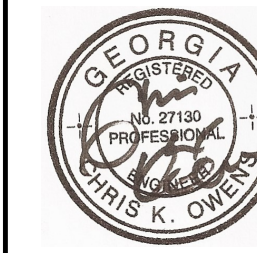
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263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009
CITY OF ALPHARETTA, FULTON COUNTY
ZONING P-15
LAND LOT 1197
2nd DISTRICT, 2nd SECTION



08/11/2022

SITE PLAN

Plum Creek Consulting, LLC
7425 Mid Branch Road
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcc.com



DRAWN BY: KO
CHECKED BY: CO
PROJECT NO: 22-0402

SHEET
C200

CANTON STREET
50' RW

Ds1
Ds2
Ds3
Ds4

ALL
DISTURBED
AREAS

EXISTING DRIVE TO REMAIN IN PLACE AS A CONSTRUCTION ENTRANCE UNTIL NEW DRIVE LOCATION IS READY TO BE USED. PROVIDE TIRE WASHOUT AS NEEDED OUTSIDE TREE CRZ.

SEE CITY NOTE #3 AND NOTES FOR DEMOLITION WITHIN A CRITICAL ROOT ZONE (CRZ) OF TREES ON SHEET C001.

EXISTING CONCRETE TO BE REMOVED CAREFULLY BY HAND WITHIN CRITICAL ROOT ZONE AREAS TO MINIMIZE IMPACT TO EXISTING TREE ROOTS. ONCE EXISTING CONCRETE IS REMOVED, INSTALL WOOD CHIP MULCH TO A DEPTH OF 3-4" AND BLOCK ACCESS TO AREA WITH TREE PROTECTION FENCING.

PRIOR TO INSTALLATION OF TREE SAVE FENCE, CONTACT PRIVATE TREE CARE COMPANY TO PERFORM ROOT PRUNING ALONG SILT FENCE LINES.

N~F
MICHAEL CHALOUX

LIMITS OF
DISTURBANCE

NEW HOME
1ST FFE=1113.5
WITH BASEMENT

GARAGE
FFE=1113.0

POOL PATIO
FFE=1111.5±

POOLHOUSE
FFE=1112.5±

SHED

N~F
JOHN BURGESS

LIMITS OF
DISTURBANCE

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

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263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009

ZONING: R-45
CITY OF ALPHARETTA, FULTON COUNTY

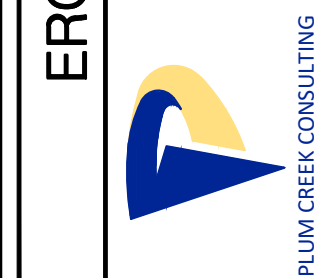
LAND LOT 1197
2nd DISTRICT, 2nd SECTION



08/11/2022

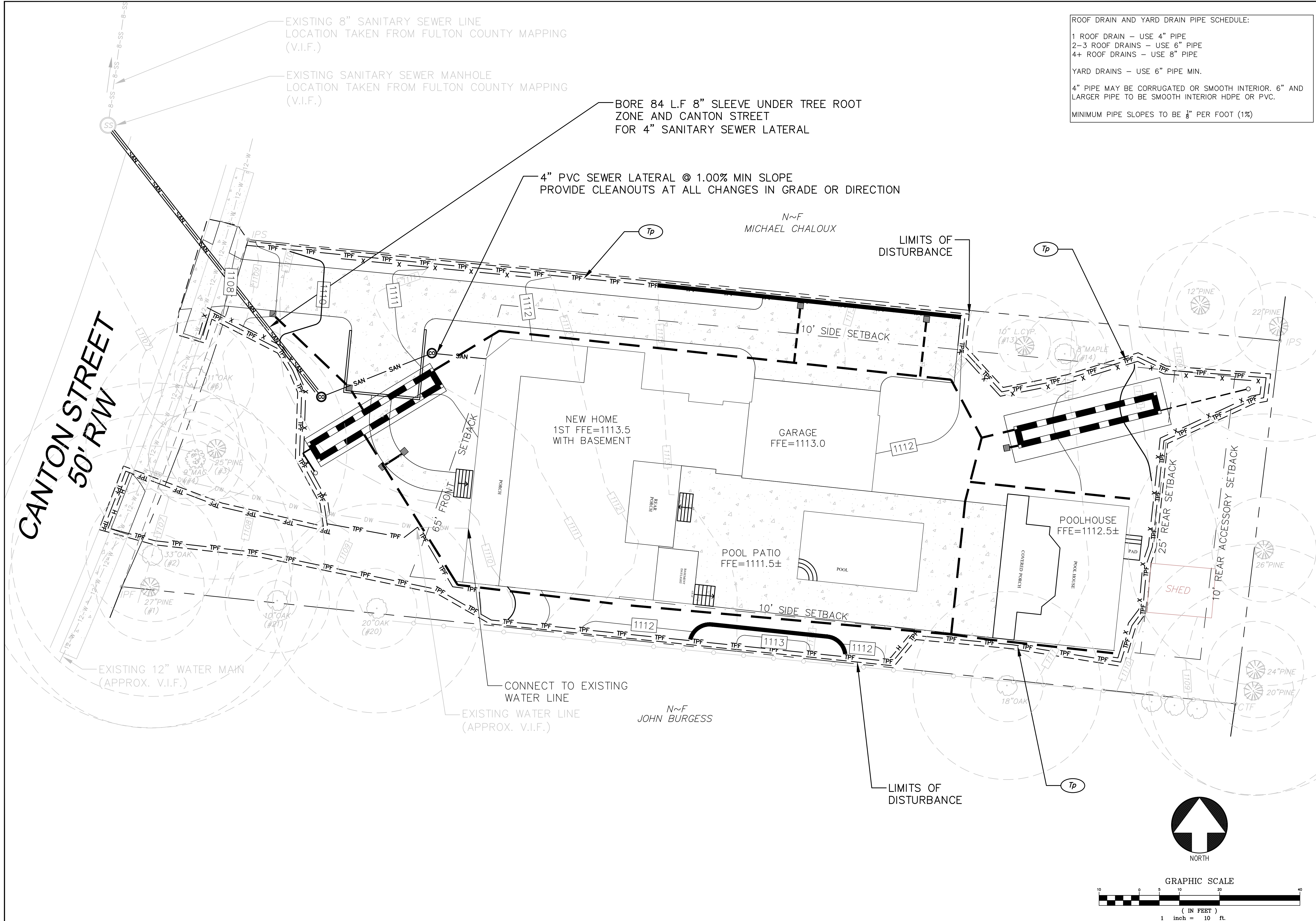
EROSION CONTROL PLAN

Plum Creek Consulting, LLC
7425 Midway Trace
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcc.com



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PROJECT NO: 22-0402

SHEET
C400



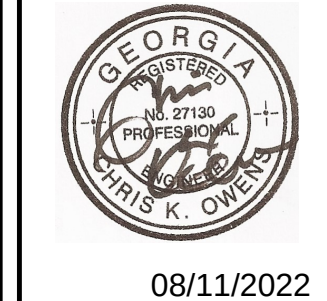
ROOF DRAIN AND YARD DRAIN PIPE SCHEDULE:	
1	ROOF DRAIN – USE 4" PIPE
2-3	ROOF DRAINS – USE 6" PIPE
4+	ROOF DRAINS – USE 8" PIPE
YARD DRAINS – USE 6" PIPE MIN.	
4" PIPE MAY BE CORRUGATED OR SMOOTH INTERIOR. 6" AND LARGER PIPE TO BE SMOOTH INTERIOR HDPE OR PVC.	
MINIMUM PIPE SLOPES TO BE 1/8" PER FOOT (1%)	

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NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET
ALPHARETTA, GA 30009

LAND LOT 1197
2nd DISTRICT, 2nd SECTION

ZONING R-45
CITY OF ALPHARETTA, FULTON COUNTY



UTILITY PLAN

Plum Creek Consulting, LLC
7425 Mid Branch Road
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcc.com

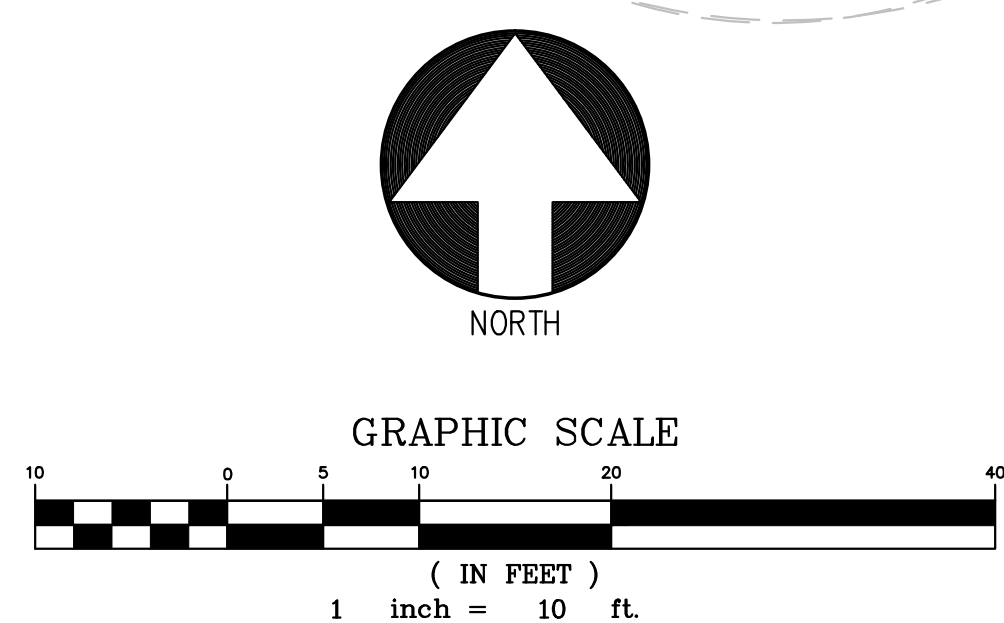
DESIGNED BY: KO

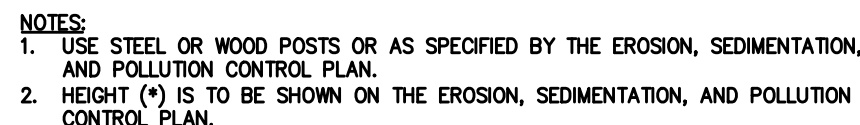
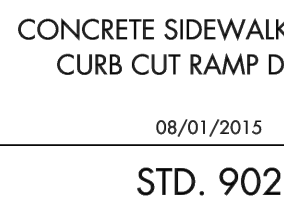
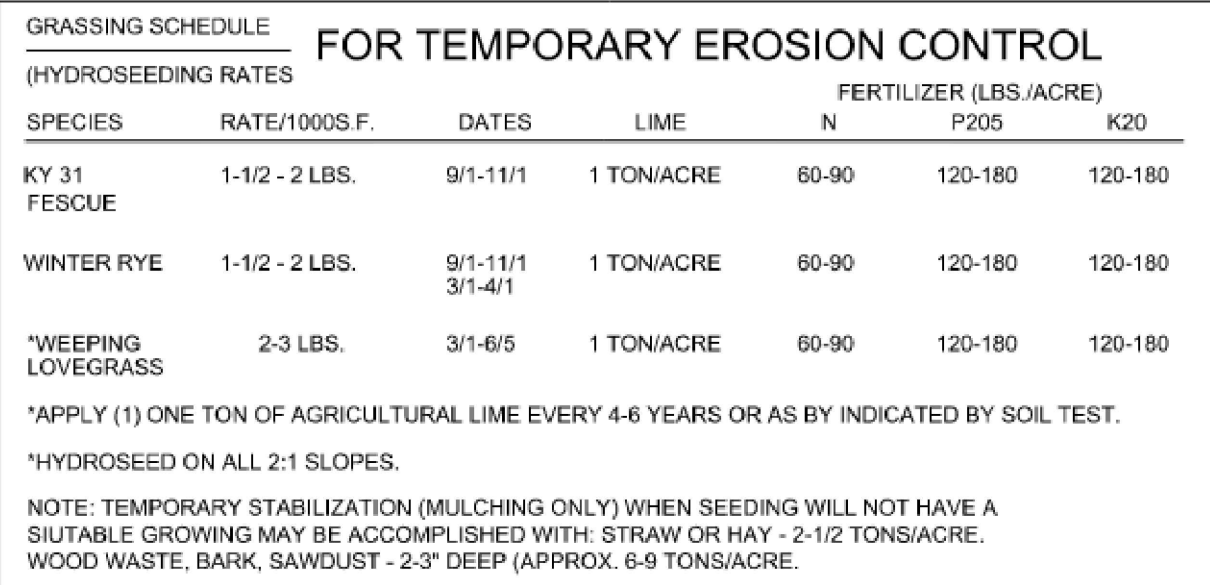
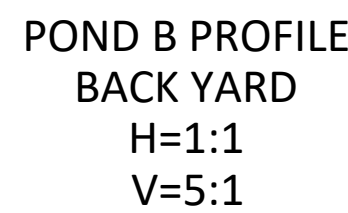
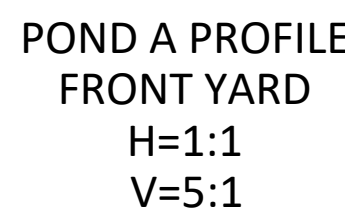
CHECKED BY: CO

PROJECT NO: 22-0402

SHEET

C500





263 CANTON STREET
NEW HOME SITE PLANS
PREPARED FOR
REBECCA & STEWART CROUCHER
263 CANTON STREET

LAND LOT 1197

08/11/202

3

Plum Creek Consulting, LLC
7425 Mid Broadwell Trace
Alpharetta, GA 30004
P: (404) 518-5505 E: chr



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CHECKED BY:	CO
PROJECT NO.	

C600