



Board of Zoning Appeals Meeting
October 19, 2023

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

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I. CALL TO ORDER

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

II. ROLL CALL

A. Board Members Present

- Marc Gelber
- Lisa Shippel
- Kirk Driskell
- Dereje Teshale
- Donna Shaw Murphy
- Anne Holcombe
- Mike Perry

B. Staff Present:

- Michael Woodman, Planning + Development Services Manager
- Nikisha Mistry, GIS Specialist/Planner
- Lauren Shapiro, City Clerk
- Kiersten VanHorn, Assistant City Clerk

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MEETING MINUTES

A. Meeting Minutes 6-15-2023

- ❖ Board Member Shaw Murphy offered a motion to approve meeting minutes from the June 15, 2023, Board of Zoning Appeals Meeting.
 - Board Member Holcombe seconded the motion.
 - The motion was approved unanimously (7-0)

V. ITEMS FROM STAFF

- City Clerk, Lauren Shapiro, provided an overview of the open records act as well as instructions for new city email addresses for each of the board members.

VI. PUBLIC HEARING

A. V-23-23 Christensen / 550 Ebley Place Rear Setback Variance

- Planning & Development Manager, Michael Woodman, came forward to present this item.
- Staff is recommending approval of V-23-23 Christensen/550 Ebley Place Rear Setback Variance, subject to the following conditions:
 1. Swimming pool shall be permitted as depicted on the plans prepared by Backyard Escape Inc., dated September 07, 2023, and with a 10' rear setback.
 2. Property shall be replanted as depicted on the Landscape Planting Site Plan, dated October 05, 2023.
- The applicant, Michael Ely, is requesting consideration of a variance to reduce the rearsetback for a swimming pool from twenty-feet (20') to ten-feet (10'). The subject property is located at 550 Ebley Place in the Glen Abbey subdivision.
- The submitted request, if approved, would allow for a swimming pool and spa at the rear of a single-family home with a reduced rear setback of ten feet (10'). The subject property is located at 550 Ebley Place in the Glen Abbey subdivision.
- The 0.42-acre property is zoned CUP (Community Unit Plan) and developed with a 2-story, 3,830 square foot single-family detached home. The home is located on a cul-de-sac and has an attached wooden deck at the rear. Surrounding properties are zoned CUP and located in the Glen Abbey subdivision. The property backs up to a land owned by the Glen Abbey Homeowner's Association (HOA).
- Unified Development Code (UDC) Subsection 2.3.3(B) Accessory uses and structures – Swimming Pools, requires swimming pools and auxiliary structures maintain a twenty-foot (20') setback from the rear and side property lines or the same setback as the principal structure, whichever is less. The platted rear setback for the property is twenty-five feet (25'); therefore, the twenty-foot (20') setback applies at the rear.
- The applicant is proposing to reduce the rear setback by fifty percent (50%), leaving ten feet (10') to accommodate an approximately 638 square foot swimming pool with spa at the rear of the existing home. The Glen Abbey HOA requires swimming pools to be within the footprint of the home, so it is not visible from the street. The pool will be placed directly behind the home for ease of access to the basement, allowing the remaining rear

yard space to be used for outdoor activities. Additionally, the applicant will be replacing impacted tree canopy with new trees and shrubs as depicted in the provided Landscape Planting Site Plan.

- As shown in the table below, several pools of a comparable size have been approved in the Glen Abbey subdivision.

Approved Pool Permits in Glen Abbey Subdivision Phase 6

Address	Date	Pool Surface Area
320 Tivdale Ct	2022	718 SF
540 Ebley Pl	2019	643 SF
345 Tivdale Ct	2017	610 SF
325 Tivdale Ct	2016	467 SF
3635 Hebden Bridge Ln	2016	500 SF

- 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 has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be set at an angle to the rear property boundary. Additionally, there is no neighbor that abuts the rear property line. Instead, there is a utility easement at the rear of the property which is owned by the Glen Abbey HOA.
 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or Response: Application of the ordinance would significantly reduce the footprint of the pool and limit usable rear yard space. The property has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be set at an angle to the rear property boundary. Additionally, there is no neighbor that abuts the rear property line. Instead, there is a utility easement at the rear of the property which is owned by the Glen Abbey HOA.
 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 has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be set at an angle to the rear property boundary. Additionally, there is no neighbor that abuts the rear property line. Instead, there is a utility easement at the rear of the property which is owned by the Glen Abbey HOA.
 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 property has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be set

at an angle to the rear property boundary. There is no neighbor that abuts the rear property line. Instead, there is a utility easement at the rear of the property which is owned by the Glen Abbey HOA. Furthermore, the applicant provided letters of no objection from the adjacent properties on either side and from the Glen Abbey HOA. In addition, previous variances for a rear setback reduction to accommodate a residential pool have been approved in this subdivision. For example, the Board of Zoning Appeals approved a fifty percent (50%) rear setback reduction in 2014 at 225 Radlett Lane.

- Staff has reviewed the applicant's proposal and generally supports the rear setback variance for the swimming pool. The property has an unusual shape given its location on a cul-de-sac. The location on the cul-de-sac required that the home be set at an angle to the rear property boundary. There is no neighbor that abuts the rear property line. Instead, there is a utility easement at the rear of the property which is owned by the Glen Abbey HOA. Furthermore, the applicant provided letters of no objection from the adjacent properties on either side and from the Glen Abbey HOA. In addition, previous variances for a rear setback reduction to accommodate a residential pool have been approved in this subdivision. For example, the Board of Zoning Appeals approved a fifty percent (50%) rear setback reduction in 2014 at 225 Radlett Lane.
- The applicant notified adjacent property owners and HOA of the variance request and intent for the property. The applicant provided letters of no objection from adjacent properties on either side and from the Glen Abbey HOA.
- **Public Comment:**
 - No Public Comment
- ❖ Board Member Shipley offered a motion to approve V-23-23 Christensen/550 Ebley Place Rear Setback Variance, subject to the following conditions:
 1. Swimming pool shall be permitted as depicted on the plans prepared by Backyard Escape Inc., dated September 07, 2023, and with a 10' rear setback.
 2. Property shall be replanted as depicted on the Landscape Planting Site Plan, dated October 05, 2023.
 - Board Member Shaw Murphy seconded the motion.
 - The motion was approved unanimously (7-0)

VIII. ADJOURNMENT

- ❖ With there being no further items to consider or discuss, Chairperson Gelber adjourned the meeting at 5:47 p.m.