



CODE ENFORCEMENT BOARD MEETING

MAY 25, 2017

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
3:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARING MINUTES
 - A. Approval of April 27, 2017 Code Enforcement Board Meeting Minutes
- IV. PUBLIC HEARING
 - A. Old Business
 - 1. CEB170015 151 Wills Lane – Ms. Lori Hull
 - 2. CEB160072 3325 Kimball Bridge Road – Mr. Jan Minjane
 - B. New Business
 - 1. CEB170017 305 Welwyn Walk – Officer Sturgess
- V. ADJOURNMENT



CODE ENFORCEMENT BOARD MEETING SUMMARY MEETING OF APRIL 27, 2017

PUBLISHED: TUESDAY, MAY 16, 2017

PUBLISHED BY: DAWN CROWLEY

OFFICE OF COMMUNITY DEVELOPMENT

WWW.ALPHARETTA.GA.US

678.297.6079

The public is advised the following minutes are not a verbatim transcription of business presented at the Code Enforcement Board meeting of the date shown, but are a synopsis of pertinent information. The public is further advised that the recording of said meeting is a matter of public record and is available to be heard at the City of Alpharetta Community Development Department during normal business hours.

The purpose of this Board is to hear testimony and review evidence related to alleged violations of the City Codes and ordinances. It is the responsibility of the Board to judicially consider such evidence and make findings of fact related to the enforcement of the Codes and ordinances.

I. Call to Order:

Meeting was called to order by Chairman Smith at 3:30 p.m.

II. Roll Call:

Board:

Fred Smith
Phil Kingry
Wayne Rand
Richard Freeman
Mark Wingate
Jim Cregge

Staff:

Sam Thomas
Beau Smith
Robert Sturgess
Bret Schroeder
Dawn Crowley

III. Approval of March 23, 2017 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF MARCH 23, 2017.

By: Phil Kingry

Seconded: Richard Freeman

Vote: Unanimous (6-0) (Kingry, Freeman, Smith, Rand, Wingate, Cregge)

The City Attorney, Mr. Sam Thomas, swore in all parties.

IV. Public Hearing

A. Old Business
CEB160123

4160 Old Milton Parkway

Code Enforcement Officer Robert Sturgess presented the case for the City. Officer Sturgess went over the timeline with the Board as follows:

9/12/2016	Officer Sturgess noted a non-compliant banner on a trailer in front of Cuzy's Fresh Café located at 4160 Old Milton Parkway, which is a violation of the Unified Development Code section 2.6. Officer Sturgess spoke to one of the business owners Mrs. Janis Cusimano and the banner was taken down.
09/16/2016	Officer Sturgess noted another non-compliant banner at the location. This time the banner was attached to three metal posts; that were permanently in the ground. Officer Sturgess spoke to one the business owners Mr. Chris Cusimano and the banner was promptly removed.
12/22/2016	While on routine patrol, Officer Sturgess observed a large banner on the metal posts. Officer Sturgess spoke to a manager and requested the business owner to contact the City office as soon as possible. Once again, the banner was taken down. However, due to the repeat violation of the Unified Development Code section 2.6, a verbal Notice of Violation was issued.
03/05/2017	Officer Sturgess again noted a con-compliant banner at the property.
3/06/2017	A Summons to Appear was issued for violating Unified Development Code section 2.6.
4/27/2017	Officer Sturgess went to the property for a follow up evidence inspection and found that the property was in compliance.

Photographic evidence was shown throughout the testimony.

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION OF 2.6 OF THE UDC IN THIS CASE.

By: Jim Cregge

Seconded: Phil Kingry

Vote: Unanimous (6-0) (Cregge, Kingry, Smith, Rand, Freeman, Wingate)

HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING 2-6 OF THE UDC, REGARDING THE IMPROPER SIGNS AND POSTS, I MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE; THAT WE ISSUE A CEASE AND DESIST ORDER TO THE DEFENDANT IN THIS MATTER AND IF THE DEFENDANT DOES NOT BRING THIS PROPERTY INTO COMPLIANCE BY MAY 4, 2017, AT 4:00 PM THAT A FINE IN THE AMOUNT OF \$250.00 BE IMPOSED AND THAT A FINE OF \$50.00 PER DAY BE IMPOSED THEREAFTER UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE.

By: Phil Kingry

Seconded: Richard Freeman

Vote: Unanimous (6-0) (Kingry, Freeman, Smith, Rand, Wingate, Cregge)

B. New Business

CEB170036

151 Wills Lane

Code Enforcement Officer Beau Smith presented the case for the City. Officer Smith went over the timeline with the Board as follows:

4/04/2017	Officer Smith brought this case before the Board in April 2017. The Board found the defendant guilty of violating the City Property Maintenance Code section 302.8 and ordered the property to come into compliance on or before March 30, 2017. Officer Smith re-inspected the property on April 4, 2017 and found that it remained out of compliance. Therefore, a new Summons to Appear was issued. Additionally a fine letter was issued for the number of days that the property was out of compliance based on the April 2017 Final Order and Judgment.
4/06/2017	Officer Smith went to the property for a follow up inspection and found that the property was in compliance.

Photographic evidence was shown throughout the testimony.

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION OF 302-8 OF THE CPMC THAT THE DEFENDANT WAS CHARGED WITH IN THIS CASE.

By: Phil Kingry

Seconded: Wayne Rand

Vote: Unanimous (6-0) (Kingry, Rand, Smith, Freeman, Wingate, Cregge)

MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE, THAT WE ISSUE A CEASE AND DESIST ORDER TO THE DEFENDANT IN THIS MATTER AND IF THE DEFENDANT DOES NOT BRING THIS PROPERTY INTO COMPLIANCE BY MAY 4, 2017 AND IF IT FALLS OUT OF COMPLIANCE, THAT FOR EVERY DAY IT'S OUT OF COMPLIANCE THERE WILL BE A \$50.00 FINE.

By: Fred Smith

Seconded: Phil Kingry

Vote: Unanimous (6-0) (Smith, Kingry, Rand, Freeman, Wingate, Cregge)

CEB160072

3325 Kimball Bridge Road

Code Enforcement Officer Robert Sturgess presented the case for the City. Officer Sturgess went over the timeline with the Board as follows:

7/14/2016	Officer Sturgess informed the Board that Officer Warford had been working on this case before he retired. Officer Warford found the property located at 3325 Kimball Bridge Road was vacant, unsafe and unsecure. This is a violation of the City Property Maintenance Code section 108.1.1 and 108.1.3. A letter was mailed to the property owner Mr. Jan Minjane.
8/30/2016	Officer Warford met with Mr. Minjane at the property. Officer Warford informed Mr. Minjane of the requirements necessary to properly secure the structure. Mr. Minjane informed Officer Warford that the property should be in compliance within the next 2-3 weeks.
10/17/2016	Officer Sturgess followed up on the open case and found the property unsafe, unsecure and unfit for human occupancy. A Notice of Violation was issued to bring the property into compliance by November 5, 2016.

During this timeframe, Officer Sturgess received a call from Mr. Minjane and was informed that he was out of the country for surgery. Officer Sturgess testified that since he and Mr. Minjane had been working together to find a reasonable solution he granted an extension. Officer Sturgess and Mr. Minjane further concluded that maybe the best course of action was to demolish the home.

2/27/2017	Officer Sturgess and Building Plan Reviewer, Mr. Jeremy Edmondson met with Mr. Minjane and reviewed the demolition permit process in detail.
3/28/2017	Officer Sturgess inspected the property and noted it appeared to be even more dilapidated than the previous visit and completely unsecure. Officer Sturgess attempted to make contact with Mr. Minjane without success.
3/31/2017	Officer Sturgess spoke with Mr. Minjane and notified him that since the property remained out of compliance with the City Property Maintenance Code section 108.1.1 and 108.1.3 a Summons to Appear was issued.
4/27/2017	Officer Sturgess went to the property for a follow up evidence inspection and found that the property remained out of compliance.

Photographic evidence was shown throughout the testimony.

The property owner Mr. Jan Minjane approached and testified that he has owned the property for 20 years and has spent money to make the home secure a couple of times, by boarding up the windows and doors. However, each time the property is vandalized and broken into, making the property unsecure once again. Mr. Minjane further testified that he is in the process of getting a demolition permit and reaching out to contractors. He also informed the Board that the home is not easily accessible due to a stream and an unsafe bridge. Further complicating and delaying the processes. Mr. Minjane informed the Board that he would reach out the neighboring church for permission to gain safer access for demolition.

The Board thanked Mr. Minjane for coming in and discussed the case in detail with him.

I'D LIKE TO PROPOSE WE TABLE THIS FOR ONE MONTH.

By: Wayne Rand

Seconded: Jim Cregge

Vote: (5-1) (Rand, Cregge, Smith, Freeman, Wingate)
(Kingry opposed)

Having no further business, the meeting adjourned at 4:25 p.m.

CE170017

305 WELWYN WALK



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

Tel: 678-297-6080 Fax: 678-297-6081

NOTICE OF VIOLATION 5022

Date: 2-23-2017 Time: 12:30 AM PM Case No. TBD

Location: 305 Welwyn Walk

Suite/Apt. No.: _____ Alpharetta, Georgia Zip: 30022

Owner / Occupant: Trey F. Woods, Andrea B. Woods

You are hereby notified the above stated property has been inspected by City of Alpharetta Codes Enforcement Officials and has been found in violation of below listed codes or ordinances. You are further notified to correct violation(s) listed below within the time limits stated herein. Failure to correct such violation(s) within the time limits granted herein may subject you to fines, liens or further prosecution as determined by the city Municipal Court or Codes Enforcement Board.

Violation Description: Tree house structure over 50 sqft.
Less than 10 ft from rear set back

Recommended Correction: 1. Remove structure completely.
2. Make structure less than 50 sqft. move to at least 10 ft.
from set-back. 3. Remove structure from tree, place on ground
maximum 100 sq ft. and at least 10 ft. from set-back. Tree house
must be engineered.

Corrections must be completed by:

12:30 A.M. / PM on the 19 day of March 20 17

Violation: ☐ CPMC ☒ UDC ☐ City Code Section: 4.4.5 / 2.2.3

Type of Delivery: ☒ Hand Delivery ☒ U.S. Mail ☐ Courier ☐ Other _____

X: _____

Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

Citing Officer: Robert Sturgess Badge No. 605

Signature: Robert Sturgess Tel. No. 678-297- 6089



City of Alpharetta Codes Enforcement
2 Park Plaza - Alpharetta, GA 30009
Tel: 678-297-6080 Fax: 678-297-6081

SUMMONS TO APPEAR

5303

Date: 5-3-17 Time: 2:00 AM - PM Case No. 5303
Name: Ivey F. Woods III / Andrea B. Woods
Address: 305 Welwyn Walk
Suite/Apt. No. _____ City/State: Alpharetta, Ga Zip: 30022

YOU ARE HEREBY COMMANDED TO BE AND APPEAR before the

- ☐ Municipal Court Judge in the City Courtroom located in the Crabapple Government Center at 12624 Broadwell Road, Alpharetta, GA 30004
- ☒ Code Enforcement Board in the Council Chambers located in Alpharetta City Hall at 2 Park Plaza, Alpharetta, GA 30009

At: 3:30 A.M./PM on the 25 day of May 2017

To answer to the charge of

Violation: ☐ CPMC ☒ UDC ☐ City Code Section: 4.4.5/2.2.3

Violation Description: Tree house structure over 50 square feet / less than 10 ft. from set back

Type of Delivery: ☐ Hand Delivery ☒ U.S. Mail ☐ Courier ☒ Other _____

X: _____
Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

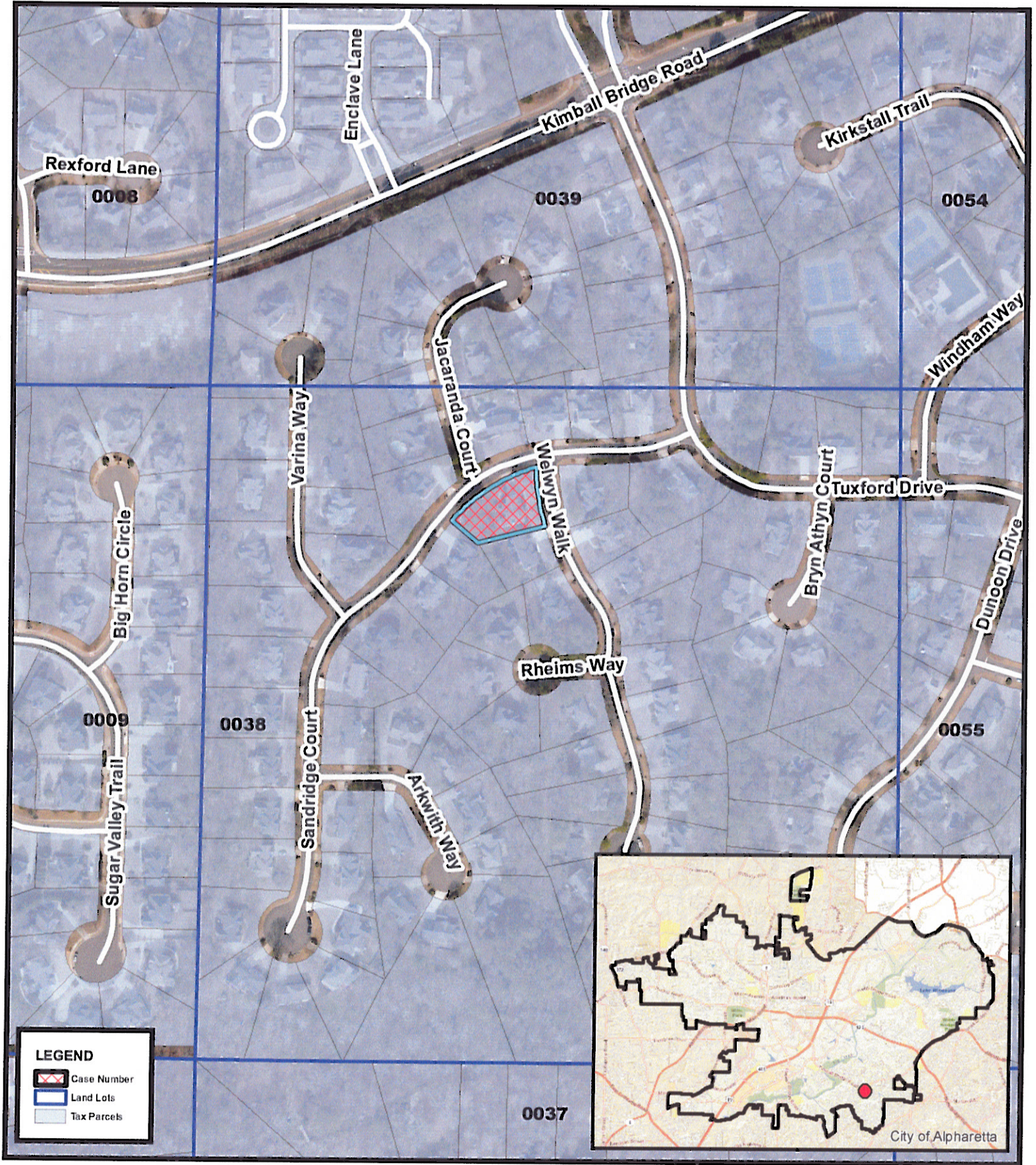
Citing Officer: Stacy III Badge No.: 605

Signature: Stacy III Tel. No.: 678-297- 6089









Location Map
305 Welwyn Walk

D/LL: 1/1/0038



Location Map Provided by:
Community Development - GIS

4.4.5 Building permit.

- A. *Plan Approval.* Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, low voltage, energy conservation, or fire protection system, the installation of which is regulated by this Code, including the Georgia State Minimum Standard Codes, or to cause any such work to be done, shall first make application to the Building Division and obtain a permit for the work being done.

Exception No. 1: Permits shall not be required for the following mechanical work:

1. Any portable-heating appliances, ventilation equipment, cooling units, or evaporative coolers.
2. Any steam, hot, chilled water piping within heating and cooling equipment regulated by this Code.
3. Replacement of any part which does not alter its approval or make it unsafe.
4. Any self-contained refrigeration system containing 10 lb. or less of refrigerant and actuated by motors of one horsepower or less.

Exception No. 2:

1. Retaining walls which do not exceed 4 feet in vertical height, as measured from the low side exposed toe of the wall to the top of the wall at any point.
2. Residential storage buildings less than 100 square feet in floor area without electrical, mechanical, or plumbing systems.
3. Play or tree houses less than 50 square feet in floor area without electrical, mechanical, or plumbing systems.
4. Fences which do not exceed 10 feet in vertical height and which do not extend into front yards or side yards which border onto public streets.
5. Basketball goals which are stand-alone and not part of a basketball court.
6. Driveways and parking areas for one and two family dwellings or townhouses, except that no curb cuts leading into a public right-of-way shall be made without City Engineering Department written approval on any property.
7. Roof covering replacements not involving any structure modifications.
8. Decorative water features not intended for human use containing water less than 24 inches in depth or which do not have water filtering equipment that require waste water disposal.

Although structures listed in Exception No. 2 are exempt from requiring a permit, listed structures shall meet the requirements of all other applicable codes, ordinances, and regulations governing same.

Ordinary minor repairs under \$500.00 in total labor and materials cost may be made without a permit providing these minor repairs shall not violate any Code. Examples of minor repairs shall include but not be limited to: exterior painting, installation of a window, air conditioning unit, replacement of windows, and installation of gutters.

- B. *Building Permit Expiration.* Plans and specifications for projects reviewed by the City Building and Fire Departments shall be permitted within six (6) months of the final review and approval date of such plans and specifications to be valid for obtaining a building permit or the project shall be deemed to have been abandoned.

Permits shall expire six (6) months from the date of issue if the permittee fails to request and pass a required first inspection, whether or not construction has been initiated.

Permits shall also expire if the permittee fails to request and pass a required inspection during any six (6) month period after any previous required inspection has been passed.

2.2.3 R-Dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R district may be used for those uses listed in Table 2.1, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Bed and Breakfast.
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club.
 - d. Golf course or golf driving range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—1 acre (43,560 square feet).

Minimum Lot Width—100 feet.

Minimum Setbacks.