



BOARD OF ZONING APPEALS

APRIL 18, 2024

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

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MEETING MINUTES**
 - A. Approval of Corrected Meeting Minutes for November 16, 2023
 - B. Approval of Meeting Minutes for January 18, 2024
4. **ITEMS FROM BOARD MEMBERS**
5. **ITEMS FROM STAFF**
6. **PUBLIC HEARING**
 - A. **V-23-25 Busch/212 Brook Drive**

Consideration of a variance to reduce a front setback from 35' to 20' and side setback from 10' to 8' to allow for a garage addition. The property is located at 212 Brook Drive and is legally described as being located in Land Lot 1251, 2nd District, 2nd Section, Fulton County, Georgia.
 - B. **V-24-09 265 Dania Drive**

Consideration of a variance to allow for a tear down and rebuild of a single-family detached home on 1.02 acres. A variance is requested to Unified Development Code (UDC) Subsection 2.2.1(D) AG agriculture, District Regulations to reduce the side setback on the south side of the property from 25' to 12.5'. The property is located at 265 Dania Drive and is legally described as being located in Land Lot 1177, 2nd District, 2nd Section, Fulton County, Georgia.
7. **ADJOURNMENT**



BOARD OF ZONING APPEALS

OFFICIAL MINUTES

NOVEMBER 16, 2023

DEPARTMENT OF COMMUNITY DEVELOPMENT

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

This action 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. This is not an official record of the Alpharetta Board of Zoning Appeals Meeting proceedings. Meetings are recorded and available for review at <https://www.youtube.com/user/alpharettagov>.

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
- Kirk Driskell
- Cliff Cobb
- Dereje Teshale
- Donna Shaw Murphy
- Mike Perry

B. Board Members Absent

- Lisa Shippel
- Anne Holcombe

C. Staff Present:

- Michael Woodman, Planning + Development Services Manager
- Nikisha Mistry, GIS Specialist/Planner
- Elle Taylor, Planning + Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

I. APPROVAL OF MEETING MINUTES

Chairperson Gelber postponed the minutes from 10-19-2023 until the next meeting.

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. V-23-18 1060 Gramercy Lane

Micheal Woodman, Planning and Development Services Manager, presented consideration of a variance to allow for a swimming pool on a single-family residential lot. A variance is requested to Unified Development Code (UDC) Subsection 2.3.3(B) Accessory Uses and Structures, Swimming Pools to reduce the rear setback from 20' to 11.5'. The property is located at 1060 Gramercy Lane and is legally described as being located in Land Lots 1202 & 1203, 2nd District, 2nd Section, Fulton County, Georgia.

Ashley Barton, Georgia Classic Pool, presented for the Applicant.

There was no public comment.

After discussion of:

- Location of proposed pool.
 - Floodplain area owned by HOA.
 - Site Plan.
 - Size of Pool.
 - No specimen trees are impacted.
 - Unusual shape of home.
 - Stream buffer.
-
- ❖ Board Member Shaw Murphy offered a motion to approve with Staff's recommendation.
 - Board Member Perry seconded the motion.
 - Motion carried (6-0)

Final Conditions:

Approve V-23-18 Barton/1060 Gramercy Lane Rear Setback Variance, subject to the following conditions:

1. Swimming pool shall be permitted as depicted on the plans prepared by Georgia Classic Pools dated April 07, 2023, and with an 11.5-foot rear setback.
2. Limits of disturbance shall be kept outside of the floodplain.

B. V-23-16 265 Dania Drive

Micheal Woodman Planning and Development Services Manager presented consideration of a variance to allow for a tear down and rebuild of a single-family detached home on 1.02 acres. A variance is requested to Unified Development Code (UDC) Subsection 2.2.1(D) AG

agriculture, District Regulations to reduce the side setback from 25' to 12.5' on the south side of the property. The property is located at 265 Dania Drive and is legally described as being located in Land Lot 1177, 2nd District, 2nd Section, Fulton County, Georgia.

- Applicant initially requested a front setback to save a specimen tree (52" Southern Red Oak).
- Examples of previous variance approvals to reduce building setbacks in the Dania Hills subdivision as well as similar construction activities that have been permitted on other properties in the same subdivision.
- Variance review criteria
- Applicant responded to Citizen petition opposing original proposal of a reduced 50' front setback and 12.5' setbacks to the property. Applicant revised proposed site plan to comply with suggestions outlined in the petition.

Staff Recommendation:

Approve V-23-16 265 Dania Drive Setback Variance, subject to the following conditions:

1. Site layout shall be permitted as depicted on Exhibit A, and with a 12.5' side setback on the south side of the property.
2. Tree #TOQ1 (17" Pecan) and #BO1 (38" Southern Red Oak) shall be saved and encroachment into the Critical Root Zone (CRZ) shall not exceed 20 percent, as approved by Staff.
3. Driveway width shall be limited to no more than 12' wide, not including the portion of the driveway directly in front of the garage. Driveway and portion of driveway directly in front of the garage shall maintain a 5' setback from the northern side property line.
4. Developer shall plant a row of evergreen trees and shrubs between the driveway and the northern property line, as well as along the southern property line and beginning at the 100' front setback line to the eastern edge of the proposed rear-loaded garage in order to provide a screen, as approved by Staff.

Shawn Shakib, Applicant, presented.

- Challenges of lot
- Replacement of Septic Tank
- Lot Size
- Agreement with recommended conditions

Public Comment:

1. Nicholas Cardamone 255 Dania Dr.

Concerns:

1. Possibility of setting precedent for subdivision

2. Lack of foresight of Applicant with first proposal.
3. Height of privacy screen.
4. No true hardship.

There was discussion from the Board:

- Front elevation.
- Staff Conditions.
- Tree Species for Evergreen Rows.
- Adding Condition for City Arborist to approve.
- Which tree will be saved.
- Loss of privacy for adjacent homes.
- Concern of setting a precedent for the neighborhood for future requests.
- Communication between property owners and Applicant.
- Side setbacks approved for approved variances in the neighborhood were 25'.
- Nonconforming homes older homes that don't meet setbacks.
- Communication on conditions #3 and #4 with neighborhood.
- Reasons for previous denial.

- ❖ Board Member Perry offered a motion to deny.
- Board Member Shaw Murphy seconded the motion.
- Motion carried (3-2-1) (Perry, Shaw Murphy, Cobb) (Driskell, Teshale) (Gelber)

Although it was announced during the meeting that the above motion to deny failed, upon review the City Attorney determined the motion to deny carried. Three members voted in favor of the motion, which was sufficient to carry the motion. Accordingly, the application was denied.

A subsequent motion to postpone to gather more information, to soften some of the concerns, and gather information on history of variances in the neighborhood, non-conforming setbacks, and response from Community to Conditions #3 and #4 was made by Board Member Driskell. Board Member Cobb seconded the motion. All members voted in favor of the motion to postpone. However, due to the aforementioned denial of the application, this vote to postpone was null and of no force or legal effect.

C Adjournment

Chairperson Gelber Adjourned the meeting at 6:26 P.M.



BOARD OF ZONING APPEALS

UNOFFICIAL MINUTES

JANUARY 18, 2024

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

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1. CALL TO ORDER

Elle Taylor, Planning & Zoning Coordinator, called the meeting to order at 5:30 p.m.

- A. Welcome Board Member Michael Gordy
- B. Swearing In of Board Member Kirk Driskell

Board member Driskell was sworn in by Mayor Gilvin.

2. ROLL CALL

3.

A. Board Members Present

- o Marc Gelber
- o Kirk Driskell
- o Dereje Teshale
- o Donna Shaw Murphy
- o Michael Gordy

B. Board Members Absent

- o Lisa Shippel
- o Anne Holcombe

C. Staff Present:

- o Michael Woodman, Planning & Development Services Manager
- o Nikisha Mistry, GIS Specialist/Planner
- o Elle Taylor, Planning & Zoning Coordinator

4. ELECTION OF CHAIR

- ❖ Board Member Gordy offered a motion to elect Marc Gelber as Chair.
- Board Member Murphy seconded the motion.
- Motion carried (4-0-1) (Gelber abstained)

5. ELECTION OF VICE CHAIR

- ❖ Board Member Murphy offered a motion to elect Michael Gordy as Vice-Chair.
- Chair Gelber seconded the motion.
- Motion carried (4-0-1) (Gordy abstained)

6. APPROVAL OF MEETING MINUTES

A. Approve Meeting Minutes from 10-19-23.

- ❖ Board Member Murphy offered a motion to approve.
- Board Member Driskell seconded the motion.
- Motion carried (4-1) (Gordy abstained)

B. Approve Meeting Minutes from 11-16-23.

- ~~❖ Board Member Teshale offered a motion to approve.~~
- ~~• Board Member Murphy seconded the motion.~~
- ~~• Motion carried (4-1) (Gordy abstained)~~

Per the City Attorney, These approved minutes have been corrected and are being considered at the April 18, 2024 meeting.

7. ITEMS FROM BOARD MEMBERS

8. ITEMS FROM STAFF

9. PUBLIC HEARING

A. V-23-25 Busch/212 Brook Drive This public hearing request was postponed by Staff and was not considered at this meeting.

Consideration of a variance to reduce a front setback from 35' to 20' and side setback from 10' to 8' to allow for a garage addition. The property is located at 212 Brook Drive and is legally described as being located in Land Lot 1251, 2nd District, 2nd Section, Fulton County, Georgia.

10. OLD BUSINESS

A. V-23-16 265 Dania Drive

Michael Woodman, Planning & Development Manager, presented consideration of a variance to allow for a tear down and rebuild of a single-family detached home on 1.02 acres. A variance is requested to Unified Development Code (UDC) Subsection 2.2.1(D) AG agriculture,

District Regulations to reduce the side setback from 25' to 12.5' on the south side of the property. The property is located at 265 Dania Drive and is legally described as being located in Land Lot 1177, 2nd District, 2nd Section, Fulton County,

The submitted request, if approved, would reduce the side setback on the south side of the property by fifty percent (50%) to allow for the construction of a single-family detached home. The subject property is located at 265 Dania Drive in the Dania Hills subdivision.

The 1.02-acre property is zoned AG (Agriculture) and developed with a one story, 1,301 square foot single-family detached home with a well and septic tank at the rear of the property. Surrounding properties are zoned AG to the north, south, and west and are located in the Dania Hills subdivision. The average home size in the Dania Hills subdivision is approximately 2,562 square feet, including homes with full and partial basements. Properties to the east are zoned R-15 and are within the Mayfield Place subdivision.

Unified Development Code (UDC) Subsection 2.2.1(D) District Regulations notes the AG side yard setback as twenty-five feet (25'). The applicant is proposing a 12.5-foot side setback on the south side of the property to accommodate an approximately 4,800 square foot single family detached home. The applicant initially requested a front setback reduction to save a specimen tree (52" Southern Red Oak) at the rear of the house, but the neighborhood did not support that variance. The applicant ultimately withdrew the front setback request.

As shown in the Dania Hills Side Setback Map (Exhibit B), approximately seventy one percent (71%) of properties in the subdivision have an existing legal non-conforming side setback that is under the twenty-five foot (25') requirement. Additionally, the table below provides examples of variances approved to reduce building setbacks in the Dania Hills subdivision.

Staff has reviewed the applicant's proposal and is supportive of the requested side setback variance. The presence of a well and septic tank, as well as tree saves at the front of the property limits the available land to build the proposed home. In addition, 71% of the properties in the Dania Hills subdivision have existing side setbacks that are less than the required 25 feet. The applicant notified adjacent property owners and the property owner to the south is supportive of this variance request.

Staff's recommendation:

Approve V-23-16 265 Dania Drive Setback Variance, subject to the following conditions:

1. Site layout shall be permitted as depicted on Exhibit A, and with a 12.5' side setback on the south side of the property.
2. Tree #TOQ1 (17" Pecan) and #BO1 (38" Southern Red Oak) shall be saved and encroachment into the Critical Root Zone (CRZ) shall not exceed 20 percent, as approved by Staff.
3. Driveway width shall be limited to no more than 12' wide, not including the portion of the driveway directly in front of the garage. Driveway and portion of driveway directly in front of the garage shall maintain a 5' setback from the northern side property line.
4. Developer shall plant a row of evergreen trees and shrubs between the driveway and the northern property line, as well as along the southern property line and beginning at the 100'

front setback line to the eastern edge of the proposed rear-loaded garage in order to provide a screen, as approved by Staff.

There was discussion from the Board:

How many homes in neighborhood have sideloaded garages. – very few.
Existing home on the property is noncompliant.
Concerns about reducing setback.

Shawn Shakib, Applicant offered comments.

There was more discussion:

- Height potentially infringing on neighbor's privacy.
- Side garages
- No Sewer

Public Comment:

1. Nicholas Cardamone, 255 Dania Dr.

Concerns:

1. Correct location of Septic Tank is in front of home.
2. Proposed Landscape has not been updated.
3. Applicant has ability to build another home in the same footprint.

- ~~❖ Board Member Driskell offered a motion to approve with Staff recommended conditions.~~
- ~~• Vice Chair Gordy seconded the motion.~~
- ~~• Motion carried (3-2) (Driskel, Gordy, Teshale) (Gelber, Murphy)~~

~~Because it has been determined that the motion to deny the application carried on November 16, 2023, the vote to postpone consideration of the application to the January 18, 2024 meeting was null and void and of no force or legal effect. For the same reason, the above vote to approve the application was also null and void and of no force or legal effect, and the denial of the application on November 16, 2023 is controlling.~~

11. ADJOURNMENT

~~Chair Gelber adjourned the meeting at 5:56 p.m.~~



BOARD OF ZONING APPEALS MEETING

STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: MICHAEL WOODMAN
DRAFTED BY: NIKISHA MISTRY

I. AGENDA ITEM TITLE: V-23-25 212 BROOK DRIVE SETBACK VARIANCE

BOARD OF ZONING APPEALS: APRIL 18, 2024

II. RECOMMENDATION:

Approve V-23-25 212 Brook Drive Setback Variance, subject to the following conditions:

1. Garage addition shall be permitted as depicted on the site plan, labeled Exhibit A, with a 20' front setback and 8' side setback along the western property line.
2. Garage addition shall be substantially similar to the submitted renderings, labeled Exhibit B, with final approval by Staff.
3. Site landscaping shall comply with the approved ENG plan, dated 2/2/21, with landscaping installed prior to issuance of a Certificate of Completion.
4. Pervious paver material shall be used for the driveway and front walkway, as approved by Staff.

III. REPORT IN BRIEF:

The applicant, Kathy Busch, is requesting consideration of a variance to reduce the front setback from 35' to twenty feet (20') and the western side setback from ten feet (10') to eight feet (8') to allow for the construction of a garage addition. The subject property is located at 212 Brook Drive in the Meadow Brook Hills subdivision.

DISCUSSION

The submitted request, if approved, would allow for the construction of a garage addition to the front of a single-family detached home with a reduced front setback of twenty feet (20') and western side setback of eight feet (8'). The applicant proposes to construct a one-car rear-loaded garage to create a motor court driveway. The subject property is located at 212 Brook Drive in the Meadow Brook Hills subdivision.

The 0.40-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and developed with a two (2) story, 3,749 square foot single-family detached home built in 2019. Surrounding properties are zoned R-15 and are located in the Meadow Brook Hills subdivision.

Unified Development Code (UDC) Subsection 2.2.5(D) District Regulations requires a 35' front setback and ten-foot (10') side setback in the R-15 zoning district. The submitted application describes an approximately 264 square foot garage addition at the front of the existing home to create a motor court. A twenty-foot (20') front setback is proposed for the garage addition. Additionally, an eight-foot (8') side setback is proposed along the west property line. The garage addition has a depth of 22' and is twelve feet (12') wide. The garage addition will be connected to the home by a covered breezeway. In addition, the property owner proposes pervious pavers for the new driveway and walkway at the front of the home.

Of the 25 redeveloped lots in the Meadow Brook Hills subdivision, 52% have at least a three (3) car garage. In addition, there are several examples in the Downtown of similar motor court driveway configurations, including at the locations listed below.

- Twelve on Canton Subdivision
- 339 Canton Street
- 351 Canton Street
- 255 Pebble Trail
- 11965 Haynes Bridge Road
- 11935 Haynes Bridge Road

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: There are no extraordinary conditions pertaining to the property due to its size, shape or topography. However, there are several examples throughout the Downtown of similar motor court driveway configurations.

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

Response: Application of the ordinance would create an unnecessary hardship. The proposal, if approved, would result in the existing street-facing garage door being screened from public view, which is desirable in the Downtown.

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

Response: There are no peculiar conditions on the property. However, there are several examples throughout the Downtown of similar motor court driveway configurations.

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. Similar motor court driveway configurations exist in the Downtown, and 52% percent of redeveloped lots in the Meadow Brook Hills subdivision have at least a three (3) car garage. Moreover, the applicant notified adjacent properties and received no objections from neighboring property owners.

CONCURRENCES

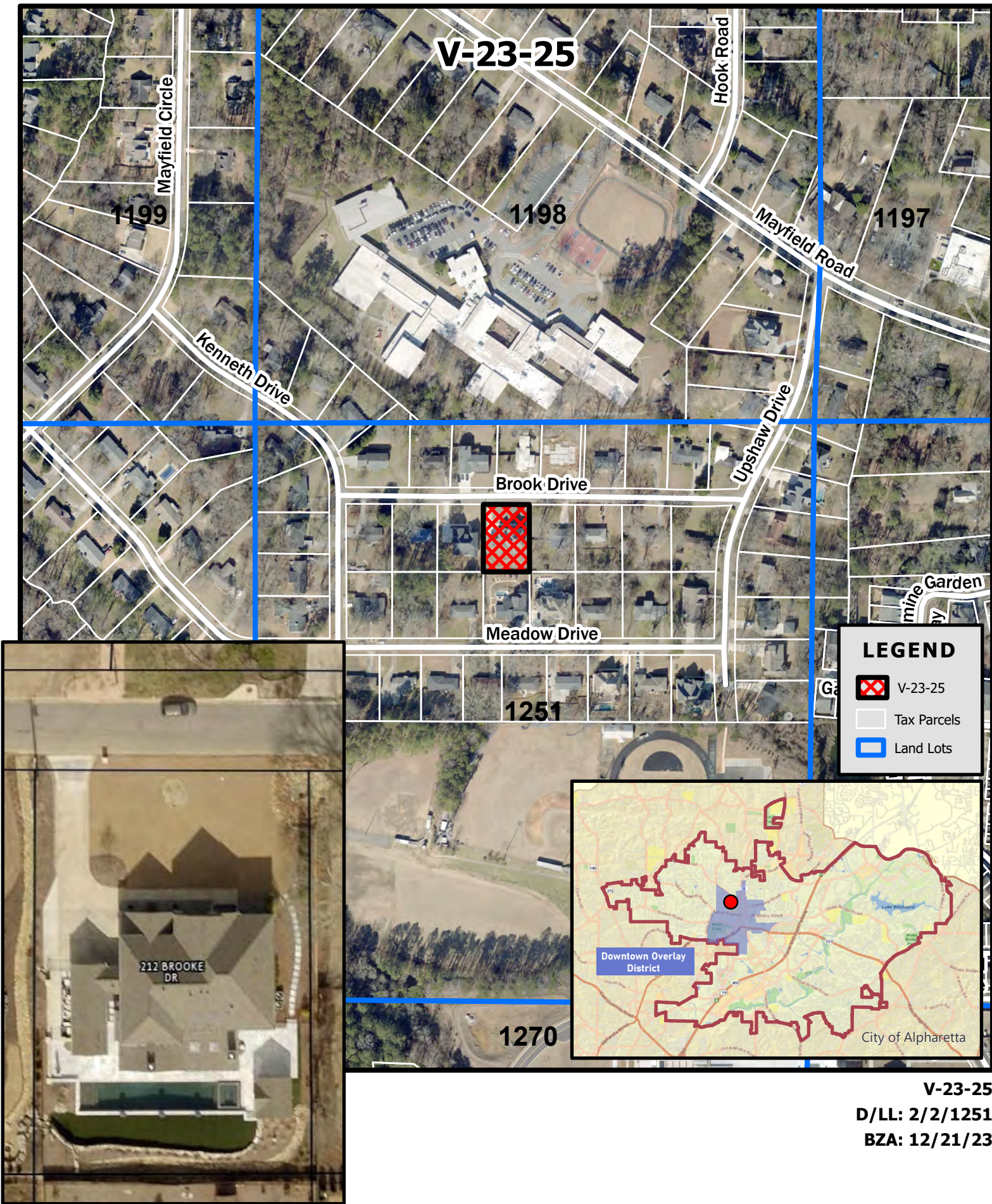
Staff has reviewed the applicant's proposal against the review criteria for a variance. Similar motor court driveway configurations exist in the Downtown, and 52% percent of redeveloped lots in the Meadow Brook Hills subdivision have at least a three (3) car garage. Moreover, the applicant notified adjacent properties and received no objections from neighboring property owners.

CITIZEN PARTICIPATION PLAN

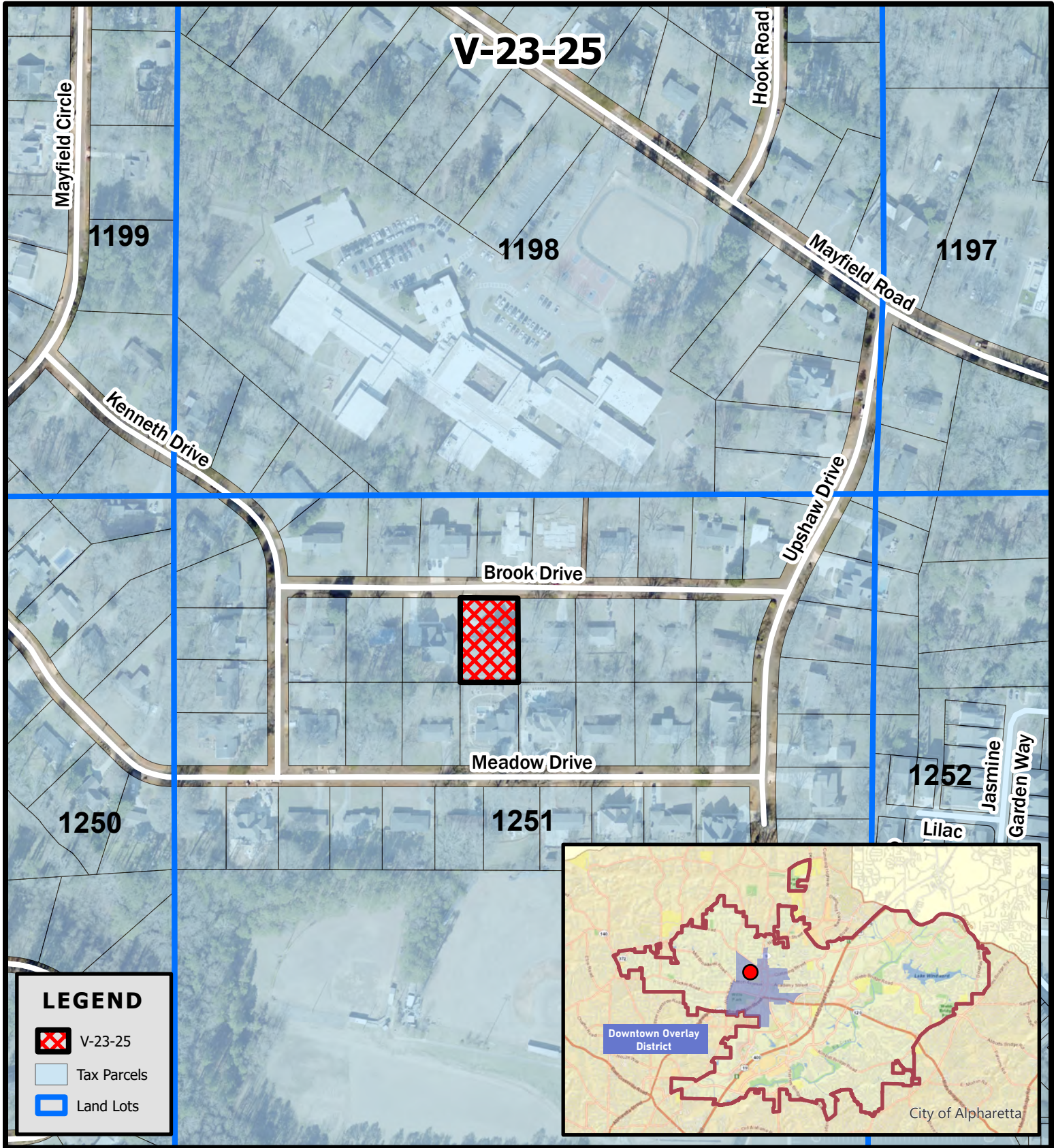
The applicant notified adjacent properties and received no objections.

ATTACHMENTS

- Aerial Map
- Location Map
- Exhibit A – Site Plan
- Exhibit B – Rendering
- Citizen Part B
- Application



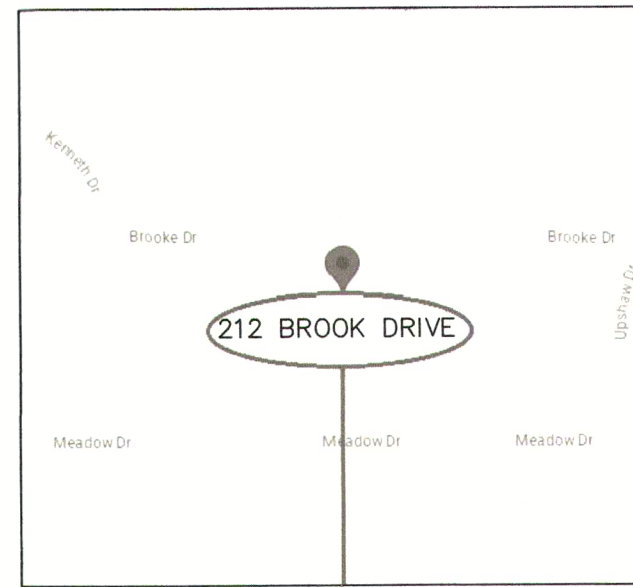
V-23-25
D/LL: 2/2/1251
BZA: 12/21/23



V-23-25

D/LL: 2/2/1251

BZA: 3/21/24



LOCATION MAP
(NOT TO SCALE)

FLOOD NOTE:

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO ITS OPINION FOR SAID PARCEL.
MAP ID 1312100058F
EFFECTIVE DATE: 9/18/2013
ZONE:

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

FUTURE FLOOD DISCLAIMER:

THE FLOOD DATA SHOWN HEREON IS PER FEMA ACTIVE PANEL MAP WITH EFFECTIVE DATE: AS SHOWN. THERE MAY BE FUTURE FLOOD ELEVATION INFORMATION STUDIED INTERNALLY BY THE LOCAL GOVERNING MUNICIPALITY IN WHICH THE SUBJECT PROPERTY SITUATES AND THAT INFORMATION MAY NOT BE AVAILABLE TO THE PUBLIC, THEREBY NOT REFLECTED ON THE CURRENT FEMA PANEL MAP ON THE DATE OF THIS SURVEY. WE REQUEST ANY AND ALL FUTURE FLOOD INFORMATION FROM THE APPLICABLE MUNICIPALITIES AND SHOW THAT INFORMATION HEREON WHENEVER POSSIBLE. IT IS THE RESPONSIBILITY OF THE END USER OF THIS SURVEY TO VERIFY THE APPLICABLE FLOOD INFORMATION DURING THE DEVELOPMENT PHASE, OR OTHER FUTURE USE, BEYOND THE DATE OF THIS SURVEY.

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC. IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREON. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

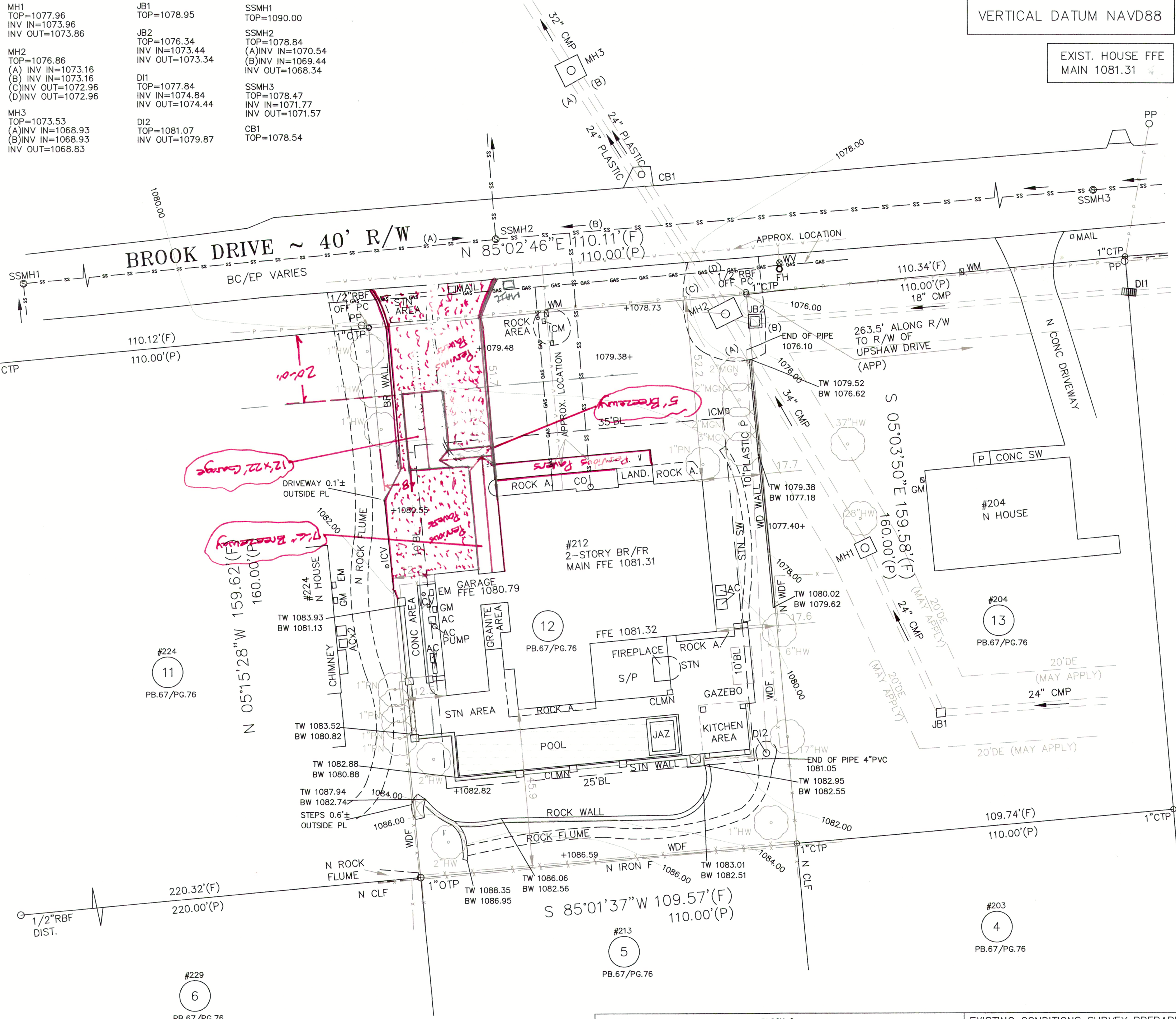
THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

ZONING NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT. ZONING INFORMATION SHOWN HEREON WAS DERIVED FROM ONLINE SOURCE MUNICOD.

PROPERTY IS ZONED R-15
CITY OF ALPHARETTA
BUILDING SETBACKS:
FRONT 35'
SIDE 10'
REAR 25'
MAX LOT COVERAGE 50%
MAX BUILDING HEIGHT 35'
MAX GROUND COVERAGE BY BUILDING 25%



MH1 TOP=1077.96 INV IN=1073.96 INV OUT=1073.86	JB1 TOP=1078.95 JB2 TOP=1076.34 INV IN=1073.44 INV OUT=1073.34	SSMH1 TOP=1090.00 SSMH2 TOP=1078.84 (A) INV IN=1070.54 (B) INV IN=1069.44 INV OUT=1068.34
MH2 TOP=1076.86 (A) INV IN=1073.16 (B) INV IN=1073.16 (C) INV OUT=1072.96 (D) INV OUT=1072.96	DI1 TOP=1077.84 INV IN=1074.84 INV OUT=1074.44	SSMH3 TOP=1078.47 INV IN=1071.77 INV OUT=1071.57
MH3 TOP=1073.53 (A) INV IN=1068.93 (B) INV IN=1068.93 INV OUT=1068.83	DI2 TOP=1081.07 INV OUT=1079.87	CB1 TOP=1078.54



* LEGEND *

- APD AS PER DEED
- AE ACCESS EASEMENT
- APF AS PER FIELD
- AI ANGLE IRON FOUND
- AIF ANGLE IRON FOUND
- APP AS PER PLAT
- APR AS PER RECORD
- APZ AS PER ZONING
- B BOLLARD
- BC BACK OF CURB
- BLK BLOCK
- BL BUILDING LINE SETBACK
- BR BRICK
- CB CATCH BASIN
- CBX CABLE BOX
- CL CENTER LINE
- CLF CHAIN LINK FENCE
- CM CADASTRAL MAP
- CMP CORRUGATED METAL PIPE
- C.O.A. CITY OF ATLANTA
- CO SAN SEWER CLEANOUT
- CP CALCULATED POINT
- CPT CARPORT
- CTP CRIMP TOP PIPE FOUND
- D DEED
- DE DRAINAGE EASEMENT
- DI DRAINAGE INLET
- EB ELECTRIC POWER BOX
- EM ELECTRIC METER
- EP EDGE OF PAVEMENT
- F FIELD
- FC FENCE CORNER
- FH FIRE HYDRANT
- FR FENCE POST
- GL GAS LINE
- GM GAS METER
- GV GAS VALVE
- GW GUY WIRE
- HW HARDWOOD TREE
- ICM IRRIGATION CONTROL METER
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- IR IRON ROD FOUND
- IRF IRON ROD FOUND
- IM IRRIGATION METER
- IV IRRIGATION VALVE
- JB JUNCTION BOX
- LP LIGHT POLE
- LL LAND LOT LINE
- MAG MAGNETIC READING
- MGN MAGNOLIA TREE
- MH MAN HOLE
- MT METAL FENCE
- N NBORS.
- OTP OPEN TOP PIPE FOUND
- OU OWNERSHIP UNCLER
- P PORCH
- PC PROPERTY CORNER
- PL PROPERTY LINE
- PN PINE TREE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PP POWER POLE
- PW POWER LINE
- (P) PLAT
- R RECORD
- RBF REINFORCING BAR FOUND
- RBS REINFORCING BAR SET
- ROP REINFORCED CONC. PIPE
- R/W RIGHT-OF-WAY
- SN SIGN
- SSL SANITARY SEWER LINE
- SSE SANITARY SEWER EASEMENT
- SP SCREENED PORCH
- TB TOP OF BANK
- TP TRAFFIC POLE
- UE UTILITY EASEMENT
- WD WOOD
- WDF WOOD FENCE
- WOK WOOD DECK
- WL WATER LINE
- WM WATER METER
- WRF WIRE FENCE
- WV WATER VALVE
- WW WET WEATHER
- YI YARD INLET
- X-X FENCE
- INDICATES STAIRS
- INDICATES BUSHES

* LINE INDICATORS *

- INDICATES EASEMENT
- INDICATES FENCE LINE
- INDICATES POWER LINE
- INDICATES SANITARY SEWER LINE
- INDICATES DRAINAGE LINE
- INDICATES WATER LINE
- GAS — GAS
- YELLOW LINE (FUEL/GAS/OIL)
- RED LINE (ELECTRIC)
- ORANGE LINE (TELECOMM)

* SYMBOLS *

- ELECTRIC PANEL/METER
- WATER METER
- AIR CONDITIONER
- GAS METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- TRAFFIC/INFO SIGN
- GAS MARKER
- LAMP POST
- FIRE HYDRANT
- DRAINAGE INLET

TOTAL LAND AREA
17530.00 SF / 0.402 AC
ALLOWABLE LOT COVERAGE
8765.00 SF / 0.201 AC / 50.00%
EXISTING LOT COVERAGE
9743.31 SF / 0.223 AC / 55.58%

LOT 12	BLOCK C	EXISTING CONDITIONS SURVEY PREPARED FOR: SHEET 1 OF 1
MEADOW BROOK HILLS SUBDIVISION		
LAND LOT 1251	2ND DISTRICT	2ND SECTION
FULTON COUNTY, GEORGIA	PB.67/PG.76	DB.61907/PG.556
FIELD WORK DATE AUG 07, 2023	PRINTED/SIGNED AUG 16, 2023	
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 18" x 24"	
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET. AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.		
AP COORD #20172098 DWG #20231332	SURVEY LAND EXPRESS, INC LAND SURVEYING SERVICES	24 LENOX POINTE ATLANTA, GA 30324 FAX 404-601-0941 TEL 404-252-5747 INFO@SURVEYLANDEXPRESS.COM

PROPERTY ADDRESS:
212 BROOK DRIVE
ALPHARETTA, GA 30009

KATHY BUSCH

REGISTERED PROFESSIONAL SURVEYOR
EUGENE A. STEPANY

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED HEREON AND MEETS THE REQUIREMENTS OF THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

Exhibit B



Exhibit B



Exhibit B



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-23-25/Busch/212 Brook Drive

Contact Name: Kathy Busch

Telephone: (423)314-0363

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.

No negative comments or concerns have been received from our neighbors, regarding the public hearing scheduled for Thursday, December 21,2023, at 5:30 pm.

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: _____



Date: _____

11/17/2023

Print Form

October 19, 2023

Joe and Kathy Busch
212 Brook Drive
Alpharetta, Ga 30009

RE: V-23-25 / Busch/212 Brook Drive

Dear Kassie Smith:

Please allow this letter to serve as public notice for a Variance request at 212 Brook Drive to reduce the front setback from 35' to 20' and to reduce the right-side setback from 10' to 8'.

This item will be considered by the Board of Zoning Appeals on Thursday, December 21, 2023, at 5:30 PM. The meeting will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at kbusch@buschcenter.com.

Sincerely,

Joe and Kathy Busch

October 19, 2023

Joe and Kathy Busch
212 Brook Drive
Alpharetta, Ga 30009

RE: V-23-25 / Busch/212 Brook Drive

Dear Angel and Maria Retana:

Please allow this letter to serve as public notice for a Variance request at 212 Brook Drive to reduce the front setback from 35' to 20' and to reduce the right-side setback from 10' to 8'.

This item will be considered by the Board of Zoning Appeals on Thursday, December 21, 2023, at 5:30 PM. The meeting will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at kbusch@buschcenter.com or (423)314-0363.

Sincerely,

Kathy and Joe Busch

October 19, 2023

Joe and Kathy Busch
212 Brook Drive
Alpharetta, Ga 30009

RE: V-23-25 / Busch/212 Brook Drive

Dear Mr. Tim Murphy:

Please allow this letter to serve as public notice for a Variance request at 212 Brook Drive to reduce the front setback from 35' to 20' and to reduce the right-side setback from 10' to 8'.

This item will be considered by the Board of Zoning Appeals on Thursday, December 21, 2023, at 5:30 PM. The meeting will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at kbusch@buschcenter.com or (423)314-0363.

Sincerely,

Kathy and Joe Busch

City of Alpharetta
Community Development Department

October 17, 2023

Kathy Busch
212 Brook Drive
Alpharetta, Georgia 30009
kbusch@buschcenter.com

RE: V-23-25 / Busch/212 Brook Drive

Dear Mrs. Busch:

You are scheduled to present your case to the **Board of Zoning Appeals on Thursday, December 21, 2023, at 5:30 PM**. The public hearing will take place in Council Chambers at Alpharetta City Hall, which is located at 2 Park Plaza, Alpharetta, Georgia 30009.

As part of the public hearing process, you are required to notify adjacent property owners. In your public notification, please include the above public hearing date, time, and location, a description of your application request, and your contact information. Letters of no objection and/or letters of support are encouraged.

The Citizen Participation Form – Part B, located within the City of Alpharetta's Public Hearing Application, is due on **Tuesday, November 21, 2023**. This Form reports the results of your public notification and is due twenty (20) business days prior to your public hearing. Please provide copies of letters, emails, meeting sign-in sheets, and a summary of communications in your Citizen Participation Form - Part B Report.

Should you have any questions, please contact the Community Development Department at 678-297-6070.

Best regards,

Michael Woodman, AICP
Planning + Development Services Manager

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PHA23 0038

PH #: _____

☐ Property Taxes & Code Violations Verified

☒ Fee Paid Initial: RC

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: Joe and Kathy Busch

Telephone: (423)314-0363

Address: 212 Brook Drive

Suite: _____

City Alpharetta

State: Ga

Zip: 30009

Fax: _____

Mobile Tel: (423)314-0363

Email: kbusch@buschcenter.com

Subject Property Information:

Address: 212 Brook Drive

Current Zoning: R-15

District: 2

Section: 2

Land Lot: 1251

Parcel ID: 22 482112510411

Proposed Zoning: N/A

Current Use: Residential

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?

Property is used as residential home

Applicant's Request (Please itemize the proposal):

We would like to add a detached single car garage that will be facing our property. We will change our concrete driveway to a pervious pavers and our sidewalk.

We need three variances;

- 1) from 35 ft front setback to 20ft,
- 2) from 10ft side setback to 8ft

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

Adding this garage we will be able to park our car in the garage and not have it setting in the driveway.

One tree will be moved from the front yard and relocated. No other trees will be impacted.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Kathy Busch

Telephone: (423)314-0363

Address: 212 Brook Drive

Suite: _____

City Alpharetta

State: Ga

Zip: 30009

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: Kathy Busch

Telephone: (423)314-0363

Address: _____

Suite: _____

City Alpharetta

State: Ga

Zip: 30009

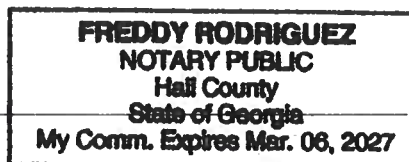
So Sworn and Attested:

Owner Signature: _____

Date: 10/2/2023

Notary:

Notary Signature: _____



Date: 10/2/2023

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: **Kathy Busch**

Subject Public Hearing Case: **212 Brook Drive**

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: **0**

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: _____

10/2/2023

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.

Enclosed are 2 examples of homes with a single car garage offset in front of the two car garage or single car garage. Both include a covered walkway from the garage to the house.

(1.) Two photos of the home located at 339 Canton Street Alpharetta, Ga.

(2.) One photo of the home located at 255 Pebble trail Alpharetta, Ga.

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

The hardship would be

(1.) my car will have to be parked outside the garage on the driveway and in the weather.

(2.) without the covered walkway to the door entrance between the garages will continue not being used during rainy weather.

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

None

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.

N/A

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: 212 Brook Drive

Contact Name: Kathy Busch Telephone: (423)314-0363

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.

Kassie Smith (404)234-5684, 214 Brook Drive

Angel and Maria Retana (678)595-9160, 210 Brook Drive

Tim Murphy (404)723-6416, 213 Meadow Drive Alpharetta, GA

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) |

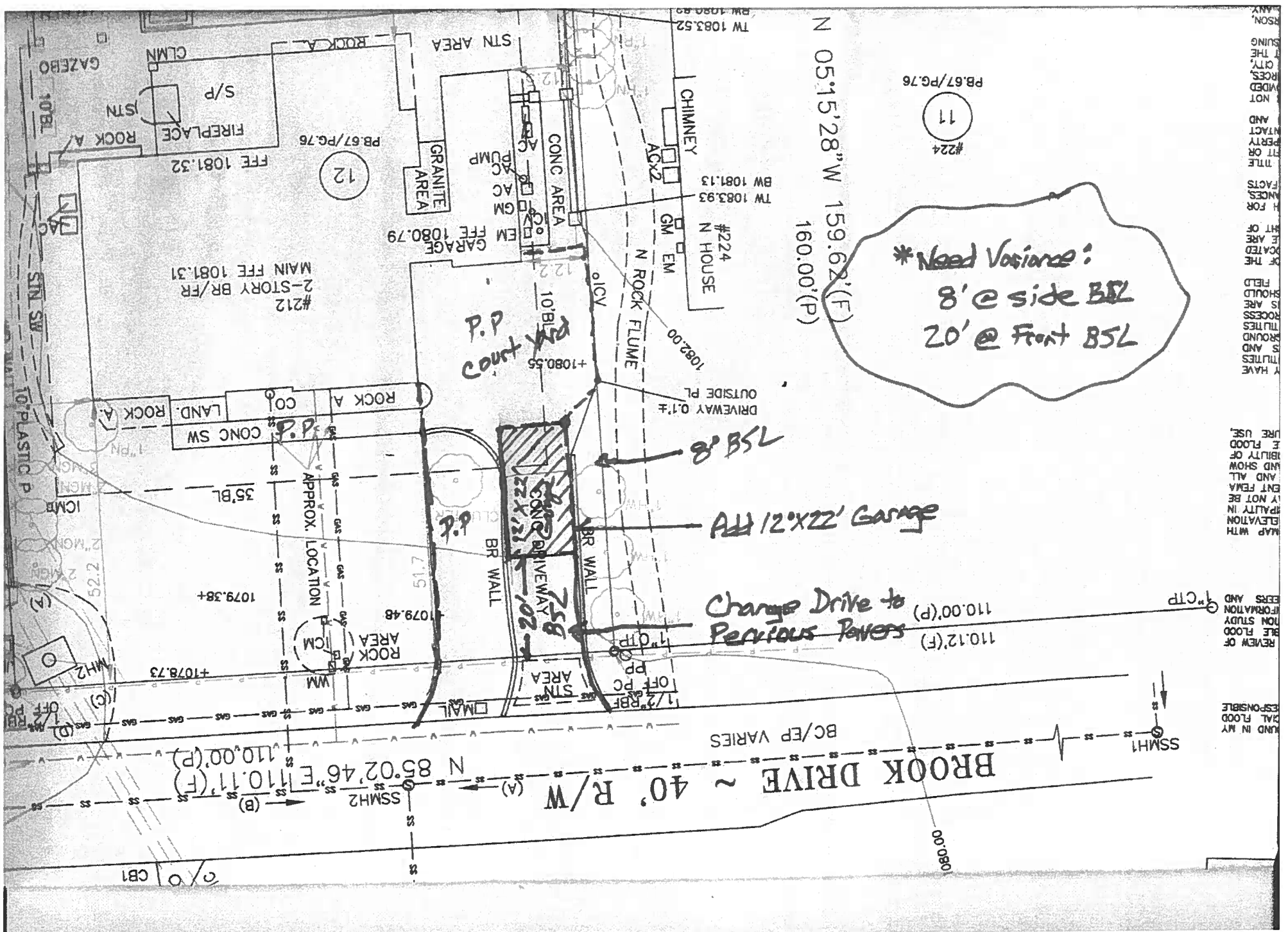
Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

The individuals will be given my name, address and phone number if they have any questions.

N 05°15'28" W 159.62'(F)
160.00'(P)

#224
11
PB.67/PG.76

*Need Variance:
8' @ side BSL
20' @ Front BSL

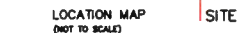












FLOOD NOTE:

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE ITS OPINION FOR SAID PARCEL.

MAP ID: 101000000
EFFECTIVE DATE: 9/18/2013

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

FUTURE FLOOD DISCLAIMER:

THE FLOOD DATA SHOWN HEREON IS PER FEMA ACTIVE PANEL MAP WITH EFFECTIVE DATE, AS SHOWN. THERE MAY BE FUTURE FLOOD ELEVATION CHANGES DUE TO CHANGES IN THE LOCAL GOVERNING MUNICIPALITY WHICH THE SUBJECT PROPERTY SITUATES AND THAT INFORMATION MAY NOT BE AVAILABLE TO THE PUBLIC, THEREBY NOT REFLECTED ON THE CURRENT FEMA PANEL MAP ON THE DATE OF THIS SURVEY. WE REQUEST ANY AND ALL FUTURE FLOOD INFORMATION FROM THE APPLICABLE MUNICIPALITIES AND SHOW THAT INFORMATION HEREON WHENEVER POSSIBLE. IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN THE MOST RECENT APPLICABLE FLOOD INFORMATION DURING THE DEVELOPMENT PHASE, OR OTHER FUTURE USE, BEFORE THE DATE OF THIS SURVEY.

SURVEY NOTES:

[illegible]

THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE STAND-ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO A DOCUMENT PROJECT. SURVEYOR'S STAMP AND SIGNATURE MUST BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

ZONING NOTE:

BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT. ZONING INFORMATION SHOWN HEREON WAS DERIVED FROM ONLINE SOURCE MISSCODE.

PROPERTY IS ZONED R-15
CITY OF ALPHARETTA

BUILDING SETBACKS:
FRONT 35'
SIDE 10'
REAR 25'
MAX LOT COVERAGE 50%
MAX BUILDING HEIGHT 35'
MAX GRADING COVERAGE BY BUILDING 20%

MH1
 TOP=1077.96
 INV IN=1073.96
 INV OUT=1073.66
 MH2
 TOP=1076.86
 (A) INV IN=1073.16
 (B) INV IN=1073.16
 (C) INV OUT=1072.96
 (D) INV OUT=1072.96
 MH3
 TOP=1073.53
 (A) INV IN=1068.93
 (B) INV IN=1068.93
 INV OUT=1068.83

J81
TOP=1078.95
J82
TOP=1076.34
INV IN=1073.44
INV OUT=1073.34
D11
TOP=1077.64
INV IN=1074.64
INV OUT=1074.44
D12
TOP=1081.07
INV OUT=1079.67

SSMH1
TOP=1090.00
SSMH2
TOP=1078.84
(A)INV IN=1070.54
(B)INV IN=1069.44
INV OUT=1068.34
SSMH3
TOP=1078.47
INV IN=1071.77
INV OUT=1071.57
CB1
TOP=1078.54

VERTICAL DATUM NAVD88

EXIST. HOUSE FFE	
MAIN 1081.31	

• L E G E N D •

[illegible]

• LINE INDICATORS •

INDICATES EASEMENT

INDICATES FENCE LINE

INDICATES POWER LINE

SS SS

INDICATES SANITARY SEWER LINE

INDICATES DRAINAGE LINE

INDICATES WATER LINE

S&S S&S

YELLOW LINE (FUEL/GAS/OIL)

RED LINE (ELECTRICAL)

• SYMBOLS •

- ☐ ELECTRIC PANEL/METER
- ☒ WATER METER
- ☐ AIR CONDITIONER
- ☐ GAS METER
- ☒ WATER VALVE
- ☒ SANITARY SEWER MANHOLE
- ☒ STORM MANHOLE
- ☒ TRAFFIC/STOP SIGN
- ☒ GAS MARKER
- ☒ LAMP POST
- ☒ FIRE HYDRANT
- ☒ DRAINAGE INLET

IF YOU ARE GEORGIA...
CALL US FIRST
1-800-822-7411
770-632-4344
(GETTING ATLANTA ONLY)
ONLY FROM THE SOUTH
IT'S THE LAW

TOTAL LAND AREA
17530.00 SF / 0.402 AC
ALLOWABLE LOT COVERAGE
8765.00 SF / 0.201 AC / 50.00%
EXISTING LOT COVERAGE
9743.31 SF / 0.223 AC / 55.58%

LOT 12		BLOCK C	
MEADOW BROOK HILLS SUBDIVISION			
LAND LOT 1251		2ND DISTRICT	2ND SECTION
FULTON COUNTY, GEORGIA		PB.67/PQ.78	DB.61907/PQ.556
FIELD WORK DATE AUG 07, 2023		PRINTED/SIGNED AUG 16, 2023	
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		PAPER SIZE: 18" x 24"	

EXISTING CONDITIONS SURVEY PREPARED FOR: SHEET 1 OF 1

KATHY BUSCH

PROPERTY ADDRESS:
212 BROOK DRIVE
ALPHARETTA, GA 30009

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE OF 1 FOOT IN 25,000+ FEET. AN ANGLE OF 90 DEGREES PER ANGLE POINT WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 190,000+ FEET. AN ELECTRONIC TOTAL STATION AND A VOT CHAIN WERE USED TO OBTAIN THE NECESSARY DATA IN THE PERFORMANCE OF THIS PLAN. NO STATE PLANNING COORDINATE INFORMATION WAS OBTAINED FROM ANY OF THIS PROPERTY.

AP
COORD #20172098
DWC #20231332

SURVEY LAND EXPRESS, INC
LAND SURVEYING SERVICES

24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-801-0841
TEL 404-252-5747
INDEPENDENT ASSOCIATES

24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-801-0841
TEL 404-252-5747
INFORM@ENR.COM



BOARD OF ZONING APPEALS MEETING

STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: MICHAEL WOODMAN

DRAFTED BY: NIKISHA MISTRY

I. AGENDA ITEM TITLE: V-24-09 265 DANIA DRIVE SETBACK VARIANCE

BOARD OF ZONING APPEALS: APRIL 18, 2024

II. RECOMMENDATION:

Approve V-24-09 265 Dania Drive Setback Variance, subject to the following conditions:

1. Site layout shall be permitted as depicted on the site plan prepared by KRA, dated 10/10/2022, and with a 12.5' side setback on the south side of the property.
2. Tree #TOQ1 (17" Pecan) and #BO1 (38" Southern Red Oak) shall be saved and encroachment into the Critical Root Zone (CRZ) shall not exceed 20 percent, as approved by Staff.
3. Driveway width shall be limited to no more than 12' wide, not including the portion of the driveway directly in front of the garage. Driveway and portion of driveway directly in front of the garage shall maintain a 5' setback from the northern side property line.
4. Developer shall plant a row of evergreen trees and shrubs between the driveway and the northern property line, as well as along the southern property line and beginning at the 100' front setback line to the eastern edge of the proposed rear-loaded garage in order to provide a screen, as approved by Staff.

III. REPORT IN BRIEF:

The applicant, Shawn Shakib, is requesting consideration of a variance to reduce the side setback on the south side of the property by 50% to allow for a tear down and re-build of a new single-family detached home. The request would reduce the side setback from 25' to 12.5'. The property is located at 265 Dania Drive in the Dania Hills subdivision.

DISCUSSION

The submitted request, if approved, would reduce the side setback on the south side of the property by 50% to allow for a tear down and re-build of a new single-family detached home. The request would reduce the side setback from 25' to 12.5'. The subject property is located at 265 Dania Drive in the Dania Hills subdivision.

The 1.02-acre property is zoned AG (Agriculture) and developed with a one story, 1,301 square foot single-family detached home with a well and septic tank at the rear of the property. Surrounding properties are zoned AG to the north, south, and west and are located in the Dania Hills subdivision. Properties to the east are zoned R-15 (Dwelling, 'For-Sale' Residential) and are located in the Mayfield Place subdivision. The average home size in the Dania Hills subdivision is approximately 2,562 square feet. Approximately half of the properties in Dania Hills have a street-facing garage or carport with all other properties having a side- or rear-loaded garage. Homes in the subdivision consist primarily of one (1) and two (2) story homes with most on basements.

Unified Development Code (UDC) Subsection 2.2.1(D) District Regulations identifies the AG side yard setback as twenty-five feet (25'). The AG zoning district requires a minimum lot size of five (5) acres, of which the lots in the Dania Hills subdivision were platted as one (1) acre lots, on average. The applicant proposes a 12.5' side setback on the south side of the property to accommodate an approximately 4,800 square foot single family detached home with a rear-loaded garage.

The applicant initially requested a 50% reduction of the front and side setbacks to save a specimen tree (52" Southern Red Oak) at the rear of the existing home. However, a petition was submitted by the neighborhood opposing that variance request. The applicant ultimately withdrew the front setback and side setback (north side) request and proceeded with a request to reduce the south side setback only. That variance request was denied by the Board of Zoning Appeals on November 16, 2023.

Staff measured existing side setbacks throughout the Dania Hills subdivision and found that approximately 71% of the lots have a non-conforming side setback less than 25'. In addition, the subject property has an existing side setback on the north side of the property of approximately fifteen feet (15'), which is non-conforming.

Additionally, the table below provides examples of variances approved to reduce building setbacks in the Dania Hills subdivision. Moreover, similar new home construction activities have been permitted on other lots in the subdivision (see Building Permits table below).

Approved Variances

Address	Case Number	Variance Request Description
195 Dania Drive	AV230005	Install retaining wall on property line
260 & 270 Dania Drive	AV220028	Front yard setback reduction from 100' to 80'

Building Permits

Address	Type of Construction	Date	Pre-permit total area w/basement	Post-permit total area w/basement
260 Dania Drive	New build - detached	6/19/23	Undeveloped	5,255 SF
270 Dania Drive	New build - detached	6/19/23	1,925 SF	5,130 SF
195 Dania Drive	New build - detached	9/15/21	1,962 SF	5,674 SF

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: There are extraordinary and exceptional conditions pertaining to the property due to its size. The AG zoning district requires a minimum five (5) acre lot size; however, the lots in Dania Hills subdivision are one (1) acre, on average. In addition, over 70% of the lots in the subdivision have non-conforming side setbacks less than 25', including the existing structure which has a non-conforming side setback on the north side of the property of approximately fifteen feet (15').

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

Response: Application of the ordinance would force a front-loaded garage and/or reduce the square footage of the proposed home. Over 70% of the lots in the subdivision have non-conforming side setbacks less than 25', including the existing structure which has a non-conforming side setback on the north side of the property of approximately fifteen feet (15').

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

Response: There are peculiar conditions on the property which adversely affect its reasonable use as currently zoned. The AG zoning district requires a minimum five (5) acre lot size; however, the lots in Dania Hills subdivision are one (1) acre, on average. In addition, over 70% of the lots in the subdivision have non-conforming side setbacks less than 25', including the existing structure which has a non-conforming side setback on the north side of the property of approximately fifteen feet (15').

CONCURRENCES

Staff has reviewed the applicant's proposal and supports the requested side setback variance. Lots in the Dania Hills subdivision are non-conforming with respect to the minimum five (5) acre lot size and over 70% of the lots have side setbacks less than the required 25'. Furthermore, the existing structure has a non-conforming side setback on the north side of the property of approximately fifteen feet (15'), which is proposed to be increased to 25' with the construction of the new home. The applicant notified adjacent property owners and provided seven (7) letters of support, which includes the property owner to the south.

CITIZEN PARTICIPATION PLAN

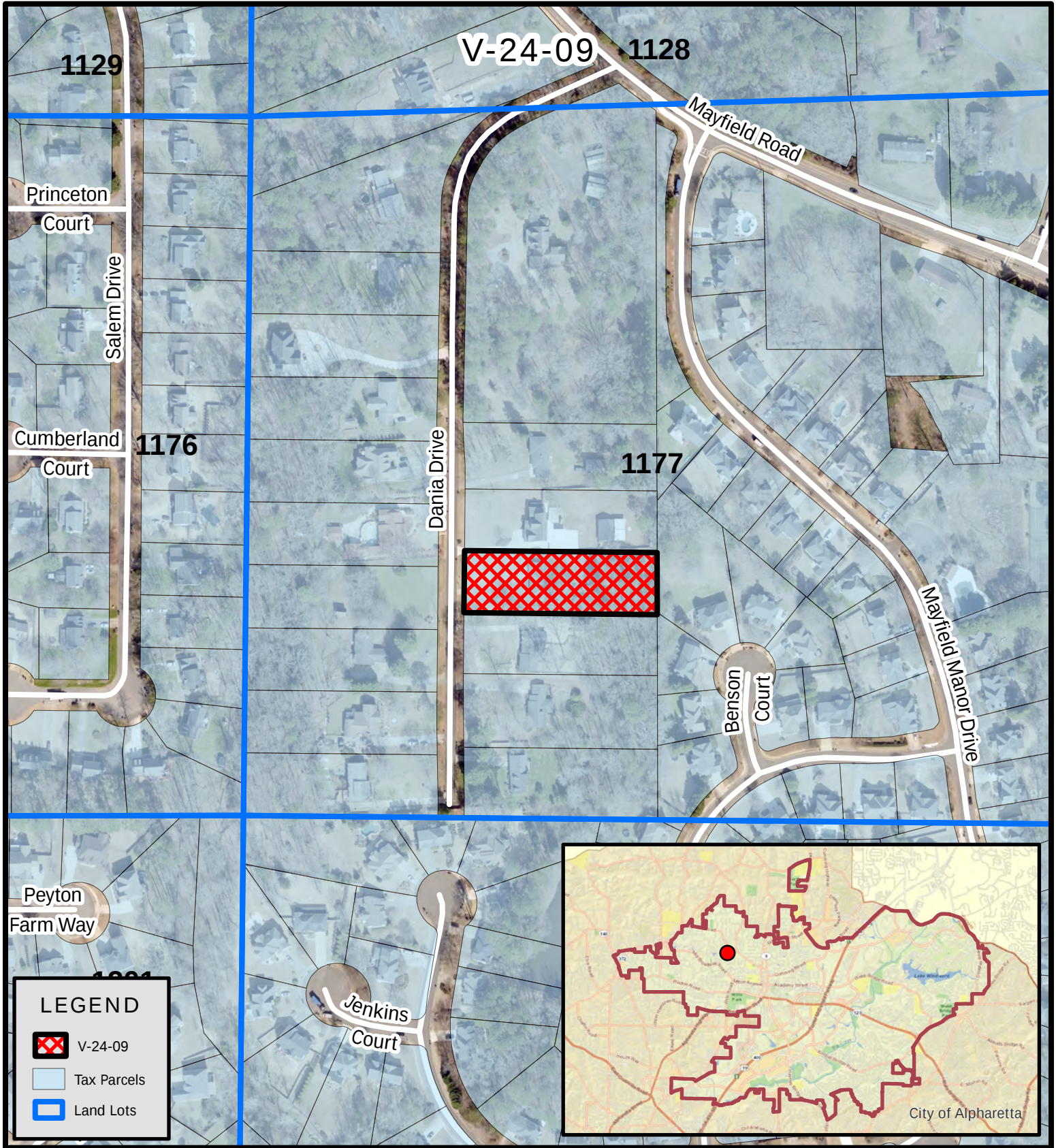
The applicant notified adjacent property owners of the variance request and their intent for the property. The report states that the property owner to the north has concerns that the variance will set a precedent and the size of the proposed home will block his view. The adjacent property owner to the north also stated they did not support the location of the driveway within five feet (5') of the property line. The applicant provided eight (8) letters of support/no objection, which includes the property owner to the south.

IV. ATTACHMENTS:

- Aerial Map
- Location Map
- Dania Hills Side Setbacks Map
- Citizen Part B
- Application



V-24-09
D/LL: 2/2/1177
BZA: 4/18/23



V-24-09
D/LL: 2/2/1177
BZA: 4/18/23

DANIA HILLS SUBDIVISION

SIDE SETBACKS



200 DANIA DR
N - 42.0 FT
S - 45.0 FT

210 DANIA DR
N - 21.2 FT
S - 20.6 FT

220 DANIA DR
N - 32.8 FT
S - 24.7 FT

230 DANIA DR
N - 16.5 FT
S - 19.5 FT

240 DANIA DR
N - 26.3 FT
S - 22.4 FT

250 DANIA DR
N - 26.5 FT
S - 5.4 FT

270 DANIA DR
N - 16.7 FT
S - 40.5 FT

280 DANIA DR
N - 33.1 FT
S - 33.3 FT

290 DANIA DR
N - 23.7 FT
S - 22.3 FT

290 DANIA DR
N - 186.7 FT
S - 303.0 FT

245 DANIA DR
N - 20.2 FT
S - 19.0 FT

255 DANIA DR
N - 29.5 FT
S - 23.9 FT

265 DANIA DR
N - 15.3 FT
S - 33.4 FT

275 DANIA DR
N - 27.1 FT
S - 15.0 FT

285 DANIA DR
N - 10.4 FT
S - 27.0 FT

295 DANIA DR
N - 23.4 FT
S - 23.9 FT

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-24-09 / 265 Dania Drive

Contact Name: J. Ethan Underwood / Shawn Shakib Telephone: 770-781-4100

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.

The adjoining property owner to the north has expressed concern that

- 1) a variance will set precedence for other setback variances.
- 2) the size of the proposed home will block his view.

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: _____



Date: March 27, 2024

Print Form

Nichole Morris

From: shawn shakib <shawnshakib@outlook.com>
Sent: Wednesday, March 27, 2024 10:31 AM
To: Nichole Morris
Subject: Fwd: 265 Dania - Variance

Shawn Shakib

Begin forwarded message:

From: Richard Jones [REDACTED]
Date: March 25, 2024 at 9:02:11 AM EDT
To: shawnshakib@outlook.com
Subject: 265 Dania - Variance

Shawn,

I am writing to let you know that I am good with the 12.5 foot variance you have requested on 265 Dania Rd across from me.

Richard jones - 270 Dania Drive

Thanks,
Ricky

[REDACTED]
Sent from my iPhone

Nichole Morris

From: shawn shakib <shawnshakib@outlook.com>
Sent: Wednesday, March 27, 2024 10:31 AM
To: Nichole Morris
Subject: Fwd: Dania Variance Request

Shawn Shakib

Begin forwarded message:

From: [REDACTED]
Date: March 26, 2024 at 12:05:13 PM EDT
To: shawnshakib@outlook.com
Subject: Dania Variance Request
Reply-To: [REDACTED]

Shawn,

It is my understanding that your revised/latest Variance Request is for a reduction of the setback from 25 to 12.5 feet on the right side of the property (looking at the property from the street). I have no issue with that request.

I am supportive of your removal of the existing home, and development of the property with a new home. I have seen many of your home builds around the Mayfield area, and believe your plans would be positive for our street.

Thank you,
David VanderLugt
225 Dania Dr
[REDACTED]

Nichole Morris

From: shawn shakib <shawnshakib@outlook.com>
Sent: Wednesday, March 27, 2024 10:32 AM
To: Nichole Morris
Subject: Fwd: 195 Dania Drive

Shawn Shakib

Begin forwarded message:

From: Richard Skuse [REDACTED]
Date: March 23, 2024 at 2:51:08 PM EDT
To: shawn shakib <shawnshakib@outlook.com>
Subject: 195 Dania Drive

Hi Shawn,

This is Richard Skuse and I live at 195 Dania Drive. We have no issues with your request for variance to 12.5 foot set backs on the south side of your property on Dania Drive.

Good luck with your build!

Ricky Skuse
[REDACTED]

Nichole Morris

From: shawn shakib <shawnshakib@outlook.com>
Sent: Wednesday, March 27, 2024 10:31 AM
To: Nichole Morris
Subject: Fwd: Support for building variance at 265 Dania Drive

Shawn Shakib

Begin forwarded message:

From: Randall Borck [REDACTED]
Date: March 26, 2024 at 2:48:57 PM EDT
To: shawnshakib@outlook.com
Subject: Support for building variance at 265 Dania Drive

Hello Shawn,

My name is Randall Borck and I own the property at 200 Dania Dr, Alpharetta, GA. First off, thanks for taking an interest in Dania Drive; your earlier build at 195 Dania Dr (right next door to me) looks amazing and has really brought the local community up.

It has come to my attention that you are seeking a variance at 265 Dania Drive to build closer to the southern property boundary than what is automatically allowed and need the variance to be able to build within around 12 feet of the property boundary on the southern side. I have also learned that Connie at 275 Dania Drive, the property owner that is most impacted by this variance, is supportive of this variance too. I would like to show my support for this variance because I know you will do a great job and this extra building room will be well utilized and give the surrounding community a benefit.

Please let me know if you need any additional assistance with getting this variance approved.

Regards,
Randall

Nichole Morris

From: shawn shakib <shawnshakib@outlook.com>
Sent: Wednesday, March 27, 2024 10:32 AM
To: Nichole Morris
Subject: Fwd: 265 Dania Dr Variance Request

Shawn Shakib

Begin forwarded message:

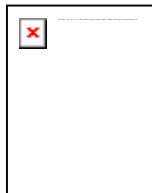
From: Connie Cunningham [REDACTED]
Date: March 22, 2024 at 12:04:21 PM EDT
To: shawnshakib@outlook.com
Subject: 265 Dania Dr Variance Request

Hi Shawn,

I am writing to let you know that I am okay with the 12.5 foot variance you have requested between our houses.

Thanks & I hope you have a great weekend!

Connie



Connie Cunningham

HomeSmart Realty

Positive Attitude! Positive Processes! Positive Results!

[Past client reviews on Connie Cunningham](#)

ConnieC8626@gmail.com

Call Connie today!

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: FW: 265 DaniaVariance Consent
Date: Thursday, March 28, 2024 8:06:54 AM

From: shawn shakib <shawnshakib@outlook.com>
Sent: Thursday, March 28, 2024 7:22 AM
To: Nichole Morris <norris@mileshansford.com>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: Fwd: 265 DaniaVariance Consent

Good morning

Another consent letter.

Thanks

Shawn Shakib

Begin forwarded message:

From: [REDACTED]
Date: March 28, 2024 at 12:10:17 AM EDT
To: shawnshakib@outlook.com
Subject: Variance Consent

Hello,
I give consent for the 12.5' variance on the south side of the property at 265 Dania Drive.

Rafael Jordan
210 Dania Drive
Alpharetta GA 30009

Sent from my iPhone

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: FW: 265 Dania Dr.
Date: Thursday, March 28, 2024 2:16:16 PM

From: shawn shakib <shawnshakib@outlook.com>
Sent: Thursday, March 28, 2024 2:08 PM
To: Nichole Morris <norris@mileshansford.com>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: Fwd: 265 Dania Dr.

Another happy neighbor.

Thanks

Shawn Shakib

Begin forwarded message:

From: Max Levitt [REDACTED]
Date: March 28, 2024 at 12:44:52 PM EDT
To: shawnshakib@outlook.com
Subject: 265 Dania Dr.

Shawn-

This is Max Levitt at 280 Dania Dr. We do not have a problem with you receiving the variance to shift construction closer to the edge of the property.
Thank you.

--

Max Levitt

Owner, **Humble Harvest Garden Co. LLC**
[REDACTED]

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: FW: 265 Dania. Variance
Date: Wednesday, March 27, 2024 1:33:21 PM

From: shawn shakib <shawnshakib@outlook.com>
Sent: Wednesday, March 27, 2024 1:32 PM
To: Nichole Morris <norris@mileshansford.com>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: Fwd: 265 Dania. Variance

This is the consent from the neighbor at 240 Dania Dr. thanks

Shawn Shakib

Begin forwarded message:

From: Lyli Perez <[REDACTED]>
Date: March 27, 2024 at 1:24:24 PM EDT
To: shawnshakib@outlook.com
Subject: Variance

As per our conversation, I agree on the variance you are asking of 12.5' on the south side of your property on 265 Dania Dr

Thank you

Lyli Perez

Sent from my iPhone

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: _____ Telephone: _____

Address: _____ Suite: _____

City: _____ State: _____ Zip: _____ Fax: _____

Mobile Tel: _____ Email: _____

Subject Property Information:

Address: _____ Current Zoning: _____

District: _____ Section: _____ Land Lot: _____ Parcel ID: _____

Proposed Zoning: _____ Current Use: _____

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?

Applicant's Request (Please itemize the proposal):

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

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: SHAWN SHAKIB Telephone: 770-527-7171
Address: 131 ALMOND LN. Suite: _____
City: ALPHARETTA State: GA Zip: 30004

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: SAME AS ABOVE Telephone: _____
Address: _____ Suite: _____
City: _____ State: _____ Zip: _____

So Sworn and Attested:

Owner Signature: [Signature] Date: 2/21/24

Notary:

Notary Signature: Prisea Metran Cook 2/21/24



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: _____

SPAWN SHARKE

Subject Public Hearing Case: _____

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: _____

N/A

Position: _____

Description of Contribution: _____

Value: _____

0

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

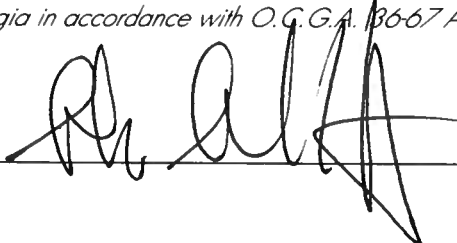
Description of Contribution: _____

Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____



Date: _____

2/21/24



Miles Hansford, LLC

ATTORNEYS AT LAW

202 Tribble Gap Road · Suite 200 · Cumming, GA 30040
178 S Main Street · Suite 310 · Alpharetta, GA 30009
Phone 770.781.4100

MilesHansford.com

J. Ethan Underwood
eunderwood@MilesHansford.com

March 22, 2024

CAMPAIGN DISCLOSURE

Applicant:	Shawn Shakib
Subject Property:	1.015 Acres Designated as Fulton County Tax Parcel(s): 22 465311770142
Current Zoning:	AG – Agricultural District
Proposed Zoning:	AG – Agricultural District
Proposed Use:	1 Single Family Dwelling, Detached
Application:	Variance
ROW Access:	Dania Drive
Governing Jurisdiction:	City of Alpharetta

To Whom It May Concern:

Pursuant to Section 36-67A-3 of the Official Code of Georgia Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, please be advised that as of the date of this letter, Miles Hansford, LLC has made the following campaign contributions to local officials of the Governing Jurisdiction:

- January 3, 2022 – Councilman Donald Mitchell - \$500 .00
- April 26, 2023 – Councilman Fergal Brady - \$500.00
- May 3, 2023 – City Councilman John Hipes - \$500.00

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application.

Sincerely,

Ethan Underwood
Attorney for Applicant



J. Ethan Underwood
eunderwood@MilesHansford.com

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant:	Shawn Shakib
Subject Property:	1.015 Acres Designated as Fulton County Tax Parcel(s): 22 465311770142
Current Zoning:	AG – Agricultural District
Proposed Zoning:	AG – Agricultural District
Proposed Use:	1 Single Family Dwelling, Detached
Application:	Variance
ROW Access:	Dania Drive
Governing Jurisdiction:	City of Alpharetta

This Reservation of Constitutional and Other Legal Rights (“the Reservation”) is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit, site plan approval, and variances) (collectively, the “Application”) of the Applicant and the owners of the Subject Property (collectively, the “Owner”) and to put the Governing Jurisdiction on notice of the Applicant’s assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and Owner file this Application for the purpose of changing the Current Zoning (and/or zoning conditions and requesting variances) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. As such, the filing of this application is not an admission of the need for any such approval of the Applicant’s right to develop the property. The Applicant and Owner reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owner of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property

other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the “Zoning Ordinance”) that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant’s and Owner’s property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant without the consent of persons elected to the governing body of the Governing Jurisdiction will amount to an unlawful delegation of the Governing Jurisdiction’s authority, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended.

Furthermore, the Governing Jurisdiction cannot lawfully impose more restrictive standards on the Subject Property’s development than are presently set forth in the Zoning Ordinance. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. The imposition of improvements or design requirements unnecessary to facilitate the proposed development constitute an illegal impact fee, an unconstitutional condemnation, or both. As such, the Applicant and Owner reserve the right to challenge any such conditions, restrictions, or design requirements.

The Applicant and Owner assert that each has expended substantial sums and significantly changed its economic position in reliance upon versions of the Zoning Ordinance that allow the development of the Subject Property as proposed by the Applicant. As such, the Applicant has acquired vested rights to develop the property and the filing of this Application shall not constitute a waiver of those vested rights.

Finally, the Applicant and Owner assert that the current Zoning Ordinance, Character Area Map, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owner of due process under the law.

This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and Owner's intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee, and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the Owner.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and Owner respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that this Reservation be included with the Applicant's other Application materials. The Applicant and Owner reserve the right to amend and supplement this Reservation at any time.

Sincerely,



Ethan Underwood
Attorney for Applicant

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.

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

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

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.

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: _____

Contact Name: _____ Telephone: _____

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 <i>(Please Specify)</i> |

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.



Project:
265 Dania Dr.
Alpharetta, Ga 30009

BUILDING:
A. OCCUPANCY CLASSIFICATION: R-3
B. TYPE OF CONSTRUCTION: VB
C. BUILDING FLOOR AREA: 0,000 S.F.
D. ZONING: R15

PROJECT DESCRIPTION:
NEW RESIDENCE

CODES:
ALL BUILDING CONSTRUCTION DESCRIBED IN THESE PLANS SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE LATEST CITY OF ALPHARETTA CONSTRUCTION CODES WHICH INCLUDES APPENDICES AND AMENDMENTS TO THE FOLLOWING CODES:

IRC - INTERNATIONAL RESIDENTIAL CODE - 2018 EDITION, W/ GA AMENDMENTS

Job Number:
23109

KRA
KEVIN ROSSER & ASSOCIATES INC.
CLASSICAL ARCHITECTURAL DESIGN
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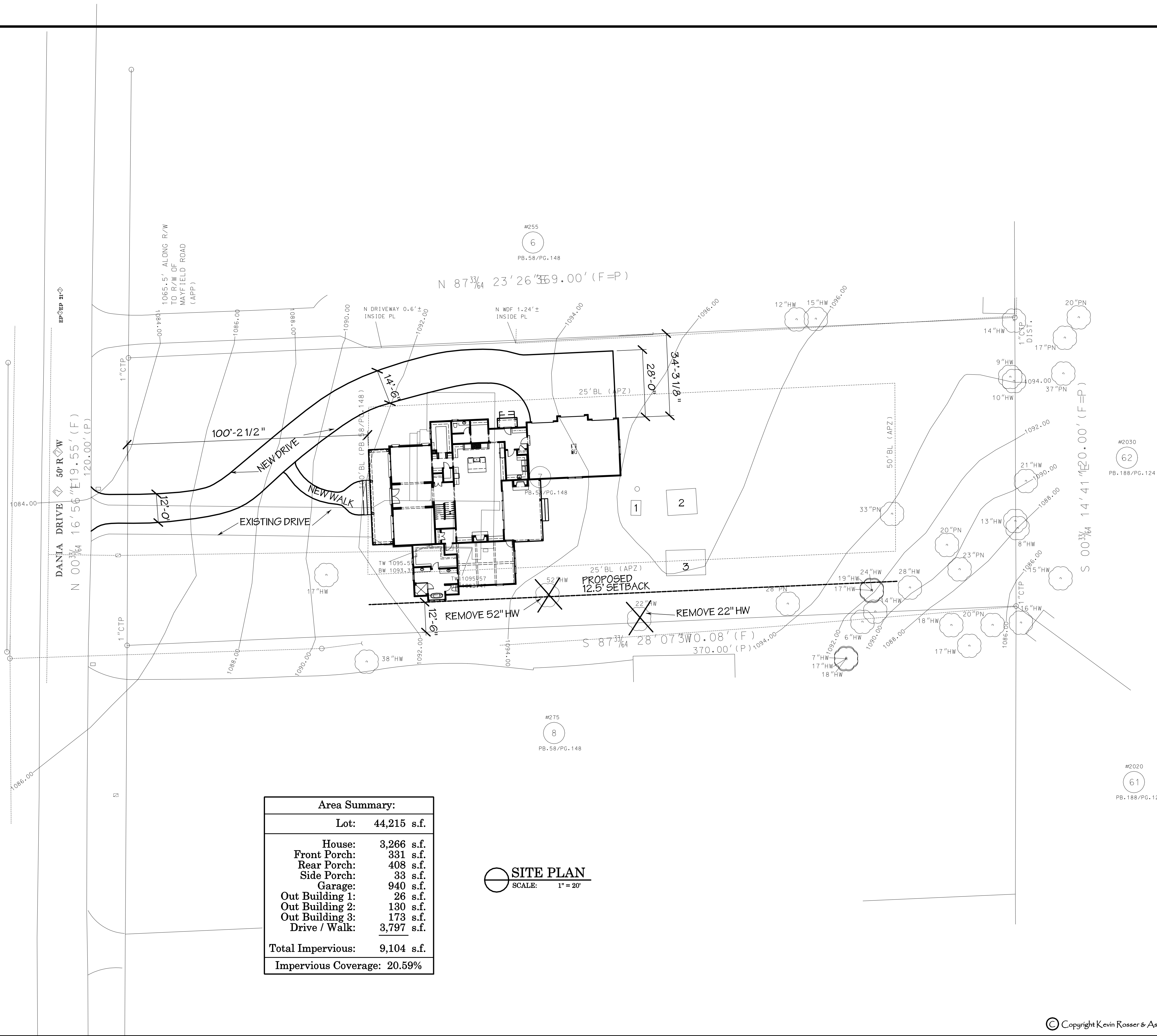
Date:
October 10, 2022

Revised:

Area:
4,335 s.f.

Drawn / Checked:
KRA

Sheet No.:
of ?





SPECIMEN TREE REPORT

CITY OF ALPHARETTA

Client

Shawn Shakib



Address

265 Dania Dr

Project

23054

Survey Date

7/11/2023

Alex Phillips
ISA Certified Arborist MA-4868A
Tree Risk Assessment Qualified
American Society of Landscape Architects



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Specimen Tree Inventory

Some trees on a site warrant special consideration and encouragement for preservation. The intent of these specifications is to provide the necessary information to facilitate project design, plan review and enforcement processes. The City of Alpharetta Specimen tree specifications are organized by size:

- Flowering Understory trees over 8" DBH

- Sourwood trees over 10" DBH

- Beech, Blackgum, Persimmon, Sassafras trees over 20" DBH

- Magnolia trees over 20" DBH

- Cedrus and Thuja trees over 20" DBH

- Overstory Hardwood over 24" DBH

- Poplars and Sweetgums trees over 30" DBH

- Pine trees over 30" DBH

Any tree that does not meet the following requirements as set forth by the International Society of Arboriculture shall be deemed poor in condition, a danger to human life and property and removed from the site.

- Life expectancy less than 15 years

- A trunk with visible decay

- More than one major and several minor dead limbs (hardwoods)

- Major insect or pathological problems

Landscape Tree Inventory

Landscape trees and trees of quality on a site may warrant consideration for preservation. Landscape trees include street trees, parking lot trees and boundary trees. Trees of quality include smaller non specimen trees that are in groupings or groves that have special interest and character.

Site Location

The site is located on a residential street in the Northwest area of the city. It is large lot single family residential. Large open front yard and backyard. There are a few large specimen trees and a small grove of smaller over story trees in the rear yard. One large boundary tree to the South in the front yard.



265 Dania Dr

Definitions

Tree Number: Trees are tagged with an aluminum disk that shows a unique number to identify the tree.

Species: Trees are listed by a regional common name and botanical name.

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5' above ground level. Measured in inches.

Condition:

Good: A specimen tree with healthy productive tip growth. A sound trunk with no visible damage or decay. No major limb loss and healthy branch unions. No visible insect or disease infestations. Life expectancy of more than 15 years.

Fair: A specimen tree with healthy but not vigorous tip growth. Less than 30% of crown is dead. No major dead limbs and no major trunk cavities or damage. Branch unions show some signs of stress. Tree is expected to live longer than 10 years.

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 5 years.

Dead: Tree has no bud or leaf production. All limbs are barren and rot is visible.

Invasive: Tree species whose native range is not within the Piedmont classification.

Hazardous: Severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.



Specimen Tree Report

Tree #	Species	DBH	Condition	Comments
1001	<i>Quercus flacata</i> S Red Oak	52"	Fair	Fair #1: U split at 10' and some dieback on over extended limbs. Pic #1 & #2
1002	<i>Pinus spp</i> Pine	33"	Good	Tree is in good health.

Total Specimen Sized Trees: 2

Good Condition: 1

Fair Condition: 1

Poor Condition: 0



265 Dania Dr



Pic # 1: Split at 10' with some dieback on over extended limbs. Fair #1



Pic # 2: Split at 10' with some dieback on over extended limbs. Fair #1



Tree of Quality Report

Tree #	Species	DBH	Condition	Comments
TOQ1	<i>Carya illinoensis</i> Pecan	17"	Good	Tree is in good health.

Tree of Quality Summary: One tree of quality is located on site.

Landscape Tree Report

Landscape Tree Summary: There are no landscape trees on site.

Boundary Tree Report

Tree #	Species	DBH	Condition	Comments
BO1	<i>Quercus falcata</i> S Red Oak	38"	Good	Tree is in good health.
BO2	<i>Liquidambar styraciflua</i> Sweetgum	7"	Good	Tree is in good health.
BO3	<i>Liquidambar styraciflua</i> Sweetgum	17"	Good	Tree is in good health.
BO4	<i>Liquidambar styraciflua</i> Sweetgum	18"	Good	Tree is in good health.
BO5	<i>Cornus florida</i> Dogwood	6"	Good	Tree is in good health.

Boundary Tree Summary: There are 5 boundary trees that could be impacted by the development. All other boundary trees are located at a distance from the setback line with a DBH that will not have CRZ impacts.



Undersized Tree Report

Tree #	Species	DBH	Condition	Comments
U1	<i>Liquidambar styraciflua</i> Sweetgum	24"	Poor	Large trunk wound with hollow.
U2	<i>Liquidambar styraciflua</i> Sweetgum	19"	Poor	Large trunk wound with hollow.
U3	<i>Liriodendron tulipifera</i> Poplar	28"	Poor	Large trunk wound with hollow.

Undersized Tree Summary: Three trees in the tree save area are in Poor condition with large trunk wounds and hollows. All other trees are in good condition.



Pic # 1: Large trunk wound with hollow.
24" Sweetgum and 19" Sweetgum



Pic # 2: Large trunk wound with hollow.
28" Poplar



