



BOARD OF ZONING APPEALS

OFFICIAL 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.~~