



## **ZONING BOARD OF APPEALS AGENDA**

**MAY 20, 2015  
7:00 PM  
CITY HALL**

- A. Roll Call**
- B. Approval of Minutes: April 15, 2015**
- C. Old Business: (None)**
- D. New Business:**
  - 1. V2015-002 Peachtree Market Request Variance to Zoning Code Article V, Signs, Section 86-114, for property located at 6135 Peachtree Parkway, Peachtree Corners, Ga., 6<sup>th</sup> Dist., LL283, Parcel 143 in order to exceed size limitations for a monument sign.**
  - 2. V2015-003 Earth Fare Request Variance to Zoning Code Article V, Signs, Section 86-114, for property located at 5270 Peachtree Parkway, Peachtree Corners, Ga., 6<sup>th</sup> Dist., LL301, Parcel 056 in order to exceed size limitations for wall signs and monument signs.**
- E. City Business Items: (None)**
- F. Comments by Board Members.**
- G. Adjournment.**

**CITY OF PEACHTREE CORNERS**  
**ZONING BOARD OF APPEALS**  
**April 15, 2015**

The City of Peachtree Corners held a Zoning Board of Appeals meeting. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Zoning Board of Appeals: Wayne Knox, Post B  
Marcia Brandes, Post A  
Amreeta Regmi, Post C  
Eric Christ, Post D  
James Blum, Post E

Staff: Diana Wheeler, Com. Dev. Director  
Kym Chereck, City Clerk

**MINUTES:** Approval of March 18, 2015 Minutes.

**MOTION TO APPROVE THE MARCH 18, 2015 MINUTES.**

**By: Eric Christ**

**Seconded: Marcia Brandes**

**Vote: (5-0) (Christ, Brandes, Knox, Blum, Regmi)**

**OLD BUSINESS:**

1. **V2015-001 4324 Ridgeway Variance to Zoning Code Section 1401, Minimum Yard Requirements, for property located at 4324 Ridgeway Drive, Peachtree Corners, GA., 6<sup>th</sup> District, LL329, Parcel R63290 028 for a front setback reduction in order to allow a 55 foot front setback instead of the required 75 foot. (Tabled from 3/18/15)**

**MOTION TO REMOVE V2015-001 4324 RIDGEWAY FROM THE TABLE.**

**By: Eric Christ**

**Seconded: Marcia Brandes**

**Vote: (5-0) (Christ, Brandes, Knox, Blum, Regmi)**

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request and, explained that this item was tabled at the last meeting with guidance from the Board for the applicant to meet with the Homeowners Association and show them the proposed site plan and elevations. Mrs. Wheeler stated that the applicant had met with the Homeowners Association and they have come to an agreement and feel that the

plans are acceptable to them, and, have withdrawn their opposition. The Homeowners Association agreed that there was a hardship with the situation since the setbacks that exist do not allow the type of home they would like to see in their subdivision. The plans submitted with today's date (04/15/2015) are acceptable to the Homeowners Association.

After reviewing the applicant's proposal and the variance criteria, Staff finds that the added MRPA regulations create a hardship when added to the existing setback requirements for the Riverview Estates Subdivision. Therefore, a front setback variance can be justified.

The applicant for the request, Mr. Greg Dean of Boundary Zone, and the property owner, Mr. Tony Rogers, both stated that the site plan and elevations presented today were approved by the Homeowners Association.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. Mr. Lee Tucker stated that he was in favor of the application. Mr. Sid Johnson of 4328 Riverview Drive, who is also the President of the Homeowners Association, stated that he is in agreement with the variance request with a condition that the applicant builds what has been proposed today (plans dated 04/15/15).

**BASED ON A THOROUGH REVIEW OF THE ENTIRE RECORD AND THE HEARING BEFORE THIS BODY, I MOVE THAT THE ZONING BOARD OF APPEALS MAKE THE FOLLOWING FINDINGS AND CONCLUSIONS AND APPROVE THE APPLICATION BEFORE IT; THERE ARE EXCEPTIONAL CONDITIONS PERTAINING TO THE PARTICULAR PROPERTY, AND THE CONDITIONS OF THE ZONING RESOLUTION INVOLVING THIS PROPERTY CREATE AN UNNECESSARY HARDSHIP TO THE OWNER; AND THE CONDITIONS OF THE ZONING RESOLUTION AS APPLIED TO THIS PROPERTY ARE NOT THE RESULT OF ANY ACTIONS FROM THE PROPERTY OWNER; A LITERAL ENFORCEMENT OF THE ZONING RESOLUTION COULD RESULT IN AN UNNECESSARY HARDSHIP TO THE APPLICANT AND PREVENT THE CONSTRUCTION OF A HOME APPROPRIATE TO THE NEIGHBORHOOD, AS REPRESENTED ON HANDOUTS DATED 04/15/2015, 1, 2, 3 AND 4, AS PRESENTED TO THE ZONING BOARD.**

**By: Eric Christ**

**Seconded: Amreeta Regmi**

**Vote: (5-0) (Christ, Regmi, Knox, Blum, Brandes)**

**NEW BUSINESS:**

- 1. PH2015-002 LEAP Industries Appeal of administrative decision and request for code interpretation pursuant to Zoning Code Sec. 1605.1 in order to determine the zoning classification for an asphalt recycling facility.**

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. LEAP Industries would like to locate their asphalt recycling business to a building located in the M-1 zoning district. LEAP has identified a piece of property near Peachtree Industrial Boulevard and Jones Mill Road that meets all of their needs and they would like to move their business into the existing building on this site. LEAP's business involves taking used asphalt that is no longer needed and processing the material into new, useable asphalt. The M-1 zoning district allows 'Manufacturing or Assembly Plant'. The M-1 zoning district also identifies a 'Recovered Materials Processing Facility as a permitted use and limits it as follows: *Recovered Materials Processing Facility, Wood Chipping and Shredding, Yard Trimmings composting Facility - Recovered materials processing activities shall be limited to collection, sorting, compaction, and shipping. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals or similar materials.* Although LEAP Industries performs the functions of an asphalt plant, their processes and emissions are similar to a manufacturing facility; therefore, the LEAP Industry business warrants consideration of being placed within the M-1 zoning district as a 'Manufacturing Plant.'

Mr. Mark Elliott, CEO of LEAP Industries gave a brief description of what the company does, and explained that they would like to located their company within the M-1 zoning district.

A motion was made after discussion concerning, among other items, Department of Natural Resources permitting.

**BASED ON A THOROUGH REVIEW OF THE ENTIRE RECORD AND THE HEARING BEFORE THIS BODY, I MOVE THAT THE ZONING BOARD OF APPEALS MAKE THE FOLLOWING FINDINGS AND CONCLUSIONS AND APPROVE THE APPEAL OF THE ADMINISTRATIVE DECISION, AND DETERMINE THAT AN ASPHALT RECYCLING FACILITY IS APPROPRIATE FOR M-1 ZONING; AND THAT THIS APPEAL AS GRANTED WILL NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD; GRANTING THIS APPEAL WILL NOT RESULT IN A DETRIMENT TO THE PUBLIC SAFETY OR WELFARE; AND THAT WE MAKE THIS FINDING CONTINGENT ON THE FOLLOWING CONDITIONS; THAT AN ASPHALT RECYCLING FACILITY IS APPROPRIATE FOR M-1 ZONING IF SUCH FACILITY CAN (1) PROVIDE DOCUMENTATION OF EMISSIONS FROM COMPARABLE FACILITY TYPES THAT ARE APPROPRIATE FOR M-1 SO THEY CAN DOCUMENT THAT THEIR EMISSIONS ARE COMPARABLE TO OTHER M-1 TYPE FACILITIES; (2) THAT IN SUCH, ASPHALT RECYCLING FACILITIES PROVIDE CONFIRMATION THAT GEORGIA DEPARTMENT OF NATURAL RESOURCES THAT FACILITIES DOES NOT REQUIRE AN**

**AIR QUALITY PERMIT BECAUSE THE EMISSION LEVELS WOULD BE SO LOW AS THEY FALL BELOW THE REQUIREMENTS AND THEY ARE THEREFORE EXEMPT ; (3) THAT IF AT ANY TIME THAT THE GEORGIA DEPARTMENT OF NATURAL RESOURCES FINDS THAT SUCH AN ASPHALT RECYCLING FACILITY REQUIRES AN AIR QUALITY PERMIT, SUCH FACILITY WILL CEASE OPERATIONS UNTIL SUCH TIME AN AIR QUALITY PERMIT WAS NOT REQUIRED; (4) SUCH AN ASPHALT RECYCLING FACILITY WOULD STORE ALL THEIR RAW AND FINISHED MATERIALS INDOORS.**

**By: Eric Christ**

**Seconded: Marcia Brandes**

**Vote: (5-0) (Christ, Brandes, Knox, Blum, Regmi)**

**CITY BUSINESS ITEMS: Follow-up on 3800 Meadow Green Ct.**

Diana Wheeler, Community Development Director, provided follow-up information, with photographs of the property compliant at 3800 Meadow Green Court.

The Zoning Board of Appeals meeting concluded at 8:46 PM.

Approved,

Attest:

---

Wayne Knox, Chairman

---

Kym Chereck, City Clerk

**V2015-002**

**Peachtree Market**

**City of Peachtree Corners  
Zoning Board of Appeals  
May 20, 2015**

<b>CASE NUMBER:</b>	<b>V2015-002</b>
<b>PROPERTY LOCATION:</b>	<b>6135 Peachtree Parkway 6<sup>th</sup> District, Land Lot 283, Parcel 143</b>
<b>CURRENT ZONING:</b>	<b>C-2</b>
<b>PARCEL SIZE:</b>	<b>5.9 acres</b>
<b>PROPERTY OWNER:</b>	<b>Peachtree Corners Marketplace, LLC</b>
<b>APPLICANT:</b>	<b>Jamie Tyson, Signs of Northwest</b>

**REQUEST**

The applicant requests variances in order to exceed height and setback requirements for a monument sign as follows:

1. Allow a 0 ft. front setback for a 24 ft. high monument sign.
2. Allow a 24 ft. monument sign height instead of the maximum 20 ft. height allowed.

**LOCATION AND BACKGROUND**

The property is located at the northwest corner of Peachtree Parkway and Holcomb Bridge Road and consists of an existing shopping center that the new owners purchased last December with the intent of renovating and filling in vacant tenant spaces. As part of the renovation, the new owners would like to replace the existing shopping center monument sign with one that is taller and closer to Peachtree Parkway. The existing sign is located 46 ft. from the front property line and approximately 50 additional feet from the closest travel lane along Peachtree Parkway (due to excess right-of-way). In addition to the distance, the existing sign is situated at a lower grade than the existing roadway. The 4 ½ ft. grade reduction compounded by the existing landscaping in the right-of-way obscure the visibility of the existing sign. The applicant would like to make the new monument sign as tall as possible and locate it as close to the roadway as it can be placed. Therefore, they have requested a 24 ft. high sign with a zero foot setback. The sign regulations allow a sign up to five feet in height when the sign is placed on the property line (zero foot setback). The sign regulations allow a sign of up to 20 ft. in height; however, those taller signs must be located 20 ft. from the property line.

**VARIANCE REQUIREMENTS**

Sec. 1605.3 identifies specific findings that must be made in order for a variance to be granted. These findings are as follows:

- A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography, and
- B. the application of the Resolution to this particular piece of property would create an unnecessary hardship, and
- C. such conditions are peculiar to the particular piece of property involved, and
- D. such conditions are not the result of any actions of the property owner, and
- E. relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Resolution.

## **ANALYSIS**

The Shopping Center property was developed at a significantly lower elevation than the surrounding roadway and all of the stores are located to the rear of the site. In addition, trees were planted in the right-of-way along Peachtree Parkway which have further obstructed the view into the site. When the center was first developed, a monument sign was placed well into the property and lower than the roadway grade. As the trees along Peachtree Parkway have grown, the center's monument sign has become almost invisible.

The applicant recently purchased the center and is planning to upgrade the facility and add new tenants to reduce the vacancy. Since the retail stores and restaurants in the center are located so far from the roadway, the monument sign is especially important for tenant identification. In addition, an easy-to-read monument sign will help drivers make an informed decision about accessing the center. This could reduce unnecessary vehicular movements along Peachtree Parkway and contribute to roadway safety. The existing sign at its current location is fairly ineffective. Replacing it with a new sign at the same location would not be a benefit to the planned improvements and would not help direct customers to the center. Placing a sign closer to the road in order to overcome the site's topography and some of the existing visual obstructions would help both the store tenants and the public.

## **CONCLUSION**

After reviewing the applicant's proposal and the variance criteria, Staff finds that the added height for a monument sign and its closer location to the roadway can be justified. However, the additional 4 ft. of height requested (from 20 ft. to 24 ft.) over the maximum that the sign ordinance allows may establish an undesirable precedent.



Case Number: \_\_\_\_\_ Received Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

**Variance Application from the Zoning Resolution  
(Zoning Board of Appeals)**

Please complete this application & submit it with all attachments as stated in the Variance Application Guidelines. A variance cannot be processed unless all information accompanies the application; a variance from a condition of zoning or special use cannot be accepted.

Applicant Information	Property Owner Information
Name <u>Northwest Signs</u> Address (all correspondence will be mailed to this address): <u>2176 Cobb Parkway</u> <u>1</u> City <u>Kennesaw</u> State <u>GA</u> Zip <u>30152</u> Phone <u>(770) 424-7729 x103</u>	Name <u>JBL Asset Management</u> Address <u>766 Riverside Drive</u> <u>c/o PEACHTREE CORNERS MARKET PLACE LLC</u> City <u>Coral Springs</u> State <u>FL</u> Zip <u>33071</u> Phone <u>954-309-1855 / 954-346-9494</u>
Contact Person Name: <u>Jamie Tyson</u> Phone: <u>(770) 424-7729 x103</u> Email Address: <u>order@signsofnorthwest.com</u>	
Applicant is the (please check or circle one of the following): <input type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser	

Address of Property 6135 Peachtree Parkway Norcross, GA  
 Subdivision or Project Name Peachtree Marketplace Lot & Block \_\_\_\_\_  
 District, Land Lot, & Parcel (MRN) \_\_\_\_\_  
 Proposed Development Peachtree Marketplace  
 Permit Number (if construction has begun) \_\_\_\_\_  
 Variance Requested \_\_\_\_\_

A complete application includes the following:

- Application Form (1 original and 9 copies)
- Site Plan and/or Boundary Survey (1 original and 9 copies)
- Letter of Intent (1 original and 9 copies)
- Signed & notarized Certification page
- Application Fee
- Adjacent owner(s) written support (1 original and 9 copies)
- Additional Documentation as needed





All Artwork Property of Northwest Signs

CONNECTION TO 120V AC  
MUST BE DONE BY  
QUALIFIED ELECTRICIAN

  
This symbol on the product's nameplate  
means it is listed by  
UNDERWRITERS LABORATORIES INC.

CUSTOMER APPROVAL: \_\_\_\_\_

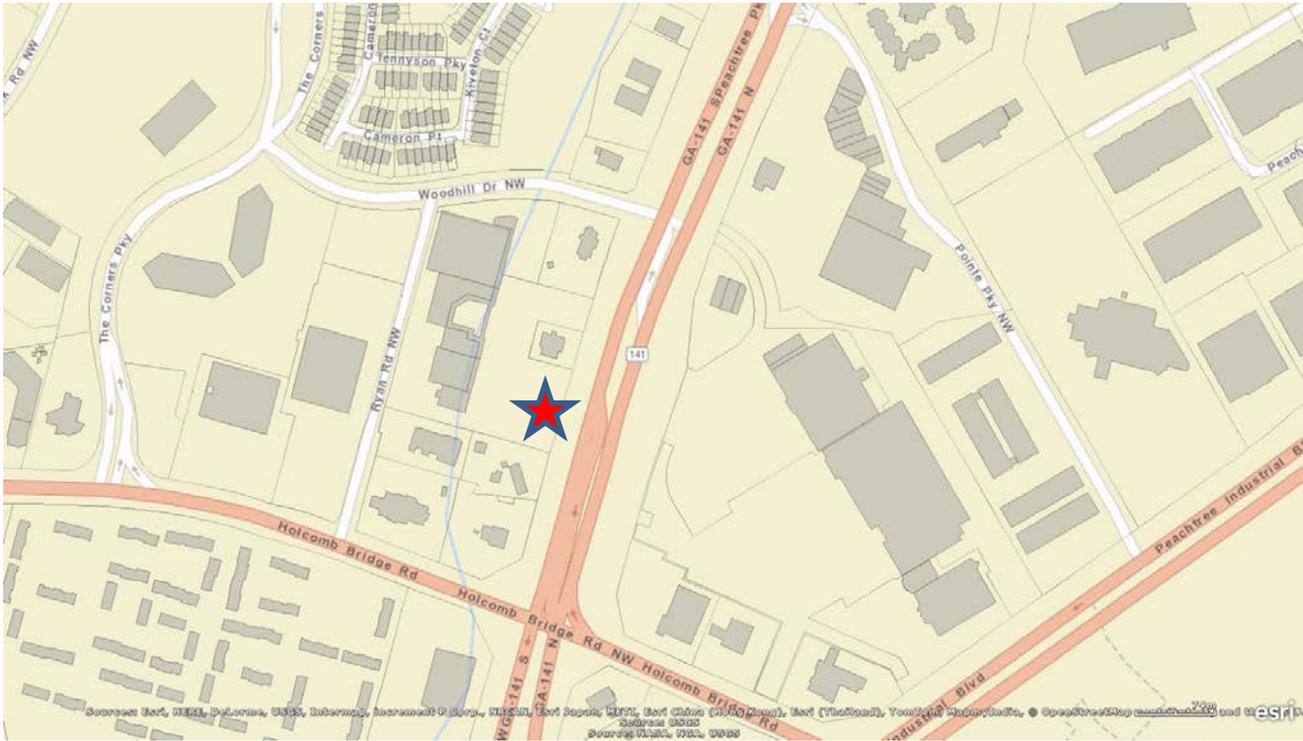
SALES REP APPROVAL: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**PUBLIC HEARING**

**PEACHTREE MARKET**



<b>CASE NUMBER:</b>	<b>V2015-002</b>
<b>HEARING DATE:</b>	<b>ZONING BOARD OF APPEALS</b> <b>MAY 20, 2015</b> <b>7:00 PM</b>
<b>PROPERTY ADDRESS:</b>	<b>6135 PEACHTREE PARKWAY</b>
<b>REQUEST:</b>	<b>VARIANCE TO THE HEIGHT OF A MONUMENT SIGN</b>

**V2015-003**  
**Earth Fare**

**City of Peachtree Corners**  
**Zoning Board of Appeals**  
**May 20, 2015**

<b>CASE NUMBER:</b>	<b>V2015-003</b>
<b>PROPERTY LOCATION:</b>	<b>5270 Peachtree Parkway 6<sup>th</sup> District, Land Lot 301, Parcel 056</b>
<b>CURRENT ZONING:</b>	<b>C-2</b>
<b>PARCEL SIZE:</b>	<b>8.9 acres</b>
<b>PROPERTY OWNER:</b>	<b>Peachtree Parkway Properties, LLC</b>
<b>APPLICANT:</b>	<b>Steven Jarvis, Senior V.P., Real Estate, Earth Fare</b>

**REQUEST**

The applicant requests variances to allow the following:

1. A 5 ft. setback instead of the required 20 ft. setback for a 20 ft. high monument sign along Peachtree Parkway.
2. A 10 ft. setback instead of the required 20 ft. setback for a 20 ft. high monument sign along Peachtree Corners Circle.
3. 192 sq. ft. of wall signs instead of a maximum of 100 sq. ft. of wall signs on the Earth Fare building

**LOCATION AND BACKGROUND**

The property is located in the southeast corner of Peachtree Parkway and Peachtree Corners Circle in the Village at Peachtree Corners (formerly the Interlochen Shopping Center) in the space formerly occupied by Office Max.

Peachtree Corners is Earth Fare’s first Atlanta metro area location and they opened for business on 1/14/15. In the first five months of operations, Earth Fare has been disappointed in their sales and attributes their lower earnings to poor signage visibility. They note that trees planted along the property perimeter obscure both the wall signage and the monument signs. In addition, the primary sign along Peachtree Parkway is set further back and located at a higher elevation than the roadway.

**VARIANCE REQUIREMENTS**

Sec. 1605.3 identifies specific findings that must be made in order for a variance to be granted. These findings are as follows:

- A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography, and

- B. the application of the Resolution to this particular piece of property would create an unnecessary hardship, and
- C. such conditions are peculiar to the particular piece of property involved, and
- D. such conditions are not the result of any actions of the property owner, and
- E. relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Resolution.

## **ANALYSIS**

The Shopping Center property was developed at a higher grade than the surrounding roadway and the anchor store building was placed to the rear of the site. These two factors affect visibility and they were compounded by a third visibility inhibiting factor when trees planted along Peachtree Corners Circles matured over time and obstructed the view into the site. As a result, it is challenging for vehicle drivers to see store names while traveling along Peachtree Parkway, especially the anchor store located at the rear of the center.

In order to compensate for the store's distance from the roadway and the partially obstructed view corridor associated with the site, Earth Fare would like to increase the height of their monument signs (while staying within the signs' size limit of 150 sq. ft.). The sign ordinance allows 20ft. high signs, but they must be located 20 ft. from the property line. The sign ordinance also allows signs to be placed on the property line; however, those signs cannot exceed 5 ft. in height. Earth Fare would like to have the 20 ft. high signs the ordinance allows, but located closer to the property line (0 ft. along Peachtree Parkway and 10 ft. along Peachtree Corners Circle) than the required 20 ft.

In addition, Earth Fare would like to increase the amount of wall signage they are permitted. The additional wall signage would be spread across two bays of the shopping center in order to more accurately reflect the amount of space that Earth Fare occupies in the center. Currently, all of Earth Fare's signage is over its front door, on the north half of its space. So, from the exterior, the store appears smaller than it actually is. The additional wall signage will allow Earth Fare to have a greater presence from the roadway and clearly show itself to be the anchor tenant in the center.

## **CONCLUSION**

After reviewing the applicant's proposal and the variance criteria, Staff finds that the variances requested can be justified.



CITY OF  
**Peachtree  
CORNERS**  
Innovative & Remarkable

CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT

147 Technology Parkway, Suite 200, Peachtree Corners, GA 30092  
Tel: 678.691.1200 | [www.cityofpeachtreecornersga.com](http://www.cityofpeachtreecornersga.com)

Case Number: V 2015-003 Received Date: 5/1/15 Hearing Date: 5/20/15

RECEIPT # 456146

**Variance Application from the Zoning Resolution  
(Zoning Board of Appeals)**

Please complete this application & submit it with all attachments as stated in the Variance Application Guidelines. A variance cannot be processed unless all information accompanies the application; a variance from a condition of zoning or special use cannot be accepted.

Applicant Information	Property Owner Information
Name <u>EARTH FARE</u>	Name <u>PEACHTREE PARKWAY PROPERTIES, LLC</u>
Address (all correspondence will be mailed to this address): <u>220 CONTINUUM DRIVE</u>	Address <u>450 N. ROXBURY DRIVE</u>
City <u>FLETCHER</u>	City <u>BEVERLY HILLS</u>
State <u>NC</u> Zip <u>28732</u>	State <u>CA</u> Zip <u>90210</u>
Phone <u>828-281-4800</u>	Phone <u>310-247-0550</u>
Contact Person Name: <u>STEVEN JARVIS</u> Phone: <u>828-281-4800</u>	
Email Address: <u>steven.jarvis@earthfare.com</u>	
Applicant is the (please check or circle one of the following): <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser	

Address of Property 5270 PEACHTREE PARKWAY  
 Subdivision or Project Name VILLAGE AT PEACHTREE CORNERS Lot & Block LOT 31 OF THE 6<sup>TH</sup> DISTRICT OF  
 District, Land Lot, & Parcel (MRN) PARCEL ID R6301 056 GWINNETT COUNTY  
 Proposed Development \_\_\_\_\_  
 Permit Number (if construction has begun) \_\_\_\_\_  
 Variance Requested SIGNAGE VARIANCE

A complete application includes the following:

- Application Form (1 original and 9 copies)
- Site Plan and/or Boundary Survey (1 original and 9 copies)
- Letter of Intent (1 original and 9 copies)
- Signed & notarized Certification page
- Application Fee
- Adjacent owner(s) written support (1 original and 9 copies)
- Additional Documentation as needed

Innovative & Remarkable

CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT  
147 Technology Parkway, Suite 200, Peachtree Corners, GA 30092  
Tel: 678.691.1200 | [www.cityofpeachtreecornersga.com](http://www.cityofpeachtreecornersga.com)

Applicant Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608).

[Signature] 4/29/15  
Signature of Applicant Date  
Ry L. Olson, Director  
Typed or Printed Name & Title

Notary Seal

\_\_\_\_\_  
Signature of Notary Public Date

Property Owner Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608). I, as the property owner, authorize the above noted applicant to represent me with regards to this application.

[Signature] 4/29/15  
Signature of Property Owner Date  
Ry L. Olson, Director  
Typed or Printed Name & Title

Notary Seal

\_\_\_\_\_  
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: \_\_\_\_\_ By: \_\_\_\_\_

Related Cases & Applicable Conditions:

\_\_\_\_\_  
Variance Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles s.s.

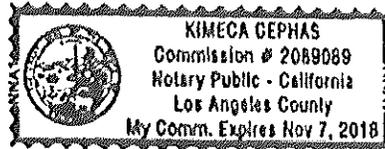
On April 29, 2015 before me, KIMECA CEPHAS, Notary Public,  
personally appeared Ry Olson

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kimeca Cephas



### OPTIONAL INFORMATION

#### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Application  
Certification

containing 1 pages, and dated 4/29/15

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other

representing: \_\_\_\_\_

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:  
 form(s) of identification  credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

Other

Additional Signer  Signer(s) Thumbprints(s)



April 29, 2015

City of Peachtree Corners  
Attn: Diana Wheeler  
Community Development Director  
147 Technology Parkway, Suite 200  
Peachtree Corners, GA 30092

RE: Signage Variance Letter of Intent  
Village at Peachtree Corners

Dear Mrs. Wheeler,

We are proposing a signage variance to allow the relocation and replacement of the existing pylon sign on Peachtree Parkway, the replacement of the existing pylon sign on Peachtree Corners Circle, the enlargement of the existing store front signage and the addition of new store front signage.

The two proposed, new pylon signs and the proposed store front signage will be of the size and configuration noted on the attached pylon sign renderings. They will be back lit and constructed in a first class manner.

We are requesting this variance due to the following extraordinary and exceptional conditions that limit this site:

1. Due to the large right of way setback visibility of the signs is limited and by the time traffic sees the signs they are past the right in right out entrance off Peachtree Corner Parkway.
2. Visibility of the signs is compounded by the large number of trees that are located on adjoining parcels.
3. Traffic congestion on Peachtree Parkway is so heavy during rush hour traffic that the lack of visibility to the signage causes an unsafe driving condition. Customers have a very limited window to make the necessary lane changes to get into the center once they are able to see the signs.



4. The signage visibility will continue to decrease with the addition of the building on the hard corner out parcel which is not a part of the center.
5. The existing pylon signs are old and contain a large number of small panels which only add to confusion. The new signs will have fewer panels and will be easier to read from the road which will help with traffic safety.

The current Zoning Code Standards creates an unnecessary hardship for the following reasons:

1. With respect to the pylon signs, the setback requirement to allow a twenty foot tall pylon sign positions the sign on the site where it is blocked by the trees on the adjoining parcels. Furthermore, if the sign were placed at the edge of the right of way setback it is limited to only five feet in total height. This size limitation would make the individual panels so small, even with the reduced number of panels, that traffic would have a hard time reading the sign making for unsafe driving conditions.
2. With respect to the store front signage, the allowable size of the sign by code makes to sign small and indistinguishable when compared to the overall size of the store front. Furthermore, due to the architectural configuration of the building half of the store front has signage and the other half just looks like a vacant box. Our goal is to get meaningful signage that lets customers know that we are large grocery anchor in the center and that there is not a large vacant space adjacent to our space. The trees on the adjoining parcels and the future addition of a building on the hard corner out parcel compounds the problems with the store front visibility.

The conditions that this site faces are unique to this property for the following reasons:

1. Traffic congestion is heavy on this portion of Peachtree Parkway. Especially during peak shopping times.
2. There are a large number of trees on adjoining property which we have no control over.



3. There are a limited number of points of ingress and egress to this center and ingress and egress cannot be improved over what is currently in place.

The conditions that are in place at this time are not a result of the property owner for the following reasons:

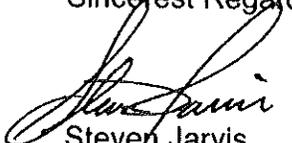
1. The property owner has no control over the traffic on Peachtree Parkway.
2. The property owner does not own the property where the trees that block visibility are currently located.
3. The points of ingress and egress are dictated by code.

Should the variance relief be granted there would be no detriment to the public good or impair the purpose and intent of the Zoning Code. This variance will actually enhance the public good for the following reasons:

1. It will provide traffic on Peachtree Parkway with better visibility to the center allowing for safer driving conditions.
2. The construction of the signs will be new and more aesthetically pleasing.
3. The limitation on the total number of panels will make the signs easier to read increasing safety.
4. The new signage will convey to the public that this center is a vibrant center open for business and anchored by a natural and organic grocery store which promotes health and wellness in the community.

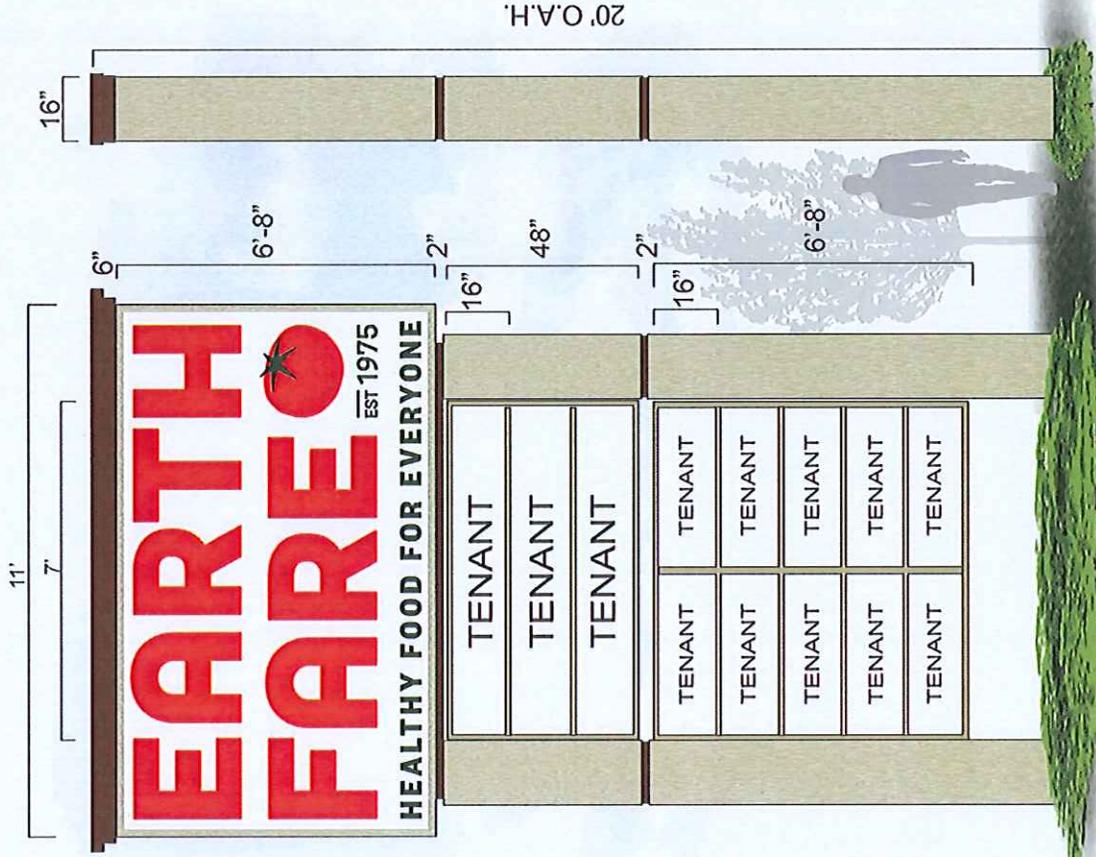
We appreciate your attention to this matter and we hope that you will agree that this variance is necessary and a positive approval for the City of Peachtree Corners.

Sincerest Regards,

  
Steven Jarvis  
SVP Real Estate  
Earth Fare



150 Sq Ft



Custom topper

Double Sided: Internally illuminated cabinet with LED Pana Flex faces and custom graphics

2" Reveal

2" Reveal

Internally illuminated Flat acrylic faces and custom graphics

Custom 16" pole covers

New poles and foundation

Color Sample and Color Specifications	
MAIN ID FACES:	PMS186/GREEN
REVEAL:	BROWN
CABINET:	TAN STUCCO
ACRYLIC:	WHITE
RETURNS:	
TRIMCAPS:	
LED:	RED/WHITE
RACEWAY:	
Power	
120 V	LED 12v or T12 lamps
General Information	
(PRINTED COLORS ARE FOR CONCEPTUAL USE ONLY) ACTUAL COLORS TO BE CONFIRMED	

SCALE 3/16"=1'



11801 Anderson Road Greenville, SC 29611  
864 295 2287 Fax: 864 269 7711  
www.masstarsigns.com

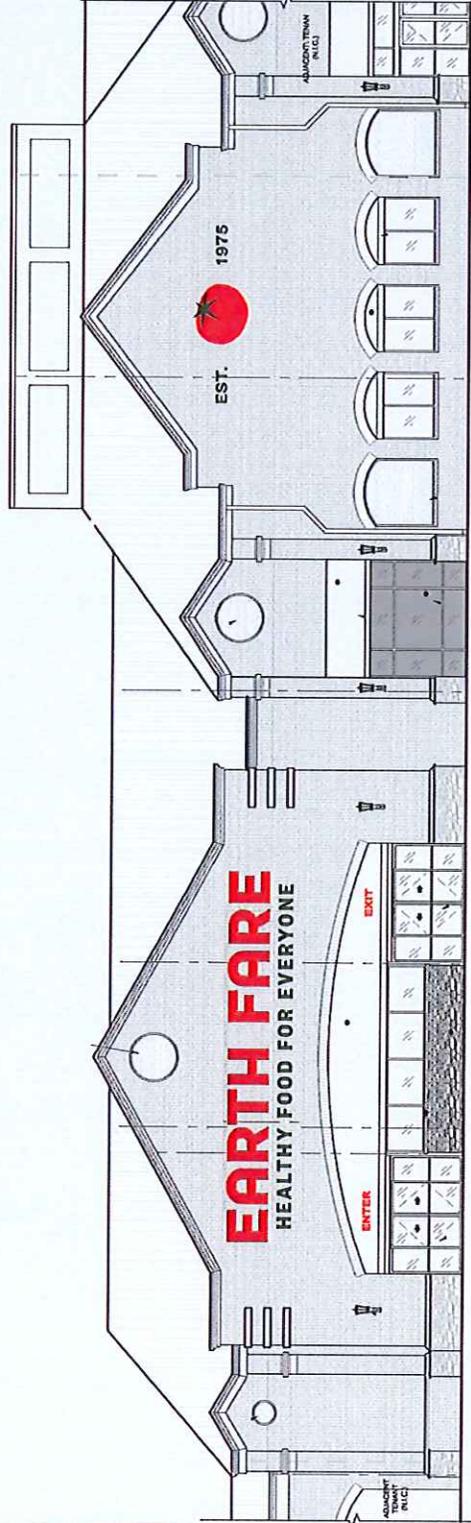
SIGN LAYOUT PYLON



CLIENT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_ LANDLORD APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

SALESPERSON: Mark Browning

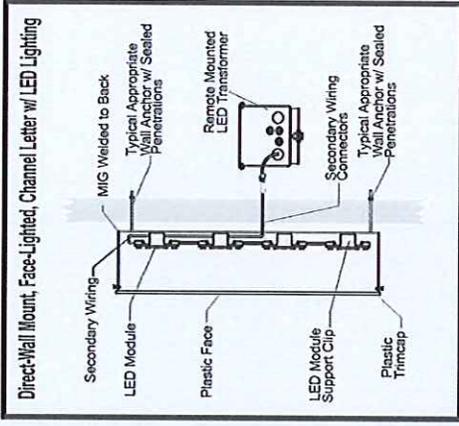
© 2011 Masstar Sign Corporation. All rights reserved. This design is the property of Masstar Sign Corporation and may not be reproduced in any way without written permission by Masstar Sign Corporation.



**PROPOSED ELEVATION**

FOR CONCEPTUAL USE ONLY

NOT TO SCALE



**Color Sample and Color Specifications**

MAIN ID FACES:	PMS186/PMS350
REVEAL:	
CABINET:	
ACRYLIC:	
RETURNS:	BLACK
TRIMCAPS:	BLACK
LED:	WHITE
RACEWAY:	
Power:	Illumination
120 V	LED 12v or T12 lamps

**General Information**

**SIGN LAYOUT**

Qty (1) Set: Internally illuminated channel letters with red flat acrylic faces, black trim caps, and black returns individually mounted

**SIGN LAYOUT** EXTERIOR SIGN

Qty (1) Set: Internally illuminated channel letters with flat red acrylic faces, black trim caps, and black returns individually mounted

(PRINTED COLORS ARE FOR CONCEPTUAL USE ONLY)  
ACTUAL COLORS TO BE CONFIRMED



11801 Anderson Road Greenville, SC 29611  
864 295 2287 Fax: 864 269 7711  
www.masstarsigns.com

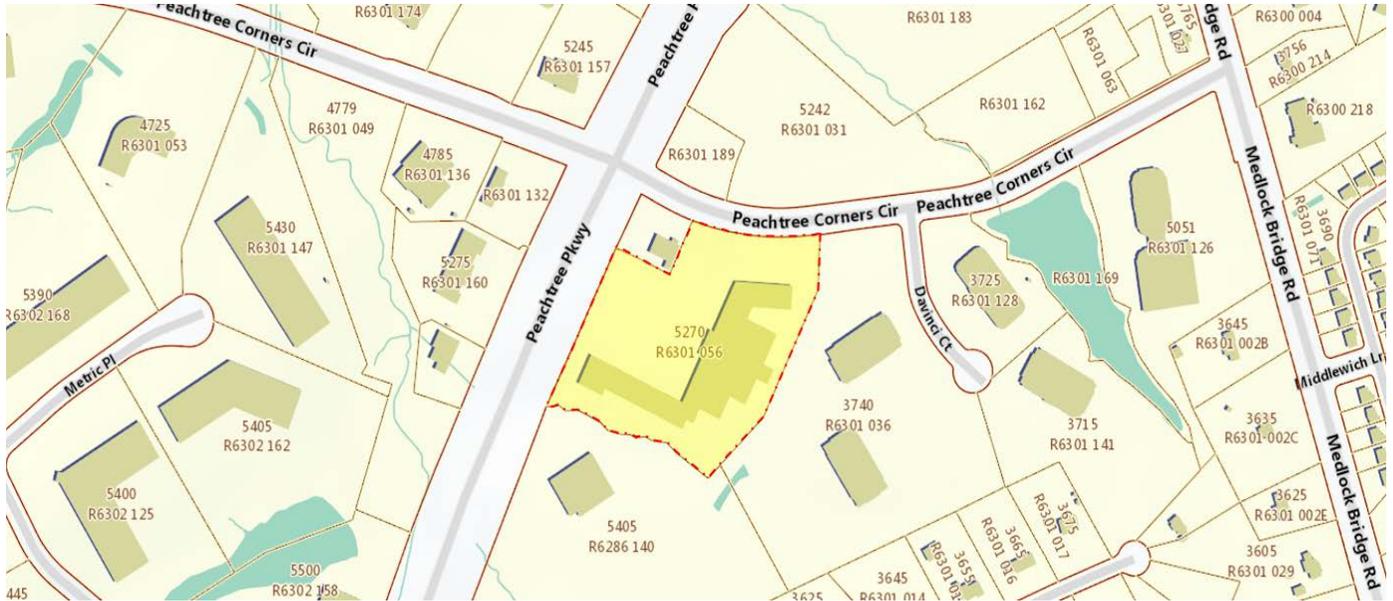
CLIENT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_ LANDLORD APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 SALES PERSON: Mark Browning





## **PUBLIC HEARING**

### **EARTH FARE**



**CASE NUMBER:**

**V2015-003**

**ZONING BOARD OF APPEALS**

**HEARING DATE:**

**MAY 20, 2015  
7:00 PM**

**PROPERTY ADDRESS:**

**5270 PEACHTREE PARKWAY  
6301 056**

**REQUEST:**

**VARIANCES TO HEIGHT AND SETBACK  
REQUIREMENTS FOR MONUMENT SIGNS AND SIZE  
REQUIREMENTS FOR WALL SIGNS**