



ZONING BOARD OF APPEALS AGENDA

**April 15, 2015
7:00 PM
CITY HALL**

A. Roll Call

B. Approval of Minutes: March 18, 2015

C. Old Business:

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

D. 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.**

E. City Business Items: Follow-up on 3800 Meadow Green Ct.

F. Comments by Board Members.

G. Adjournment.

CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS
March 18, 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 September 17, 2014 Minutes.

MOTION TO APPROVE THE SEPTEMBER 17, 2014 MINUTES.

By: Eric Christ

Seconded: Marcia Brandes

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

NEW BUSINESS:

- V2015-001 4324 Ridgeway Variance to Zoning Code Section 1401, Minimum Yard Requirements, for property located at 4324 Ridgeway Drive, Peachtree Corners, GA., 6th 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.**

Diana Wheeler, Community Development Director, presented the case to the Board. Mrs. Wheeler provided background information regarding the applicant's request. The applicant is requesting a variance to allow a reduction in the front setback from the required 75 ft. setback to 55 ft. There is an existing house on the property and the owners would like to remove it and build a new house. The R-100 zoning classification requires a front setback of 35 ft.; however when the Riverview Estates Subdivision plat was recorded in 1972, it required that residential front setbacks be a minimum of 75 ft. The existing home has a front setback of 92 ft. Plans for the proposed new home show a 55 ft. front setback. The portion of the proposed new home that encroaches into the 75 ft. front setback is the garage adjacent to the semi-circular driveway. Mrs. Wheeler presented three drawings depicting the reasoning for the variance request. The first drawing depicts the existing

home with current conditions. The second drawing depicts the limited portion of the property that is buildable if all of the required setbacks are maintained. The final drawing depicts the proposed home with the front and rear setback variances in place. At Staff's request, the applicant contacted adjoining property owners to advise them of this variance application. The applicant provided signed letters from the three closest property owners indicating that they have no objections to the requested front setback variance.

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, gave a brief history of the site and requested that the variance be approved so building can commence. Mr. Dean stated that if the variance was not granted the home would be built out of proportion and would be extremely wide, making it aesthetically displeasing.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. Mr. Aaron Kappler of Thompson, O'Brien, Kemp & Nasuti stated that the public notice requirements had been followed, and that there were three letters of support for this variance, all from surrounding property owners.

Mr. Sid Johnson of 4328 Riverview Drive, Ms. Laurie Wakefield of 4228 Riverview Drive, Mr. Jim Wueste of 4669 Rivers Court, Mr. Bill Vining of 4185 Gatewood Lane, and Ms. Leslie Johnson of 4328 Riverview Drive all requested that this item be tabled in order to seek Council, and also to see the site plan and elevations for the proposed house.

A motion was made after Chairman Knox encouraged the applicant to meet with the Homeowners Association and share his proposed site plan and elevations.

I MOVE THAT WE TABLE THIS MATTER TO A FUTURE HEARING, WITH A DATE CERTAIN FOR OUR NEXT MEETING OF APRIL 15, 2015, AND THIS MATTER WOULD COME BACK BEFORE THIS BOARD AT THAT NEXT MEETING.

By: Eric Christ

Seconded: Marcia Brandes

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

The Zoning Board of Appeals meeting concluded at 8:27 PM.

Approved,

Attest:

Wayne Knox, Chairman

Kym Chereck, City Clerk

V2015-001
4324 Ridgeway

City of Peachtree Corners
Zoning Board of Appeals
March 18, 2015

CASE NUMBER:	V2015-001
PROPERTY LOCATION:	4324 Ridgegate Drive 6th District, Land Lot 329, Parcel 028
CURRENT ZONING:	R-100
PARCEL SIZE:	1.1 acres
PROPERTY OWNER:	Tony Rogers
APPLICANT:	Greg Dean – 770-271-5772

REQUEST

The applicant requests a variance to allow a reduction in the front setback from the required 75 ft. to 55 ft.

LOCATION AND BACKGROUND

The property is located in the Riverview Estates Subdivision, within the Chattahoochee River Corridor. There is an existing house on the property and the owners would like to remove it and build a new home. According to tax records, the existing house on the property has 3351 sq. ft. and was built in 1980.

The R-100 zoning classification requires a front setback of 35 ft.; however when the Riverview Estates Subdivision plat was recorded in 1972, it required that residential front setbacks be a minimum of 75 ft. The existing home has a front setback of 92 ft. Plans for the proposed new home show a 55 ft. front setback. The portion of the proposed new home that encroaches into the 75 ft. front setback is the garage adjacent to the semi-circular driveway.

When the Riverview Estates Subdivision was originally platted, there were no state mandated requirements for construction distances away from the Chattahoochee River. However, the Metropolitan River Protection Act (MRPA) was adopted in 1973 and this regulation has had a significant impact on all development along the Chattahoochee River. One of the provisions of MRPA is that a 150 ft. impervious setback must be maintained between the river and any construction. The current home is located 94.1 ft. from the river. Setting back the new home an additional 56 ft. would severely limit the size of the house. Further, if the 75 ft. front setback were also applied, the lot would be left undevelopable, with only a 20 ft. wide buildable area. In order for the lot to be buildable, variances would be required for either the front, the rear, or both setbacks. Since encroaching too far into the rear setback could have a potentially negative environmental impact and encroaching too far into the front would put the house too close to the street, the property owner is requesting smaller variances to each setback.

The Atlanta Regional Commission (ARC) has jurisdiction over encroachments into the 150 ft. setback to the rear of the property. They have reviewed and approved the applicant's request for a reduction from the required 150 ft. rear setback to a 100 ft. rear setback. The ZBA has jurisdiction over the front setback and so this application only involves the front setback reduction request.

The applicant has submitted three drawings that are helpful in understanding the reason for the variance request. The first drawing shows the existing conditions and the location on the property of the current home. The second drawing shows the very limited portion of the property that is buildable if all of the required setbacks are maintained. The final drawing shows the proposed home with the front and rear setback variances in place.

At Staff's request, the applicant contacted adjoining property owners to advise them of this variance application. The applicant provided signed letters (attached to the application) from the three closest property owners indicating that they have no objections to the requested front setback variance.

VARIANCE REQUIREMENTS

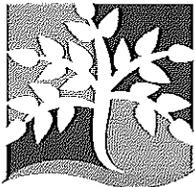
Sec. 1605.3 identifies specific findings that must be made in order for a variance to be granted. These findings are as follows:

- 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.

CONCLUSION

The property owner would like to remove an older home and replace it with one that will improve property values in the Riverview Estates neighborhood. Staff has reviewed aerial imagery of homes along Ridgeway Drive and finds that the home proposed by the applicant is comparable to most homes along the street. Granting the setback variance would not provide the property owner with an opportunity to build a home that is larger than others or out of character with the neighborhood. Further, the exact placement of the fronts of the existing homes along the street vary somewhat and don't maintain a strict, uniform appearance. This means that granting the variance would not result in a home that stood out or whose location was unusual within the neighborhood.

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.



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>Greg Dean</u>	Name <u>Tony Rogers</u>
Address (all correspondence will be mailed to this address): <u>4195 South Lee Street,</u> <u>Suite I.</u>	Address <u>4324 Ridgegate Drive</u>
City <u>Buford</u>	City <u>Peachtree Corners</u>
State <u>Ga</u> Zip <u>30518</u>	State <u>Ga.</u> Zip <u>30097</u>
Phone <u>770-271-5772</u>	Phone <u>770-722-4817</u>
Contact Person Name: <u>Greg Dean</u> Phone: <u>770-271-5772</u>	
Email Address: <u>gdean@boundaryzone.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 4324 Ridgegate Drive, Peachtree Corners, Ga. 30097

Subdivision or Project Name Riverview Estates Lot & Block L32, B 'E'

District, Land Lot, & Parcel (MRN) 6th Dist, LL 329, Parcel R6329 028

Proposed Development Single Family Home

Permit Number (if construction has begun) _____

Variance Requested Reduction of front setback to 55' from right-of-way

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



City of Peachtree Corners
Attention: Lynn Pierson
147 Technology Parkway
Suite 200
Peachtree Corners, GA 30092

December 3, 2014

Re: Letter of Intent for Variance request related to 4324 Ridgeway Drive, Peachtree Corners GA

Dear Lynn,

Hope all is well and that you had a Happy Thanksgiving.

The owners, Mr. & Mrs. Tony Rogers, of 4324 Ridgeway Drive, Peachtree Corners GA. also designated as Lot 32, Block 'E', Unit 3 of the Riverview Estates Subdivision Land Lot 329, 6th District of Gwinnett County Georgia, are requesting a variance to the 75' front yard setback for their property. I have prepared the following explanation as to why a variance is necessary for the building of their new home on the subject property. In short, there is not enough buildable area available to the property to build a proper home due to site constraints, building setbacks and buffers. Although the current zoning regulations for the property allows for a setback to be located at 35' behind the right of way, the current plat only allows for the home to be located behind the 75' setback as shown on the final plat dated January 20th, 1972 and it is the final plat which supersedes the Zoning for the property in this case.

They are formally requesting that the front yard setback of 75', as shown on the final subdivision plat, dated January 20th, 1972, be reduced to 55' front yard setback for the following reason:
The current 75' front setback along with the 150' impervious setback, located along the Chattahoochee River, designated by the Metropolitan River Protection Act (MRPA) of 1973, adversely impacts the lot by significantly reducing the area designated as "Current Buildable Area" to a point where a home relative to the surrounding community standards cannot be constructed.

Attached to this letter are several Exhibits. The first is titled Exhibit 'A' Existing Conditions Survey prepared by Boundary Zone dated 10/6/14 showing the 75' front building setback and 20' side yard setback lines as depicted in the final plat dated January 20th, 1972. Also shown on this plan is the existing home, current driveway location, trees, topography, boundary information, 100 year flood line and the 150' impervious buffer setback from the Chattahoochee River as established in the Metropolitan River Protection Act of 1973. As shown, the current house lies well beyond the 150' impervious setback and slightly in front of the 75' building setback. When this plat was prepared, the Metropolitan River Protection Act had not yet been established and therefore did not adversely impact the proposed home slated for construction in 1972. In 1973 the Metropolitan River Protection Act was implemented and now has created a 150' Impervious Setback from the River which prohibits any type of structure to be built within this impervious buffer area. Their request is for a variance on the front setback of 75' to 55' to allow the Rogers to build a new home on the property without adversely affecting the 150' buffer located along the Chattahoochee River.

www.BoundaryZone.com

4195 South Lee Street, Suite I, Buford, GA 30518 - 770-271-5772
235 Peachtree Street NE, Suite 400, Atlanta, GA 30303 - 404-446-8180
2205 Candun Drive, Suite C, Apex, NC 27523 - 919-363-9226
General Fax - 770-271-5753 / Corporate Fax - 678-730-4395

The second drawing is titled Exhibit 'B' Current Buildable Area. This plan shows the current area available for constructing a new home on the site. This lot was developed pre act of the Metropolitan River Protection Act of 1973 and was not subject to the current restrictions that the Act currently places upon the property. The home was permitted through Gwinnett County permit department, constructed and ultimately received a certificate of occupancy. The current hose is as close as 94' to the wrested vegetation along Chattahoochee River. With the 75' front setback and the 150' impervious setback from the river, the average depth of the buildable area available under the current conditions is approximately 24'. Although the width of the buildable area is adequate for our needs, it is the depth of the buildable area, ranging from 18.5' to 26', which causes an extreme hardship for the Rogers. This means that the total depth of the house itself can only be 18.5 to 26' depending upon its location in the buildable area and this impact renders the lot unbuildable as per the current building standards of the community.

The third drawing is titled Exhibit 'C' Proposed Variance Request. This plan shows Mr. & Mr. Rogers proposed home and amenities as they would like to have placed upon their property. Their proposed home requires a reduction in the front yard setback from 75' to 55' to allow them an opportunity to build a home without overly impacting the 150' Impervious Setback that runs along the Chattahoochee River, located in the rear yard.

There have been other homes within the neighborhood that have sought and received similar variances from either the City of Peachtree Corners or Gwinnett County and we feel that this request is not outside the parameters or guidelines of the existing community and its current zoning regulations. Even though current zoning regulations allows for the front yard setback to be 35', Mr. & Mrs. Rogers are only requesting a variance to relocate the building setback to 55' instead 75' as stated on the final plat. We are seeking this variance because the Metropolitan River Protection Act has placed, post development, a 150' impervious buffer along the Chattahoochee River and combining that encumbrance along with the current building setback for the front of 75' does not allow for a proper building site.

I would enjoy the opportunity to meet with you if you should have any questions please call me.

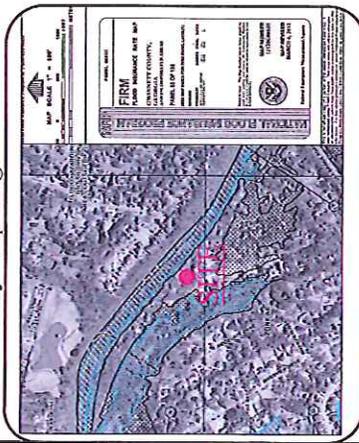
Best Regards,



Gregory L. Dean, RLA



Vicinity Map



FIRM Panel Vignette



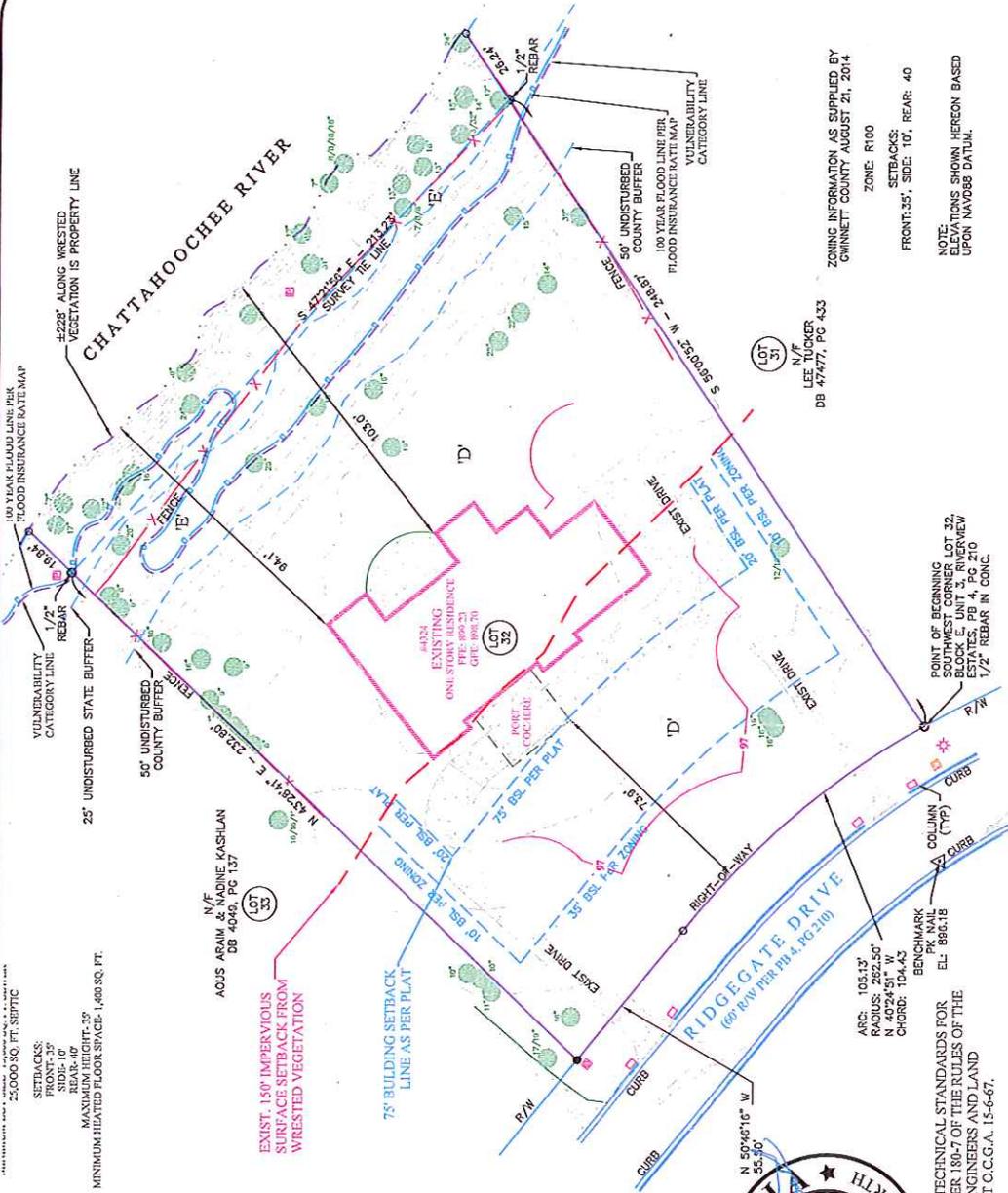
- TREE LEGEND
- PINE
- HARDWOOD

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

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THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.



25,000 SQ. FT. SEPTIC
SETBACKS:
FRONT: 35'
SIDE: 10'
REAR: 10'
MAXIMUM HEIGHT: 35'
MINIMUM SPACED FLOOR SPACE: 1,400 SQ. FT.

AOUS ARAM & NADINE KASHLAN
DB 4040, PG 137

EXIST. 150' IMPERVIOUS SURFACE SETBACK FROM WRESTED VEGETATION

75' BUILDING SETBACK LINE AS PER PLAT

10' BSL PER PLAT

35' BSL PER PLAT

75' BSL PER PLAT

10' BSL PER PLAT

20' BSL PER PLAT

35' BSL PER PLAT

50' BSL PER PLAT

75' BSL PER PLAT

100' BSL PER PLAT

150' BSL PER PLAT

200' BSL PER PLAT

250' BSL PER PLAT

300' BSL PER PLAT

350' BSL PER PLAT

400' BSL PER PLAT

450' BSL PER PLAT

500' BSL PER PLAT

550' BSL PER PLAT

100 YEAR FLOOD LINE PER FLOOD INSURANCE RATE MAP

4228' ALONG WRESTED VEGETATION IS PROPERTY LINE

CHATTAHOOCHEE RIVER

25' UNDISTURBED COUNTY BUFFER

50' UNDISTURBED COUNTY BUFFER

100 YEAR FLOOD LINE PER FLOOD INSURANCE RATE MAP

VULNERABILITY CATEGORY LINE

100 YEAR FLOOD LINE PER FLOOD INSURANCE RATE MAP

50' UNDISTURBED COUNTY BUFFER

100 YEAR FLOOD LINE PER FLOOD INSURANCE RATE MAP

VULNERABILITY CATEGORY LINE

100 YEAR FLOOD LINE PER FLOOD INSURANCE RATE MAP

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VULNERABILITY CATEGORY LINE

100 YEAR FLOOD LINE PER FLOOD INSURANCE RATE MAP

50' UNDISTURBED COUNTY BUFFER

100 YEAR FLOOD LINE PER FLOOD INSURANCE RATE MAP

VULNERABILITY CATEGORY LINE

LOT 32
N/E TUCKER
DB 47477, PG 433

ZONE: R100
SETBACKS:
FRONT: 35', SIDE: 10', REAR: 40

NOTE:
ELEVATIONS SHOWN HEREON BASED UPON NAVD83 DATUM.

ZONING INFORMATION AS SUPPLIED BY CHWNETT COUNTY AUGUST 21, 2014

4195 SOUTH LEE STREET
SUITE 1,
BUFORD, GA 30518
BOUNDARY
zone inc.
LAND SURVEYING SERVICES,
& LAND PLANNING
235 PEACHTREE STREET NE
SUITE 400,
ATLANTA, GA 30303
WWW.BOUNDARYZONE.COM
(770) 271-5772 / (919) 363-9226
2208-C CANDLUN DRIVE
APEX, NC 27523

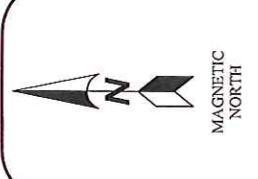


EXHIBIT 'A' EXISTING CONDITIONS SURVEY
PREPARED FOR: TONY ROGERS
4324 RIDGEGATE DRIVE, PEACHTREE CORNERS, GA 30097.
LOT 31, BLOCK D RIVERVIEW ESTATES, UNIT 3, LAND LOTS 319 & 329, 6TH DISTRICT, GWINNETT COUNTY, GEORGIA.
DATE 12/04/14

PROJECT
15425.01
SHEET
1 OF 1

City of Peachtree Corners
Attention: Lynn Pierson
147 Technology Parkway
Suite 200
Peachtree Corners, GA 30092

Re: Approval Letter for Variance request for 4324 Ridgeway Drive, Peachtree Corners GA

To the City of Peachtree Corners,

I, Lee Tucker, am the legal owner of the property located at 4312 Ridgeway Drive, Peachtree Corners, GA 30097-2318 with the following legal description: Lot 31 Block 'E', Unit 3 of the Riverview Estates Subdivision Land Lot 329, 6th District of Gwinnett County Georgia which is an adjoining property to the subject property located at 4324 Ridgeway Drive, Peachtree Corners GA 30097-2318. I am aware that a reduction of the required front yard setback is being applied for at the subject property and I have reviewed the plans presented to me by the petitioner for the proposed reduction of the front yard setback.

I have no objection to granting my consent for the reduction of the front yard setback from 75' to 55' per the request for variance from the owner of the subject property.

Sincerely,



Printed Name: R. Lee Tucker, Jr. Date: Nov. 20, 2014

City of Peachtree Corners
Attention: Lynn Pierson
147 Technology Parkway
Suite 200
Peachtree Corners, GA 30092

Re: Approval Letter for Variance request for 4324 Ridgeway Drive, Peachtree Corners GA

To the City of Peachtree Corners,

I, Araim Aous, am the legal owner of the property located at 4344 Ridgeway Drive, Peachtree Corners, GA 30097-2318 with the following legal description: Lot 33, Block 'E', Unit 3 of the Riverview Estates Subdivision Land Lot 329, 6th District of Gwinnett County Georgia which is an adjoining property to the subject property located at 4324 Ridgeway Drive, Peachtree Corners GA 30097-2318. I am aware that a reduction of the required front yard setback is being applied for at the subject property and I have reviewed the plans presented to me by the petitioner for the proposed reduction of the front yard setback.

I have no objection to granting my consent for the reduction of the front yard setback from 75' to 55' per the request for variance from the owner of the subject property.

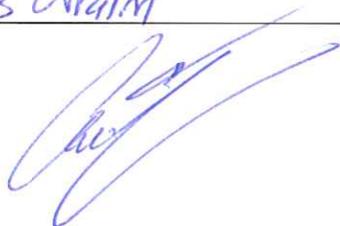
Sincerely,

Printed Name:

Aous Araim

Date:

11/14/2014



City of Peachtree Corners
Attention: Lynn Pierson
147 Technology Parkway
Suite 200
Peachtree Corners, GA 30092

Re: Approval Letter for Variance request for 4324 Ridgegate Drive, Peachtree Corners GA

To the City of Peachtree Corners,

I, Dexter R. Floyd, am the legal owner of the property located at 4325 Ridgegate Drive, Peachtree Corners, GA 30097-2318 with the following legal description: Lot: 23 Block 'E', Unit 3 of the Riverview Estates Subdivision Land Lot 329, 6th District of Gwinnett County Georgia which is an adjoining property across the street to the subject property located at 4324 Ridgegate Drive, Peachtree Corners GA 30097-2318. I am aware that a reduction of the required front yard setback is being applied for at the subject property and I have reviewed the plans presented to me by the petitioner for the proposed reduction of the front yard setback.

I have no objection to granting my consent for the reduction of the front yard setback from 75' to 55' per the request for variance from the owner of the subject property.

Sincerely,



Printed Name:

Dexter R. Floyd

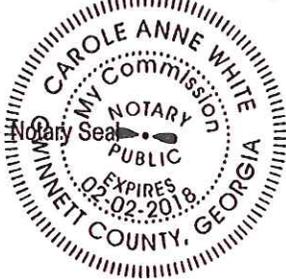
Date:

11/22/14



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] 10-16-14
Signature of Applicant Date

GREGORY L. DEAN
Typed or Printed Name & Title

Carole Anne White 10-16-2014
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] 10/14/14
Signature of Property Owner Date

Tony R. [Signature]
Typed or Printed Name & Title

P. W. S. 10-14-2014
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Variance Description: _____

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT**

147 Technology Parkway, Suite 200, Peachtree Corners, GA 30092
Tel: 678.691.1200 | www.cityofpeachtreecornersga.gov

VARIANCE

4324 RIDGEGATE DRIVE



CASE NUMBER: V2015-001

**BOARD OF
APPEALS**
HEARING DATE:
3-18-15
7 pm

PROPERTY ADDRESS: 4324 RIDGEGATE DRIVE

PH2015-002
LEAP Industries

City of Peachtree Corners
Zoning Board of Appeals
April 15, 2015

CASE NUMBER:	PH2015-002
PROPERTY LOCATION:	3095 Kingston Court 6th District, Land Lot 275, Parcel 033
CURRENT ZONING:	M-1
PARCEL SIZE:	3.7 acres
PROPERTY OWNER:	HM Peachtree Corners LLC
APPLICANT:	Steven Wachter, Chief Operating Officer

REQUEST

The applicant would like to appeal an administrative decision and request a code interpretation pursuant to Zoning Code Sec. 1605.1 in order to determine the zoning classification for an asphalt recycling facility.

ZONING CODE ISSUE

The Zoning Code identifies permitted and special uses allowed in each zoning district within the city. When a use is not specifically listed in the Code, the Community Development Director has the authority to determine the most appropriate zoning district for its placement. On rare occasion, (such as this one), the zoning district determination is difficult to make because the use has multiple components that are allowed in more than one district.

In this case, LEAP Industries would like to locate their asphalt recycling business in 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.*

LEAP Industries provides recovered materials processing and manufacturing. However, the material it recycles is not included in the code description and the type of recycling that the code contemplates is different. That type of recycling involves sorting different materials and distributing them to other locations for processing.

Within the M-2 zoning district, there is a special use identified as 'Asphalt Plant'. There is no definition provided for this term; however, the traditional asphalt plant is a heavy industry that has air emissions and other issues that require special consideration.

The zoning category dilemma in this case comes from the fact that LEAP industries performs the functions of an asphalt plant; however, their patented, non-traditional processes do not produce the air quality and other environmental issues found with a traditional, heavy industry plant.

LEAP representatives have submitted documentation that shows they have a very 'green' business and would not need the more intense M-2 zoning classification. They have also submitting a map showing that one of their other facilities is located close to several residential areas.

CONCLUSION

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.'



April 1, 2015

Zoning Board of Appeals

Peach Tree Corners, GA

LEAP Manufacturing respectfully requests consideration to allow operation at the proposed location, 3095 Kingston Court, under the existing M-1 zoning for the following reasons:

- We believe that categorizing LEAP's business under the label of traditional asphalt production is misleading. LEAP's process is far different than traditional asphalt production and more aligned with resource recovery (recycling).
- LEAP's process does not include gas or diesel powered furnaces or dryers as is the case with traditional asphalt production.
- Our first plant, now in full operation in Brooklyn Park, MN, is located in a light industrial business park. For the purposes of zoning, our business in MN is considered "recycling".
- Our process does not produce offensive odors or high level of gas emissions. In fact, we have already been awarded an Air Permit Exemption by the State of Georgia for our proposed facility. (Attached)
- LEAP's heating process uses proprietary low energy microwave technology in order to transform reclaimed pavement into new pavement material. It is a clean process.
- All processing of recovered pavement is done indoors

The initial survey of surrounding businesses at the proposed location suggests that LEAP's recycling process would easily fit within the general nature of the business community.

LEAP will be happy to comply with any path forward that the Zoning Board suggests in order for LEAP to succeed as a new business operator and employer in Peach Tree Corners. Thank you for your consideration of our request.

Sincerely,

Steven Wachter

Chief Operating Officer

LEAP Technologies



LEAP

Beyond Asphalt

LOW ENERGY ASPHALT PAVEMENT

Innovation is our core. Improving communities is our passion. Finding revolutionary solutions to everyday problems inspires us. At LEAP we are colorblind... to us, the new black is very green. One road, one parking lot, one driveway at a time, LEAP is leaping ahead.
Beyond Asphalt.



WHY CHOOSE LEAP?

- Our production process is completely sustainable
- LEAP plants produce next to zero greenhouse gasses / pollution onsite
- We utilize 100% recycled asphalt as our base material
- Our final product is 95% recycled
- LEAP plants do not quarry any virgin aggregate
- Plants can be located closer to major metropolitan areas, decreasing trucking emissions and cost
- Our Hot Mix Asphalt is stronger and longer lasting than traditional asphalt
- The price of our product is less than traditional HMA
- LEAP Plants do not burn any raw fuels or natural gasses
- We do not charge customers to dump millings or chunks of asphalt
- The LEAP city desk is a “one-stop-shop” for HMA, tools and sealcoating products
- Our proprietary heating process allows us to produce product year-round



THE LEAP PROCESS

The LEAP technology breakthrough occurred in the Spring of 2012 while testing different heating systems and engineered emulsions for use in CIR and FDR. The LEAP patent pending process converts 100% recycled asphalt pavement into HMA (Hot Mix Asphalt) that is two to three times more durable than existing HMA products. The LEAP production process uses very little energy, is environmentally friendly and creates next to zero pollution. The process is SO green in fact, that production can take place indoors and can be placed closer to major metropolitan areas than traditional asphalt plants.

100% RAP Material



Sized & Injected (5%)



Fused to produce high performance HMA





PERFORMANCE RESULTS

All testing was conducted by outside 3rd party labs

	Super Pave SPWEB340B	LEAP HMA
Oil or Emulsion Content	5.5	5.0 (emulsion)
Bulk Specific Gravity (Gmb)	2.438	2.356
Density, lb/ft ³	152.1	147.0
Maximum Specific Gravity (Gmm)	2.540	2.396
Dry Tensile Strength (psi)	68.1	120
Soaked Tensile Strength (psi)	55.1	96
TSR	80.9%	80%
% Voids	4.0	3.8

* Tests results above are from product produced out of LEAP temporary lab. New test results will be produced out of Brooklyn Park facility



ENVIRONMENTALLY FRIENDLY

The LEAP production process is **CLEAN** and **GREEN!** Our **LOW ENERGY HEATING SYSTEMS** use **NO** open flame or burning of raw fuel sources. The result is a plant that produces next to **ZERO VOC's** or **PARTICULATE MATTER** making our plants the **CLEANEST ON THE PLANET!**

ENGINEERING TESTING SUMMARY

Test Date: December 18, 2012
 Project: Crius Corporation Asphalt Plant Air Emissions Engineering Test
 Test Location: Plymouth, Minnesota
 AET Project No: 14-01235
 Objective: To measure the Particulate and Volatile Organic Compounds (VOC) emissions on a Pilot Scale Asphalt Plant
 Testing Personnel: Austin Lesmeister – American Engineering Testing, Inc.
 James Dayton – American Engineering Testing, Inc.

Overview: Particulate and VOC air emission testing was conducted on a pilot scale asphalt plant on December 18, 2012. Particulate emission testing was conducted according to EPA Method 5 and EPA Method 202. VOC emission testing was conducted in adherence with EPA Method 25A using a Total Hydrocarbon (THC) Analyzer. At the time of the emission test, the pilot scale asphalt plant was producing 10 Tons/Hour of asphalt.

A federal regulation (NSPS Subpart I) exists for particulate matter for all Hot Mix Asphalt Plants (HMA). Currently, there is not a federal regulatory limit for VOC; VOC emissions are compared to the EPA emission factors in the table below. Detailed test results can be found in Table 1 and Table 2 which are attached to this document.

Emission Unit Tested	Pollutant	Federal Standard	Test Result
Crius Pilot Scale Asphalt Plant as Tested	Particulate Matter	≤ 0.04 Grains/DSCF	0.0006 Grains/DSCF
Crius Asphalt Plant (Scaled up 8 times)	Particulate Matter	≤ 0.04 Grains/DSCF	0.005 Grains/DSCF

Emission Unit Tested	Pollutant	EPA Emission Factor	Test Result
Crius Pilot Scale Asphalt Plant as Tested	VOC	0.440 Lbs/Hr ^{a,b}	0.026 Lbs/Hr ^a

a) VOC is equivalent to the Total Hydrocarbons as Propane.
 b) This number represents the EPA emission factor for VOC emissions for a Drum Mix HMA running on natural gas.



- CONSULTANTS
- ENVIRONMENTAL
- GEOTECHNICAL
- MATERIALS
- FORENSICS

Engineering Report of Particulate and VOC Air Emissions Testing on a Pilot Scale Asphalt Plant

Crius Corporation
 601 Carlson Parkway
 Minnetonka, Minnesota 55305
 AET #14-01235

Report Date:
 January 30, 2013

Field Testing Date:
 December 18, 2012

Prepared By:
 Matt DesJardins
 American Engineering Testing, Inc.
 550 Cleveland Avenue North
 St. Paul, Minnesota 55114
 Phone: (651) 659-9001
 Fax: (651) 659-1379





POLLUTION TESTING RESULTS

Table 1
Summary of Asphalt Plant Particulate Test Results
 Crius Corporation -- Plymouth, Minnesota
 AET #14-01235

Parameter	Run #1	Run #2	Run #3	Average
Particulate Matter (PM) Results				
Date	12/18/12	12/18/12	12/18/12	
Run Time	9:28-10:28	11:43-12:42	13:28-14:28	
Stack Temperature, °F	62	71	70	68
Stack Oxygen, %	20.7	20.7	20.7	20.7
Stack Carbon Dioxide, %	0.2	0.2	0.2	0.2
Moisture, %	2.3	3.0	2.1	2.5
Stack Flow Rate, DSCFM	700	700	700	700
Isokinetic Variation, %	101.4	100.1	99.2	100.2
Filterable Particulate Emission Results				
Particulate Concentration, grains/dscf:	0.0010	0.0004	0.0005	0.0006
Particulate Mass Rate, Lbs/Hr:	0.0059	0.0025	0.0028	0.0037
Organic Condensibles Emission Results				
Particulate Concentration, grains/dscf:	0.0002	0.0003	0.0002	0.0002
Particulate Mass Rate, Lbs/Hr:	0.0011	0.0016	0.0013	0.0013
Inorganic Condensibles Emission Results				
Particulate Concentration, grains/dscf:	0.0008	0.0008	0.0007	0.0008
Particulate Mass Rate, Lbs/Hr:	0.0050	0.0046	0.0042	0.0046
Filterable + Organic Condensibles Emission Results				
Particulate Concentration, grains/dscf:	0.0012	0.0007	0.0007	0.0008
Particulate Mass Rate, Lbs/Hr:	0.0070	0.0041	0.0040	0.0050
Total Particulate Emission Results				
Particulate Concentration, grains/dscf:	0.0020	0.0014	0.0014	0.0016
Particulate Mass Rate, Lbs/Hr:	0.0119	0.0086	0.0082	0.0096

Table 2
Summary of Asphalt Plant VOC Emission Test Results
 Crius Corporation - Plymouth, Minnesota
 December 18, 2012 - AET #14-01235

Run #1 9:29-10:28

Exhaust Location	Airflow Rate SCFM	PPMv, Ave As Propane	Lbs/Hr As Propane	PPMv, Ave As Carbon	Lbs/Hr As Carbon
Asphalt Plant Oven Outlet	700	5.90	0.028	17.7	0.023

Run #2 11:42-12:41

Exhaust Location	Airflow Rate SCFM	PPMv, Ave As Propane	Lbs/Hr As Propane	PPMv, Ave As Carbon	Lbs/Hr As Carbon
Asphalt Plant Oven Outlet	700	4.94	0.024	14.8	0.019

Run #3 13:28-14:27

Exhaust Location	Airflow Rate SCFM	PPMv, Ave As Propane	Lbs/Hr As Propane	PPMv, Ave As Carbon	Lbs/Hr As Carbon
Asphalt Plant Oven Outlet	700	5.10	0.025	15.3	0.020

AVERAGES RUNS # 1-3

Exhaust Location	Airflow Rate SCFM	PPMv, Ave As Propane	Lbs/Hr As Propane	PPMv, Ave As Carbon	Lbs/Hr As Carbon
Asphalt Plant Oven Outlet	700	5.31	0.026	15.9	0.021





GREENHOUSE GAS ANALYSIS

Comparison of CO and CO2 emissions from Traditional vs. LEAP Asphalt Production

Assumptions:

RAP Production: 415,000 tons/year (LEAP's production)
 All other processes "equal" except for the method used to heat and dry the final product.

Traditional Asphalt Production

About 85% of plants being manufactured today are of the counterflow drum mix design.
 Primary source of CO and CO2 comes from the combustion of fuel used by the drum dryer.
 Most traditional asphalt production uses natural gas or fuel oil for combustion.
 Dryer emissions consist of water, PM (particulates), CO2, NO2, SO2, CO, and small amounts of VOCs, methane, HAPs.

VOCs: Volatile Organic Compounds
 HAPs: Hazardous Air Pollutants.

Emission Factors (EF) in lbs emission/ton HMA produced taken from EPA AP-42 Chapter 11.1

EF CO2:	33
EF CH4:	0.012
EF CO:	0.13
EF NOX:	0.026
EF VOC:	0.032
EF HAPs:	0.0004

LEAP Production

Electricity is used to power the microwave ovens
 Emission Factors determined from emissions testing of pilot plant following MPCA-approved testing protocol.

EF CO2:	0
EF CH4:	0
EF CO:	0
EF NOX:	0
EF VOC:	0.0026
EF HAPs:	0.00003



Comparison of CO and CO2 emissions from Traditional vs. LEAP Asphalt Production

Summary of Results:

	Emissions (tons/year)	Global Warming Potential	LEAP (tons/year)	Traditional Counterflow Drum (tons/year)	Traditional: GHG as CO2e (tons/year)
GHG	CO2	1	0	6847.5	6847.5
	CH4	21	0	2.49	52.29
	CO2e		0		6899.79
	NOX		0	5.4	
	CO		0	26.98	
	VOCs		0.54	6.64	
	HAPs (from VOCs)		0.007	0.09	

GHG as CO2e (CO2 equivalents) = emissions * Global Warming Potential
 GHG: Greenhouse Gases



Gail A. Cederberg, Ph.D.
 American Engineering Testing, Inc.



PLANT FOOTPRINT

ZERO GREENHOUSE GAS



PLANT PLACEMENT JUST ABOUT ANYWHERE

LEAP Plants can be placed in almost any industrial zoning that supports truck traffic, significantly increasing our competitive advantage over conventional asphalt plants by going where they can't! Our strategic locations will reduce hauling rates and truck emissions!

LEAP plants have a much smaller footprint than conventional asphalt plants



PLANT FOOTPRINT





WHAT DOES THIS MEAN IN REAL WORLD TERMS?

- Target 1916 locations in the US & Canada
- The average lot size is 30,000 square yards = 270,000 square feet
- The average thickness of a lot is 4"
- The average amount of asphalt (in tons) per lot = 6,750
- Target's asphalt portfolio = 12,933,000 tons
- If Target had paved all of their lots with the LEAP product, the reduction in the greenhouse gasses emitted in order to produce their asphalt would be **426,944,196 pounds**
- *If all of Target's lots had been paved with the LEAP product, the cost savings to Target would have been roughly **\$116,400,000**

*Based on an average cost from the Maple Grove location of Commercial Asphalt's 32/42b price - \$43.50/ton and the LV4 price - \$55.10/ton for an average of \$49.3/ton (this is current 2014 pricing).

LEAP AHEAD. BEYOND ASPHALT.



One road. One parking lot. One driveway at a time. LEAP is leaping ahead. Beyond Asphalt.



LEAP BROCHURE



Beyond Asphalt

LEAP is working hard to protect and enhance the natural world. It isn't ordinary asphalt. It's tougher and longer lasting. It's price competitive. And it's 100 percent renewable. LEAP harvests old asphalt and fuses it to create a new pavement solution. The production process is not only completely sustainable, it's environmentally friendly and creates zero pollution. One road. One parking lot. One driveway at a time. LEAP is leaping ahead. Beyond Asphalt.



• HMA Utilizing
100 Percent Recycled
Bituminous Materials

• Superior Performance

• Economic Advantage



612-444-5888

Toll-free 844-355-7888

8400 89th Ave N #460

Brooklyn Park, MN 55445

ChooseLEAP.com

Not just new. LEAP is renewable asphalt that redefines performance.



ChooseLEAP.com



LEAP

Beyond Asphalt

LOW ENERGY ASPHALT PAVEMENT

Adrienne Daney

LEAP Sales Director

661-706-6091

adrienne@chooseLEAP.com



LEAP's current Facility is currently adjacent to quite a few residential developments

Indicated in Yellow

Georgia Department of Natural Resources

Environmental Protection Division • Air Protection Branch

4244 International Parkway • Suite 120 • Atlanta • Georgia 30354

404/363-7000 • Fax: 404/363-7100

Judson H. Turner, Director

FEB 27 2015

Steven Wachter
Chief Operating Officer
Leap Technologies, Inc.
8400 89th Avenue North
Brooklyn Park, MN 55445

Re: Air Permit Application No. 23102
LEAP Technologies, Inc., Gwinnett County)

Dear Mr. Wachter:

On February 4, 2015, the Air Protection Branch received your Air Quality Permit Application (assigned application number 23102) regarding the construction and operation of a new low-energy asphalt recycling facility (LEAP), to be located in Gwinnett County, Georgia. According to information provided in your application, the facility is exempt from permitting, as discussed below.

In accordance with Georgia Rules for Air Quality Control, Chapter 391-3-1-.03, section (6) thereof relating to "Exemptions", the above-mentioned facility does not require an Air Quality Permit in accordance with the following exemption(s):

(6) Exemptions. Unless otherwise required by the Director, SIP permits shall not be required for the following source activities. These exemptions may not be used to avoid any emission limitations or standards of the Rules for Air Quality Control Chapter 391-3-1-.02, lower the potential to emit below "major source" thresholds or to avoid any "applicable requirement" (i.e., NSPS, NESHAP, etc.) as defined in 40 CFR Part 70.2.

(i) **Other.**

1. Facilities where the combined emissions from all non-exempt source activities [i.e., not listed in 391-3-1-.03(6)(a)-(h)] are below the following for all pollutants:

(i) 50 tons per year of carbon monoxide;

(ii) 300 pounds per year of lead total; with a 3.0 pound per day maximum emission;

(iii) 20 tons per year of particulate matter, PM10, or sulfur dioxide;

(iv) 20 tons per year of nitrogen oxides or VOCs except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 5 tons per year of nitrogen oxides or VOCs is exempted; and

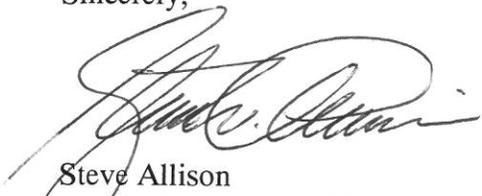
(v) 2 tons per year total with a 15 pound per day maximum emission of any single hazardous air pollutant and less than 5 tons per year of any combination of hazardous air pollutants.

Your application will be placed in the EPD Air Quality Permit file for reference. This does not relieve LEAP Technologies, Inc. from its responsibility for compliance with all applicable air emissions standards. Specifically, as indicated in the application, the facility will be installing equipment subject to the federal New

Source Performance Standards for Nonmetallic Mineral Processing Plants (40 CFR Part 60 Subpart OOO). Compliance with this regulation including testing, monitoring, and recordkeeping requirements must be maintained. Any future modifications will continue to require review and possible permitting through this office.

If you have any questions or comments, feel free to contact me at (404) 362-2527 or via email at Steve.Allison2@dnr.state.ga.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Allison", written in a cursive style.

Steve Allison
Senior Environmental Engineer
Stationary Source Permitting Program

cc: Lynn Rhodes
SSCP