

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., 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. (Tabled from 3/18/15)**

MOTION TO REMOVE V2015-001 4324 RIDGEGATE 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the Homeowners Association and they have come to an agreement and feel that the plans are acceptable to them, and, have withdrawn their opposition.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

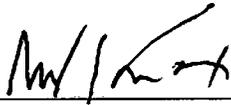
Vote: (5-0) (Christ, Brandes, Knox, Blum, Regmi)

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.

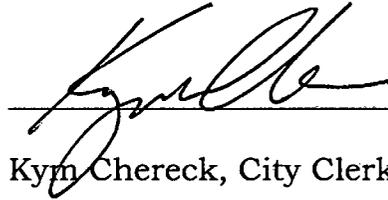
The Zoning Board of Appeals meeting concluded at 8:46 PM.

Approved,



Wayne Knox, Chairman

Attest:



Kym Chereck, City Clerk

