



ZONING BOARD OF APPEALS AGENDA

**October 21, 2015
7:00 PM
CITY HALL**

- A. Roll Call**
- B. Approval of Minutes: August 19, 2015**
- C. Old Business: (None)**
- D. New Business:**
 - 1. V2015-008 Cindy Wright. Request a Variance to Zoning Code Article XIV, Minimum Area, Yard and Height Requirements, Section 1401, for property located at 4549 Holstein Hill Dr., Peachtree Corners, Ga., 6th Dist., LL330, Parcel 059, to allow a rear setback of 25'-4" in lieu of the required 40'-0" setback in order to construct a screened porch addition to the rear of an existing home.**
- E. City Business Items: (None)**
- F. Comments by Board Members.**
- G. Adjournment.**

CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS
August 19, 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
Jennifer Davis, Deputy City Clerk

MINUTES: Approval of May 20, 2015 Minutes.

MOTION TO APPROVE THE MAY 20, 2015 MINUTES.

By: Eric Christ

Seconded: Marcia Brandes

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

NEW BUSINESS:

1. V2015-006 5023 Bridgeport Lane

Request Variance to Zoning Code Article X, Off-Street Parking, Section 1001-5(b), for property located at 5023 Bridgeport Lane, Peachtree Corners, Ga., 6th Dist., LL330, Parcel 059, in order to park a recreational vehicle 3 ft. from the property line instead of the required 15 ft.

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The property is located off East Jones Bridge Road in the Bridgeport subdivision. The applicant requests a variance in order to allow his recreational vehicle to remain parked in his rear yard, approximately 3 ft. from his property line. Zoning regulations restrict the locations where recreational vehicles can be parked in residential areas, as follows: Any recreational vehicle or any non-motor vehicle may only be parked in a carport, enclosed structure, or in the rear yard on a paved surface (or approved porous or grassed paving system). Any vehicles parked in the rear yard not in a carport or an enclosed structure must be parked at least fifteen (15) feet from the property line.

After reviewing the applicant's request and the variance criteria, Staff finds that reducing the required setback from 15 ft. to 3 ft. and maintaining the RV in its current location can be justified.

Mr. Wilbur Neil Odom, applicant, gave a brief history of the RV and stated that he has never received a single complaint regarding the location of the RV for 10 years. He mentioned that if the variance was not granted it would create a financial hardship. Also, the neighbor on the property line in question sent a letter stating they have no opposition against the variance.

Photos were presented to the board in their packet. Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. There was no public comment.

A motion was made after discussion concerning, among other items, public safety, fire concern, and the possible loss of trees if variance is denied.

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; THE STRICT APPLICATION OF THE ZONING REGULATIONS WOULD CREATE UNNECESSARY HARDSHIP IN THIS CASE; THE EXISTING CONDITIONS ARE NOT SOLE ATTRIBUTABLE TO THE APPLICANT'S ACTIONS AND A 12 FEET SETBACK VARIANCE FOR A RECREATIONAL VEHICLE PARKING WOULD NOT CAUSE A SUSTAINABLE DETRIMENT TO THE PUBLIC GOOD; VARIANCE WILL BE GRANTED WITH TWO CONDITIONS; FIRST, THE APPLICANT WOULD CAUSE TO BE APPLIED TO WOODEN FENCE A FIRE RETARDANT THAT IS SATISFACTORY TO THE DIRECTOR APPROVAL; AND SECOND, THE VARIANCE GRANTED WOULD SUNSET UPON ON PROPERTY TRANSFER AND WOULD EXPIRE UPON PROPERTY TRANSFER.

By: Eric Christ

Seconded: Marcia Brandes

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

2. V2015-007 Sling Earth Fare

Request Variance to Zoning Code Article V, Signs, Section 86-114, for property located at 6344 Cash Court, Peachtree Corners, Ga., 6th Dist., LL275, Parcel 009 in order to exceed size limitations for wall signs.

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The subject property is located at Jimmy Carter Blvd. and Cash Court, just east of Peachtree Industrial

Boulevard. The existing building on the site previously housed BJ's Wholesale Club and was recently renovated for a new business that offers indoor recreation including go karts, obstacle courses, bowling, and arcade games. The applicant requests a variance in order to allow 249 sq. ft. of wall sign on one elevation for an aggregate of 441 sq. ft. of total wall signage in lieu of the maximum of 200 sq. ft. of wall signs per elevation and a maximum aggregate wall signage of 400 sq. ft.

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

Mr. Eric Larsen of SignsUpAtlanta gave a brief description of the proposed signage. He discussed that the signage is needed for identifying the establishment and creating a brand. Also, he mentioned that the sign would help people distinguish that Slingshot occupies the whole building.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. There was no public comment.

A motion was made after discussion concerning, among other items, location of the signage, height of the signage, and branding of the business.

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; FIRST, THERE ARE EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY IN QUESTION BECAUSE OF IT TOPOGRAPHY AND SIZE; AND TWO, SUCH CONDITIONS ARE NOT THE RESULT OF ANY ACTIONS OF THE PROPERTY OWNER; AND FINALLY, THE RELIEVE GRANTED WOULD NOT CAUSE A SUBSTANTIAL DETERMENT TO THE PUBLIC GOOD NOR IMPAIR THE PURPOSE OR INTENT OF THE ZONING RESOLUTION; SUBJECT TO THE FOLLOWING FINDINGS; FIRST, THE LOCATION OF THE SIGN AS-BUILT WOULD BE IN THE LOCATION AS PRESENTED IN THE DRAWINGS HERE THIS EVENING; AND TWO, PRIOR TO CONSTRUCTION, PLANS FOR SUCH SIGN WOULD BE PRESENTED TO CITY STAFF FOR REVIEW AND THAT SUCH SIGN WOULD COMPORT WITH THE CITY CODE, OVERLAY DISTRICT REQUIREMENTS, AND THE UNITED STATES SIGN COUNCIL GUIDELINES.

By: Eric Christ

Seconded: Marcia Brandes

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

CITY BUSINESS ITEMS: There was no City Business.

The Zoning Board of Appeals meeting concluded at 7:55 PM.

Approved,

Attest:

Wayne Knox, Chairman

Jennifer Davis, Deputy City Clerk

V2015-008
Cindy Wright

**City of Peachtree Corners
Zoning Board of Appeals
October 21, 2015**

CASE NUMBER:	V2015-008
PROPERTY LOCATION:	4549 Holstein Hill Dr., 6th District, Land Lot 330, Parcel 059
CURRENT ZONING:	R-100
PARCEL SIZE:	.40 acres
PROPERTY OWNER:	Cindy Wright
APPLICANT:	Cindy Wright

REQUEST

The applicant requests a variance in order to allow the construction of a screened porch addition to be located 25'-4" from the rear property line instead of the required 40'-0".

LOCATION AND BACKGROUND

The applicant's property is located in the Neely Farm Subdivision off Spalding Drive. The applicant would like to remove an existing concrete patio slab and replace it with stone. Then she would like to enclose a portion of the newly installed stone patio with a 15 ft. x 20 ft. wood frame and screen structure.

At .4 acres, the applicant's property is one of the smallest in the neighborhood. Her lot is only 131.4 ft. deep and the house spans from front setback to rear setback lines. Since the house occupies most of the buildable portion of the property, virtually any exterior addition would necessitate a 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.

ANALYSIS

Zoning regulations restrict the locations of structures on property and the enclosure of the site's patio area triggers this variance request. The shallowness of the lot makes the rear yard virtually unbuildable without a variance. The area behind the home is already in use as a patio, so the construction of an enclosure would not increase the intensity of the property's use or extend activity closer to the property line. Adjoining neighbors located behind and on either side of the applicant's property support the variance request. In addition, the neighborhood Homeowners' Association has approved the applicant's construction plans.

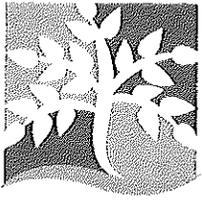
The applicant's property has mature trees and fairly dense landscaping at the rear property line. In addition, there is a short, decorative brick wall in the backyard that creates a sense of separation from the neighbor to the rear and provides a measure of privacy for the applicant's backyard. The applicant would now like to enhance her property value and increase the enjoyment of her home and back yard by building an enclosure that will provide protection from the elements when the patio is in use.

With regard to the variance criteria:

- A. The applicant's property is one of the smallest in the neighborhood, but her house is comparable to surrounding homes. This means that the house occupies most of the buildable site, leaving very little space for additions or modifications to the home.
- B. The strict application of the zoning regulations would create an unnecessary hardship in this case.
- C. Aerial analysis of the neighborhood suggests that most lots have greater flexibility with their backyards than the applicant has with hers.
- D. The existing rear yard conditions are not a result of the applicant's actions.
- E. If relief is granted, the applicant will have the opportunity to improve her home and enhance her property value which will benefit surrounding neighbors.

CONCLUSION

After reviewing the applicant's request and the variance criteria, Staff finds that reducing the required rear setback from 40'-0" to 25'-4" 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>CINDY WRIGHT</u> Address (all correspondence will be mailed to this address): <u>4549 HOLSTEIN HILL DR.</u> City <u>PEACHTREE CORNERS</u> State <u>GA</u> Zip <u>30092</u> Phone <u>404.314.9267</u>	Name <u>CINDY WRIGHT & ROBERT WALLER</u> Address _____ <u>4549 HOLSTEIN HILL DR.</u> City <u>PEACHTREE CORNERS</u> State <u>GA</u> Zip <u>30092</u> Phone <u>404.314.9267</u>
Contact Person Name: <u>CINDY WRIGHT</u> Phone: <u>404.314.9267</u> Email Address: <u>wrightwaller@gmail.com</u>	
Applicant is the (please check or circle one of the following): <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser	

Address of Property 4549 HOLSTEIN HILL DR.

Subdivision or Project Name NEELY FARM Lot & Block LOT 26, BLOCK 7

District, Land Lot, & Parcel (MRN) DISTRICT 6, LAND LOT 334

Proposed Development ADD SCREENED PORCH TO HOUSE

Permit Number (if construction has begun) _____

Variance Requested REDUCTION OF REAR BUILDING LOT LINE

A complete application includes the following:

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



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).

Cynthia F. Wright Cynthia F. Wright 9.2.15
Signature of Applicant Date

Notary Seal **RICHARD N MATEO**
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires June 22, 2018

Cynthia F. Wright
Typed or Printed Name & Title

Richard Mateo 9.2.15
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.

Cynthia F. Wright Cynthia F. Wright 9.2.15
Signature of Property Owner Date

Notary Seal **RICHARD N MATEO**
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires June 22, 2018

Cynthia F. Wright
Typed or Printed Name & Title

Richard Mateo 9.2.15
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Variance Description: _____

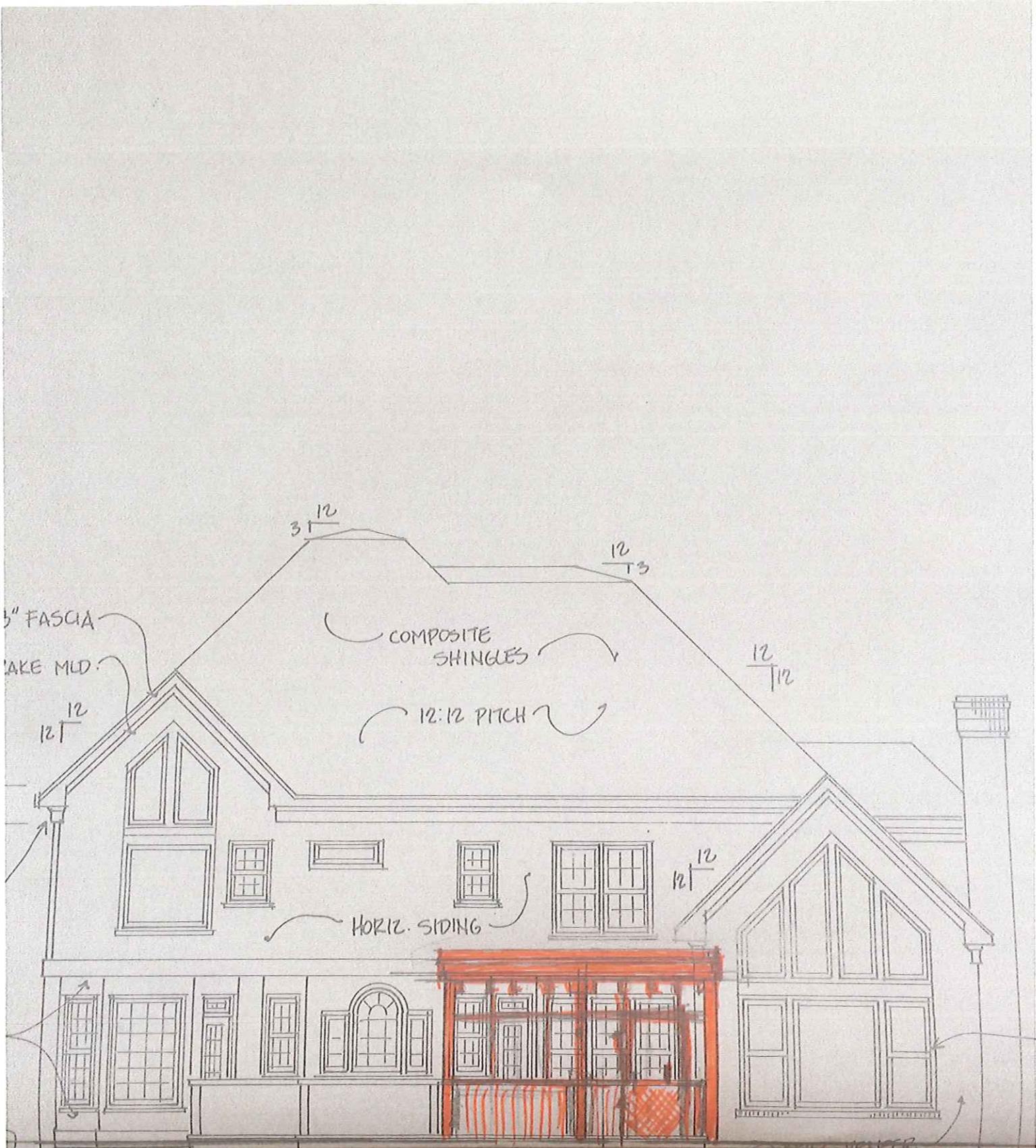
Application for Variance
Cindy Wright and Robert Waller
4549 Holstein Hill Drive
September 2, 2015

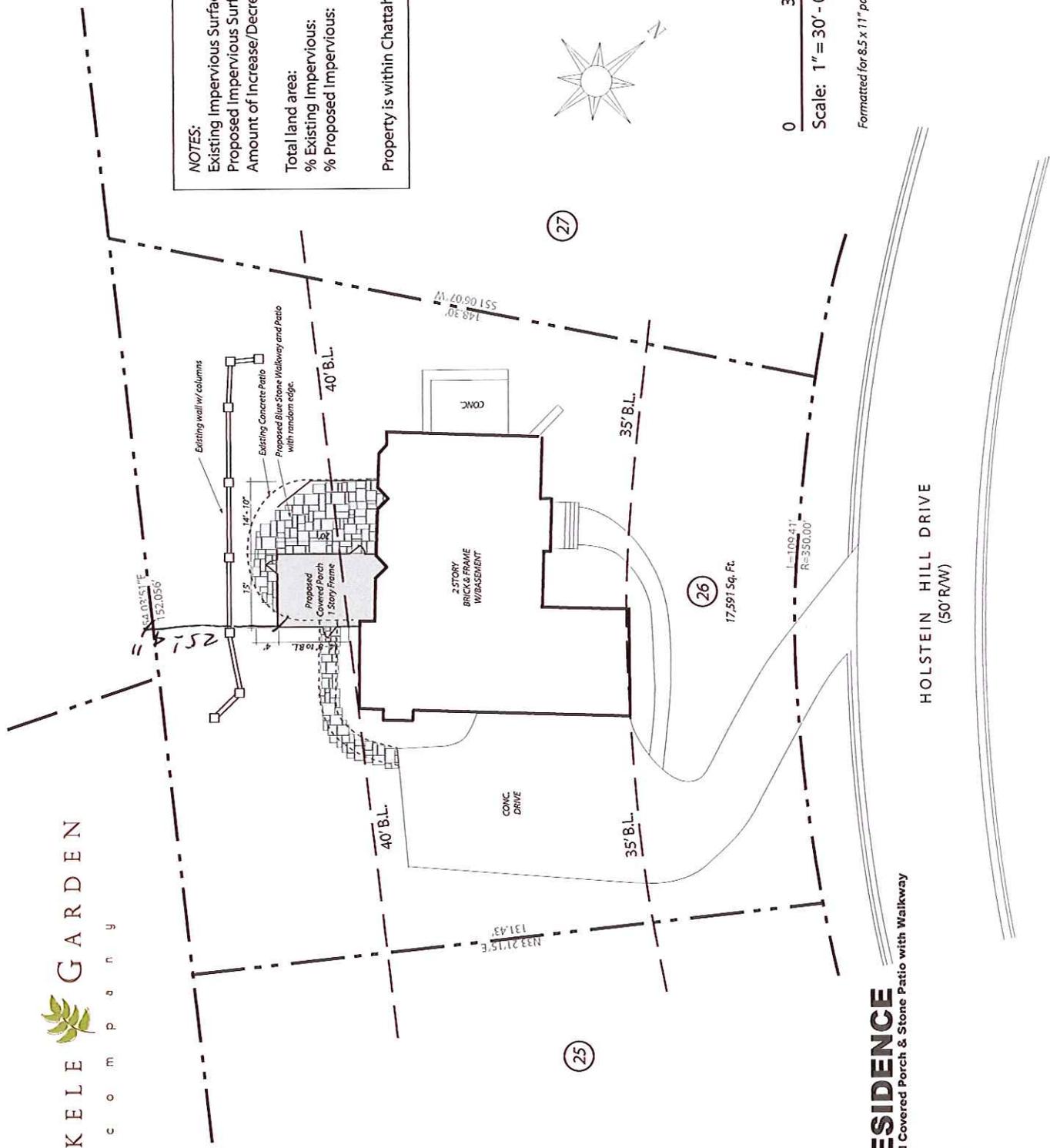
We are requesting a variance to build a 15' by 20' screened porch beyond the rear building lot line. We would like to add a one-story screened porch off of our breakfast room. The rear of our house is at the limit of the building lot line so this requires a variance. The proposed screened porch would extend 14'8" beyond the building lot line.

Over the ten years we have lived in the house, we have added substantial landscaping along the side and rear boundaries of our property to increase our privacy and protect the views of our neighbors. The porch will not be visible from our two adjacent neighbors and will be barely visible from our neighbors to the rear. I have discussed our plans with each of our neighbors and have their support for our application as evidenced from the attached notes of support. I have attached photos showing the view from the proposed setback line towards each of our neighbor's homes.

Our home is within the Chattahoochee River Corridor. We currently have a concrete patio which we will remove and replace with the screened porch and a bluestone patio. This will reduce the amount of impervious surface by 45 square feet.

Because the rear of the house abuts the rear building lot line, we do not have the opportunity to build a screened porch without a variance. I grew up spending time with my family on screened porches, telling stories and playing games. I would like to be able to do that with my family. If granted, this variance would increase our enjoyment of our property and our investment in the Peachtree Corners community. It would not have any negative impact on our neighbors or the community.

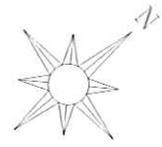




NOTES:

Existing Impervious Surface:	6,305.55 sf
Proposed Impervious Surface:	6,260.68 sf
Amount of Increase/Decrease:	-44.87 sf
Total land area:	17,591 sf
% Existing Impervious:	35.85 %
% Proposed Impervious:	35.60 %

Property is within Chattahoochee River Corridor.



0 30'
Scale: 1" = 30' - 0"

Formatted for 8.5 x 11" paper

WRIGHT RESIDENCE
Conceptual Plan for Proposed Covered Porch & Stone Patio with Walkway
Not for construction.

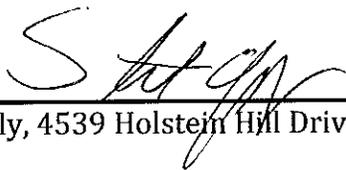
4549 Holstein Hill Drive
Norcross, Georgia 30092

August 31, 2015

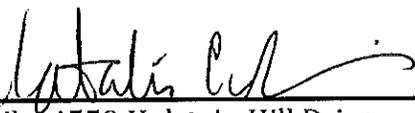
HOLSTEIN HILL DRIVE
(50' R/W)

To whom it may concern:

I have reviewed the plan for a screened porch at 4549 Holstein Hill Dr., the home of Cindy Wright and Robert Waller, and support their request for a variance to the building line.



Young family, 4539 Holstein Hill Drive



Muir family, 4559 Holstein Hill Drive

Dye family, 4554 Dairy Way

From: **Joe Dye** joe@trinitypress.com
Subject: RE: screened porch
Date: September 1, 2015 at 8:59 AM
To: **Cindy Wright** wrightwaller@gmail.com



Cindy,

Kay and I are supportive of your project. We hope you are doing well.

Thanks,

Joe

From: Cindy Wright [mailto:wrightwaller@gmail.com]
Sent: Monday, August 31, 2015 6:32 PM
To: Joe Dye <joe@trinitypress.com>
Subject: screened porch

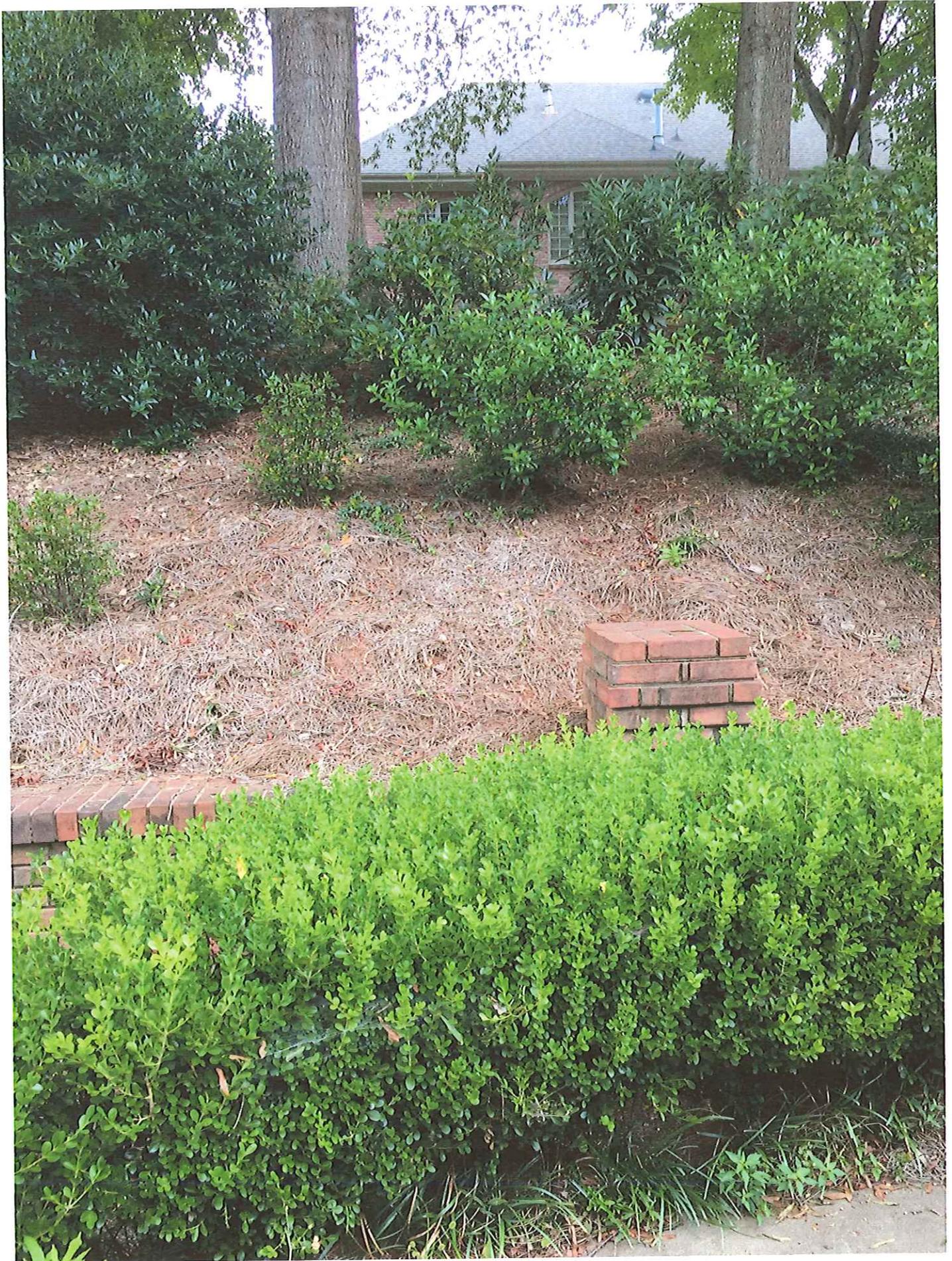
Hi Joe and Kay,

I would like to build a screened porch off of my kitchen. I came by your house a little earlier to talk with you but you weren't there so I am emailing the plan and elevation to you. My house is at the building lot line so a porch will require a variance from Peachtree Corners in addition to the approval from the neighborhood. I don't think it will be that visible from your house. To the extent that you can see it, I hope the view will be an improvement. We are going to do some additional planting.

Will you either let me know when is a good time to stop by and talk about this or, if the plans are acceptable to you, will you please sign this note of support?

Thanks,
Cindy Wright
wrightwaller@gmail.com
404-314-9267

The orange part is a sketch of what the porch would look like from the back of my house:







From: "Watson, David E" <David.Watson@ncr.com>

Date: October 6, 2015 at 10:03:40 PM EDT

To: Edward Palisoc <ed.palisoc@edp-collaborative.com>, Cindy Wright <wrightwaller@gmail.com>

Cc: Nancy Alexander <execpropinc@icloud.com>

Subject: RE: APPROVED: Neely Farm Web Site Form - ACC Request Form

Cindy,

Thank you for the planned submission. It's clear you have invested some time and energy not only in your plans but making it easy for us also. That goes a long way and it very much appreciated. I completely agree with Ed, it looks like it will be a great addition. We appreciate the work with engaging the neighbors and the level of detail provided.

Approved on our end. Good luck with the City. Could we please ask that you just close out with us please when you are done so we can mark it off the list of "open items".

Best regards,

Dave

From: Edward Palisoc [<mailto:ed.palisoc@edp-collaborative.com>]

Sent: Tuesday, October 06, 2015 9:07 PM

To: Cindy Wright

Cc: Watson, David E; Nancy Alexander

Subject: Re: APPROVED: Neely Farm Web Site Form - ACC Request Form

Seems like the proper process is underway. Good luck with the variance! Outside of that and the neighbor's acceptance, it looks like a lovely addition. It's ok with me.

Best,

Ed

Sent from my iPhone

On Oct 6, 2015, at 8:51 PM, Cindy Wright <wrightwaller@gmail.com> wrote:

Hi all,

We would like to build a one-story screened porch off of our breakfast room. I have attached a proposed elevation and site plan. We have applied for a variance because the rear of our house is at the limit of the building lot line so adding a porch requires a variance.

Over the ten years we have lived in Neely Farm, we have added substantial landscaping along the side and rear boundaries of our property to increase our privacy and protect the views of our neighbors. The porch will not be visible from our two adjacent neighbors (the Youngs and the Muirs) and will be barely visible from the Dyes house to the rear. I have talked with each of them and have their support for our plans.

We love living in Neely Farm and hope you will approve this investment in our property.

Best,

Cindy Wright

4549 Holstein Hill Dr.

PUBLIC HEARING

Cindy Wright



CASE NUMBER:

V2015-008

ZONING BOARD OF APPEALS

HEARING DATE:

**October 21, 2015
7:00 PM**

PROPERTY ADDRESS:

4549 Holstein Hill Drive

REQUEST:

**VARIANCE TO PROPERTY LINE SETBACK IN
ORDER TO ALLOW A SCREENED PORCH
ADDITION**