



ZONING BOARD OF APPEALS AGENDA

JANUARY 20, 2016

7:00 PM

CITY HALL

A. Roll Call

B. Approval of Minutes: October 21, 2015

C. Old Business: (None)

D. New Business:

V2015-011 4984 Williamsport Drive. Request Variance to Zoning Code Article X, Off-Street Parking, Section 1001-5(b), for property located at 4984 Williamsport Drive , Peachtree Corners, Ga., 6th Dist., LL318, in order to park a recreational vehicle in the side yard instead of the required rear yard.

E. City Business Items:

- 1. Congratulations to Marcia Brandes and Wayne Knox on their reappointment to the ZBA.**
- 2. Election of Chairman and Vice-Chairman**

F. Comments by Board Members.

G. Adjournment.

CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS
October 21, 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
Jennifer Davis, Deputy City Clerk
Jennifer Howard, Volunteers Coordinator

MINUTES: Approval of August 19, 2015 Minutes.

MOTION TO APPROVE THE AUGUST 19, 2015 MINUTES WITH TWO AMENDMENTS. BOTH AMENDMENTS ARE ON PAGE 2 ARE AS FOLLOWS: CORRECTION FROM SOLE TO SOLELY AND REMOVE DUPLICATE SENTENCE “AND WOULD EXPIRE UPON PROPERTY TRANSFER.”

By: Eric Christ

Seconded: Marcia Brandes

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

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.

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The applicant's property is located in the Neely Farm Subdivision off Spalding Drive. 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". 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.

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.

Zoning regulations restrict the locations of structures on property and the enclosure of the site's patio area triggers this variance request. 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.

Ms. Cindy Wright, applicant, spoke briefly regarding variance application.

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, privacy with changing the setback and stated that is not unusual variance request.

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 OR EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY; TWO, THE CONDITION OF THE PROPERTY ITSELF IS NOT THE RESULT OF THE ACTIONS OF THE PROPERTY OWNER; AND THREE, A LITERAL ENFORCEMENT OF THE ZONING RESOLUTION WILL RESULT IN AN UNNECESSARY HARDSHIP TO THE APPLICANT; I FURTHER MOVE THAT THIS VARIANCE BE GRANTED FOR THE PURPOSE OF CONSTRUCTING A SCREEN PORCH ADDITION TO THE REAR OF THE EXISTING HOME AS PRESENTED IN THE APPLICATION; AND SECOND, THAT THE PLANS FOR THE CONSTRUCTION BE APPROVED BY CITY STAFF PRIOR TO CONSTRUCTION.

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 7:28 PM.

Approved,

Attest:

Wayne Knox, Chairman

Jennifer Davis, Deputy City Clerk

V2015-011
4984 Williamsport Drive

**City of Peachtree Corners
Zoning Board of Appeals
January 20, 2016**

CASE NUMBER:	V2015-011
PROPERTY LOCATION:	4984 Williamsport Drive 6th District, Land Lot 318, Parcel 104
CURRENT ZONING:	R-100
PARCEL SIZE:	.41 acres
PROPERTY OWNER:	Joshua Lane
APPLICANT:	Joshua Lane

REQUEST

The applicant requests a variance in order to allow his recreational vehicle to remain parked in his side yard, approximately 13.5 ft. from his property line. Zoning regulations restrict the locations where recreational vehicles can be parked in residential areas, as follows (underlining added):

a. In any residential district, the parking of any motor vehicle except on a hard-surfaced driveway or in a carport or garage is prohibited. 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. Vehicles or equipment used for agricultural purposes on RA-200 or R-100 zoned property with 5 or more acres are exempt from hard surface parking requirements if parked outside the required front yard setback.

LOCATION AND BACKGROUND

The applicant's property is located off East Jones Bridge Road in the Williamsport subdivision. He keeps a recreational vehicle (camper) parked at the end of the driveway to the side of his single family home. The camper is situated immediately adjacent to the existing garage and is parked on a gravel pad. There are trees and hedges on three sides of the camper, but the view of the camper is unobstructed along the street front.

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 applicant has a pie shaped lot and wooded backyard with mature vegetation. As can be seen from the photographs, there are numerous trees and shrubs located behind the house. The property's triangular configuration and narrow back yard would make it difficult to maneuver the camper behind the house and place it in the rear yard as the code requires.

In his letter of intent, the applicant states that if he has to relocate the RV behind his house, he'll be required to remove several existing trees, camellia plants and other shrubs that add value to his property and the neighborhood. If he were to build an enclosure to screen the camper, it would negatively affect the aesthetics of the home and, by extension, its value. Surrounding neighbors on either side of the applicant's property were consulted and both signed letters indicating their preference to keep the camper as it is currently situated.

With regard to the variance criteria:

- A. Some of the existing trees on the property would have to be removed in order to accommodate the relocation of the RV behind the house. Building an enclosure on the side of the house would negatively impact the aesthetics of the home by making it look lopsided or off-balance.
- B. The strict application of the zoning regulations would create an unnecessary hardship in this case.
- C. Relocating the RV would not provide a sufficient benefit to the neighborhood to outweigh the loss of mature trees.
- D. The existing property configuration makes code compliance difficult and is not attributable to the applicant's actions.
- E. Maintaining the camper in its current location would not cause substantial detriment to the public good.

CONCLUSION

After reviewing the applicant's request and the variance criteria, Staff finds that maintaining the camper in its current location can be justified.



Case Number: V2015-011 Received Date: 11/2/15 Hearing Date: 1/20/16

**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>Joshua Lane</u>	Name <u>Joshua Lane</u>
Address (all correspondence will be mailed to this address): <u>4984 Williamsport Drive</u>	Address <u>4984 Williamsport Drive</u>
City <u>Peachtree Corners</u>	City <u>Peachtree Corners</u>
State <u>GA</u> Zip <u>30092</u>	State <u>GA</u> Zip <u>30092</u>
Phone <u>404-488-9820</u>	Phone <u>404-488-9820</u>
Contact Person Name: <u>Joshua Lane</u> Phone: <u>404-488-9820</u>	
Email Address: <u>jplane@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 4984 Williamsport Drive

Subdivision or Project Name Williamsport Lot & Block Lot 13

District, Land Lot, & Parcel (MRN) District 6, Land Lot 318

Proposed Development N/A

Permit Number (if construction has begun) _____

Variance Requested RV/Non-Motor Vehicles (ZR1001.5)

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

RE: Joshua Lane RV Variance Request

Date: October 25, 2015

To The Members of the Zoning Board of Appeals:

I'm writing to express my support of Joshua Lane's zoning variance request for his recreational vehicle parked at 4984 Williamsport Drive in Peachtree Corners.

As his immediate neighbor on Williamsport Drive I'm in an ideal position to judge the impact of his parking the RV next to his garage. In short, there is no negative impact to me or others in the Williamsport neighborhood. Although we do not have a homeowner's association, we all feel some responsibility for upkeep of the neighborhood and maintenance of acceptable community standards. Joshua's RV is in keeping with the spirit of those standards.

The RV is visible from the street but is neither an eyesore nor out of character for the neighborhood at large. Its location is recessed from viewed and mostly surrounded by mature trees and shrubs. It's a newer model RV, used frequently and cleaned regularly.

I've discussed with Joshua the various options for complying with the Peachtree Corners zoning ordinance. Several of the options would in fact be less appealing aesthetically than allowing the RV to remain where it is with no further required actions. Specifically:

- **Construction of a carport** – Expense aside, a new structure adjacent to Joshua's garage would actually call greater attention to the RV from the street, and would give the lot a crowded look due to the limited space between the garage and the nearest lot boundary. A traditional open carport would also not hide the RV itself from the street, minimizing any real benefit.
- **Construction of an enclosing fence** – A fence erected to surround the existing parking pad to hide the RV from view would be a significant eyesore and look inappropriate next to his garage. The RV goes essentially unnoticed at this point, a large flat surface like a fence would at best be the same and at worst be more noticeable.
- **Parking in the rear of the house** – Joshua described the trees and shrubs that would require removal in order for him to park the RV in the rear of his house. Given the lack of negative impact at its current location, I prefer to keep the existing trees and plants and require no further changes. Significant changes to trees on his lot might very well have a negative impact to me.

In summary, as-is Joshua's RV has had no negative impact on me or our neighborhood and I see no reason for any changes be made to the location he parks it. I ask that you find in his favor and grant a variance to park the RV next to his garage on the existing gravel pad.

Sincerely,


Tricia Lightle

770-447-8969

RE: Joshua Lane RV Variance Request

Date: October 25, 2015

To The Members of the Zoning Board of Appeals:

I'm writing to express my support of Joshua Lane's zoning variance request for his recreational vehicle parked at 4984 Williamsport Drive in Peachtree Corners.

As his immediate neighbor on Williamsport Drive I'm in an ideal position to judge the impact of his parking the RV next to his garage. In short, there is no negative impact to me or others in the Williamsport neighborhood. Although we do not have a homeowner's association, we all feel some responsibility for upkeep of the neighborhood and maintenance of acceptable community standards. Joshua's RV is in keeping with the spirit of those standards.

The RV is visible from the street but is neither an eyesore nor out of character for the neighborhood at large. Its location is recessed from viewed and mostly surrounded by mature trees and shrubs. It's a newer model RV, used frequently and cleaned regularly.

I've discussed with Joshua the various options for complying with the Peachtree Corners zoning ordinance. Several of the options would in fact be less appealing aesthetically than allowing the RV to remain where it is with no further required actions. Specifically:

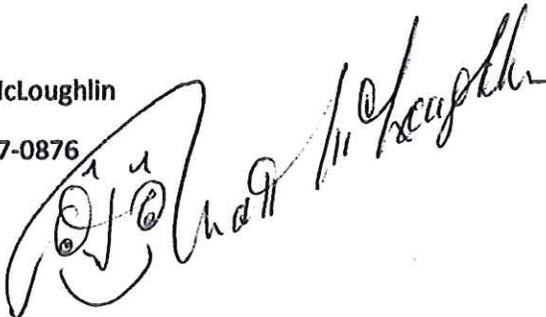
- **Construction of a carport** – Expense aside, a new structure adjacent to Joshua's garage would actually call greater attention to the RV from the street, and would give the lot a crowded look due to the limited space between the garage and the nearest lot boundary. A traditional open carport would also not hide the RV itself from the street, minimizing any real benefit.
- **Construction of an enclosing fence** – A fence erected to surround the existing parking pad to hide the RV from view would be a significant eyesore and look inappropriate next to his garage. The RV goes essentially unnoticed at this point, a large flat surface like a fence would at best be the same and at worst be more noticeable.
- **Parking in the rear of the house** – Joshua described the trees and shrubs that would require removal in order for him to park the RV in the rear of his house. Given the lack of negative impact at its current location, I prefer to keep the existing trees and plants and require no further changes. Significant changes to trees on his lot might very well have a negative impact to me.

In summary, as-is Joshua's RV has had no negative impact on me or our neighborhood and I see no reason for any changes be made to the location he parks it. I ask that you find in his favor and grant a variance to park the RV next to his garage on the existing gravel pad.

Sincerely,

Matt McLoughlin

770-447-0876

A handwritten signature in black ink that reads "Matt McLoughlin". The signature is written in a cursive style and is positioned over the printed name and phone number.

Joshua Lane
4984 Williamsport Drive
Peachtree Corners, GA 30092

ATTN: Zoning Board of Appeals

RE: ZR1001.5 Variance Request

Dear Sirs and Madams,

I'm writing to request a variance to the above-referenced zoning resolution for my non-motorized recreational vehicle. My RV is a 22' trailer model 2013 Forest River Shamrock, purchased approximately 3 years ago and (when not in use) parked at my primary residence, listed above. It's parked on a purpose-built gravel parking pad extending from the driveway and adjacent to our garage (please see **pictures 1-3**). The parking pad was originally constructed in 2010 for use with another camper that we no longer own.

As the basis for my variance request I would reference both the unique shape and topography of my lot, as well as my good-faith efforts to adhere to the spirit of the zoning resolution itself.

Regarding my lot, as shown in **picture 4** it's a pie-shaped lot that narrows considerably from front-to-back. There is no room to maneuver the RV into the rear yard as-is; significant changes (outlined below) would be required to park in the rear. Full compliance with ZR1001.5 would require one of the following accommodations, any of which imposes significant financial and logistical hardships:

Means to accommodate ZR1001.5	Hardship imposed
Construction of a carport to house the RV (same location as current parking pad)	<ul style="list-style-type: none">• Significant construction costs• Would require removal of shrubbery and also likely 1-2 mature trees (roots would be dug up, killing the trees)
Construction of an enclosed structure to house the RV (same location as carport)	<i>Same as carport</i>
Park in rear yard, RV backed in from left side of house	<ul style="list-style-type: none">• In order to make room for the RV and pulling vehicle to pass, I would have to remove multiple mature trees (at least 4 or 5, perhaps more) as well as a stand of mature azaleas and a stand of mature camellias (see picture 5)• The yard slopes away from this side of the house and might require leveling to allow safe use by my truck pulling the RV• Access to this side of the house would mean driving on the lawn (the driveway is on the other side of the yard); for all

	<p>practical purposes this is not an option, as I just installed new septic drain field lines in the front yard (at significant expense) and must keep vehicles off of those areas</p> <ul style="list-style-type: none"> • I would have to add a gate to the chain link fence in this section of the yard, to allow the RV and truck to pass. • The narrowness of the rear yard is such that the RV could only be parked directly behind the house to accommodate the 15' offset provision of the zoning ordinance; this would render a large portion of the rear yard effectively unusable for my family.
<p>Park in rear yard, RV backed in from right side of house</p>	<ul style="list-style-type: none"> • Similar to the prior item, in order to make room for the RV and pulling vehicle to pass I would have to remove 3 or 4 mature trees as well as a stand of mature azaleas and hollies (see picture 6). Removing these trees would significantly reduce the natural buffer between my house and my neighbor and reduce the aesthetic appeal of my lot. • The yard slopes toward this side of the house and would likely require ground leveling, drainage changes, etc. to allow safe use by my truck pulling the RV. Without this change the RV could tilt into the corner of the house as it passes. • I would have to modify the fence to use a larger gate to allow the RV and truck to pass. The current gate is narrow and allows only people to pass thru. • Like above, the RV could only be parked directly behind the house which reduces the benefit of the fenced rear yard as an area for recreation, etc.

With regard to good faith efforts to honor the spirit of the zoning provisions and minimize negative community impact, I point to the fact that I've never received a single complaint from any neighbor in the almost six years I've had an RV parked in this space (including the last three with my current RV). In fact I've been introduced to several dog-walking neighbors over the years specifically because they noticed my RV, saw me in the yard, and stopped to say hello and relate their own camping stories (one neighbor even gave us her old camping dishes and utensils that she was no longer using). This is of course not an excuse to flout the zoning ordinance but I use it to illustrate that I've yet to experience a

negative reaction. I've included here the names and contact info of two neighbors who can most directly view the RV from their homes; both are willing to speak on my behalf in favor of allowing the RV to remain where it is.

Matt McLoughlin (lives next door, on the side nearest the RV)	770-447-0876
Tricia Lightle (lives across the street)	770-447-8969

In regards to the items referenced in section 1605.3 of the zoning ordinance:

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

Please see detailed description above of my lot and the characteristics that make it difficult at best to adhere to the letter of ZR1001.5

B. The application of the Resolution to this particular piece of property would create an unnecessary hardship

The hardships imposed would be significant financial cost, loss of aesthetic appeal of the property, loss of use of a large percentage of the back yard, and loss of intrinsic value of trees, shrubs, etc.

C. Such conditions are peculiar to the particular piece of property involved

The conditions outlined in detail above are unique to my lot, given its pie shape and narrowness as it moves away from the street.

D. Such conditions are not the result of any actions of the property owner

The shape and topology of the lot (two of the biggest confounding factors) are the same as when we arrived in June 2007.

E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Resolution

The lack of complaints and willingness of my neighbors to speak on my behalf hopefully demonstrates the lack of harm to the public good. It's certainly not my intention to inconvenience anyone or cause harm by parking the RV next to my garage. I've undertaken a fair amount of effort to both construct the parking pad and maintain it over the years; I appreciate the importance of zoning to maintain a desirable community standard and have tried my best to make the RV parking pad as aesthetically pleasing and minimally distracting as I can.

As currently situated the RV is parked 13 ½ feet away from the property line, next to my garage. I ask the members of the Zoning Board of Appeals to grant a variance to ZR1001.5 to allow my RV to continue to be parked there (see **picture 7** for a rough schematic of the lot boundaries, house, and RV parking pad location, and **picture 8** for a wide-angle view of my lot with house and RV parked in the location I wish to keep it).

I appreciate your time in considering my request.

Respectfully,



Joshua Lane

Picture 1



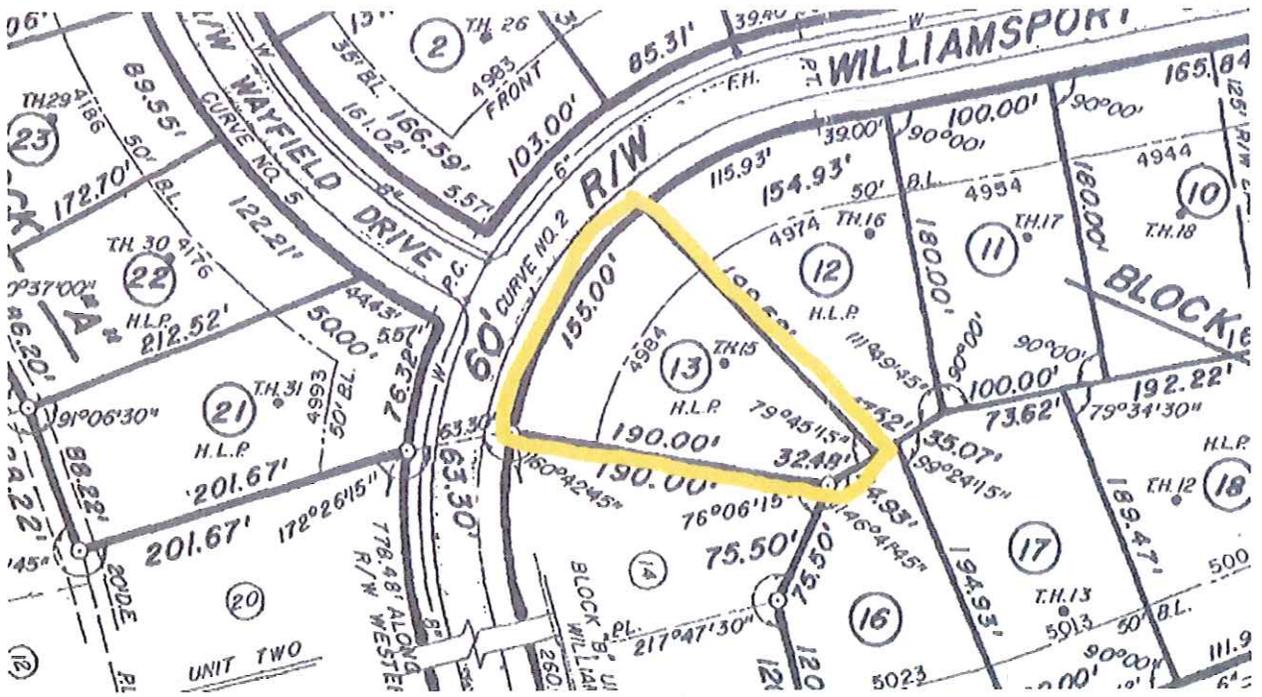
Picture 2



Picture 3



Picture 4



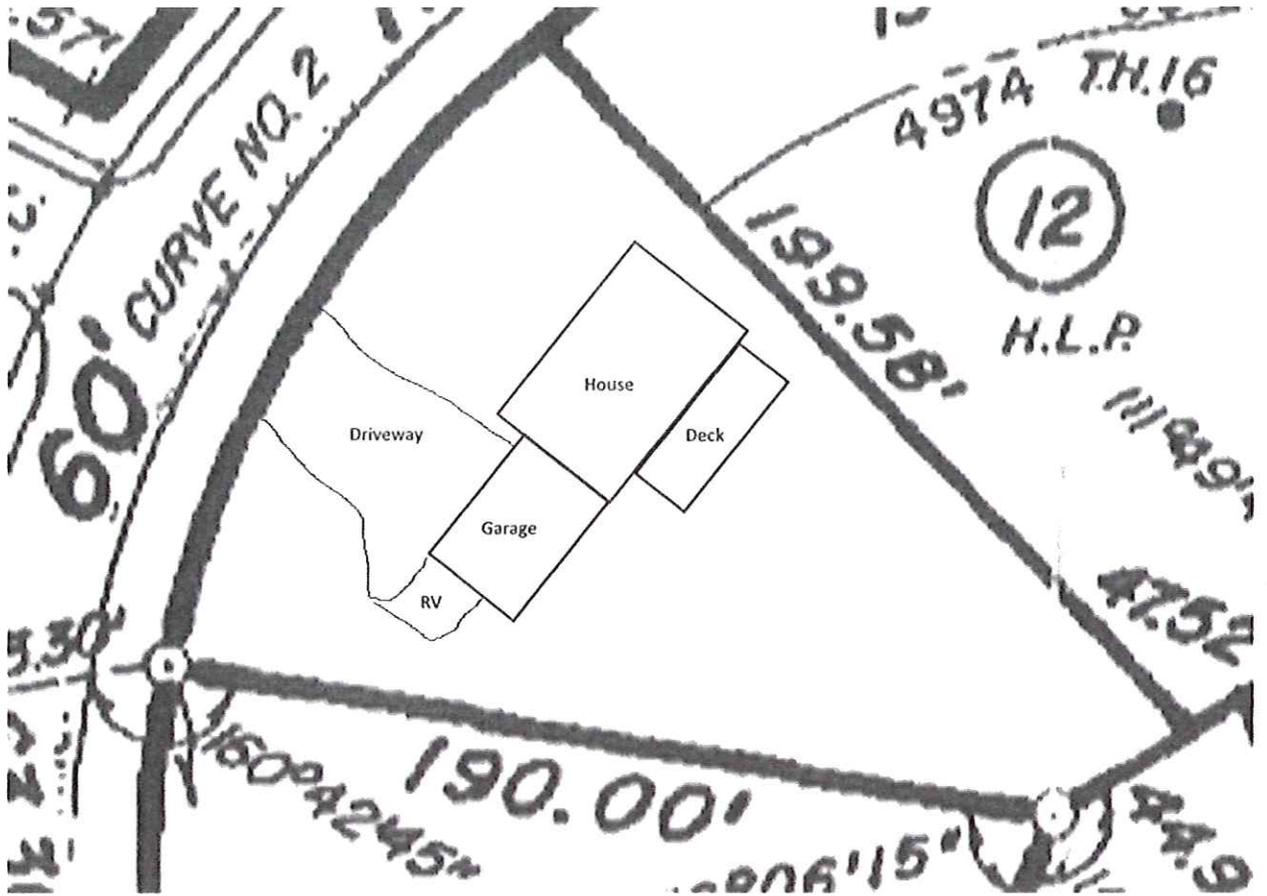
Picture 5



Picture 6



Picture 7

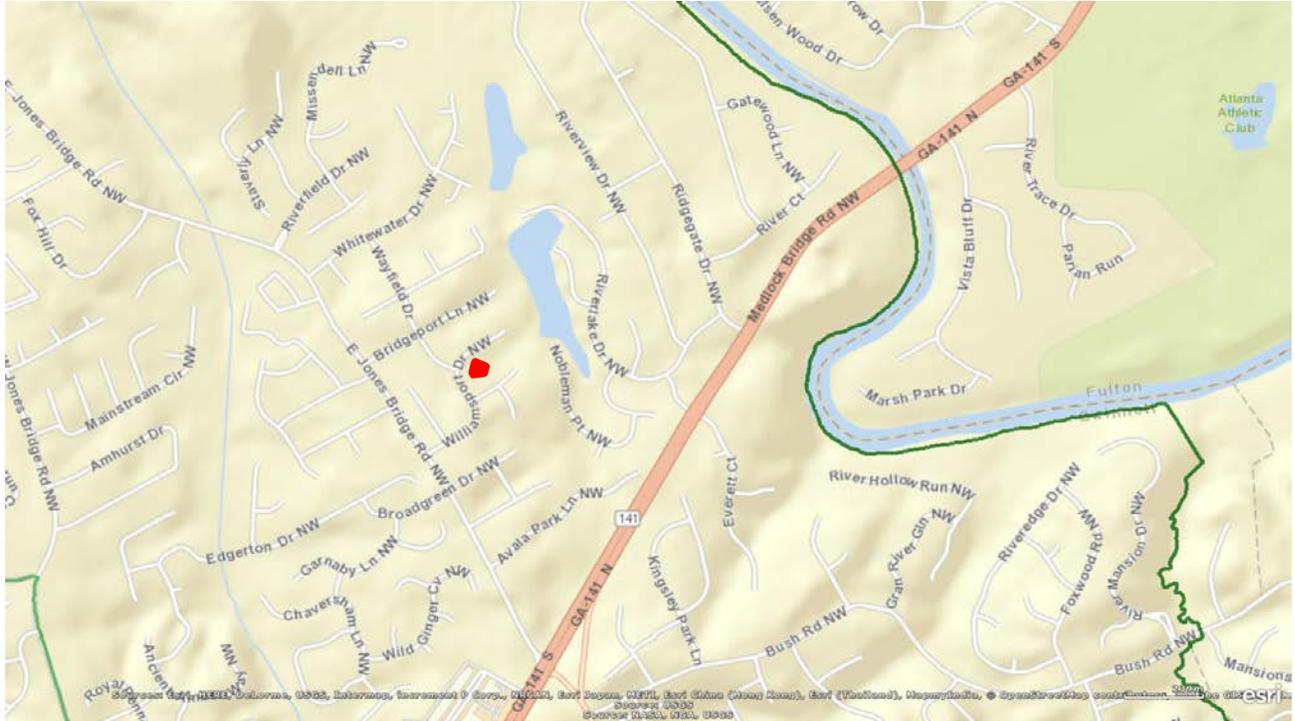


Picture 8



PROPERTY LOCATION MAP

4984 Williamsport Drive



CASE NUMBER:

V2015-011

HEARING DATE:

January 20, 2016

PROPERTY ADDRESS:

4984 Williamsport Drive