



## **ZONING BOARD OF APPEALS AGENDA**

**APRIL 20, 2016  
7:00 PM  
CITY HALL**

- A. Roll Call**
- B. Approval of Minutes: February 17, 2016**
- C. Old Business: (None)**
- D. New Business:**
  - 1. V2015-010 4038 Grove Hill Ct. Request Variance to Zoning Code Article X, Off-Street Parking, Section 1001-5(b), for property located at 4038 Grove Hill Ct. , Peachtree Corners, Ga., 6th Dist., LL314, Parcel 152 in order to park a recreational vehicle in the side yard instead of the required rear yard.**
- E. City Business Items:**
  - 1. Update on Town Center**
- F. Comments by Board Members.**
- G. Adjournment.**

**CITY OF PEACHTREE CORNERS**  
**ZONING BOARD OF APPEALS MINUTES**  
**February 17, 2016**

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

**MINUTES:** Approval of January 20, 2016 Minutes.

**MOTION TO APPROVE THE JANUARY 20, 2016 MINUTES WITH ONE AMENDMENT IN THE RESOLUTION FOR V2015-011 THE THIRD CLAUSE SHOULD READ “AND THREE, GRANTING THIS APPLICATION WILL NOT RESULT IN A DETRIMENT TO THE PUBLIC SAFETY OR WELFARE”**

**By: Eric Christ**

**Seconded: Marcia Brandes**

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

**NEW BUSINESS:**

**1. V2016-003 Pinckneyville Middle School.**

**Request Variance to Zoning Code Sec. 54-10 (a)5 and Sec. 54-15 (e), Sign Ordinance, to allow an electronic message board for property located at 5400 West Jones Bridge Rd., Peachtree Corners, Ga., in the 6th Dist., LL316, Parcel 274.**

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. Pinckneyville Middle School is located on West Jones Bridge Road at Clinchfield Trail. The applicant requests variances in order to allow an electronic message board in place of an existing monument sign at Pinckneyville Middle School. The applicant is requesting the following:

1. A variance from Zoning Code Sec. 54-10 (a) 5 which prohibits animated signs. (*Animated sign* means any sign or portion thereof involving motion, flashing, blinking, scrolling rotation or varying light intensity.)

2. A variance from Zoning Code Sec. 54-15 (e) which states: LED signs shall be prohibited.

There is currently a 7ft. high by 9.75ft. wide monument sign located at the school's main entrance. This existing sign has a changeable copy board on the front that accommodates individually applied letters. The applicant would like to keep the existing sign structure, but replace the changeable copy board sign face with an electronic message board.

The applicant has submitted photos showing numerous electronic message boards located at Gwinnett County Schools outside of Peachtree Corners. In addition, the applicant has submitted the list of school activities at Pinckneyville which demonstrates the numerous events that take place on a daily basis.

Peachtree Corners' sign ordinance is very clear that electronic message boards are not allowed. However, such a sign exists at the Peachtree Corners Baptist Church. Staff was unable to locate documentation to determine how that sign was established. No permit records were found for the electronic message board at the church. Nevertheless, no schools in Peachtree Corners utilize electronic message boards. The only other electronic message board that staff is aware of is incorporated into the billboard on Peachtree Parkway. This sign is the result of a Gwinnett County court order.

Based on the evidence provided, it is clear that the school's existing sign is impractical and it is no longer wanted. The existing changeable copy board no longer meets Pinckneyville's needs and schools that have programmable electronic message boards have an advantage with regard to their ability to quickly and easily convey information. However, some of the variance criteria listed in the Zoning Resolution are tied to hardships in the land. In the past, sign variances have been granted for height, size, and setback where determinations have been made that topography, landscaping, positioning or similar land-based hardship exists. In this case, no land-based hardships have been submitted. Therefore, most, but not all, of the variance criteria have been met.

Mr. Mark Kasson, applicant & owner of Big Mouth Signs, Inc., spoke regarding variance application.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application.

Marci Sledge, Principal of Pinckneyville Middle School, spoke in favor of the variance application. Andrea Antonwich, Co-President of Pinckneyville Middle School PTSA, spoke in favor of the variance application.

A motion was made after discussion concerning, among other items, location,

animation, and brightness of the sign.

**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 CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY; SECOND, A LITERAL ENFORCEMENT OF THE ZONING RESOLUTION WILL RESULT IN UNNECESSARY HARDSHIP TO THE APPLICANT; AND THREE, GRANTING THIS APPLICATION WILL IMPROVE THE PUBLIC SAFETY AND WELFARE; I FURTHER MOVE THAT THIS VARIANCE BE GRANTED WITH THE CONDITION THAT THE SIGN NOT INVOLVE ANY MOTION, FLASHING, BLINKING, SCROLLING, ROTATION OR VARYING LIGHT INTENSITY.**

**By: Eric Christ**

**Seconded: Marcia Brandes**

**I MOVE THAT WE MODIFY THE FIRST MOTION TO DENY THE FIRST VARIANCE REQUEST FOR ZONING CODE SECTION 54-10 (A) 5 AND GRANT THE SECOND VARIANCE REQUEST FROM ZONING CODE SECTION 54-15 (E) SUBJECT TO CONDITIONS THAT ARE OUTLINED IN FIRST MOTION.**

**By: James Blum**

**Seconded: Eric Christ**

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

**CITY BUSINESS ITEMS:** There was no City Business.

The Zoning Board of Appeals meeting concluded at 8:45 PM.

Approved,

Attest:

\_\_\_\_\_

\_\_\_\_\_

Wayne Knox, Chairman

Jennifer Davis, Deputy City Clerk

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

<b>CASE NUMBER:</b>	<b>V2015-010</b>
<b>PROPERTY LOCATION:</b>	<b>4038 Grove Hill Ct. 6<sup>th</sup> District, Land Lot 314, Parcel 152</b>
<b>CURRENT ZONING:</b>	<b>R-100</b>
<b>PARCEL SIZE:</b>	<b>1.3 acres</b>
<b>PROPERTY OWNER:</b>	<b>Vonley and Christina Starkey</b>
<b>APPLICANT:</b>	<b>Vonley and Christina Starkey</b>

**REQUEST**

The applicant requests a variance in order to allow their recreational vehicle to remain parked in their side yard, approximately 13.5 ft. from their 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 Spalding Drive in the Spalding Corners subdivision. It is situated at the end of a cul-de-sac and backs onto the community tennis courts. The property owners keep a recreational vehicle (motor home) parked at the end of their driveway to the side of their single family home. The motor home is situated immediately adjacent to the existing garage and is parked approximately 5 ft. from their property line and the neighboring property. There is a grouping of trees between the motor home and the rear yard. Despite the driveway's steep downward slope, the top of the motor home is still visible from the street.

**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 diamond shaped lot with a narrow frontage, a steep drive, and a wooded backyard. As can be seen from the photographs, there is a grouping of trees located between the end of the driveway and the rear yard. The property's configuration and existing landscaping would make it difficult to maneuver the motor home behind the house and place it in the rear yard as the code requires. If the applicant has to relocate the RV behind their home, they'll be required to remove several existing trees and shrubs that add value to their property and the neighborhood.

If they were to build an enclosure to screen the motor home, it would negatively affect the aesthetics of the home and, by extension, its value. Such an enclosure would necessarily be much taller than the motor home in order to allow for the vehicle to access the enclosure onto a steep driveway. This means that the enclosure would be much more visible than the vehicle it is intended to screen and, therefore, more of a visual intrusion into the neighborhood.

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 visually compete with the main structure. A separate accessory building or fence to screen the motor home would be unique to the neighborhood and, as a result, may appear odd.
- 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 motor home 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: 15-0176 Received Date: 10/27/15 Hearing Date: 4/20/16

**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>Vonley J + Christina P Starkey</u>	Name <u>Vonley J + Christina P. Starkey</u>
Address (all correspondence will be mailed to this address): <u>4038 GROVE HILL CT</u>	Address <u>4038 Grove Hill Ct</u>
City <u>Peachtree Corners</u>	City <u>Peachtree Corners</u>
State <u>GA</u> Zip <u>30092-1922</u>	State <u>GA</u> Zip <u>30092</u>
Phone <u>404 519-9993</u>	Phone <u>404-519-9993</u>
Contact Person Name: <u>Christina Starkey</u> Phone: <u>404-519-9993</u>	
Email Address: <u>1964-cstarkey@usa.net</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 4038 GROVE HILL COURT  
 Subdivision or Project Name SPALDING CORNERS Lot & Block Lot 30, Bl. "G"  
 District, Land Lot, & Parcel (MRN) Dist. 6, Landlot 314, Parcel 152  
 Proposed Development NA  
 Permit Number (if construction has begun) NA  
 Variance Requested Exception to zoning code 10055 Art. 10. section 5b

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

Search Google Maps



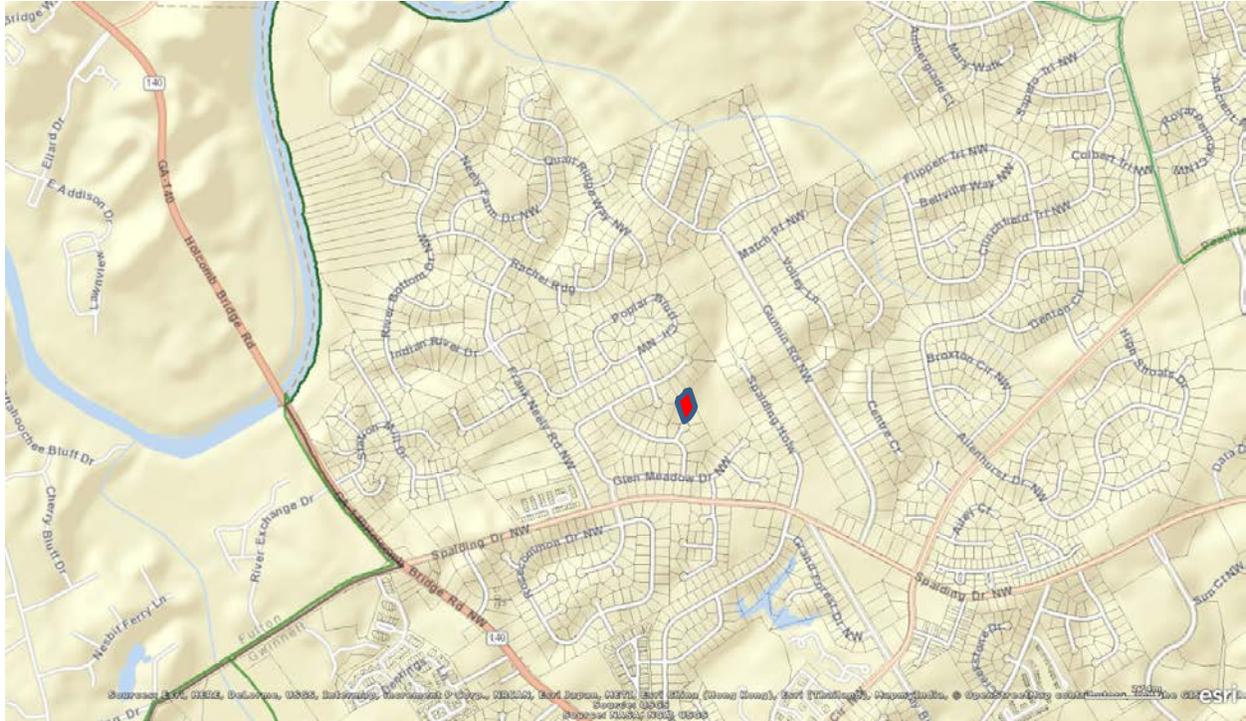


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## PROPERTY LOCATION MAP

**4038 Grove Hill Ct.**



**CASE NUMBER:**

**V2015-010**

**HEARING DATE:**

**April 20, 2016**

**PROPERTY ADDRESS:**

**4038 Grove Hill Ct.**