



**ZONING BOARD OF APPEALS AGENDA
Special Called Meeting**

**MAY 4, 2016
7:00 PM
CITY HALL**

- A. Roll Call**
- B. Approval of Minutes: (None)**
- C. Old Business: (None)**
- D. New Business:**
 - 1. PH2016-003 Railroad Outdoor, LLC Appeal of an administrative decision pursuant to Zoning Code Sec. 1606 and Sec. 54-8(b) to deny a sign permit at 4395 Buford Hwy.**
- E. City Business Items: (None)**
- F. Comments by Board Members.**
- G. Adjournment.**

PH2016-003
Railroad Outdoor, LLC

**City of Peachtree Corners
Zoning Board of Appeals
Special Called Meeting
May 4, 2016**

CASE NUMBER:	PH2016-003
PROPERTY LOCATION:	4395 Buford Highway 6th District, Land Lot 259, Parcel 054
CURRENT ZONING:	C-2
PARCEL SIZE:	1.91 acres
PROPERTY OWNER:	The Kyu Yong Cho Revocable Trust ETAL
APPLICANT:	Railroad Outdoor, LLC

REQUEST

The applicant is appealing an administrative decision to deny a sign permit and requesting that the denial be overturned and the permit be issued.

BACKGROUND

On March 8, 2016, the City received an application for an oversized sign (billboard) at 4395 Buford Highway (attachment 'A'). The proposed sign was 30x10 feet with 300 square feet of surface area and a height of 30 feet. Staff denied this permit application (see attachment 'B') based on the following reasons:

1. The sign requested did not meet the definition of an oversized sign. (An oversized size is defined as a sign that *exceeds* 30x10 feet with 300 square feet of surface area); and
2. If the sign was then considered as a primary ground sign for an individual business, it exceeded the size and height allowed for that type of sign. (A primary ground sign is limited to 75 sq. ft. in area and 20 feet in height.)

When the applicant received Staff's letter indicating that the permit was denied for the above noted reasons, they responded with a letter appealing the denial (attachment 'C'). The grounds for this appeal as stated by the applicant are:

1. That the City's sign ordinance has some contradiction regarding the definition of "oversized sign";
2. The City's overlay district is vague and lacks definition;
3. The City's overlay district is invalid.

OVERVIEW

Staff's letter denying the permit application informed the applicant that the proposed sign did not exceed the 30 x 10 ft. dimension and, therefore, did not qualify as an oversized sign. Additionally, to

be informative, Staff's letter noted that if the sign had met the definition of an oversized sign, the application would be denied because the location of the sign would be within 1,250 feet of the Overlay District, a violation of Zoning Code Section 54-17(3). And, the location of the sign would be within 500 feet of a dwelling and within 500 feet of a residentially-zoned property, both not permitted by Section Zoning Code 54-17(2).

Further, it should also be noted that if the sign qualified as an oversized sign (billboard), it would be prohibited by Gwinnett County zoning case RZ-99-048 (attachment 'D') which states that, "No billboards are permitted", as a zoning condition, for this property.

Once the proposed sign was disqualified as an oversized sign, Staff assessed the possibility of classifying it as a primary sign for an individual business on a non-residential lot pursuant to Zoning Code Section 54-16. Within that context, the sign exceeded the size limitation (no more than 75 square feet) and the height restriction (over 20 feet), as well as the number of signs allowed per road frontage (one sign already exists).

RESPONSE TO ASSERTIONS IN THE APPEAL

Assertion One: the contradictory nature of the City's Sign Ordinance regarding the definition of "oversized sign".

Both the Sign Ordinance and the Zoning Code have definitions for Oversized signs. These definitions are as follows:

Sign Ordinance

Section 54-2 Definitions - Oversized signs means a ground sign which exceeds 30 feet in sign height and/or 300 square feet of sign surface area.

Zoning Code

Article III. – Definitions

Oversized Sign. A ground sign which exceeds 30 feet in sign height and/or 300 square feet of sign surface area.

The definitions contained in both sections are identical. In addition to these definitions, subsection 8 of Sect. 54-17 contains a chart covering the maximum height and minimum front yard setback from the street right-of-way for oversized signs. The chart has a section that says oversized signs 300-349 square feet of sign surface area can be at a maximum height of 30 feet. The applicant alleges that this contradicts the definition and creates an inconsistency within the ordinance. However, tables, charts and other similar guides are intended as references. They are supplementary to the regulations and do not substitute for the written definitions.

Assertions Two and Three: the vagueness and lack of definitions regarding the City's overlay districts, and the invalidity of the City's overlay districts."

Section 1315.1.1 of the Zoning Ordinance is clear about the purpose of the Overlay District:

The Activity Center/Corridor Overlay District is intended to enhance the viability and livability of the area surrounding major activity centers in City of Peachtree Corners as designated by the City Council.

The purpose of the Overlay District is to achieve and maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture and signage; and to promote alternative modes of transportation within the district through the provision of pedestrian and local public transit.

Section 1315.1.2 of the Zoning Ordinance is clear about the applicability of the Overlay District

The requirements of the Overlay District shall apply to all non-residential and attached residential properties within the geographic areas shown on the Peachtree Corners Overlay District Map.

Whenever the requirements of the Overlay District impose a more or less restrictive standard than the provisions of any other statute or covenant, the requirements of the Overlay District shall govern.

The Overlay district map has been adopted and exists as an overlay on the Zoning Map because its applicability is determined both by a geographical area and the nature of the use of the property.

CONCLUSION

- The term “oversized sign” is clearly and consistently defined in the Zoning Code and in the Sign Ordinance.
- The Overlay district purpose and applicability are described in the Zoning Code and both the Zoning Code and the Overlay District Map have been properly adopted.
- The applicant’s proposed sign does not meet the definition of an oversized (billboard) sign and, if it did, it would be prohibited by RZ99-048, condition 2B.

Therefore the administrative decision to deny the Railroad Outdoor, LLC sign permit should be upheld.



CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT
117 Technology Parkway, Suite 200, Peachtree Corners, GA 30092
Tel: 678.691.1200 | www.cityofpeachtreecornersga.com

PERMIT # _____

FEE PAID \$ _____

(SEE BACK OF PAGE FOR FEES)

SIGN PERMIT APPLICATION

PROPERTY INFORMATION

ADDRESS OF SIGN: 4395 Buford Hwy TAX PARCEL No. R6259-054
BUSINESS NAME: Auto Star
BUSINESS OWNER NAME: Kyo Yong Cho
BUSINESS OWNER ADDRESS: 840 Winding Bridge Way, Duluth, GA 30097
Sign is for a: BUILDING ON INDIVIDUAL NON-RESIDENTIAL LOT BUILDING ON INDIVIDUAL LOT
 BUSINESS IN A COMMERCIAL OR RETAIL CENTER BUSINESS IN AN OFFICE OR INDUSTRIAL CENTER
Name of Commercial Center, Office Park or Building: N/A

SIGN INFORMATION

SIGN CONTRACTOR (COMPANY): Railroad Outdoor, LLC BUSINESS LICENSE # Eligay 2016-4722
CONTACT NAME: MIKE FITZGERALD
ADDRESS: PO Box 250633 E-MAIL: mike@railroadoutdoor.com
CITY: ATLANTA STATE: GA ZIP: 30325 PHONE: 678-571-8889
 NEW ILLUMINATED REPAIR / ALTER GROUND WALL CANOPY SINGLE FACE DOUBLE FACE OTHER OVERSIZED
Sq. Ft. of Existing Signs: 78 SF Wall Sq. Ft.: 30 SF Building Sq. Ft.: 2,400 SF
(To Remain) (Of Wall or Canopy Sign) SIGN AREA SQ. FT.: 300 SF
OVERALL SIGN DIMENSIONS: 10' x 30'
HEIGHT OF GROUND SIGN FROM GRADE TO BOTTOM OF SIGN: 20' TOP OF SIGN: 30'
SIGN SET BACK FROM RIGHT OF WAY (GROUND SIGN): 50 FT. ESTIMATED COST OF SIGN: \$ 12,000.00

- ATTACH DRAWING SHOWING DIMENSIONS, MATERIALS, OVERALL SIZE, COLOR AND PLACEMENT OF SIGN (LOCATION ON BUILDING IF WALL SIGN).
- ATTACH SITE PLAN DRAWN TO SCALE SHOWING SIGN LOCATION.
- ALL SIGN STRUCTURES MORE THAN 32 SQ. FT., OR GREATER THAN 6 FT. IN HEIGHT, OR OVERSIZED SIGN MUST HAVE STRUCTURAL ENGINEER SEAL ON PLANS AND FOOTINGS MUST BE ENGINEER DESIGN WITH SEAL.
- ALL WALL AND CANOPY MOUNTED SIGNS MUST HAVE ENGINEER DESIGNED METHOD OF ATTACHMENT.
- ALL SIGN STRUCTURES AND PLACEMENT MUST MEET THE CITY OF PEACHTREE CORNERS SIGN ORDINANCE, OVERLAY DISTRICTS AND INTERNATIONAL BUILDING CODE REQUIREMENTS FOR SIGNS.
- ILLUMINATED SIGNS ALSO REQUIRE AN ELECTRICAL PERMIT.
- FOOTING AND ELECTRICAL INSPECTIONS ARE REQUIRED FOR GROUND SIGNS (PLEASE CALL 678-691-1200 TO SCHEDULE)

SIGNATURES

BUILDING / LAND OWNER SIGNATURE: SEE ATTACHED GROUND LEASE DATE: _____
APPLICANT SIGNATURE: [Signature] DATE: 2/24/16

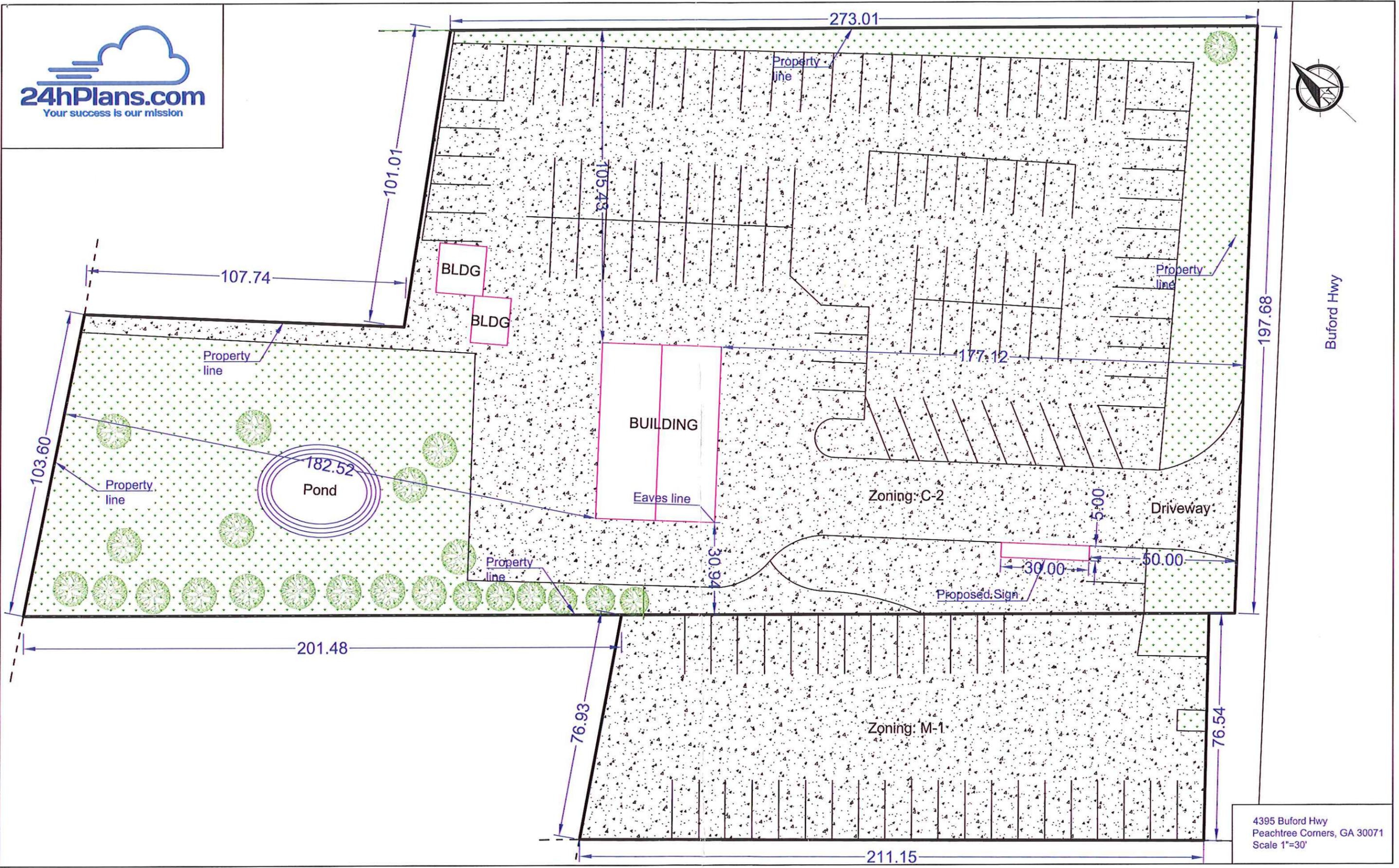
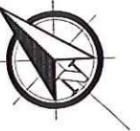
APPROVALS - FOR OFFICE USE ONLY

ZONING CASE # _____
APPLICATION APPROVED BY: _____ DATE: _____
APPLICATION REJECTED BY: JOHN LAWLER DATE: 3/23/16
REJECTED FOR THE FOLLOWING: see letter of 3/23/16 attached

INSPECTION RECORD

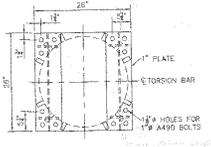
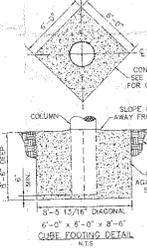
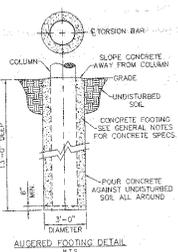
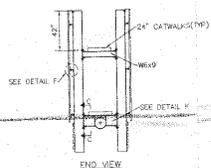
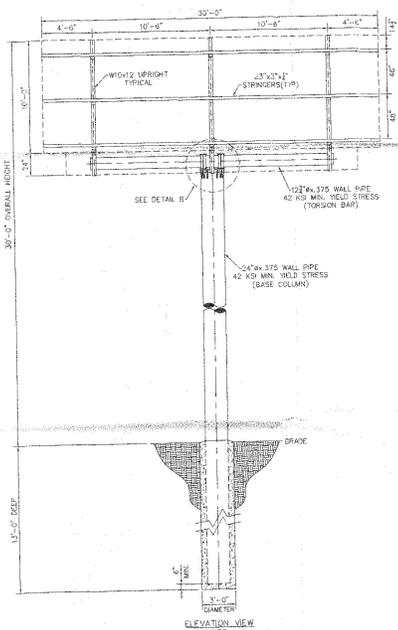
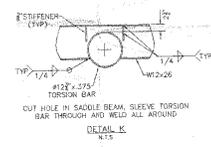
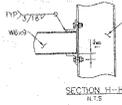
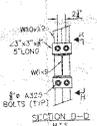
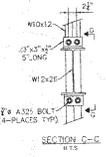
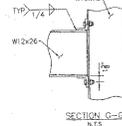
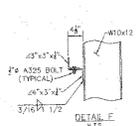
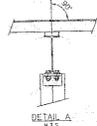
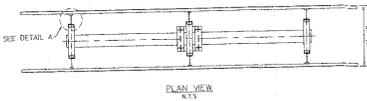
FINAL: _____ APPROVED DATE: _____ REJECTED DATE: _____

COMMENTS: _____



Buford Hwy

NOTE: 24" UPPER & LOWER HIDE
CATWALKS NOT SHOWN FOR CLARITY.



Selective Structures, LLC
811 East Avenue
Athens, TN 37903

NOTES

- 1) PROVIDE FAN BELT FLAG COLUMN PIPE TO BE EMBEDDED 30" PER FOOT IN THE DIRECTION AWAY FROM THE FLAG TO CORRECT DIRECTIONAL DEFLECTION.
- 2) PROVIDE 1/4" PLATES FOR ENDS OF TORSION PIPE. PLATE TO BE WELDED ALL AROUND TO PIPE.
- 3) FOUNDATION HANGERS SHALL CONFORM TO THE REQUIREMENTS OF MEDIUM STIFF CLAY OR BETTER. (Allowable soil pressure 1000 psf @ 8' depth).
- 4) CONTACT US TO NOTIFY ENGINEER IF OTHER THAN THESE SOIL CONDITIONS EXIST.
- 5) CATWALK ANGLES USING 2" @ 425 BOLT @ 18" ANGLES.
- 6) CATWALK GRATING TO BE 3" x 3" EXPANDED METAL GRATING. WELDED WITH 1/4" DIA. @ 18" LONG @ 12" ON 12" ANGLE.
- 7) FACE OF RISERS AS CLOSE TO HETES AS POSSIBLE ALLOWING FOR SOIL SETTLEMENTS.

TYPICAL GUSSET DETAIL
(Use this detail for all gussets)

Length & height of gussets to be determined by fabricator if not specified. Use maximum length & height possible & still allow for welding all around. Depth of 4" channel to be indicated required in clear width of flange.

GENERAL NOTES

- All steel and bolts are to be as specified. Select A360 bolts which are not to be plated, but painted and galvanized after installation.
- The contractor shall verify all dimensions and conditions in the field before fabrication or construction, and notify engineer of any discrepancies.
- All structural steel shall conform to the requirements of ASTM A-572.
- Structural steel welding shall conform to the requirements of AWS D1.1.
- All 18" slope beams shall conform to A-572 (50 ksi minimum yield).
- All steel pipe shall conform to the requirements of ASTM A-53 grade B or A-252 grade 2, unless otherwise noted.
- All concrete shall meet a minimum compressive strength of $f_c = 3500$ psi in 28 days unless otherwise noted.
- All welding shall be performed in accordance with AWS D1.1 and AWS D1.5.
- All welding shall be performed in accordance with AWS D1.1. Welding to be performed by certified welders using E-70 electrodes.
- Concrete construction shall be performed in accordance with ACI 308, 309, and local codes & ordinances. No CO2/A-1000 vapor mitigation.
- Site/soil conditions having an equal footing shall be performed. A full penetration weld all around pipe (AWS D1.1) shall be used and must be performed by a certified welder. Slopes shall match. Surface one half the foundation depth before grade within 10' above grade or within 10' above temporary slope. Unless specified otherwise.

APPLICABLE BUILDING CODE AND WIND SPEED:
International Building Code (2012 Edition)
(115 mph Exposure C) 3-Second Gusts

PROVIDED:
10'-0" x 30'-0" CM, BB @ 30'-0" O.A.H.
Location: 3834 Hwy. 365
Ballwin, GA

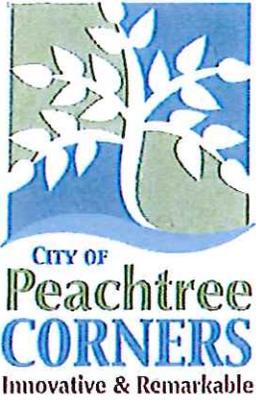
Effective Engineering Solutions, Ltd.
61 White Water Court
New Lenox, IL 60451
(815) 485-1470

APPROVAL:

REGISTERED PROFESSIONAL ENGINEER
No. 18728
Geotechnical
Geological & Environmental
Illinois State Board of Examiners
for Professional Engineers

REVISIONS

NO.	DATE	DESCRIPTION
1	11-20-15	ISSUED FOR PERMIT
2	01-22-16	REVISED PER COMMENTS
3	02-10-16	REVISED PER COMMENTS
4	03-10-16	REVISED PER COMMENTS
5	03-10-16	REVISED PER COMMENTS
6	03-10-16	REVISED PER COMMENTS
7	03-10-16	REVISED PER COMMENTS
8	03-10-16	REVISED PER COMMENTS
9	03-10-16	REVISED PER COMMENTS
10	03-10-16	REVISED PER COMMENTS



147 Technology Parkway
Suite 200
Peachtree Corners
Georgia 30092

phone 678-391-1200
fax 678-691-1201

PeachtreeCornersGA.gov

Mayor
Mike Mason

Council Members

Phill Sadd
Post 1

James Lowe
Post 2

Alex Wright
Post 3

Jeanne Aulbach
Post 4

Lorri Christopher
Post 5

Weare Gratwick
Post 6



March 23, 2016

CERTIFIED MAIL/RETURN RECEIPT

Railroad Outdoor, LLC
P.O. Box 250633
Atlanta, Georgia 30325
Attention: Mike Fitzgerald

RE: Sign application submitted March 8, 2016
4395 Buford Highway

Dear Sir:

Enclosed is the Sign Permit Application which was submitted March 8, 2016. A permit has been denied for the reasons stipulated in the City of Peachtree Corners, Georgia Sign Ordinance and as set forth below.

The enclosed Application requests a Sign Permit for an oversized sign that is 30 feet in sign height and 300 square feet of sign surface area. However, pursuant to City Code Section 54-2, an oversized sign is defined as a ground sign which exceeds 30 feet in sign height and/or 300 square feet of sign surface area. Therefore, the proposed sign does not meet the City's definition of an oversized sign. Nevertheless, treating it as an oversized sign the permit is denied. The sign is within 1,250 feet of an overlay district which is not permitted by Code Section 54-17(3) and the sign is within 500 feet of residentially-zoned property and a dwelling which is not permitted by Code Section 54-17(2).

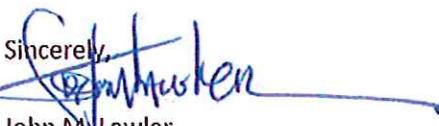
Treating the sign proposed as other than an oversized sign relegates the sign to the category of a primary sign for an individual business on a non-residential lot, and, thus, it would fall within the limitations found in Sect. 54-16. Pursuant to that Code section, since the sign sits more than 20 feet from the right-of-way, the maximum height would be limited to 20 feet. The proposed sign exceeds this maximum. Furthermore, since the application shows the gross building space to be 2,400 square feet, the ground signage for a primary sign for an individual business on a non-residential lot is limited to a total of no more than 75 square feet. The proposed sign also exceeds this maximum applicable to a primary sign for an individual business on a non-residential lot.

Finally, pursuant to Code Section 54-16(1), only one primary ground sign is permitted per road frontage and such a sign already exists on the property.

Thus, whether treated as an oversized sign or as a primary sign for an individual business on a non-residential lot, the sign proposed violates the sign ordinance.

Please let me know if you have any questions.

Sincerely,


John M. Lawler
Zoning Administrator



The High House
309 Sycamore Street
Decatur, GA 30030
404.373.9590 Phone
404.378.6049 Fax

R. Lawton Jordan III
404-458-4095

LJordan@WilliamsTeusink.com

April 11, 2016

Via Federal Express

City of Peachtree Corners
Attn: Director, Planning Department
147 Technology Parkway, Suite 200
Peachtree Corners, GA 30092
678-691-1200

City of Peachtree Corners
Attn: Zoning Board of Appeals
147 Technology Parkway, Suite 200
Peachtree Corners, GA 30092

Re: Appeal to Board of Zoning Appeals

Dear Sir or Madam:

This Firm represents Railroad Outdoor, LLC ("**Railroad Outdoor**"). On behalf of Railroad Outdoor, and pursuant to Section 1606s and 54-8 of the City's Code of Ordinances, the denial of the Sign Permit Application of Railroad Outdoor, as evidenced by the attached letter, is hereby appealed. The grounds for this appeal are the contradictory nature of the City's sign ordinance regarding the definition of "oversized sign", the vagueness and lack of definition regarding the City's overlay districts, and the invalidity of the City's overlay districts.

In addition, Railroad Outdoor respectfully asserts its constitutional objections to the denial of this sign permit in that such a denial: (a) would unreasonably impair and destroy the property rights of Railroad Outdoor without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States; (b) would deny Railroad Outdoor and the owner of the landowner on which the sign would be located an economically viable use of its property without substantially advancing legitimate state interests in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States; and (c) constitute an unreasonable hardship upon Railroad Outdoor without advancing the public health, safety and welfare and would constitute an arbitrary and capricious act by the City without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Letter to City of Peachtree Corners

April 11, 2016

Page 2

Sincerely,



R. Lawton Jordan III

Enclosure

cc: Mr. Johnny Lawler (via email at jlawler@PEACHTREECORNERSGA.GOV)

CASE NUMBER RZ-99-048

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>Absent</u>
Tommy Hughes, District 1	<u>AYE</u>
Patti Muise, District 2	<u>AYE</u>
Judy Waters, District 3	<u>Absent</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. MUISE, which carried 3-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

M-1 to C-2 by

IMPORT AUTO CLASSIC INC. for the proposed use of

USED CAR SALES on a

tract of land described by the attached legal description, which

is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on APRIL 27, 1999, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 27TH day of APRIL, 1999, that the aforesaid application to amend the Official Zoning Map from M-1 to C-2 is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Automotive sales lot (new or used).
 - B. Building facade shall be finished with architectural treatments of glass and/or brick; stone or stucco; or submit alternate architectural plans for review for approval of the Planning Director prior to issuance of a building permit. Metal, or portable buildings or mobile homes are not permitted.
 - C. No automotive sales shall be allowed prior to issuance of a development permit.
2. To satisfy the following site development considerations:
 - A. Provide a ten-foot wide landscape strip outside the dedicated right-of-way of Buford Highway.

- B. No billboards are permitted.
- C. Provide a minimum 5-foot wide sidewalk within the dedicated right-of-way of Buford Highway.
- D. Dumpsters shall be screened by a solid fence or wall a minimum 6-feet in height.
- E. Provide interparcel access where required by the Development Division.
- F. Any outdoor automotive repair, outdoor storage, including parts, tires, junk vehicles or other materials is prohibited.
- G. No streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. No flags shall be flown on the site except for the flags of the United States of America, other nations or the State of Georgia.
- H. Prior to issuance of Development Permit existing mobile home and structures shall be removed.
- I. No outdoor loudspeakers shall be allowed.
- J. Access to Buford Highway shall be limited to one entrance.

CASE NUMBER RZ-99-048

- K. Use of gravel parking lot will require approval of a variance through the Development Services Section.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: *F. Wayne Hill*
F. Wayne Hill, Chairman

Date Signed: June 9, 1999

ATTEST:

Brenda Maddox
County Clerk

EXECUTOR'S DEED OF ASSENT

STATE OF GEORGIA

COUNTY OF GWINNETT

WHEREAS, J. S. Butler (Joseph Stephens Butler) died a resident of Gwinnett County, Georgia on September 1, 1974, leaving a Will which was duly probated in Solemn Form on September 26, 1974, in the Probate Court of Gwinnett County, Georgia; and,

WHEREAS, on said date, Sara Ruth Butler Ryers qualified as Executrix under said Will, the Letters Testamentary being recorded in said Court as Letters Testamentary No. 7800, and said person is now administering the estate of the deceased according to the terms of said Will, and all debts of the estate heretofore have been paid; and,

WHEREAS, under the terms of said Will, the following described real property was devised to Eura Idell Butler, to-wit:

All that tract or parcel of land lying and being in Land Lot 269 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

All that tract or parcel of land lying and being land lot No. 269 of the 6th land district of Gwinnett County, Georgia, being lots numbers 19, 20, 21 and 22 of the subdivision of the lands of Lee Payne, as shown on a plat of said property prepared by H. L. Donahoo, Surveyor, in January 1846. Said plat is recorded in Platbook D page 140 of the plat records of Gwinnett County, and by reference said plat and the record thereof is incorporated herein and made a part hereof.

LESS AND EXCEPT the following portion of same, conveyed to Clyde and Ruth Ryers by Quitclaim Deed dated June 24, 1958 and recorded in the Deed Records of Gwinnett County, Georgia:

All that tract or parcel of land, lying and being in the 6th land district of Gwinnett County, Georgia, and being a part of Land Lot 269, being the back portion of Lot Nos. 21 and 22 of Lee Payne Subdivision as per plat by H. L. Donahoo and recorded in Plat Book "D" page 140, Clerk Superior Court's Office, and more particularly described as follows:

BEING at a pin corner four hundred (400) feet west on the east side of a public road from U. S. Highway No. 29 and being

GWINNETT CO., GEORGIA
REAL ESTATE TRANSFER TAX

NOTE
GARY R. YATES, CLERK OF
SUPERIOR COURT

FILED & RECORDED
CLERK OF SUPERIOR COURT
GWINNETT COUNTY, GA
FEB 26 1979
GARY R. YATES, CLERK

WILLIAM H. OVERMAN, P.C.
1000 Peachtree St. N.E.
Atlanta, Georgia 30328

71224

RC-99-048
SUP-99-017

at a common corner of the J. S. Butler "formerly O. W. Bailey property" and the McDaniel property" and travelling along the east side of said public road a distance of 103 feet to a pin corner thence along the line separating Lots No. 21 and 20 of said subdivision in an easterly direction one hundred (100) feet to a pin corner thence in a northeasterly direction a distance of One hundred three (103) feet to a pin corner on the line dividing Lot Nos. 22 and 23 of said subdivision thence in a westerly direction along the dividing line between Lot Nos. 22 and 23 a distance of One hundred (100) feet to the point of beginning.

Same being a four portion of Lot Nos. 21 and 22 of the Leo Payne Subdivision and being a part of the property conveyed to J. S. Butler by O. W. Bailey, recorded in Deed Book 189 at page 164, Gwinnett County records.

NOW, THEREFORE, the undersigned, as Executrix aforesaid, hereby assents to the devise of said real property according to the terms of said Will, such that the full interest of the deceased in and to said real property is vested in Burn Idell Butler, as Devisee, as provided in said Will.

WITNESS my hand and seal, this 13th day of August, 1992.

Sara Ruth Butler Byers
Sara Ruth Butler Byers, As Executrix of
the Estate of Joseph Stephens Butler,
Deceased

SIGNED, sealed and delivered in the presence of:

Dwight A. Murphy
Unofficial Witness

Sumner B. Radin
Notary Public, Georgia at Large
My Commission Expires: 12/19/94

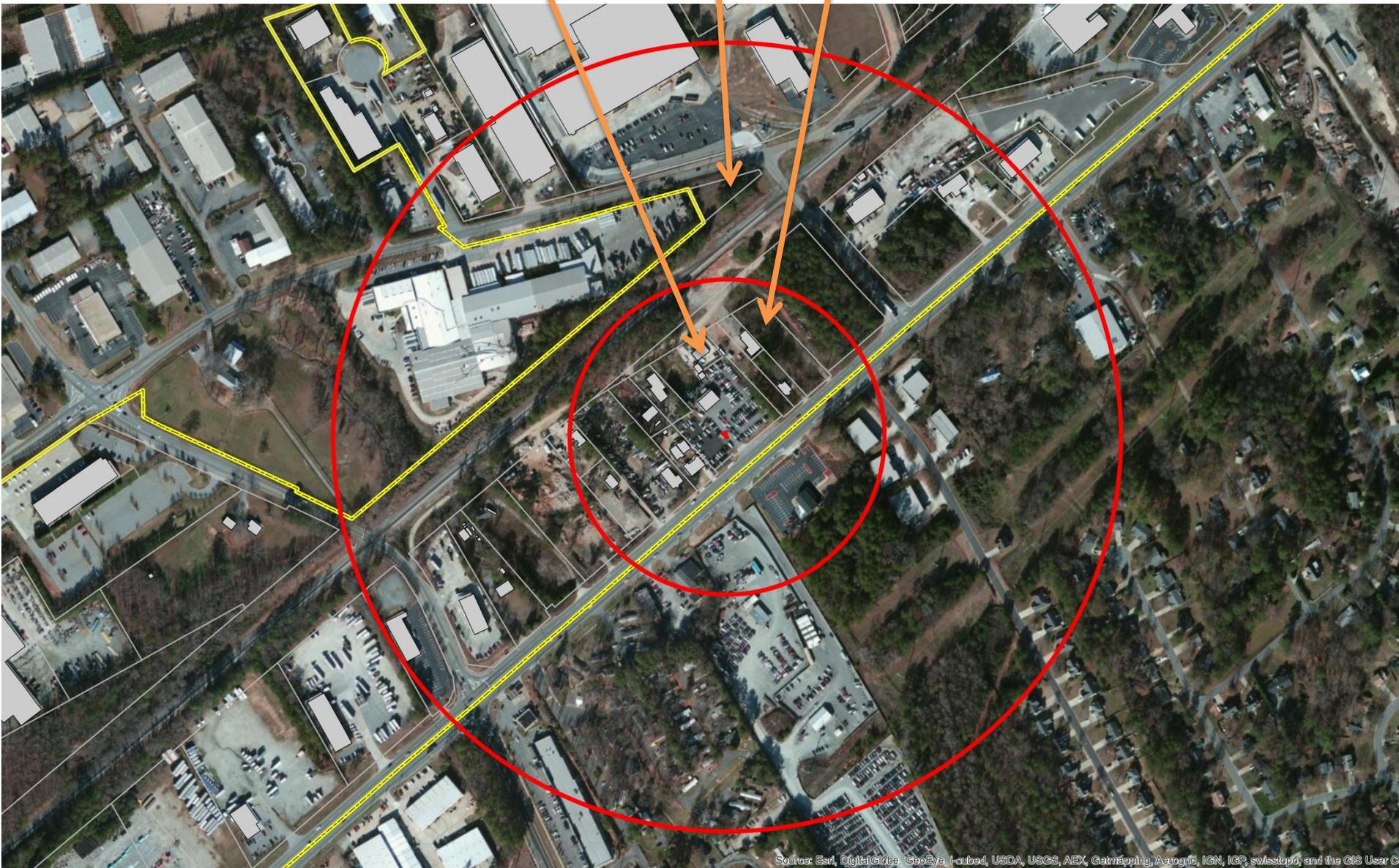


RZ-99-048

Single Family home within 500 ft. of subject property

Overlay District within 1250 ft. of subject property

Residential zoned property



Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AEX, Geomatics, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community





PROPERTY LOCATION MAP

Railroad Outdoor, LLC



CASE NUMBER:

PH2016-003

HEARING DATE:

May 4, 2016

PROPERTY ADDRESS:

4395 Buford Hwy.