

**CITY OF PEACHTREE CORNERS**  
**ZONING BOARD OF APPEALS MINUTES**  
**SPECIAL CALLED MEETING**  
**May 4, 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 Johnny Lawler, Zoning Administrator
Attorney:	Bill Riley, City Attorney Joe Leonard, City Attorney Thomas Mitchell, Zoning Board of Appeals Attorney

**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.**

Thomas Mitchell, Zoning Board of Appeals (ZBA) Attorney, stated into the record the section of the Zoning Ordinance establishing Zoning Board of Appeals jurisdiction over appeals and listing the powers granted to the ZBA relative to appeals. Section 1605 - Powers of Zoning Board of Appeals - The Zoning Board of Appeals shall have the following powers (Section 1 and 4):

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Department of Planning and Development Director in the enforcement of this 2012 Zoning Resolution.
4. In exercising the above powers, the Zoning Board of Appeals may, in conformity with the provisions of this Resolution, reverse decisions or determinations from which the appeal is taken and, to that end, shall have all the powers of the Director of Planning and Development from whom the appeal is taken and may issue or revoke or direct the issuance or revocation of a Building or other permit.

Michael Fitzgerald, appellant, will be representing himself. Bill Riley will be representing the city. Michael Fitzgerald had no witnesses. Bill Riley had Diana Wheeler, Community Development Director, and Johnny Lawler, Zoning Administrator, as witnesses for the city.

### Opening Statements

Michael Fitzgerald, appellant, made a brief opening statement that he will be responding to the three reasons for denial of the sign permit.

Bill Riley made an opening statement on behalf of the city. He stated that Diana Wheeler will present the reasoning behind the city's decision on denial as well as show evidence to support her claims.

### Presentation of Evidence & Testimony of Witnesses

Michael Fitzgerald was sworn in by Thomas Mitchell. Mr. Fitzgerald presented a map of the proposed sign location. The map shows the closest residential property and the overlay district. Mr. Fitzgerald used the GDOT outdoor advertising statute (GDOT regulation 672-6 05 paragraph 3 subsection 3) for his measurement and stated that based on the measurement standard the sign meets the distance requirements. Mr. Fitzgerald stated that they intended to apply for an oversized sign and would change the size of the sign if needed. Mr. Fitzgerald answered several questions from the board.

Johnny Lawler was sworn in by Thomas Mitchell. Mr. Lawler provided testimony that he arrived at the measurements by using 500 ft. and 1250 ft. circles drawn around the property created by GIS.

Diana Wheeler was sworn in by Thomas Mitchell. Diana Wheeler presented the case to the board. On March 8, 2016, the City received an application for an oversized sign permit at 4395 Buford Highway. The proposed sign was 30x10 feet with 300 square feet of surface area and a height of 30 feet. Staff denied this permit application because 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. If the sign was then considered a primary ground sign for an individual business, it exceeded the size and height allowed for that type of sign.

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). Further, 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). It should also be noted that Gwinnett County zoning case RZ-99-048

states that, "No billboards are permitted", as a zoning condition, for this property. Mrs. Wheeler answered several questions from the board.

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

Mrs. Wheeler answered questions regarding zoning classifications of nearby properties from Michael Fitzgerald. Bill Riley requested to submit the following exhibits into the record:

1. Certified Copy of Ordinance 2016-02-69 & 2016-02-70
2. Map with subject property with residential & overlay areas
3. Case Number RZ-99-048
4. Section 54-16 (Page 12)
5. Section 54-17 (Page 18)
6. Oversized Sign Definition (Page 3)
7. Billboard definition (Page 2)
8. Oversized Sign Definition (Page 9)
9. Section 4 – Overlay Standards (Page 82)
10. Property location map
11. City of Peachtree Corners Zoning Map February 2014
12. Peachtree Corners Overlay District Map – Gwinnett County Department of Planning and Development – Adopted March 27, 2007

#### Closing Statements

Michael Fitzgerald made a closing statement that he reasserts that the application does meet the requirements of the city ordinances. Mr. Fitzgerald requested the board overturn the decision of the city and approve the application with two conditions, one, to increase the size of the sign to 301 sq. ft. and height to 30 ft. & 1 inch and, two, provide a registered land survey certification showing the distance to overlay district and residential.

Bill Riley made a closing statement that both the Zoning Administrator and Community Development Director made an appropriate decision and looked at all possibilities for the application. Mr. Riley requested that the board affirm the decision of the city staff and deny the appellant request.

A motion was made after discussion concerning, among other items, evidence presented, process of rezoning, and distance requirements.

**BASED ON A THOROUGH REVIEW OF THE ENTIRE RECORD AND THE HEARING BEFORE THIS BODY, I MOVE THAT THE ZONING BOARD OF APPEALS AFFIRM THE DECISION OF THE CITY STAFF.**

**By: Eric Christ**

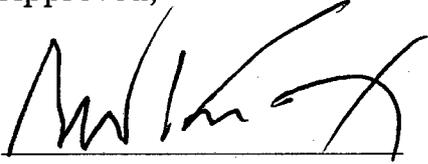
**Seconded: Marcia Brandes**

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

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

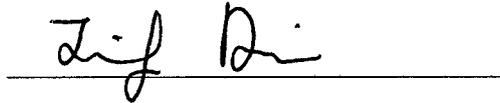
The Zoning Board of Appeals meeting concluded at 8:14 PM.

Approved,



Wayne Knox, Chairman

Attest:



Jennifer Davis, Deputy City Clerk

