



CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS MINUTES
September 21, 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
Matthew Gries, Post D - Absent
James Blum, Post E

Staff: Diana Wheeler, Com. Dev. Director
Kym Chereck, City Clerk
Rocio Monterrosa, Deputy City Clerk

AGENDA: Approval of the September 21, 2016 agenda.

MOTION TO APPROVE THE SEPTEMBER 21, 2016 AGENDA.

By: James Blum

Seconded: Marcia Brandes

Vote: (4-0) (Blum, Brandes, Regmi, Knox)

MINUTES: Approval of July 20, 2016 Minutes.

MOTION TO APPROVE THE JULY 20, 2016 MINUTES.

By: Marcia Brandes

Seconded: Amreeta Regmi

Vote: (4-0) (Brandes, Regmi, Knox, Blum)

NEW BUSINESS:

V2016-005 3699 Allenhurst Dr. Request to encroach into the required 50 ft. stream buffer in order to accommodate a rear yard deck expansion for property located at 3699 Allenhurst Dr. in Dist. 6, Land Lot 303, Parcel 128, Peachtree Corners, GA

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The applicant requests a stream buffer variance of approximately 10 ft. in order to expand an elevated outdoor deck on the rear of his house. The variance would allow the existing deck to increase in width from 10 ft. to 18 ft. in order to better accommodate the 5-foot turning radius of his daughter's wheelchair. Currently, access to the backyard is difficult for the applicant's handicapped daughter; however, the additional deck space would give her the opportunity to spend more time outdoors. The city's stream buffer ordinance requires a 50-foot setback from streams. However, the existing residence and deck were constructed in 1980, before the city's or county's ordinance. Adopted in 1981, O.C.G.A. 12-5-453 requires a 25-foot stream buffer. The proposed deck expansion would encroach a maximum of eight feet into the 25-foot stream buffer. After reviewing the applicant's proposal and the variance criteria, staff finds that the buffer encroachment request is justified, as there are extraordinary conditions unique to the property that are not the result of any action of the property owner. If approval of the variance is considered, the following conditions are recommended: 1. Any specimen tree removal must be permitted by the city arborist. 2. Disturbance shall be limited to small holes for deck posts, or footings, and shall be performed manually, not with heavy equipment.

The applicant, Mr. Chris Moder, was present at the meeting. Mr. Moder stated that he is seeking permission to extend porch the to allow use of the area for his daughter and to enjoy the backyard. Mr. Moder also stated that per the current plan, no tree canopy would be removed.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. There were no comments.

Amreeta Regmi, requested to be excuse due to conflict of interest with applicant. Ms. Regmi is the block captain chair of the HOA and a neighbor of Mr. Moder. A motion was made after discussion concerning, among other items, the importance of the access to the property from Ryan Road.

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 ON THE BASIS THAT (1) THERE ARE EXTRAORDINARY OR EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY IN QUESTION BECAUSE OF ITS SIZE, SHAPE OR TOPOGRAPHY; AND, (2) THE APPLICATION OF THE ZONING RESOLUTION TO THIS PARTICULAR PIECE OF PROPERTY WOULD CREATE AN UNNECESSARY HARDSHIP; AND, (3) SUCH CONDITIONS ARE PECULIAR TO THE PARTICULAR PIECE OF PROPERTY INVOLVED; AND, (4) SUCH CONDITIONS ARE NOT THE RESULT OF ANY ACTIONS OF THE PROPERTY OWNER; AND, (5) RELIEF, IF GRANTED, WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD NOR IMPAIR THE PURPOSES OR INTENT OF THIS RESOLUTION. I WOULD ALSO LIKE TO ADD THE

FOLLOWING CONDITIONS THAT THE REQUEST BE APPROVED ACCORDING TO THE PLANS THAT WERE PRESENTED IN THE MEETING AND IF CHANGES ARE MADE, THE APPLICANT MUST REQUEST A NEW VARIANCE.

By: Marcia Brandes

Seconded: James Blum

Vote: (3-0-1) (Brandes, Blum, Knox) (Regmi Abstained)

CITY BUSINESS ITEMS:

Diana Wheeler, Community Development Director, informed the Board that there would be no meeting in October.

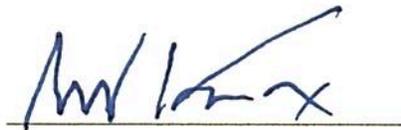
COMMENTS BY BOARD MEMBERS:

James Blum noted that a vice chair will need to be selected at next meeting.

The Zoning Board of Appeals meeting concluded at 7:39 PM.

Approved,

Attest:



Wayne Knox, Chairman

Rocio Monterrosa, Deputy City Clerk

