



a new landscape company business. The surrounding area is mixed with residential and light industrial uses including an auto body shop, fleet service company and tree service business. Railroad tracks are located adjacent to the property. There are some detached single family homes on the same block as the subject property to the south and west of the site. Gwinnett County denied an application for a solid waste transfer station at this site on 7/25/2006. The property remained overgrown for years and appeared abandoned. The applicant, MNI Direct, a wholesale landscape company, leased the property late last year and has since cleaned it up. They removed weeds and debris and installed landscaping materials and shade structures. The company also maintained the 75 ft. buffer next to residential property along the subject site's western boundary. The applicant has improved property that was in an unsightly condition and preserved a required buffer next to residential property. Shade structures were installed on the property to protect sensitive plants from overexposure to the sun during certain times of the year. The shade structures were placed with a north/south orientation on the property so that the plants receive morning and afternoon light, but avoid the intense mid-day sun. The site, itself, was chosen because it could accommodate this orientation for the shade structures. In order to maximize the functionality of the site while still preserving the 75 ft. residential buffer, the applicant seeks approval to keep the easternmost shade structure which was installed next to the property line along Jones Mill Rd.

The applicant's representative, Mr. Tim Rogers, was present at the meeting. Mr. Rogers stated that the intent of the shade structure is to protect plants sensitive to light from the afternoon sun. They've just completed planting trees around the property that will eventually give them even more shade needed to protect their plants. He also stated that they are not a retail company and are not out in a major road and their current location fulfills their company needs.

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

A motion was made after discussion, among other items, there are hardship conditions specific to this property that are based on the needs of the business and the north/south orientation of the site.

**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 GRANT THE VARIANCE ON THE BASES THAT (1) THERE ARE EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY IN QUESTION BECAUSE OF ITS SIZE, SHAPE OR TOPOGRAPHY; AND, (2) THE REQUIREMENTS ON THIS PARTICULAR PIECE OF PROPERTY WOULD CREATE UNNECESSARY HARDSHIP; AND, (3) SUCH CONDITIONS ARE 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 THE RESOLUTION**

**By: James Blum**

**Seconded: Matthew Gries**

**Vote: (4-0) (Blum, Gries, Knox, Brandes)**

**CITY BUSINESS ITEMS:**

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

**COMMENTS BY BOARD MEMBERS:**

None.

The Zoning Board of Appeals meeting concluded at 7:29 PM.

Approved,

  
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Wayne Knox, Chairman

Attest:

  
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Rocio Monterrosa, Deputy City Clerk

