



## ZONING BOARD OF APPEALS AGENDA

SEPTEMBER 20, 2017  
7:00 PM  
CITY HALL

- A. Roll Call
- B. Approval of Minutes: June 21, 2017
- C. Approval of Agenda
- D. Old Business: (None)
- E. New Business:

**V2017-006 ACV II, LLC.** Request to encroach into the required 25' impervious setback area landward of the required 50' stream buffer in order to allow a patio and grilling area for a multifamily property located at 3325 Holcomb Bridge Road in Dist. 6, Land Lot 274, Peachtree Corners, GA

**V2017-007 30 Tech Park, LLC.** Request to allow a second ground sign at an office property located at 30 Technology Parkway South in Dist. 6, Land Lot 285, Peachtree Corners, GA

- F. City Business Items: (None)
- G. Comments by Board Members.
- H. Adjournment.



**DRAFT COPY**

**CITY OF PEACHTREE CORNERS**  
**ZONING BOARD OF APPEALS MINUTES**  
**June 21, 2017**  
**7:00PM**

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 - Absent  
Matthew Gries, Post D  
James Blum, Post E

Staff: Diana Wheeler, Com. Dev. Director  
Jeff Conkle, Planning & Zoning Admin.  
Rocio Monterrosa, Deputy City Clerk

**AGENDA:** Approval of the June 21, 2017 agenda.

**MOTION TO APPROVE THE JANUARY 18, 2017 AGENDA.**

**By: James Blum**

**Seconded: Marcia Brandes**

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

**MINUTES:** Approval of March 15, 2017 Minutes.

**MOTION TO APPROVE THE SEPTEMBER 21, 2016**

**By: Matthew Gries**

**Seconded: Marcia Brandes**

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

**NEW BUSINESS:**

**V2017-005 Tracy & Brad Leimbach. Consideration of the following variances to the City of Peachtree Corners Zoning Ordinance: Article XIII, Section 1301, to allow the keeping of livestock for personal pleasure and Article VI, Section 600, to allow an accessory structure in the front yard of a residential property. These variance requests are for 4040 Gunnin Road, located in Dist.6, Land Lot 315, Peachtree Corners, GA**

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The applicant would like to keep chickens on a 2.74-acre property zoned R-100 and to have an accessory structure used for housing the chickens in the front yard of an existing single-family property. The minimum lot size for the keeping of chickens is 3 acres. Additionally, accessory structures cannot be located in the front yard and must be 100' from all property lines when housing chickens. Both the chickens and chicken coop (a prefabricated shed) have been in existence on the property for the past four years. Code Enforcement was unaware of this situation until 3 months ago when a complaint call was received. The property in question is a large residential parcel on Gunnin Road approximately one-half mile north of Spalding Drive. The property is steeply sloped with the home and usable yard area elevated above the road. The house was built in 1973. A petition stating specific neighbor opposition was then circulated among neighbors and submitted to the City. The applicant's letter of intent indicated that their hardship is derived from the fact that their property is steeply sloped and has little flat land available for accessory structures other than in the front yard. Additionally, they stated that it would be a hardship to try to move the structures. The applicant's letter of intent also indicated that their hardship is derived from the fact that the chickens currently housed on the property are family pets and would have nowhere to go if they were to be removed. Staff received multiple emails and phone calls from surrounding property owners in opposition to this request. The petition indicates that the basis for the opposition is concern related to factors such as noise, odor, and runoff. In response to the concerns raised in the petition, staff visited the applicant's property to assess the existing site conditions, determine if hardships exist and if neighbor concerns can be substantiated. Based on Staff's site visit, the following observations were offered:

1. The applicant's property is not typical for the neighborhood. Its topography, size, and shape are unique.
2. The house sits at the top of a hill and the only level part of the property is located in front of the house. The back and side yards are steep slopes with almost no usability.
3. There are 17 chickens housed in a prefabricated shed with an attached deck located in the front yard. The entire area where the chickens are kept is fenced, well maintained, and decorated as an outdoor feature, not as a utilitarian part of the property.
4. Staff heard no noise from the chickens. The sound the chickens made would not have been audible beyond the property line. No roosters are kept on the property and the applicant stated that none have ever been kept on the property.
5. With regard to odor and runoff, Staff did not smell any unusual odors and did not observe any areas where runoff contaminated by chicken waste was present. The area where the chickens are kept was very clean and if runoff occurs during wet weather, the slope of the property

would carry the water toward the street at the front, not the properties to the rear.

6. With regard to food issues, Staff did not observe any stockpiling of food in uncontained areas of the property. Any food and water provided appears to be stored within the shed.

Staff noted that the petition opposing the applicant's request was written in future tense. This suggests that some of the neighbors may not be aware that the chickens and shed have been in existence on the applicant's property for the past 4 years. There were no complaints from any property owners until three months ago. Although located in the front yard, the chickens are not visible from the street. In fact, the steep topography hampers visibility of any of the improvements on the property from the roadway. The applicant has indicated that they are trying to acquire additional land from neighbors so that they will have the code-required 3 acres. If they are successful in purchasing additional land, then the lot size variance will become unnecessary.

After reviewing the applicant's request and the variance criteria for setback and location request (accessory structure housing chickens), staff found that the setback and location variance requests can be supported due to the specific, unique topographic conditions of this property. The use request for keeping of chickens, staff finds that a hardship would be difficult to justify since the hardship created was self-imposed by purchasing chickens to be kept on a property that does not meet the minimum lot size to permit such use. If approved, staff recommends the following conditions if variances are considered:

1. A 4' high fence shall be constructed in the front yard of the property, parallel to Gunnin Rd. and located at the top of the hillside.
2. There shall be no other livestock kept on the property beyond the 17 chickens currently housed on the property.
3. No roosters shall be kept on the property.

If variances are not granted, then a timeline for removal of the chickens and front yard structures should be established.

Board members asked about the visibility of the structure from the street, gravel backyard and the chicken waste run off. Chairman Knox stated that there are two issues to decide for this applicant. One the structure and another the keeping of chickens in property.

The property owners, Tracy and Brad Leimbach were present at the meeting. Mrs. Leimbach stated that the chickens (all hens) are their pets and that the building that houses the chickens can not be seen from the street and that there is no other place in their property to place the structure. Mr. Leimbach stated that they are already working in putting a 4ft. fence around their property to keep any part of the structure from being seeing from the street.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. There were three people who spoke in support stating that having the chickens supports self sustainability and the owners have had them for three years and never received complains until now.

Ten people spoke against application. Concerns from opposition were contamination in water runoff from chicken waste, decrease in property value, drawing predators to the community, and potential for setting a residence on allowing chickens in property less than 3 acres and the visibility of the structure from the street.

Mrs. Leimbach stated that the chicken droppins are done on wheat hay and inside the structure there is pine shavings that also collects any chicken waste. It is also picked up consistently and thrown in the garbage and it does not run off on any neighboring property. In regards to drawing predators, the chickens are enclosed in the structure every night at sunset and reopen at 6 AM.

Three motions were made after discussion, among other items, the applicant does not meet all of the required conditions to grant variance. They did not check with City/County to see if having chickens was allowed and that there is no need for structure.

**1. Variance request for raising chickens:**

**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 DENY THE VARIANCE ON THE BASES THAT (1) THERE ARE NO 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 NOT CREATE UNNECESSARY HARDSHIP; AND, (3) SUCH CONDITIONS ARE NOT PARTICULAR PIECE OF PROPERTY INVOLVED; AND, (4) SUCH CONDITIONS ARE THE RESULT OF ANY ACTIONS OF THE PROPERTY OWNER; AND, (5) RELIEF, WOULD CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND IMPAIR THE PURPOSES OR INTENT OF THE RESOLUTION**

**By: Marcia Brandes**

**Seconded: Matthew Gries**

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

**2. Variance to keep structure:**

**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 DENY THE VARIANCE ON THE BASES THAT (1) THERE ARE NO EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY IN QUESTION BECAUSE OF ITS SIZE, SHAPE OR TOPOGRAPHY; AND, (2) THE**

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**REQUIREMENTS ON THIS PARTICULAR PIECE OF PROPERTY WOULD NOT CREATE UNNECESSARY HARDSHIP; AND, (3) SUCH CONDITIONS ARE NOT PARTICULAR PIECE OF PROPERTY INVOLVED; AND, (4) SUCH CONDITIONS ARE THE RESULT OF ACTIONS OF THE PROPERTY OWNER; AND, (5) RELIEF, WOULD CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND IMPAIR THE PURPOSES OR INTENT OF THE RESOLUTION**

**By: Marcia Brandes  
Seconded: Matthew Gries  
Vote: (4-0) (Brandes, Gries, Knox, Blum)**

**3. MOTION TO IMPOSE A NINETY (90) DAY DATELINE FOR THE REMOVAL OF THE CHICKENS AND THE ACCESSORY STRUCTURE**

**By: James Blum  
Seconded: Marcia Brandes  
Vote: (4-0) (Blum, Brandes, Knox Gries)**

**CITY BUSINESS ITEMS:**

None.

**COMMENTS BY BOARD MEMBERS:**

None.

The Zoning Board of Appeals meeting concluded at 8:58 PM.

Approved,

Attest:

\_\_\_\_\_

\_\_\_\_\_

Wayne Knox, Chairman

Rocio Monterrosa, Deputy City Clerk

**V2017-006**

**3325 Holcomb Bridge Rd.**

**City of Peachtree Corners  
Zoning Board of Appeals  
September 20, 2017**

<b>CASE NUMBER:</b>	<b>V2017-006</b>
<b>PROPERTY LOCATION:</b>	<b>3325 Holcomb Bridge Road 6<sup>th</sup> District, Land Lot 274, Parcel 004</b>
<b>CURRENT ZONING:</b>	<b>RM</b>
<b>PARCEL SIZE:</b>	<b>21.5 acres</b>
<b>PROPERTY OWNER:</b>	<b>ACV II, LLC</b>
<b>APPLICANT:</b>	<b>Shane Lanham, Mahaffey Pickens Tucker LLP</b>

**REQUEST**

The applicant would like to retain a community patio and grilling area that was recently constructed along the rear of the property, partially within the impervious setback area that extends 75' from the creek. The site had formerly been home to two tennis courts which had fallen into disrepair and had been grown over by vegetation.

**LOCATION AND BACKGROUND**

The property in question is a large multifamily parcel on the south side of Holcomb Bridge Road between Peachtree Parkway and Jimmy Carter Boulevard. The property abuts a branch of Crooked Creek at the rear. The buildings were constructed in 1972.

During the time of construction in the 1970s, the stream buffer regulations were not in place, allowing the development, including the tennis courts, to proceed with approvals from Gwinnett County.

Today's regulations require a 50' undisturbed natural vegetative buffer plus an additional 25' impervious setback (totaling 75' from the creek). The patio and grilling areas extend approximately 20' into the impervious setback.

**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 requirements on 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 apartment complex and its amenity areas were constructed prior to adoption of the current stream buffer regulations. The tennis courts, which were permitted at the time, were not maintained in later years and they deteriorated. Eventually, the tennis courts became an eyesore, lying under several inches of dirt and plant growth.

Recently, the property owner cleaned up the debris of the old tennis courts and repurposed the place where they were located into a new amenity consisting of a patio and grilling area. This effort not only improved the property, but it created a much-needed amenity for the apartment residents. In addition, the new patio area also reduced the impervious area within the impervious setback from 2,394 square feet (tennis courts) to 599 square feet (patio and grilling area).

### **CONCLUSION**

After reviewing the applicant's proposal and the variance criteria, staff finds that the buffer encroachment request can be justified, as there are extraordinary conditions unique to the property that are not the result of any action of the current property owner. The property owner's actions did not increase the extent of the legal non-conformity established by the original tennis courts. And removing the patio and grill area improvements now, would eliminate a valuable amenity, thereby creating an unnecessary hardship for the apartment residents.

If approval of the stream buffer variance is considered, the following condition is recommended:

- The applicant shall not create any additional impervious area within the impervious setback beyond the 599 square feet already constructed.



CITY OF  
**Peachtree  
CORNERS**  
Innovative & Remarkable

**CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT**  
147 Technology Parkway, Suite 200, Peachtree Corners, GA 30092  
Tel: 678.691.1200 | [www.peachtreecornersga.gov](http://www.peachtreecornersga.gov)

RECEIVED

JUL 31 2017

Case Number: V2017-006 Received Date: JC Hearing Date: 20 SEP 2017  
By: \_\_\_\_\_

**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>ACV II, LLC c/o Mahaffey Pickens Tucker, LLP</u>	Name <u>ACV II, LLC</u>
Address (all correspondence will be mailed to this address): <u>1550 North Brown Road, Suite 125</u>	Address <u>6525 The Corners Pkwy</u> <u>Suite 216</u>
City <u>Lawrenceville</u>	City <u>Peachtree Corners</u>
State <u>Georgia</u> Zip <u>30043</u>	State <u>Georgia</u> Zip <u>30092</u>
Phone <u>770.232.0000</u>	Phone <u>770.232.0000</u>
Contact Person Name: <u>Shane Lanham</u> Phone: <u>770.232.0000</u>	
Email Address: <u>slanham@mptlawfirm.com</u>	
Applicant is the (please check or circle one of the following):	
<input checked="" type="radio"/> Property Owner <input type="radio"/> Owner's Agent <input type="radio"/> Contract Purchaser	

Address of Property 3325 Holcomb Bridge Road

Subdivision or Project Name Centre at Peachtree Corners Lot & Block \_\_\_\_\_

District, Land Lot, & Parcel (MRN) 6, 274, 004

Proposed Development Community patio

Permit Number (if construction has begun) \_\_\_\_\_

Variance Requested Encroachment into impervious surface setback

A complete application includes the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Application Form (1 original and 1 electronic copy)<br><input type="checkbox"/> Site Plan and/or Boundary Survey (1 original, 1 8 1/2"x11" or 11"x17" reduction and 1 electronic copy.)<br><input type="checkbox"/> Letter of Intent (1 original and 1 electronic copy)<br><input type="checkbox"/> Signed & notarized Certification page | <input type="checkbox"/> Application Fee<br><input type="checkbox"/> Adjacent owner(s) written support (1 original and 1 electronic copy)<br><input type="checkbox"/> Additional Documentation as needed |
|--|--|



Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Frances H. Kim  
Shane M. Lanham



Austen T. Mabe  
Jeffrey R. Mahaffey  
David G. McGee  
Steven A. Pickens  
Andrew D. Stancil  
R. Lee Tucker, Jr.  
\*Of Counsel

**LETTER OF INTENT FOR VARIANCE APPLICATIONS**  
**OF ACV II, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and variance application (the “Application”) on behalf of ACV II, LLC (the “Applicant”) for the purpose of requesting a variance from the requirements of The Code of the City of Peachtree Corners, Georgia and The 2012 Zoning Resolution of the City of Peachtree Corners (the “Code”). The requested variance relates to an approximately 21.50-acre tract of land located on the southerly side of Holcomb Bridge Road between Jimmy Carter Boulevard (aka State Route 140) and Peachtree Parkway (aka State Route 141) (the “Property”).

The Property is currently zoned RM pursuant to Gwinnett County zoning case REZ1970-00050 and was originally developed in the early 1970s according to the development regulations of Gwinnett County which were in place at the time to include approximately 41 multifamily residential buildings with various accessory and community structures including a community mail kiosk, tennis courts, clubhouse, laundry room, and pool area. Subsequently and with the incorporation of the City of Peachtree Corners, development regulations governing the Property have been revised. Presently, the Code requires various buffers and impervious cover setbacks from streams including a 50-foot natural undisturbed vegetative buffer as well as an additional 25-foot impervious cover setback. The tennis courts originally constructed with the development of the Property were constructed in an area which is now within the current stream buffer and impervious cover setback as depicted on Exhibit “A”. Recently, the Applicant removed the

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www.mptlawfirm.com

tennis courts which were in disrepair and replaced them with a smaller stone patio and outdoor grilling area as depicted on Exhibit "B". The Applicant is requesting a variance from the provisions of the Code to permit the completed construction of the stone patio improvements.

The previously existing tennis courts were approximately 8,500 square feet in area and encroached into the stream buffer by approximately 1,526 square feet and the impervious cover setback by approximately 2,394 square feet. The new stone patio is approximately 2,200 square feet in area total area, does not encroach into the stream buffer, and only encroaches into the impervious cover setback by approximately 599 square feet. Overall, the stone patio represents a reduction in impervious setback encroachments by 1,795 square feet and a reduction in stream buffer encroachments by 1,526 square feet.

The requested variance is consistent with the spirit and intent of the Code and would actually result in a decrease in overall buffer and impervious cover setback encroachment which is encouraged by the City of Peachtree Corners Stream Buffer Protection Ordinance. Under the Code, a variance may be granted when a literal enforcement of the Code would result in unnecessary hardship and approval of the variance is not contrary to the public interest. A strict application of the Code would impose on the Applicant exceptional and undue hardship that can be mitigated without conferring on the Applicant special privilege. The shape, size, topography, existing vegetation, and other physical characteristics of the Property prevent the development and use of the Property according to the existing standards and requirements of the Code. However, approval of the requested variance would permit the Applicant to continue the lawful use of the Property without imposing unnecessary and undue hardship. Further, granting relief would not cause substantial detriment to the public good. Rather, by granting relief, the Property



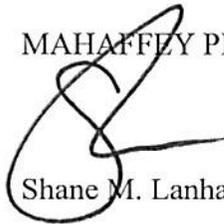
may continue to be used in a lawful manner by providing attractive, safe, and functional recreational facilities for the use and enjoyment of residents.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Peachtree Corners Community Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or the variance Application filed herewith. The Applicant respectfully requests approval of the Application.

This 1st day of August, 2017.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

*Attorneys for the Applicant*



**RECEIVED**  
 JUL 31 2017  
 By *sc*

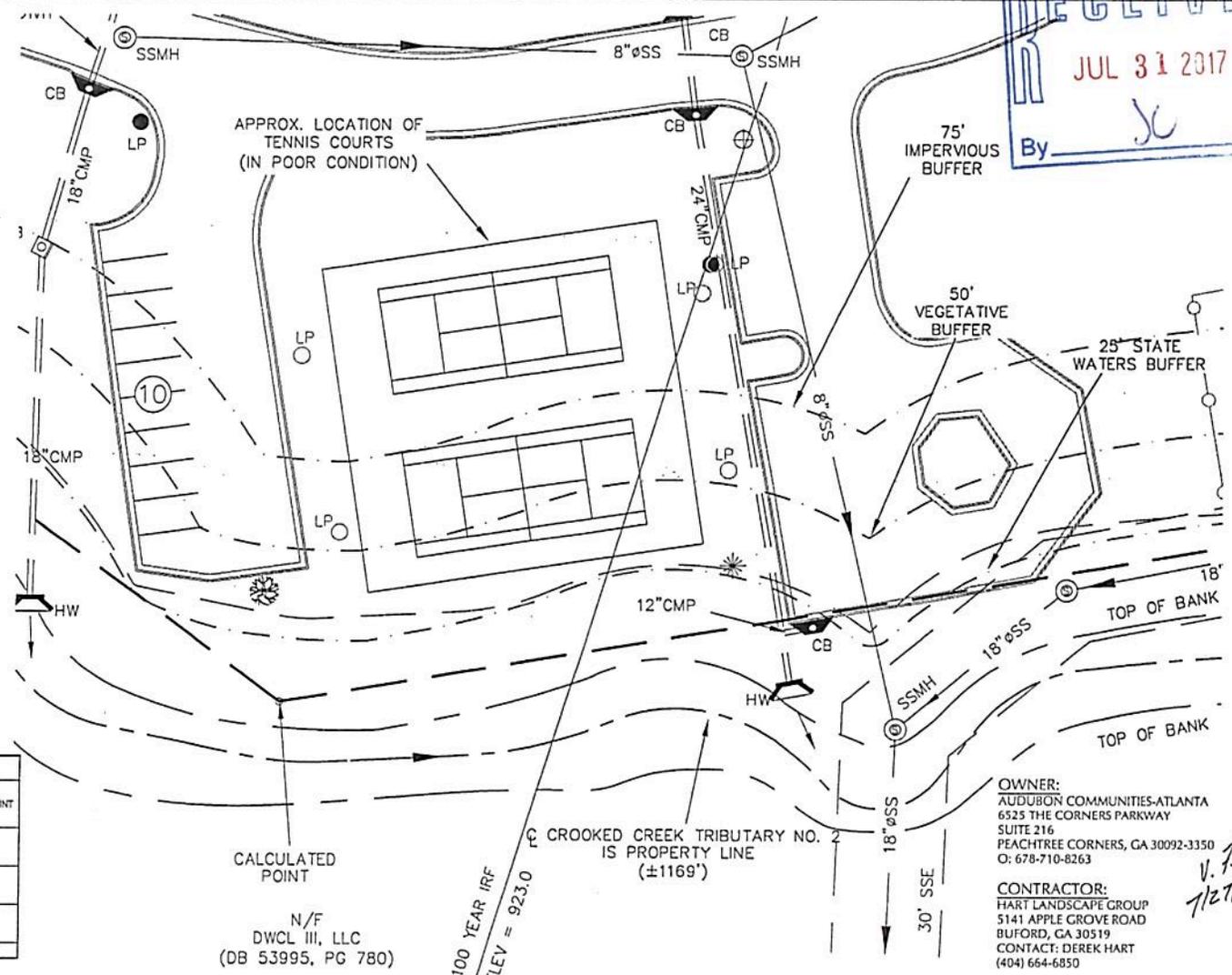
**IMPERVIOUS REMOVED FROM BUFFER**

\*75' IMPERVIOUS BUFFER \*  
 LIGHT POLE TENNIS COURT = 2,394 S.F.

\*50' VEGETATIVE BUFFER  
 TENNIS COURT = 1,526 S.F.

\* APPROXIMATE LOCATION AND IMPERVIOUS  
 CALCULATIONS FOR TENNIS COURTS

TENNIS COURTS WERE COVERED WITH  
 SEDIMENT AND NEVER FIELD LOCATED.



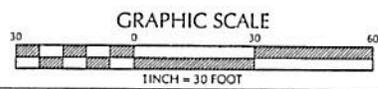
**EXISTING TREE INVENTORY**

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE (in.)	COUNT
	Sweetgum	Liquidambar styraciflua	13	1
	Loblolly Pine	Pinus taeda	20	1
	Post Oak	Quercus stellata	22	1
<b>TOTAL</b>				<b>3</b>

**EXHIBIT A-PRECONSTRUCTION**  
 SCALE : 1" = 30'

N/F  
 DWCL III, LLC  
 (DB 53995, PG 780)

100 YEAR IRF  
 ELEV = 923.0



**OWNER:**  
 AUDUBON COMMUNITIES-ATLANTA  
 6525 THE CORNERS PARKWAY  
 SUITE 216  
 PEACHTREE CORNERS, GA 30092-3350  
 O: 678-710-8263

**CONTRACTOR:**  
 HART LANDSCAPE GROUP  
 5141 APPLE GROVE ROAD  
 BUFORD, GA 30519  
 CONTACT: DEREK HART  
 (404) 664-6850

**ENGINEER/SURVEYOR:**  
 GADDY SURVEYING & DESIGN, INC.  
 1215 PLEASANT HILL ROAD  
 LAWRENCEVILLE, GA 30044  
 (770) 931-5920

**GADDY SURVEYING & DESIGN, INC.**  
 1215 PLEASANT HILL ROAD  
 LAWRENCEVILLE, GA 30044  
 PHONE: (770) 931-5920  
 FAX: (770) 931-5881

**CENTRE AT PEACHTREE CORNERS**  
 3325 HOLCOMBE BRIDGE ROAD  
 LAND LOTS 274 & 283 - 6TH DISTRICT  
 CITY OF PEACHTREE CORNERS,  
 GWINNETT COUNTY, GEORGIA



PROJECT NUMBER  
 ACA-14-003

DATE 7/27/17 DRAWN CWJ CHECKED VFG

**EX-A**

**RECEIVED**  
 JUL 31 2017  
 By *sc*

**NEW IMPERVIOUS IN BUFFER**

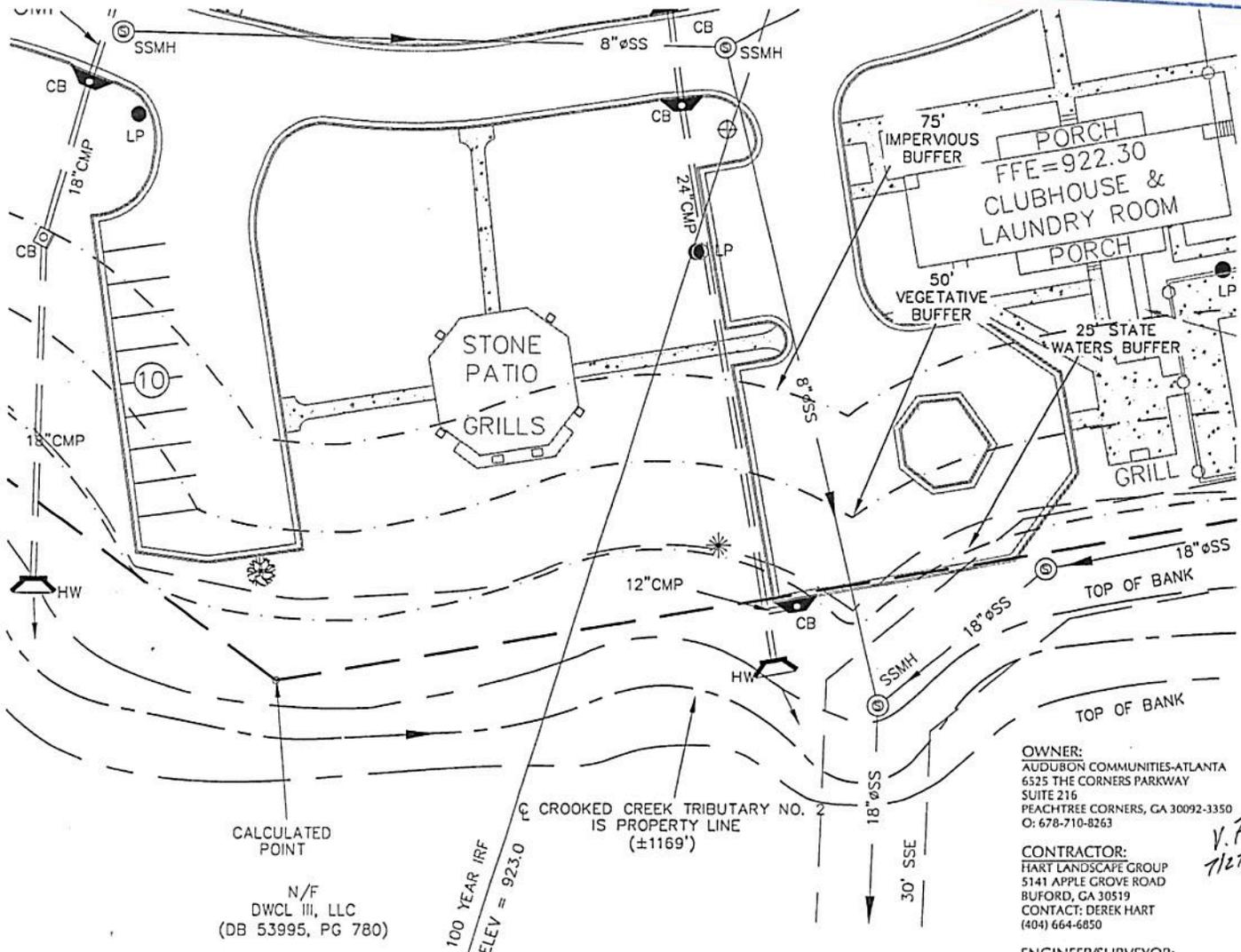
\*75' IMPERVIOUS BUFFER  
 LIGHT POLE/TENNIS COURT = 599.0 S.F.

50' VEGETATIVE BUFFER  
 TENNIS COURT = 0.0 S.F.

NET REDUCTION IN 75'  
 IMPERVIOUS BUFFER = 1795 S.F.

**EXISTING TREE INVENTORY**

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE (IN)	COUNT
	Sweetgum	Liquidambar styraciflua	13	1
	Loblolly Pine	Pinus taeda	20	1
	Post Oak	Quercus stellata	22	1
<b>TOTAL</b>				<b>3</b>



**GADDY SURVEYING & DESIGN, INC.**  
 1215 PLEASANT HILL ROAD  
 LAWRENCEVILLE, GA 30044  
 PHONE: 770-931-5920  
 FAX: 770-931-5887

**CENTRE AT PEACHTREE CORNERS**  
 3325 HOLCOMBE BRIDGE ROAD  
 LAND LOTS 274 & 283 - 6TH DISTRICT  
 CITY OF PEACHTREE CORNERS,  
 GWINNETT COUNTY, GEORGIA

**OWNER:**  
 AUDUBON COMMUNITIES-ATLANTA  
 6525 THE CORNERS PARKWAY  
 SUITE 215  
 PEACHTREE CORNERS, GA 30092-3350  
 O: 678-710-8263

**CONTRACTOR:**  
 HART LANDSCAPE GROUP  
 5141 APPLE GROVE ROAD  
 BUFORD, GA 30519  
 CONTACT: DEREK HART  
 (404) 664-6850

**ENGINEER/SURVEYOR:**  
 GADDY SURVEYING & DESIGN, INC.  
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 LAWRENCEVILLE, GA 30044  
 (770) 931-5920



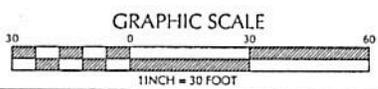
PROJECT NUMBER  
 ACA-14-003

DATE 7/27/17 DRAWN CJW CHECKED VFG

**EX-B**

**EXHIBIT B-POST CONSTRUCTION**

SCALE : 1" = 30'



N/F  
 DWCL III, LLC  
 (DB 53995, PG 780)

100 YEAR IRF  
 ELEV = 923.0

C CROOKED CREEK TRIBUTARY NO. 2  
 IS PROPERTY LINE  
 (±1169')



**Applicant Certification**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608).



*[Signature]* 7/28/17  
Signature of Applicant Date

Shane M. Lanham, Attorney for the Applicant

Regina E. Garvin 7/28/17  
Typed or Printed Name & Title Signature of Notary Public Date

**Property Owner Certification**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608). I, as the property owner, authorize the above noted applicant to represent me with regards to this application.

\_\_\_\_\_  
Signature of Property Owner Date

Notary Seal

\_\_\_\_\_  
Typed or Printed Name & Title

\_\_\_\_\_  
Signature of Notary Public Date

**Community Development Use Below Only**

Fees Paid: \_\_\_\_\_ By: \_\_\_\_\_

Related Cases & Applicable Conditions:

\_\_\_\_\_

Variance Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





**Applicant Certification**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608).

\_\_\_\_\_  
Signature of Applicant Date

Notary Seal

\_\_\_\_\_  
Typed or Printed Name & Title

\_\_\_\_\_  
Signature of Notary Public Date

**Property Owner Certification**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608). I, as the property owner, authorize the above noted applicant to represent me with regards to this application.

Notary Seal



*Christopher Edwards* 7/28/2017  
\_\_\_\_\_  
Signature of Property Owner Date

*Christopher Edwards, Managing Member*  
\_\_\_\_\_  
Typed or Printed Name & Title

*Laura Butler* 7.28.17  
\_\_\_\_\_  
Signature of Notary Public Date

**Community Development Use Below Only**

Fees Paid: \_\_\_\_\_ By: \_\_\_\_\_

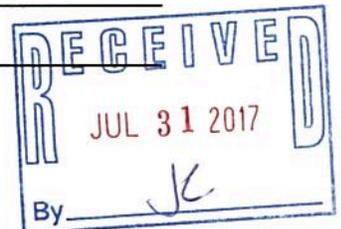
Related Cases & Applicable Conditions:

\_\_\_\_\_

Variance Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



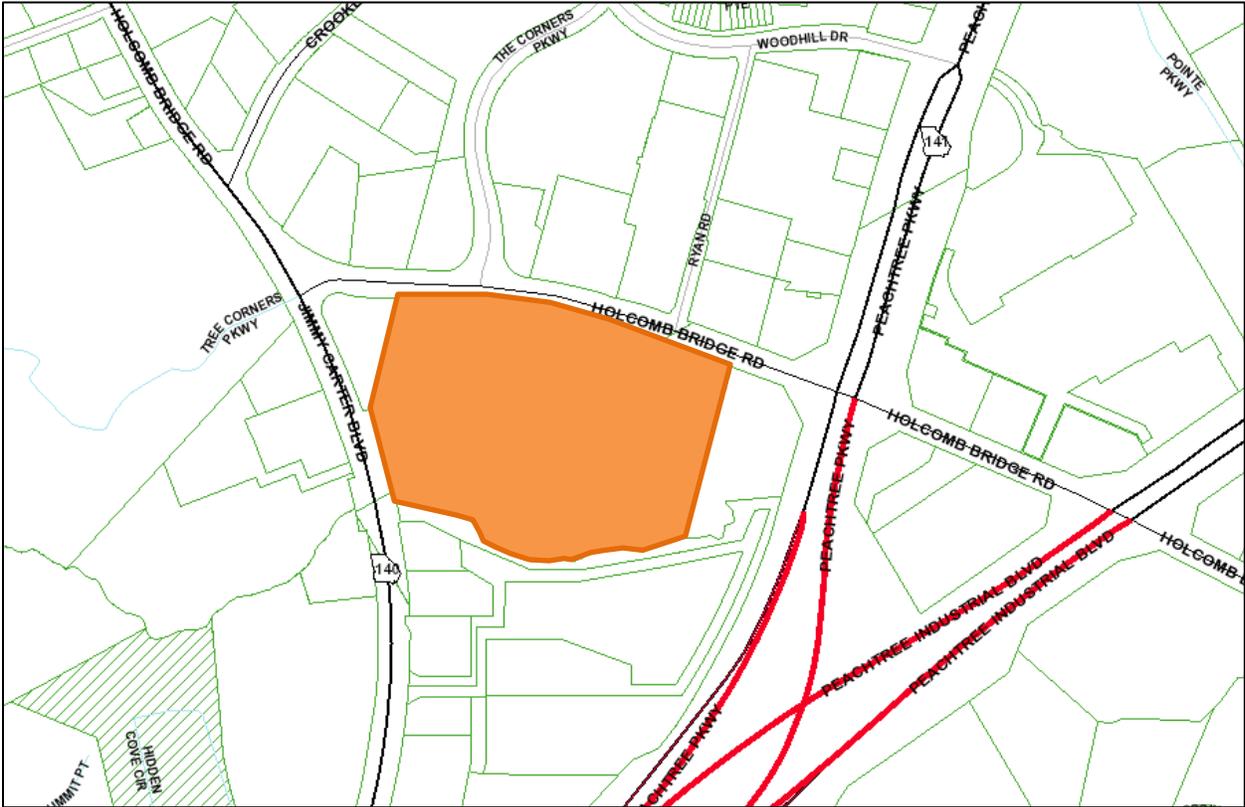


Patio and grilling area improvements adjacent to creek



## PROPERTY LOCATION MAP

**Centre at Peachtree Corners Apartments**  
**3325 Holcomb Bridge Road**



<b>CASE NUMBER</b>	V2017-006
<b>HEARING DATE</b>	SEPTEMBER 20, 2017
<b>PROPERTY ADDRESS</b>	3325 HOLCOMB BRIDGE ROAD

**V2017-007**

**30 Technology Pkwy. South**

**City of Peachtree Corners  
Zoning Board of Appeals  
September 20, 2017**

<b>CASE NUMBER:</b>	<b>V2017-007</b>
<b>PROPERTY LOCATION:</b>	<b>30 Technology Parkway South 6<sup>th</sup> District, Land Lot 285, Parcel 015</b>
<b>CURRENT ZONING:</b>	<b>M-1</b>
<b>PARCEL SIZE:</b>	<b>12.0 acres</b>
<b>PROPERTY OWNER:</b>	<b>30 Tech Park, LLC</b>
<b>APPLICANT:</b>	<b>Shane Lanham, Mahaffey Pickens Tucker LLP</b>

**REQUEST**

The applicant would like to add a second ground sign along the Technology Parkway South frontage of this property. One sign currently exists at the southern driveway. If approved, a second sign would be added at the northern driveway.

**LOCATION AND BACKGROUND**

The property in question is a large commercial parcel on the east side of Technology Parkway South between Technology Parkway and Peachtree Industrial Boulevard within Technology Park. The front of the property is long and it curves as Technology Parkway South bends to tie into Technology Parkway. In addition, this property abuts a portion of the City’s planned multi-use trail.

The property was developed in 1997 and includes two points of access along Technology Parkway South: A southern driveway, where an existing ground sign is located, and a northern driveway, where no signage currently exists. The distance between the two driveways is overly long, measuring approximately 385’. Additionally, the curve and small hill in the road make visibility challenging.

**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 requirements on 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 sign ordinance requires frontage on at least two public rights-of-way to qualify for two ground signs. The right-of-way can include pedestrian easements such as the planned multi-use trail. However, while the sign ordinance could permit a second ground sign after the dedication of land to create the multi-use trail, the property owner does not want to wait for that process and chose to apply for this variance.

The curving and sloping nature of Technology Parkway South, combined with the large distance between driveways, causes difficulty for drivers navigating to the site from the north, where the ground sign is not visible.

The roadway topography and the site's lengthy frontage along a curve in that roadway create a hardship for the property and for drivers accessing the site.

## **CONCLUSION**

After reviewing the applicant's proposal and the variance criteria, staff finds that the variance request can be justified, as there are extraordinary conditions unique to the property that are not the result of any action of the property owner.

If a variance is considered, the following condition is recommended:

- The sign shall be constructed in conformance with the drawing by A1 Signs, dated 7-31-17 and submitted with this application.



Case Number: V2017-007 Received Date: 30 AUG 2017 Hearing Date: 20 SEP 2017

**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>30 Tech Park, LLC c/o Mahaffey Pickens Tucker, LLP</u>	Name <u>30 Tech Park, LLC</u>
Address (all correspondence will be mailed to this address): <u>1550 North Brown Road, Suite 125</u>	Address <u>5404 Wisconsin Ave</u> <u>Suite 1150</u>
City <u>Lawrenceville</u>	City <u>Chevy Chase</u>
State <u>Georgia</u> Zip <u>30043</u>	State <u>Maryland</u> Zip <u>20815</u>
Phone <u>770.232.0000</u>	Phone <u>770.232.0000</u>
Contact Person Name: <u>Shane Lanham</u> Phone: <u>770.232.0000</u>	
Email Address: <u>slanham@mptlawfirm.com</u>	
Applicant is the (please check or circle one of the following): <input checked="" type="radio"/> Property Owner <input type="radio"/> Owner's Agent <input type="radio"/> Contract Purchaser	

Address of Property 30 Technology Parkway South  
 Subdivision or Project Name 30 Tech Park Lot & Block N/A  
 District, Land Lot, & Parcel (MRN) 6, 285, 015  
 Proposed Development Additional monument sign  
 Permit Number (if construction has begun) N/A  
 Variance Requested Variance to allow an additional monument sign

A complete application includes the following:

- |  |   |
|--|---|
| <input type="checkbox"/> Application Form (1 original and 1 electronic copy)   | <input type="checkbox"/> Application Fee  |
| <input type="checkbox"/> Site Plan and/or Boundary Survey (1 original, 1 8 1/2"x11" or 11"x17" reduction and 1 electronic copy.) | <input type="checkbox"/> Adjacent owner(s) written support (1 original and 1 electronic copy) |
| <input type="checkbox"/> Letter of Intent (1 original and 1 electronic copy)   | <input type="checkbox"/> Additional Documentation as needed                                   |
| <input type="checkbox"/> Signed & notarized Certification page   |   |



Applicant Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608).



[Signature] 8/28/17  
Signature of Applicant Date  
Shane Lanham, Attorney for Applicant  
Typed or Printed Name & Title  
[Signature] 8/28/17  
Signature of Notary Public Date

Property Owner Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608). I, as the property owner, authorize the above noted applicant to represent me with regards to this application.



[Signature] 8/21/17  
Signature of Property Owner Date  
J. Bradford Smith  
Typed or Printed Name & Title  
[Signature] 8/21/17  
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: \_\_\_\_\_ By: \_\_\_\_\_

Related Cases & Applicable Conditions:

\_\_\_\_\_

Variance Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*James Hanna - 404-358-1422*





Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Frances H. Kim  
Shane M. Lanham

Austen T. Mabe  
Jeffrey R. Mahaffey  
David G. McGee  
Steven A. Pickens  
Andrew D. Stancil  
R. Lee Tucker, Jr.  
\*Of Counsel

**LETTER OF INTENT FOR VARIANCE APPLICATION**  
**OF 30 TECH PARK, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and variance application (the “Application”) on behalf of 30 Tech Park, LLC (the “Applicant”) for the purpose of requesting a variance from the requirements of The Code of the City of Peachtree Corners, Georgia (the “Code”). The requested variance relates to an approximately 11.963 acre tract of land located on the east side of Technology Parkway South (“Tech Parkway”) north of its intersection with Peachtree Industrial Boulevard (the “Property”). The Property contains two driveways on Tech Parkway as well as an approximately 120,000 square foot one-story brick building. The Applicant, along with related entities, has undertaken efforts to revitalize the Property and the surrounding Tech Park development. In furtherance of those efforts, the Applicant has proposed to erect two new monument signs along the Tech Parkway frontage—one at each entrance. However, a strict interpretation of the Code limits the Property to one monument sign per road frontage. Accordingly, the Applicant requests the approval of a variance to allow an additional monument sign on the frontage of Tech Parkway. The requested variance is compatible with the character of development in the area and consistent with the spirit and intent of the Code. A strict application of the Code would impose on the Applicant exceptional and undue hardship that can be mitigated without conferring on the Applicant special privilege.

The Applicant has submitted herewith design drawings of the proposed signage as well as a site plan depicting its location. Under the Code, a variance may be granted when a literal enforcement of the Code would result in unnecessary hardship and approval of the variance is not contrary to the public interest. The requested variances are the minimum necessary to afford the Applicant relief so that the proposed signage may be installed in accordance with the Application included herewith. Further, granting relief would not cause substantial detriment to the public good and would not allow a sign that would interfere with road visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic. Rather, by granting relief, the Property may be utilized in a safe manner to better serve the public.

Due to the size, location, layout, and topography of the Property, its visibility is severely restricted and the increased signage is necessary to provide motorists ample time to identify the Property and safely prepare to turn to enter the Property at each entrance/exit, respectively. The Property is located on a bend in the road and is also at the crest of a hill. Additionally, the road frontage of Tech Parkway South is heavily wooded which further restricts the visibility of the Property. Due to the existing vegetation and the distance the building sits back from the right-of-way, the building is almost entirely screened from view of the roadway. Due to the physical characteristics of the Property and surrounding land, the Property, as well as its building and entrances, is not visible or identifiable to motorists until a short distance before each entrance. An additional monument sign located at the northern entrance would allow motorists traveling southbound on Tech Parkway to easily identify the Property, safely slow down, enter the turn lane, and safely turn into the Property. While a strict interpretation of the Code allows only a single monument sign per road frontage, the Property's relative size, length of road frontage (+/- 750 feet), and two entrances provide further justification for granting the requested relief.

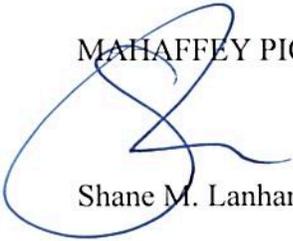
Denying the requested variance would deprive the Applicant of rights commonly enjoyed by others similarly situated including other office uses along Tech Parkway. The building on the Property is substantially larger than the other buildings on Tech Parkway which each have a monument sign at each driveway. Approval of the variance would allow the installation of a monument sign on the Property's northern driveway consistent with existing monument signage along Tech Parkway.

The Applicant and its representatives welcome the opportunity to meet with the staff of the City of Peachtree Corners Community Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or the variance Application filed herewith. The Applicant respectfully requests your approval of the Application.

This 29th day of August, 2017.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

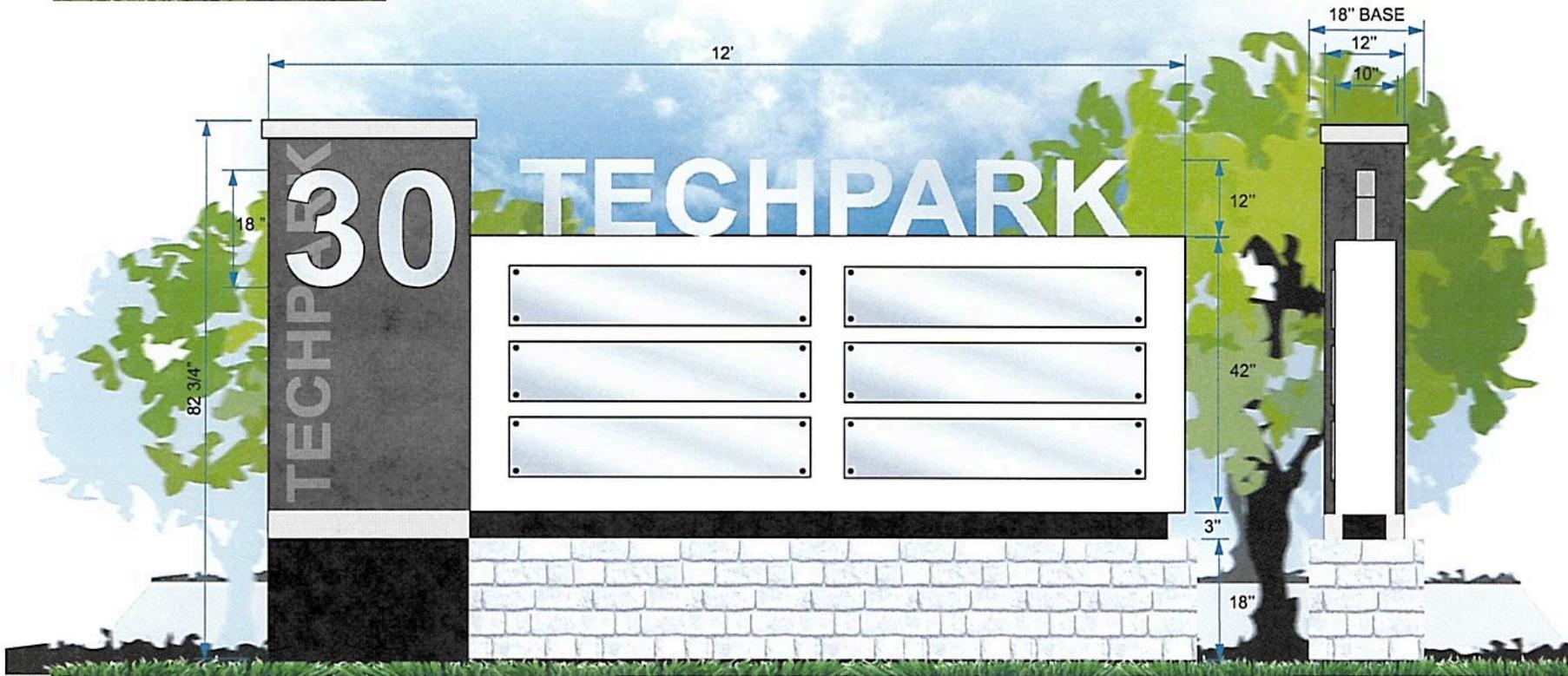
*Attorneys for the Applicant*



- METALLIC SILVER
- CHARCOAL GREY
- WHITE
- LIGHT GREY
- DARK GREY

**GENERAL NOTES**

NON-ILLUMINATED ALUMINUM CABINET  
 3" RAISED ALUMINUM LETTERS-TECHPARK  
 1/4" ALUMINUM TENANT PANELS PAINTED METALLIC SILVER (10" X 46")  
 .5" NUMBER 30  
 TECHPARK VINYL MOUNTED TO CHARCOAL GREY



**OPTION 1**

PROJECT:	TECHPARK
DATE:	7-31-17
CLIENT:	
LOCATION:	ATLANTA
SALESMAN:	J.MOORE
FILE:	
SCALE:	3/4"=1'



770.448.7446  
 770.448.0384 fax

6334 Buford Highway  
 Norcross, GA 30071

www.a1signs.com

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If used or constructed by others, A1 Signs, Inc. will be duly paid for designs and artwork.



PRIMARY WIRING OF ADEQUATE VOLTAGE AND CIRCUITS TO SIGN FURNISHED AND CONNECTED BY CUSTOMER.

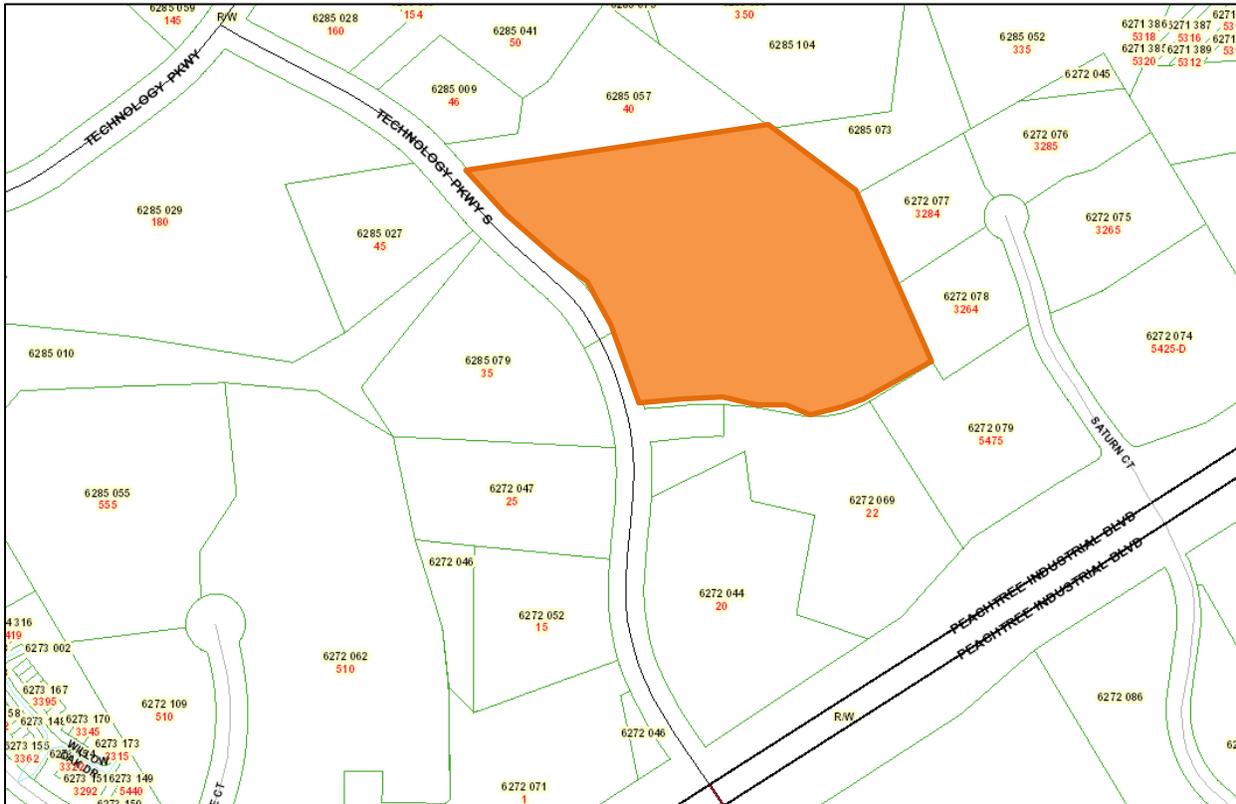


Northern driveway, sign proposed in landscaped area



## PROPERTY LOCATION MAP

### 30 Technology Parkway South



<b>CASE NUMBER</b>	V2017-007
<b>HEARING DATE</b>	SEPTEMBER 20, 2017
<b>PROPERTY ADDRESS</b>	30 TECHNOLOGY PKWY SOUTH