



ZONING BOARD OF APPEALS AGENDA

SEPTEMBER 19, 2018
7:00 PM
CITY HALL

A. Roll Call

B. Approval of Minutes: August 15, 2018

C. Approval of Agenda

D. Old Business:

V2018-005 Tepanyaki, Inc. (Continued from Aug. 15, 2018) Request to permit a detached accessory structure (drive-up ATM) in the front yard of a commercial shopping center at 5005 Peachtree Parkway in Dist. 6, Land Lot 318, Peachtree Corners, GA

E. New Business:

V2018-006 Chick-fil-A. Request to increase the height of monument signs for a restaurant at 6105 Peachtree Parkway in Dist. 6, Land Lot 283, 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
August 15, 2018
7:00PM

The City of Peachtree Corners held a Zoning Board of Appeals meeting. The meeting was held at City Hall, 310 Technology Parkway, 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
James Blum, Post E

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

AGENDA: Approval of the August 15, 2018 agenda.

MOTION TO APPROVE THE AUGUST 15, 2018 AGENDA.

By: James Blum

Seconded: Marcia Brandes

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

MINUTES: Approval of June 20, 2018 Minutes.

MOTION TO APPROVE THE JUNE 20, 2018 MINUTES

By: Marcia Brandes

Seconded: Matthew Gries

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

NEW BUSINESS:

V2018-005 Tepanyaki, Inc. Request to permit a detached accessory structure (walk-up ATM) in the front yard of a commercial shopping center at 5005 Peachtree Parkway in Dist. 6, Land Lot 318, Peachtree Corners, GA

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The applicants would like to construct a detached accessory structure in the front yard of this property. The structure would be a walk-up ATM for Synovus Bank. Zoning Ordinance Sec. 600 permits accessory structures only in side or rear yards. If approved, the applicant would construct the ATM on three parking spaces to be removed at the front of the property along Peachtree Parkway.

The property owner is not able to place the ATM to the side or rear and chose to apply for this variance. In the letter of intent, the applicant states that he evaluated the possibility of placing the ATM to the side of the existing strip mall building, but there is a Georgia Power easement located there. The applicant requested approval from Georgia Power to locate the ATM within the easement; however, the existence of overhead power lines led to Georgia Power to deny his request. The other side of the strip mall has a landscape setback area required by the zoning ordinance. Placing the ATM at this location would also necessitate a variance because the required landscaping would have to be eliminated. The rear of the property would also not be feasible for an ATM location because this is the delivery and loading area for the strip mall. While another site might have better options, this location has both zoning and easements constraints within the portions of the site that would otherwise allow the placement of an ATM facility. After reviewing the applicant's request and the variance criteria, Staff finds that a hardship may be justified at this location.

The applicant, Wes Allen, who is the property manager for the shopping center stated that they have a signed lease agreement with Synovus Bank pending the City's approval and that they tried to put the ATM on the side of the shopping center, but due to Georgia Power not signing off on the location due to underneath powerlines, they are requesting approval to put the ATM in the front yard of the shopping center.

Chairman Knox and board members asked applicant if the applicant intends to place a walk-up ATM or drive-through ATM, the whereabouts of the Notice of Public Hearing sign, traffic circulation and if signage on ATM was under the US Sign Council guidelines.

Both the applicant, Wes Allen, and the ATM owner representative, Robby Glover, were unable to produce any of the information requested by the board members at this time.

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

A motion was made after discussion

MOTION TO TABLED APPLICANT REQUEST UNTIL NEXT ZONING BOARD OF APPEALS MEETING TO ALLOW APPLICANT TO PRODUCE SITE PLAN, LANDSCAPE PLAN, ATM SIGN PACKAGE IN COMPLIANCE

WITH THE U.S. SIGN COUNCIL AND LETTER FROM PROPERTY OWNER AGREEING TO THE LOSS OF PARKING SPACES FOR THE ATM.

By: Matthew Gries

Seconded: Marcia Brandes

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

CITY BUSINESS ITEMS:

None.

COMMENTS BY BOARD MEMBERS:

None.

The Zoning Board of Appeals meeting concluded at 7:42 PM.

Approved,

Attest:

Wayne Knox, Chairman

Rocio Monterrosa, Deputy City Clerk

V2018-005
5005 Peachtree Pkwy.

**City of Peachtree Corners
Zoning Board of Appeals
August 15, 2018**

CASE NUMBER:	V2018-005
PROPERTY LOCATION:	5005 Peachtree Parkway 6th District, Land Lot 318, Parcel 338
CURRENT ZONING:	C-2
PARCEL SIZE:	2.45 acres
PROPERTY OWNER:	Tepanyaki, Inc.
APPLICANT:	Wes Allen, MCW Realty

UPDATE

At the August meeting of the Zoning Board of Appeals, this case was tabled to a date specific (the September meeting) so that the applicant could provide the following:

- A letter from the property owner agreeing to the loss of a specific number of parking spaces for the ATM
- Clarification from the applicant as to whether the ATM will be walk-up or drive-through. If drive-through, the applicant must provide a site plan addressing drive aisles, drive-through lanes, circulation, etc.
- A landscape plan showing improvements to the frontage of the property adjacent to the ATM
- A signage plan designed with the recommendations of the US Sign Council in mind

Although Staff has been in contact with the applicant, at the date of this updated report to the ZBA, staff have received none of the requested documents and therefore cannot evaluate the applicant's proposal further. Since the requested information is not included in this packet, it is hoped that the applicant will have documents to share with the Board at the meeting.

However, regardless of how the applicant chooses to respond to the items requested at the last board meeting, the ZBA will have four options with regard to the disposition of this case:

1. Approve the application.
2. Approve the application with conditions.
3. Table the application to a future meeting to give the applicant more time to respond.
4. Deny the application.

REQUEST

The applicant would like to construct a detached accessory structure in the front yard of this property. The submitted plan indicates that this structure would be a walk-up ATM for Synovus Bank. Zoning Ordinance Sec. 600 permits accessory structures only in side or rear yards. If approved, the applicant would construct the ATM on three parking spaces to be removed at the front of the property along Peachtree Parkway.

LOCATION AND BACKGROUND

The property in question is a commercial shopping center parcel on the west side of Peachtree Parkway, north of East Jones Bridge Road, adjacent to the Ingles shopping center. The property has approximately 325 feet of frontage on Peachtree Parkway.

The property was developed in 1998; the area in question for the variance request is the front of the property along Peachtree Parkway.

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 zoning ordinance requires accessory structures to be located to the side or rear of commercial properties. The property owner is not able to place the ATM to the side or rear and chose to apply for this variance.

In the letter of intent, the applicant states that he evaluated the possibility of placing the ATM to the side of the existing strip mall building, but there is a Georgia Power easement located there. The applicant requested approval from Georgia Power to locate the ATM within the easement; however, the existence of overhead power lines led to Georgia Power to deny his request. The other side of the strip mall has a landscape setback area required by the zoning ordinance. Placing the ATM at this location would also necessitate a variance because the required landscaping would have to be eliminated. The rear of the property would also not be feasible for an ATM location because this is the delivery and loading area for the strip mall. While another site might have better options, this location has both zoning and easements constraints within the portions of the site that would otherwise allow the placement of an ATM facility.

CONCLUSION

After reviewing the applicant's request and the variance criteria, Staff finds that a hardship may be justified at this location.



Case Number: _____ Received Date: _____ Hearing Date: _____

**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>Tepanyaki Inc</u>	Name <u>Tepanyaki Inc</u>
Address (all correspondence will be mailed to this address): <u>4228 Nobleman Point</u>	Address <u>4228 Nobleman Point</u>
City <u>Peachtree Corners</u>	City <u>Peachtree Corners</u>
State <u>Georgia</u> Zip <u>30097</u>	State <u>Georgia</u> Zip <u>30097</u>
Phone <u>404-375-0745</u>	Phone <u>678-357-0658</u>
Contact Person Name: <u>Wes Allen</u> Phone: <u>404-375-0745</u>	
Email Address: <u>jwa@mcwreality.com</u>	
Applicant is the (please check or circle one of the following): <input type="radio"/> Property Owner <input checked="" type="radio"/> Owner's Agent <input type="radio"/> Contract Purchaser	

Address of Property 5005 Peachtree Parkway, Peachtree Corners, GA
 Subdivision or Project Name Wellington Center Lot & Block Tract D, Jones Bridge Sq.
 District, Land Lot, & Parcel (MRN) 6th district, Land lot 318, R6318 338
 Proposed Development Synovus Drive Up ATM
 Permit Number (if construction has begun) Not Applicable
 Variance Requested Permit an accessory structure in the front yard

A complete application includes the following:

- | | |
|--|---|
| <input checked="" 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] 6/11/18
Signature of Applicant Date

ANDY FANG / owner
Typed or Printed Name & Title

[Signature] 6/11/18
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] 6/11/18
Signature of Property Owner Date

ANDY FANG / owner
Typed or Printed Name & Title

[Signature] 6/11/18
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Variance Description: _____



CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT
310 Technology Parkway, Peachtree Corners, GA 30092
Tel: 678.691.1200 | www.peachtreecornersga.gov

Variance Application Guidelines & Information

Note: A variance application from a condition of zoning or special use must be approved by City Council and can neither be accepted nor processed through the Board of Zoning Appeals.

Application Process

The Zoning Board of Appeals (ZBA) variance process requires approval thru a public hearing and will take approximately 45 days. Please see the filing deadline and hearing date schedule. The ZBA meets on the third Wednesday of each month (unless otherwise published) at 7:00 PM, at the City of Peachtree Corners City Hall, 310 Technology Parkway, Suite 200, Peachtree Corners, Georgia. A public hearing notice sign shall be posted on the property under consideration at least 15 days before the public hearing. In addition, a legal advertisement will be published in the *Gwinnett Daily Post* at least 15 days prior to the hearing. Once advertised for public hearing, an application can NOT be withdrawn.

1. No less than one week prior to submitting an application for a Public Hearing, the applicant must complete a pre-submittal meeting with staff. The applicant should bring one copy of the completed submittal package with all required plans and supporting materials to the meeting.
2. On or before the appropriate "Submittal Deadline" day, the applicant should file one (1) original, plus 10 copies of the completed Application and supporting documents. Each set will be comprised of the completed Application with the required supporting documents attached. One full-size set of any drawings, surveys, and any other oversized materials shall be included with the original application. The additional 10 copies of these documents shall be submitted at a size no greater than 11" x 17" and shall each be folded to a size not to exceed 8.5" x 11".
3. The City of Peachtree Corners allows the applicant two (2) requests for extensions beyond the scheduled public hearing. If the request for extension is received after the Notice of Public Hearing has been published, a \$250 re-advertising fee must be paid by the applicant. If, after requesting a deferral, an applicant submits a revised application and/or site plan, a \$500 re-review fee will be assessed in addition to the \$250 re-advertising fee. An application may be withdrawn without prejudice (no waiting time to refile) at any time prior to the public hearing at which final action is taken. A request for such withdrawal must be made in writing.
4. All application fees must be paid at the time of submittal.
5. All taxes must be paid in-full and any and all outstanding code violations on the property must be rectified prior to the public hearing.
6. The applicant or an authorized agent of the applicant must be present for all public hearings to present the proposal.

Application Requirements

Included in these guidelines are the informational requirements necessary to process an application. This documentation is important in demonstrating an "unnecessary hardship." For example, if the hardship is due to severe topography, topographic information must be submitted. If the justification is due to the location of an easement, a survey showing the easement must be submitted. In some circumstances, photographs can be used to substantiate a hardship.

The following items are necessary to process a variance application:



- Cross-sections of the buffer and its relationship to uses on adjacent property.
- Cross-sections indicating improvements on adjacent residential property as may be seen through the proposed improvements on the subject site.
- Complete planting plan indication existing vegetation and any proposed replanting. Indicate types of trees, name, size, quantity and spacing. Indicate trees proposed to be retained or planting on the cross sections and on the planting plan.
- Proposed screening fence and/or berm locations, etc., and details of same.
- Demonstrate compliance with the Buffer, Landscape & Tree Ordinance requirements.
- Show location of detention facilities and the direction of drainage flow.
- Provide details of building and parking lot lights adjacent to the proposed reduced buffer.
- Provide written consent from the adjacent property owner(s).

Sign Applications

Applications requesting a sign variance must also answer these questions:

- Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.
- Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.
- Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.
- Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.
- Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.
- Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.
- Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic?

**If you have any questions regarding these requirements, please contact the
Community Development Department at 678-691-1200.**



June 27, 2018

City of Peachtree Corners
c/o Jeff Conkle
Planning & Zoning Administrator
310 Technology Parkway
Peachtree Corners, GA 30092

RE: Letter of Intent - Variance for Accessory Structure (ATM) at 5005 Peachtree Parkway

Dear Jeff:

My client, Tepanyaki Inc., has signed a ground lease for a walkup ATM with Synovus Bank for their site at 5005 Peachtree Parkway, Peachtree Corners, GA.

Tepanyaki Inc. is hereby requesting a variance to permit an accessory structure in the front yard of the shopping center.

My client and Synovus previously tried to put an ATM at the side of the shopping center but Georgia Power would not sign off on the location as it was underneath powerlines. We feel this new location, in the front yard of the shopping center, is the best option for both parties. Furthermore, the additional income of the ground lease will assist Tepanyaki Inc. of keeping a first-class shopping center in Peachtree Corners as we have recently had to assist several tenants with rent concessions which has been a hardship for my owner.

Our ATM will look similar to the ATM shown on Exhibit D which is at 6135 Peachtree Parkway (Aldi Shopping Center) in Peachtree Corners.

I've included the following as Exhibits with this LOI:

- Exhibit A – First Amendment between Landlord & Tenant
- Exhibit B -- Site Plan from Synovus
- Exhibit C – Rendering of the Synovus Walkup ATM
- Exhibit D – Picture of ATM at 6135 Peachtree Parkway (Aldi)

Please call me or email me if you have any questions regarding this request. I will also be happy to speak in person with the City of Peachtree Corners.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wes'.

Wes Allen
Property Manager
McWhirter Realty Partners, LLC
(404) 375-0745
jwa@mcwrealty.com

FIRST AMENDMENT TO LEASE
(Wellington Center, Peachtree Corners, GA)

THIS FIRST AMENDMENT TO LEASE (this "Amendment"), dated as of the later of the dates accompanying the signatures by Lessor and Lessee on page 2 below, is by and between Tepanyaki, Inc. ("Lessor") and SYNOVUS BANK, a Georgia banking company ("Lessee").

Explanatory Statement

A. Lessor and Lessee entered into an ATM Lease Agreement, effective September 18, 2017 (the "Original Lease") for the lease of certain premises as more particularly described in the Original Lease (the "Premises") located within Wellington Center at 5005 Peachtree Parkway in Peachtree Corners, Georgia (the "Property").

B. Lessor and Lessee have agreed to relocate the Premises (as defined and described in the Lease) to the location noted on Exhibit "B" attached to this Amendment. All terms used herein without definition shall have the meanings given to them in the Original Lease to such terms as are provided in the Lease. As used herein and in the Original Lease, "Lease" shall be defined to include the Original Lease as amended by this Amendment.

C. The effective date of this Amendment shall be April 16, 2018 (the "Effective Date").

Agreement

NOW THEREFORE, the Explanatory Statement above being incorporated herein and in consideration of the Premises and of the payment of the rent and of other considerations moving between the parties, the parties hereto agree as follows:

1. Amendment of Exhibit "B" of the Original Lease. The Premises shall be deemed to be those premises depicted on Exhibit "B" attached to this Amendment. Exhibit "B" of the Original Lease is hereby amended to delete the depiction originally attached to said Exhibit "B" and insert the depiction reflected on Exhibit "B" to this Amendment.

2. Amendment of Exhibit "C" of the Original Lease. The Improvements shall be deemed to be those improvements depicted on Exhibit "C" attached to this Amendment. Exhibit "C" of the Original Lease is hereby amended to delete the depiction original attached to said Exhibit "C" and insert the depiction reflected on Exhibit "C" to this Amendment.

3. Lease Otherwise to Remain in Full Force and Effect. Except as otherwise specifically set forth in this Amendment, each of the other terms, covenants and conditions set forth in the Original Lease shall be and remain in full force and effect.

4. Binding Effect. This Amendment shall be binding upon the parties hereto and their respective successors, assigns and transferees, where applicable.

5. Counterparts. This Amendment may be executed in any number of counterparts with the same force and effect as if all signatures were appended to one document, each of which shall be deemed an original.

6. Digital Imaging. The parties agree to accept a digital image of this Amendment, as executed, as a true and correct original and admissible as best evidence for the purposes of state law, Federal Rule of Evidence 1002, and the like statutes and regulations.

IN WITNESS WHEREOF, this First Amendment to Lease has been executed by the parties hereto as of the Effective Date.

LESSOR:

TEPANYAKI, INC.

By: [Signature]
Name: ANDY FANG
Title: President

Date of Lessor's Signature: 4/19, 2018

LESSEE:

SYNOVUS BANK, a Georgia banking company

By: [Signature]
Name: Philip Edwards
Title: CPG & Real Estate Exec.

Date of Lessee's Signature: April 30, 2018

EXHIBIT "B"

The Premises

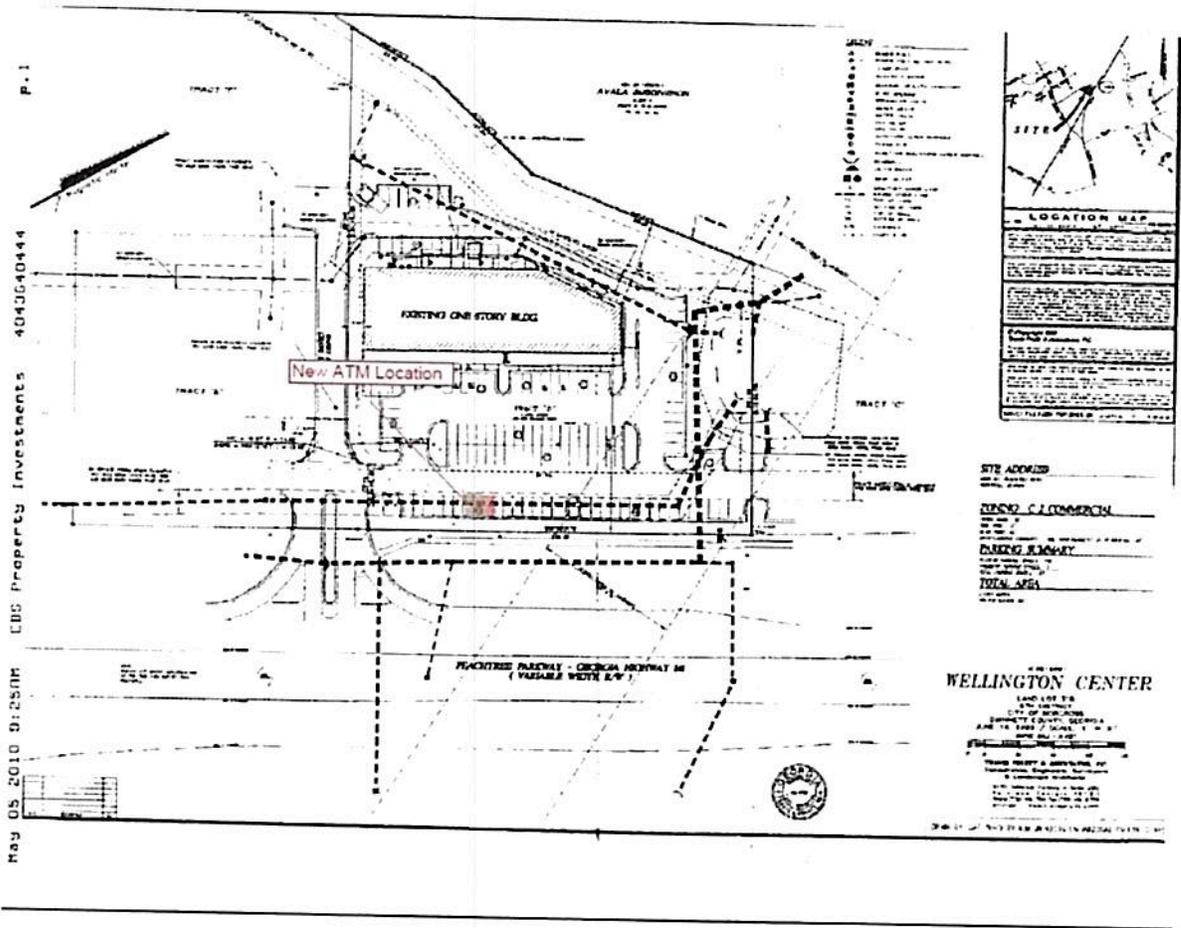
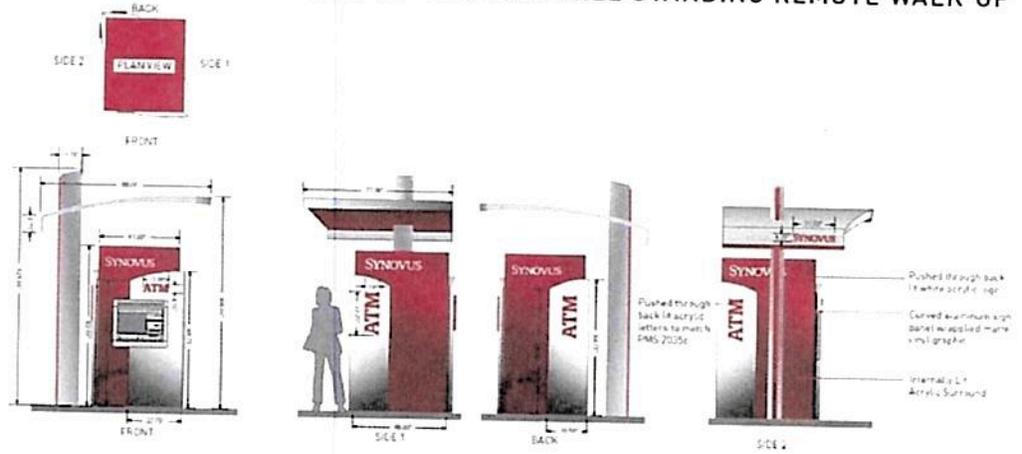


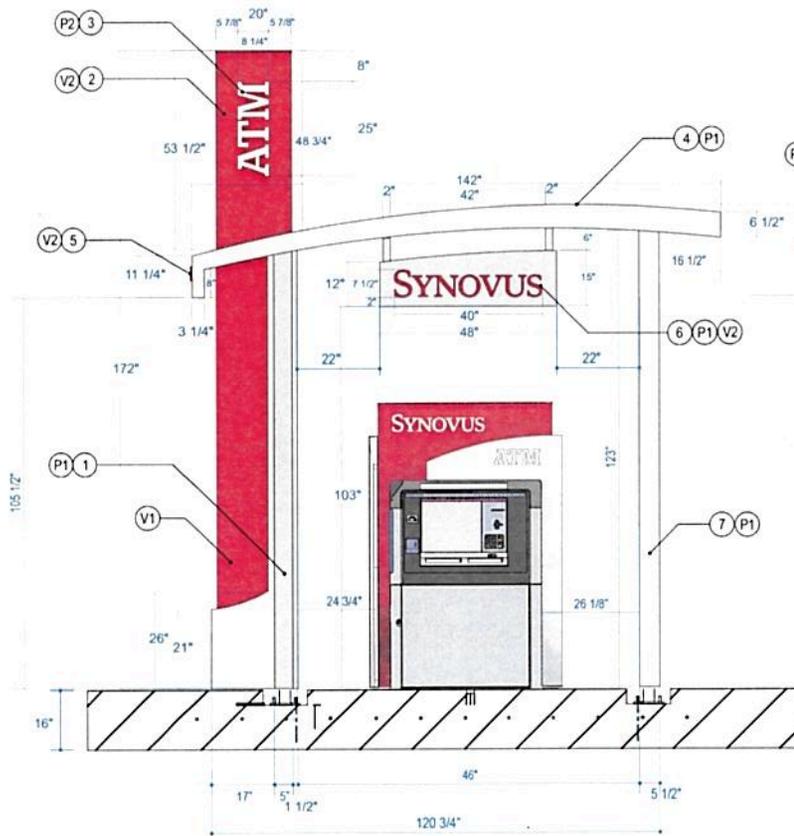
EXHIBIT "C"

The Improvements

branded atm surround design

DESIGN DEVELOPMENT: NCR 6684 FREE STANDING REMOTE WALK-UP

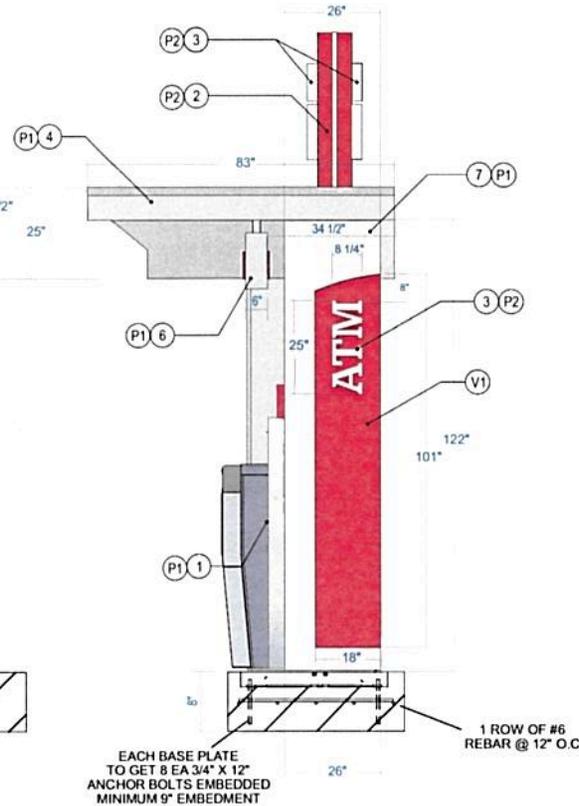




footer to be done by others.

Elevation / Front of ATM Display

Scale: 3/8"=1'-0"



footer to be done by others.

Side A / ATM Display

Scale: 3/8"=1'-0"

Production Notes

- 1) MAIN VERTICAL SUPPORT SYSTEM
REFER TO PAGES 4-5 FOR DETAILS AND SPECIFICATIONS.
- 2) UPPER ILLUMINATED TOWER ELEMENT
REFER TO SHEET 7 FOR DETAILS AND SPECIFICATIONS.
- 3) FABRICATED ALUMINUM CHANNEL LETTERS
WITH .063 RETURNS AND BACKS
1/2" THICK WHITE ACRYLIC 2447 FACES, ROUTED INSET TO FIT INTO CHANNEL WITH 1/8" FACE REVEAL. #6 CLEAR ACRYLIC FLUSH HEAD FASTENERS ATTACH FACES TO RETURNS.

REFER TO PAGE 7 FOR DETAILS AND MOUNTING SPECIFICATIONS.
- 4) FABRICATED ALUMINUM CANOPY
SYSTEM FEATURING
.125" THICK ALUMINUM SHEET COMPONENTS
FOR ALL "FACE" ELEVATIONS
TOP/BOTTOM SECTIONS FROM .125 ALUMINUM WITH INTERNAL
25" ALUMINUM RIBBED SECTIONS FOR STRUCTURAL STRENGTH
FINISHED IN SATIN PAINTED COATINGS SILVER
(MP BRUSHED ALUMINUM)
- 5) 3/4" WHITE ACRYLIC 2447 PUSH THROUGH LETTERS
WITH 1/2" EXPOSED. RED VINYL APPLIED FIRST SURFACE.
- 6) TYPICAL "SYNOVUS" DOUBLE SIDED FABRICATED DISPLAY
FEATURES .125" ALUMINUM FACES AND 3/4" WHITE ACRYLIC 2447
PUSH-THRU CHARACTERS WITH NOMINAL 1/2" OUTER PUSH.
RED VINYL APPLIED FIRST SURFACE.

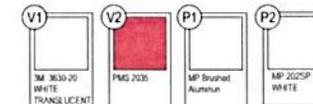
INTERNAL L.E.D. LIGHTING.
DISPLAY SUSPENDED WITH TWO (2) INTERNAL THREADED RODS
(CAPTIVATED WITHIN CANOPY DURING MANUFACTURING) ENCLOSED
IN A 2" DIAMETER ROUND ALUMINUM SLEEVE. INTERNALLY SECURED
WITHIN DISPLAY
NOTE: ACCESS TO INTERNAL THREADED ROD AND L.E.D. COMPONENTS
VIA ACCESS FROM LEFT/RIGHT SIDES. SIDES SECURED WITH #8
FLUSH HEAD FASTENERS.
- 7) TYPICAL SECONDARY VERTICAL SUPPORT SYSTEM
REFER TO PAGE 6 FOR DETAILS AND SPECIFICATIONS.

Paint Notes:

All Painted Surfaces To Have Satin Paint
P1) MP Brushed Aluminum
P2) White - MP 2025P

Vinyl Notes

- 1) First surface print, on vinyl, (color white color), UV print



12801 Commodity Place
Tampa, Florida 33626
Phone: 800-804-4809
Fax: 813-749-2311
www.creativesigndesigns.com

PROJECT:

**Synovus
Double Support
Canopy**

SITE ADDRESS

201 N. Franklin Street
Suite 201
Tampa, FL 33602

CRM / Quote:

19039-76672

Account Manager:

Project Manager / Project Leader

Designer: Date:
BMK 10/11/17

Revision	No.	Date	Description
	01	06/01/17	
	02		
	03		

Approval:

- Approved
- Approved as noted
- Revise and resubmit

This Drawing and all reproductions thereof are the property of Creative Sign Designs and may not be reproduced, published, changed or used in any way without written consent.

Sheet:

1 OF 12

Exhibit D

6145 Peachtree Parkway, Peachtree Corners, GA 30092

PNC Bank ATM



Google

June 11, 2018

Lotus Point LLC
c/o Kamal Singhal
2471 Lockerly Pass
Duluth, GA 30097

RE: Letter of Support for ATM at 5005 Peachtree Parkway, Peachtree Corners, GA

Mr. Singhal,

Synovus has signed a Lease to install a walk-up ATM at 5005 Peachtree Parkway, Peachtree Corners, GA. As our neighbor, we would appreciate your support of this ATM as we will need a zoning variance to have it installed. I've attached a rendering of what the ATM will look like along with an approximate location.

If you have any questions concerning this request please email me directly at jwa@mcwrealty.com. If you would be so kind to support the installation of this ATM I ask that you sign this letter below and contact me directly so I can pick up this letter from you.

By: Kamal Singhal, Property Owner
Lotus Point LLC

Sincerely,

Wes Allen
Property Manager
McWhirter Realty Partners LLC
709 Canton Rd NE
Suite 240
Marietta GA 30060
Cell: 404-375-0745

V2018-006
6105 Peachtree Pkwy.

**City of Peachtree Corners
Zoning Board of Appeals
September 19, 2018**

CASE NUMBER:	V2018-006
PROPERTY LOCATION:	6105 Peachtree Parkway 6th District, Land Lot 283, Parcel 109
CURRENT ZONING:	C-2
PARCEL SIZE:	1.02 acres
PROPERTY OWNER:	Chick-Fil-A, Inc
APPLICANT:	Brandon Guest, Clayton Signs

REQUEST

Chick-Fil-A will be razing and rebuilding its Peachtree Parkway location. As part of the redeveloped plan for the property, the applicant would like to increase the height of the permitted monument signs from 10' to 22' in overall height. One pole sign currently 25' in overall height exists on the property at the northeast corner. If approved as submitted, the existing 25' high pole sign would be replaced with a 22' high monument sign on the same corner and another sign of the same size would be added at the southeastern corner of the property.

LOCATION AND BACKGROUND

The property in question is a one-acre commercial outparcel on the west side of Peachtree Parkway between Holcomb Bridge Road and Woodhill Drive in the Peachtree Marketplace shopping center. The property is a corner lot at the intersection of Peachtree Parkway and Woodhill Drive.

The existing restaurant was developed in 1990 and is proposed to be demolished and rebuilt to better accommodate parking and drive-through traffic. The property is depressed below the grade of adjacent Peachtree Parkway by approximately 12', thus providing the impetus for the applicant's height variance request.

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 permits signs of up to 10' in height when set back at least 10' from the property line, which is where the applicant is proposing to place the signs. Any increase in height (up to the ordinance maximum of 20') requires a setback distance of 20'. In this case, the added height is needed to accommodate visibility due to the hardship created by the slope of the land.

While the increased setback is logical in most scenarios, this situation is a bit unusual in that the right-of-way for Peachtree Parkway is quite wide, leaving approximately 90' of public R.O.W. (which is currently a landscaped slope) between the applicant's property line and the edge of pavement for Peachtree Parkway.

Replacing a 25' high pole sign with a 22' high monument sign would generally be considered an aesthetic improvement; however, having two such signs within relatively close proximity facing the same roadway may be redundant. Instead of placing a second sign along the same road, it may better serve customers to have the permitted second sign placed at the Woodhill Drive entrance to the property.

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 conditions are recommended:

- One sign, located at the corner of Peachtree Parkway and Woodhill Drive, shall be permitted in conformance with the drawing by Clayton Signs dated 8/14/2018 and submitted with this application.
- One additional smaller monument sign may be permitted along the Woodhill Drive frontage of the property and shall be limited to 50 square feet in area and 5' in overall height.



CITY OF PEACHTREE CORNERS
 COMMUNITY DEVELOPMENT
 310 Technology Parkway, Peachtree Corners, GA 30092
 Tel: 678.691.1200 | www.peachtreecornersga.gov

Case Number: V2018-006 Received Date: 8/16/18 Hearing Date: 9/19/18

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>Brandon Guest</u>	Name <u>Chick-fil-A</u>
Address (all correspondence will be mailed to this address): <u>Clayton Signs Inc</u>	Address <u>5200 Buffington Rd</u>
<u>5198 North Lake Drive</u>	City <u>Atlanta</u>
City <u>Lake City</u>	State <u>GA</u> Zip <u>30349</u>
State <u>GA</u> Zip <u>30260</u>	Phone <u>404-765-8000</u>
Phone <u>404-361-3800</u>	
Contact Person Name: <u>Brandon Guest</u> Phone: <u>404-361-3800</u>	
Email Address: <u>brandonguest@claytonsigns.com</u>	
Applicant is the (please check or circle one of the following): <input type="radio"/> Property Owner <input checked="" type="radio"/> Owner's Agent <input type="radio"/> Contract Purchaser	

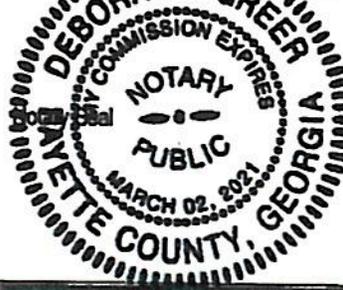
Address of Property 6105 Peachtree Pkwy Norcross, GA 30092
 Subdivision or Project Name Chick-fil-A Lot & Block _____
 District, Land Lot, & Parcel (MRN) 6th Dist, Land Lot 283, parcel 6135R6283109
 Proposed Development Monument Signs
 Permit Number (if construction has begun) _____
 Variance Requested Install (2) monument signs at 10' above road grade

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).



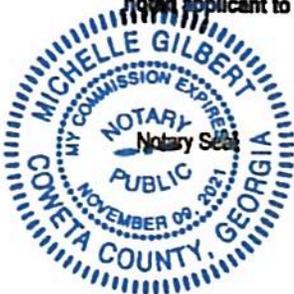
Brandon J. Guest 07-24-18
 Signature of Applicant Date

BRANDON GUEST Sales Rep
 Typed or Printed Name & Title

Deborah Greer 07/24/18
 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.



Chad Ross 8/3/18
 Signature of Property Owner Date

Chad Ross Project Lead
 Typed or Printed Name & Title

Michelle Gilbert 08/03/2018
 Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: 750.00 By: JC

Related Cases & Applicable Conditions:

Variance Description: Install (2) monument signs at 10' above road grade.
The elevation where the signs will go is below road grade, we
would like to use the road grade as the basis for the height.

WE BRING THE WORLD TO YOUR DOOR



Chick-fil-A #824
6105 Peachtree Pkwy
Norcross, GA 30092

08-09-18

The Chick-fil-A will be going through a reimage later this year. We are responsible for the sign portion of the reimage. Code allows for (2) monument signs at an overall height of 10' per sign and a minimum of 10' from the right of way.

The location where the signs will need to be installed has an elevation that is significantly lower than the road grade next to the install locations. We would like to apply for a variance to raise the signs to an overall height of 10' above road grade as opposed to 10' above the grade where the signs would be installed.

Installing the signs at 10' above the grade where they will be installed will have the effect of the signs being mostly or completely below road grade and therefore greatly decreasing their visibility.

The conditions are unique to the property because the entire site is below road grade.

The hardship is not the result of actions taken by the property owner.

If granted the variance would have no negative effect on the public good.

Granting the variance would not grant Chick-fil-A privileges which are denied to others similarly situated.

The requested variance is the minimum necessary for the applicant to enjoy rights commonly enjoyed by others. The variance will allow the signs to be at the 10' maximum allowed by code from the road grade as opposed to the 10' maximum being applied to where the signs are installed.

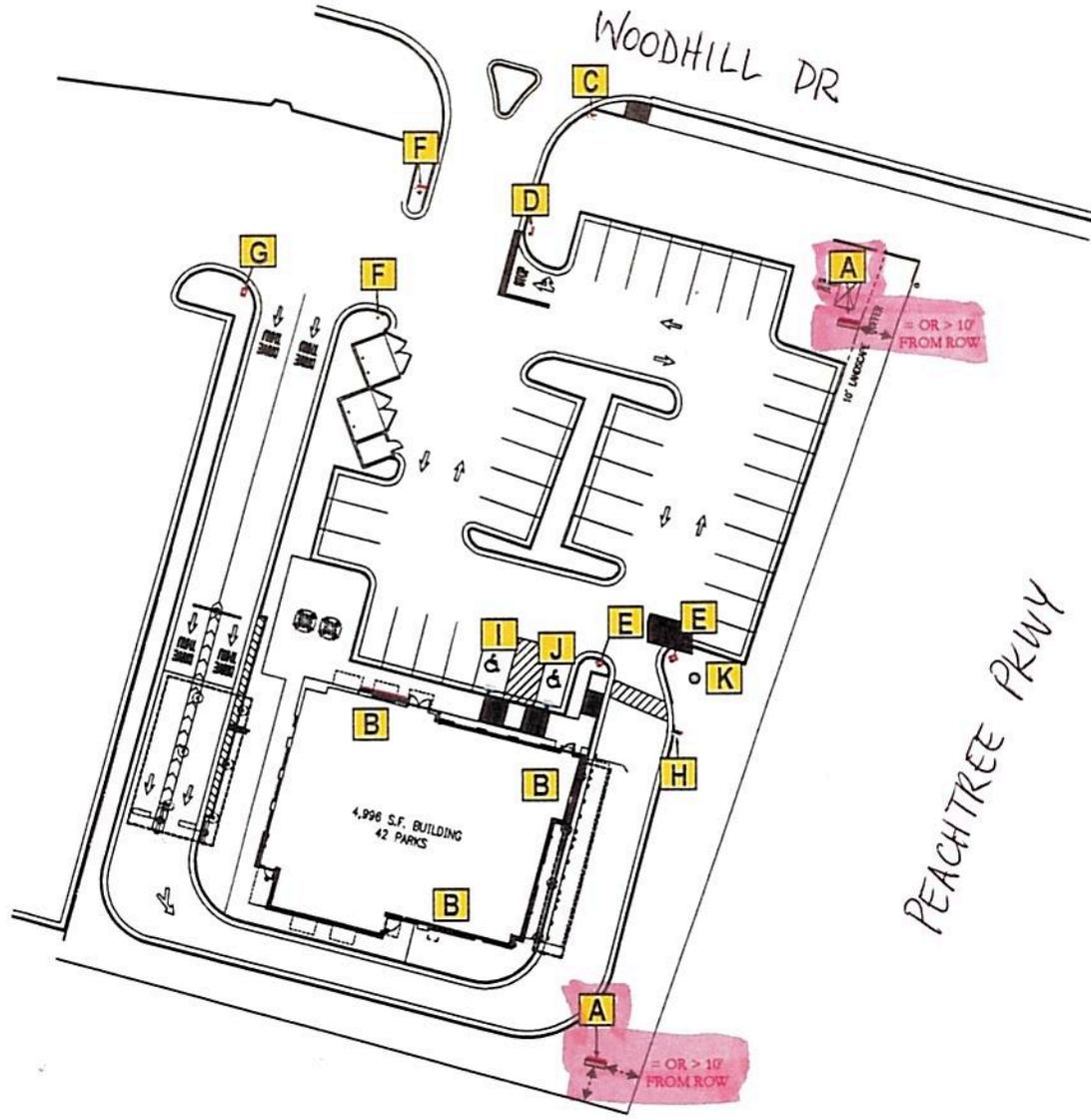
No additional standard of the Unified Development Code would be violated.

Road or highway visibility would not be affected, safe and orderly movement of traffic would not be affected.

Thank you,

Brandon Guest – brandonguest@claytonsigns.com – (770-403-7656)

A handwritten signature in black ink that reads "Brandon J. Guest". The signature is written in a cursive style with a large initial "B".



LOC		QTY
A	MONUMENT 10' OVERALL HEIGHT	2
B	SCRIPT SIGN 5'-0" x 11'-9" (37.71 sq ft)	3
C	STOP / NO LEFT TURN	1
D	STOP	2
E	STOP - DO NOT ENTER	2
F	DRIVE THRU CROOKED ARROW	2
G	DT LEFT ARROW / DT RIGHT ARROW	1
H	PEDESTRIAN CROSSING	1
I	ADA	1
J	ADA WITH VAN ACCESS	1
K	FLAG POLE (35')	1
L		
M		
N		
O		



5198 North Lake Drive
 Lake City, GA 30260
 404-361-3800 fax 404-361-7038
 website - www.claytonsigns.com

S and R
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 OTHERWISE INDICATED

DRAWN BY BRANDON GUEST
 ACCOUNT REP. BRANDON GUEST
 DRAWING DATE 04-20-18

STORE NUMBER
 824

STORE ADDRESS
 Chick-Fil-A
 6105 Peachtree Pkwy
 Norcross, GA 30092
 Peachtree Corners

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5198 NORTH LAKE DRIVE
LAKE CITY, GA 30260
404-361-3800
FAX 404-361-7038
WWW.CLAYTONSIGNS.COM

DATE - 8 / 14 / 2018
SIGN TYPE NEW DOUBLE-SIDED ILLUMINATED MONUMENT SIGNS QUANTITY: 2
 CHICK-FIL-A #024 6105 PEACHTREE PARKWAY NORCROSS, GEORGIA 30092

REVISIONS:
DATE _____
DATE _____

DESIGNER: BRYANT MARK
ACCOUNT REPS: BRANDON GUEST
SCALE: AS INDICATED
DRAWING FILE NAME
D:\BAY\Folder C\DA 024_Norcross, Georgia (Monument Signs).cdt

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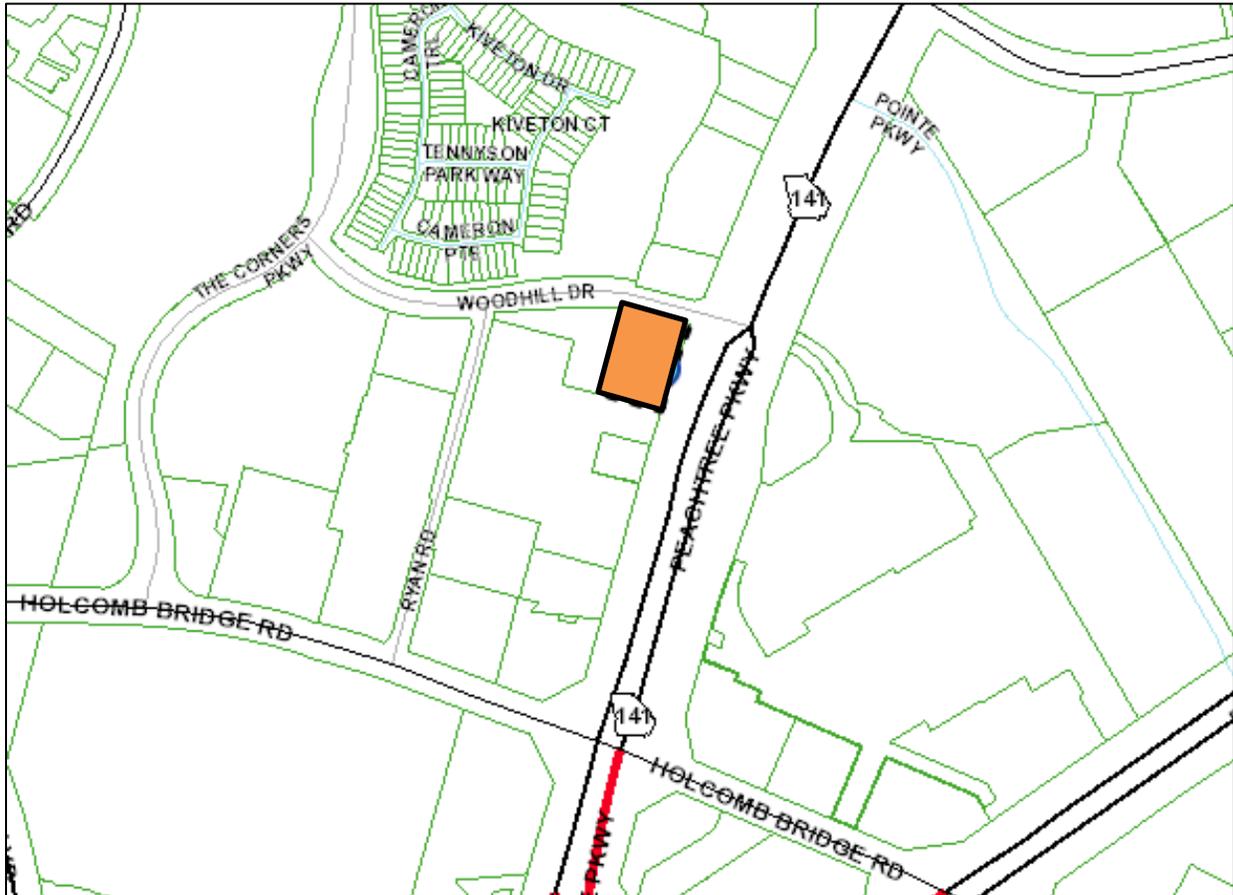
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A NEW MONUMENT SIGNS - DOUBLE SIDED ILLUMINATED
SCALE: 3/8" = 1'-0"

66.66 SQUARE FEET

PROPERTY LOCATION MAP

6105 Peachtree Parkway



CASE NUMBER	V2018-006
HEARING DATE	SEPTEMBER 19, 2018
PROPERTY ADDRESS	6105 PEACHTREE PARKWAY