



ZONING BOARD OF APPEALS AGENDA

FEBRUARY 20, 2019
7:00 PM
CITY HALL

- A. Roll Call
- B. Approval of Minutes: January 16, 2019
- C. Approval of Agenda
- D. Old Business: (None)
- E. New Business:

V2019-001 Norcross Realty Holding, LLC. V2019-001 Norcross Realty Holding, LLC. Request to reduce the required buffer between dissimilar zoning districts from 75' to 10' and to reduce the minimum parking from 14 spaces to 9 spaces to allow for construction of a new gas station and retail center at 5211 Buford Hwy. in Dist. 6, Land Lot 256, Peachtree Corners, GA

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



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CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS MINUTES
January 16, 2019
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

MINUTES: Approval of December 18, 2018 Minutes.

MOTION TO APPROVE THE DECEMBER 18, 2018 MINUTES.

By: Marcia Brandes

Seconded: James Blum

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

AGENDA: Approval of the January Agenda

MOTION TO APPROVE THE JANUARY 16, 2019 AGENDA.

By: James Blum

Seconded: Marcia Brandes

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

NEW BUSINESS:

V2018-007 Noah Huffman. Request to encroach into the required 25' impervious setback area landward of the required 50' stream buffer to allow a rear addition to an existing single-family home located at 5150 Thamesgate Close in Dist. 6, Land Lot 331, Peachtree Corners, GA

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The applicant would like to construct an addition to the rear of an existing single-family home. The proposed addition consists of a new living room and deck with roof, both of which would partially extend into the impervious setback area that extends 75' from the creek the forms this parcel's rear property line. The property in question is a single-family parcel on the west side of Thamesgate Close, a dead-end street that is accessed via neighborhood streets branching off East Jones Bridge Road. The property abuts a creek at the rear which eventually empties into the Chattahoochee River on the former FiServ property. The house was constructed in 1998. During the time of construction, the stream buffer regulations were not in place. The requirements for this and other buffers were enacted by Gwinnett County in 2005. Today's regulations require a 50' undisturbed natural vegetative buffer plus an additional 25' impervious setback (totaling 75' from the creek). The addition is proposed to extend variously from 3' to 7' into the impervious setback.

Recently, the property owner became interested in constructing the addition that was planned years ago but never built. After discussion with staff, the owner and contractor were not able to find an alternative location for the addition that would fit structurally with the home while avoiding the stream buffer area. The average size of the homes in this immediate area is 2,897 square feet, which is significantly larger than the owner's 2,040 square feet. An addition of this size would not be out of character for the neighborhood.

After reviewing the applicant's proposal and the variance criteria, staff finds that the buffer encroachment may be justified, as there are 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 create the stream buffer requirements that were enacted after platting of the lot and construction of the house. 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 that which is shown on the attached plan prepared by James H. Carter and dated 11/20/2018.

The applicant, Noah Huffman, gave a brief explanation on why the variance was needed and that he has no problem with the staff recommendation.

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

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

DRAFT COPY

AND APPROVE 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 AND 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, WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND IMPAIR THE PURPOSES OR INTENT OF THE RESOLUTION. I ALSO MOVE THAT THE FOLLOWING CONDITION BE ADDED:

- THE APPLICANT SHALL NOT CREATE ANY ADDITIONAL IMPERVIOUS AREA WITHIN THE IMPERVIOUS SETBACK BEYOND THAT WHICH IS SHOWN ON THE ATTACHED PLAN PREPARED BY JAMES H. CARTER AND DATED 11/20/2018.**

By: Marcia Brandes

Seconded: James Blum

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

CITY BUSINESS ITEMS:

Jeff Conkle, Planning and Zoning Administrator stated that there will be a Zoning Board of Appeals meeting on February 20, 2019.

COMMENTS BY BOARD MEMBERS:

None.

AJDOURNMENT:

MOTION TO ADJOURN THE MEETING AT 7:25 PM.

By: James Blum

Seconded: Marcia Brandes

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

Approved,

Attest:

Wayne Knox, Chairman

Rocio Monterrosa, Deputy City Clerk

V2019-001
5211 Buford Highway

**City of Peachtree Corners
Zoning Board of Appeals
February 20, 2018**

CASE NUMBER:	V2019-001
PROPERTY LOCATION:	5211 Buford Highway 6th District, Land Lot 256, Parcel 028
CURRENT ZONING:	C-2
PARCEL SIZE:	1.112 acres
PROPERTY OWNER:	Norcross Realty Holding, LLC
APPLICANT:	Norcross Realty Holding, LLC

REQUEST

The applicant is requesting a reduction in the buffer required between dissimilar zoning districts. In this case, the applicant's C-2 property adjoins an R-75 property to the northeast at 5195 Buford Highway. If approved, the applicant would reduce the 75' buffer to a 10' buffer to allow for construction of a gas station and two, small retail tenant spaces on the property. The applicant is also requesting reduction in minimum parking from 14 spaces to 9 spaces because of the small size of the lot.

LOCATION AND BACKGROUND

The property in question is a commercial parcel on the west side of Buford Highway at the corner of Herrington Drive. The front of the property has approximately 150' of frontage on Buford and approximately 315' of frontage on Herrington.

The property contains an existing commercial building constructed in 1974 which would be torn down to construct the proposed use.

Because of the substantial buffer requirement of 75', the property would be developable only on its southern half, thus significantly constraining the site.

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 a 75' buffer between commercial and residential zoning districts to mitigate any negative impact of the adjoining uses. Because of the subject property's small size, the 75' buffer impacts approximately half of the lot, thus limiting its redevelopment potential. If the buffer requirement were applied, the buildable portion of the site would be reduced from 150 ft. to 75 ft. It would be difficult to develop the property commercially with only 75 ft. of property width. Additionally, the small site restricts the amount of parking that can be provided, thus resulting in the applicant's request to reduce the number of spaces from 14 to 9. However, it should be noted that the two small retail tenant spaces add to the need for the buffer reduction and the parking variance. Without these tenant spaces, the buffer could be reduced to 50% instead of 85% and there would be no need for a parking variance. It is possible, however, that the two retail spaces are required to make the project financially viable and removing them may make the project unbuildable in that regard.

In the letter of intent, the applicants state that the area covered by the 75' buffer requirement was previously used as parking, albeit unpaved. The buffer area is also not currently vegetated beyond some grass/groundcover. The letter also states that the residential property adjoining this site is approximately 10' higher in elevation and the applicant proposes to install new privacy fencing and landscaping in the remaining 10' buffer area to provide screening for the residential property.

Also, in the letter of intent, the applicant believes the fuel pump islands should count toward the parking requirement because gas customers are using those spaces to park during fuel purchases. If counted, the fuel parking would increase their parking count to 17.

The buffer requirement affects the north and west side of the applicant's property. However, the variance request for a buffer reduction only applies to the north side of the property because the west side buffer has been met. A statement of opposition (attached) was submitted by the property owner to the west, but no comments were received from the property owner to the north.

CONCLUSION

After reviewing the applicant's request and the variance criteria, Staff finds that given the small size of the property, the amount of buffer required for this site could be considered a hardship. Although reducing the scope of the project would decrease the buffer variance and eliminate the parking variance, it might also undermine the viability of the development.

Therefore, if the Board considers approval of the variance requests, Staff recommends the following conditions:

1. The property shall be constructed in substantial conformance with the submitted plan dated 1/8/19 by Civil Consulting Engineers, Inc.
2. The 10 ft. buffer adjacent to the residential property to the north shall include a 6 ft. high privacy fence and a landscape buffer consisting of a double staggered row of evergreen plantings at least 6' in height at the time of planting spaced 15' apart.
3. The 75 ft. buffer adjacent to the residential property to the west shall include a 6 ft. high privacy fence and a landscape buffer consisting of a double staggered row of evergreen plantings at least 6' in height at the time of planting spaced 15' apart.



Case Number: V2019-001 Received Date: 1/9/19 Hearing Date: 2/20/19

**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>Norcross Reality Holding, LL</u>	Name <u>Norcross Reality Holding, LLC</u>
Address (all correspondence will be mailed to this address): <u>1833 Lawrenceville Hwy</u>	Address <u>1833 Lawrenceville Hwy</u>
City <u>Decatur</u>	City <u>Decatur</u>
State <u>Ga</u> Zip <u>30033</u>	State <u>Ga</u> Zip <u>30033</u>
Phone <u>678-777-0080</u>	Phone <u>678-777-0080</u>
Contact Person Name: <u>Ayaz Ali</u> Phone: <u>678-777-0080</u>	
Email Address: <u>alienterprise87@gmail.com</u>	
Applicant is the (please check or circle one of the following): <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser	

Address of Property 5211 Buford Hwy, Peachtree Corners, Ga 30033
 Subdivision or Project Name _____ Lot & Block 6256 028
 District, Land Lot, & Parcel (MRN) R6256028
 Proposed Development Convenient store with gasoline pumps
 Permit Number (if construction has begun) _____
 Variance Requested 65' variance. 75' Buffer reduced to 10'. East side only, reduction in parking from 14 to 9

A complete application includes the following:

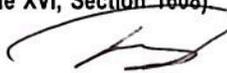
- | | |
|---|---|
| <input checked="" type="checkbox"/> Application Form (1 original and 1 electronic copy) | <input checked="" type="checkbox"/> Application Fee |
| <input checked="" type="checkbox"/> Site Plan and/or Boundary Survey (1 original, 1 8 1/2"x11" or 11"x17" reduction and 1 electronic copy.)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



 5-8-18
Signature of Applicant Date

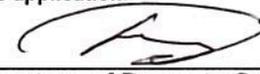
Ayaz ALI
Typed or Printed Name & Title

 5/8/18
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.



 5-8-18
Signature of Property Owner Date

Ayaz ALI
Typed or Printed Name & Title

 5/8/18
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: 750.00 By: Je

Related Cases & Applicable Conditions:

Variance Description: _____

BK55700 P00620

FILED AND RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY GA

2018 FEB 12 PM 2:00

RICHARD ALEXANDER, CLERK

After recording, return to:
Michele L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, GA 30030

PT-61# W7-2018-002818
GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX
\$ 310.00
RICHARD T. ALEXANDER, JR. CLERK OF
SUPERIOR COURT

LIMITED WARRANTY DEED

THIS INDENTURE, made and entered into this 7th day of February, 2018 by and between Y & K AUTOLANTA, LLC, a Georgia limited liability company (herein, referred to as "Grantor"), and NORCROSS REALTY HOLDING, LLC, a Georgia limited liability company (herein referred to as "Grantee").

WITNESSETH THAT, the said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid at or before the delivery of this deed, the receipt and sufficiency of which are hereby acknowledged, and pursuant to proper authority, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey to the said Grantee, and its successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 256 of the 6th District of Gwinnett County, Georgia being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all fixtures, structures and improvements located on such property and the easements, rights, members and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, privileges, easements, members and appurtenances belonging or thereunto appertaining, to the only proper use and benefit of the Grantee and its successors and assigns forever in FEE SIMPLE.

AND EXCEPT for those matters set forth on Exhibit "B" attached hereto and incorporated herein by reference, Grantor will warrant and defend the title to said premises against the claims of all persons claiming by, through or under Grantor, but not otherwise.

[Remainder of this page intentionally left blank.]

0012600

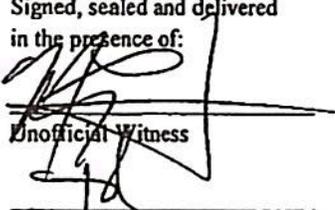
2

BK55700 PG0621

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed, sealed and delivered on the date above written.

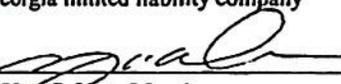
GRANTOR:

Signed, sealed and delivered
in the presence of:



Unofficial Witness

Y & K AUTOLANTA, LLC,
a Georgia limited liability company

By:  _____ (SEAL)
Kun S. Yun, Member

Notary Public

My commission expires: *May 04, 2020*



BK 55700 PG 0622

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL, together with all improvements thereon, lying and being in Land Lot 256 of the 6th District of Gwinnett County, Georgia, shown and delineated by Plat of the survey of W.T. Dunahoo & Associates, May 4, 1974, as follows:

BEGINNING at a point on the Northwestern margin of U.S. Highway #23 at the point where the southeastern margin of Herrington Road intersects and thence running North 32 degrees 30 minutes West along Herrington Road, 200.0 feet; thence North 42 degrees 55 minutes East, 160.0 feet; thence South 32 degrees 30 minutes East, 200.0 feet to U.S. Highway #23; thence South 42 degrees 55 minutes West along U.S. Highway #23, 160.0 feet to the POINT OF BEGINNING.

Also, all that tract or parcel of land lying and being in Land Lot 256 of the 6th District of Gwinnett County, Georgia, more particularly described as follows:

BEGINNING at a point on the Southeasterly margin of Herrington Road, said point being North 32 degrees 30 minutes West, 200.0 feet from the Southeast corner of the intersection of Herrington Road and U.S. Highway #23, and thence running north 42 degrees 55 minutes East, 160.0 feet; thence northwesterly, 50 feet, more or less, to a point; thence easterly, 69 feet, more or less, to a point; thence northwesterly, 20 feet, more or less, to a point; thence Southwest, 228.75 feet to Herrington Road; thence southeasterly 120 feet, more or less, to the POINT OF BEGINNING.

This includes all property of grantor located on U.S. Highway #23 and Herrington Road, Land Lot 256, 6th District, Gwinnett County, Georgia.

LESS AND EXCEPT:

All that property described in that certain Right of Way Deed in Deed Book 5398, Page 190, recorded March 30, 1989.

BK55700 PG0623

EXHIBIT "B"

PERMITTED TITLE EXCEPTIONS

1. Taxes and assessments for the year 2018 and subsequent years, not yet due and payable.
2. Slope easement contained in Right of Way Deed from Bill A. Chamblee to the Department of Transportation dated February 28, 1989, recorded March 30, 1989 in Deed Book 5398, Page 190, records of Gwinnett County, Georgia.

THIS SURVEY IS A RETRACEMENT OF AN EXISTING PARCEL OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) ARE STATED HEREON. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCGA 15-6-4



FOR THE FIRM
BOUNDARY ZONE, INC.
LSF #839

NOT VALID WITHOUT
ORIGINAL SIGNATURE

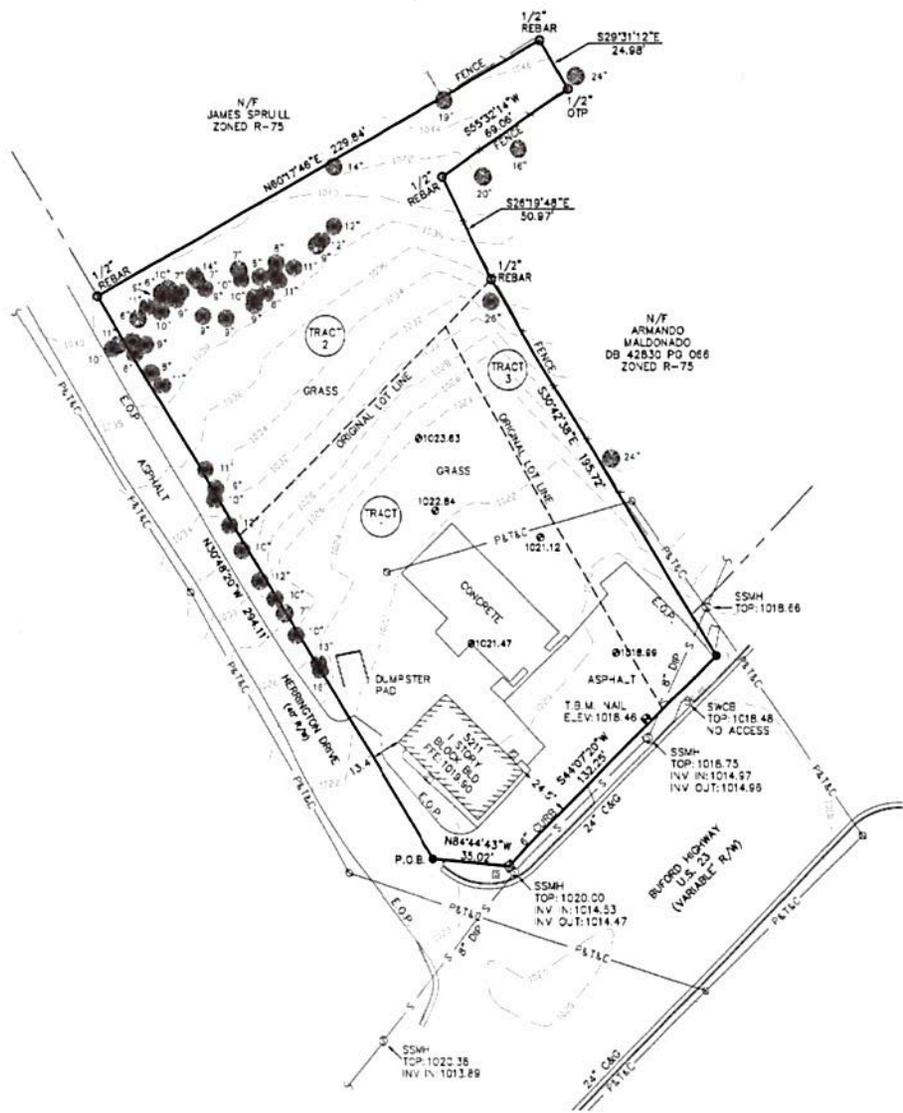
Ben E. Butterworth
BEN E. BUTTERWORTH RLS #2294 DATE 1-22-18

ZONING SUMMARY: C-2
COMMERCIAL DISTRICT

FRONT SETBACK 50' LOCAL/50' MAJOR R/W
SIDE SETBACK 10'/20' RESIDENTIAL
REAR SETBACK 15'/40' RESIDENTIAL

INFORMATION OBTAINED FROM
GWINNETT COUNTY ZONING
DATED 01/19/2018

THE SURVEYOR IN NO WAY INTENDS TO
"INTERPRET" OR MAKE CONCLUSIONS REGARDING
THE ZONING AND SETBACK DESIGNATION SHOWN
HEREON.



NO.	REVISION	DATE
1		
2		
3		
4		

BOUNDARY, TOPOGRAPHIC & TREE SURVEY
PREPARED FOR: AYAZ ALI
LAND LOT 256, 6 TH DISTRICT,
GWINNETT COUNTY, GEORGIA - 01/22/2018

○ PROPERTY CORNER FOUND (AS NOTED)	⊙ MANHOLE	⊠ A/C UNIT	⊠ GAS VALVE	L.L. LAND LOT	C.B. CATCH BASIN	-S- SEWER LINE	B.S.L. BUILDING SETBACK LINE	DB DEED BOOK	F.K.A. FORMERLY KNOWN AS
● 1/2" REBAR WITH CAP SET LSF # 839	⊙ CLEAN OUT	- GUY WIRE	⊠ CABLE BOX	N/F NOW OR FORMERLY R/W RIGHT-OF-WAY	CVT CANTILEVER	-G- GAS LINE	CONC CONCRETE	PB PLAT BOOK	NAD NORTH AMERICAN DATUM
⊠ R/W MONUMENT	⊙ WATER METER	⊙ JUNCTN BOX	⊠ POWER METER	P/L PROPERTY LINE	⊠ TELEPHONE BOX	-C- CABLE LINE	EOP EDGE OF PAVEMENT	PG PAGE	NAVJ NORTH AMERICAN VERTICAL DATUM
⊠ FIRE HYDRANT	⊙ WATER VALVE	⊙ OUTFLOW STRUCTURE	⊠ POWER BOX	OH OVERHANG	⊠ SIGN	-T- TELEPHONE LINE	BFE BASEMENT FLOOR ELEVATION	POB POINT OF BEGINNING	
	⊙ POWER POLE	⊠ DRAINAGE INLET	⊠ REGULAR PARKING	-W- WATER LINE	-W- WATER LINE	-X- FENCE LINE	GFE GARAGE FLOOR ELEVATION	POC POINT OF COMMENCEMENT	⊙ HARDWOOD TREE
	⊙ LIGHT POLE	⊙ POWER/LIGHT POLE	⊠ HANDICAP	-U- OVERHEAD UTILITY LINE	-U- OVERHEAD UTILITY LINE	-#2- CONTOUR LINE	FFE FINISHED FLOOR ELEVATION	A.K.A. ALSO KNOWN AS	⊙ PINE TREE

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

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THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

TOTAL AREA: 1.115 ACRES / 48,587 SQUARE FEET

BOUNDARY REFERENCE: DEED BOOK 52662, PAGE 407
FIELDWORK PERFORMED ON 01/15/2018

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 182,563 FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5603 ROBOTIC TOTAL STATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET.

BOUNDARY zone, inc.

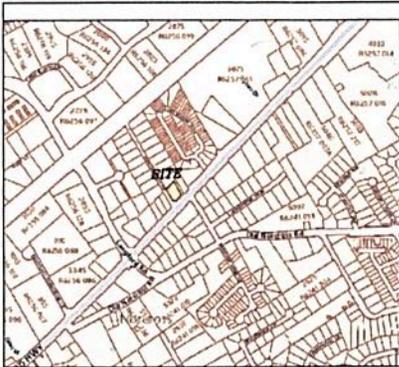
LAND SURVEYING SERVICES
LANDSCAPE ARCHITECTURE
LAND PLANNING

SURVEYING LANDSCAPE ARCHITECTURE LAND PLANNING
WWW.BOUNDARYZONE.COM (770) 271-5772 (919) 363-9226

BUFORD 4141 SOUTH LEE STREET, SUITE 171
 BUFORD, GEORGIA 30618
 ATLANTA 215 PRITCHETT STREET NE, SUITE 408
 ATLANTA, GEORGIA 30309
 MARIETTA 1875 THE RICHMOND, SUITE 616
 MARIETTA, GA 30067
 RALEIGH 2202 CANTON DRIVE, APEX
 NORTH CAROLINA 27523

PROJECT
1905001

SHEET
1 OF 1



VICINITY MAP
NTS

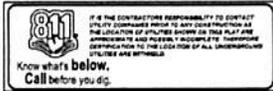
THIS PLAN IS DEVELOPED FROM AVAILABLE DATA SUPPLIED BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA. THE ENGINEER HAS CONDUCTED VISUAL VERIFICATION OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE SITE PLAN HAS BEEN CREATED FROM A FIELD SURVEY. THE ENGINEER HAS CONDUCTED VISUAL VERIFICATION OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE SITE PLAN IS SUBJECT TO CHANGE.

MUNICIPALITY: CITY OF PEACHTREE CORNERS

MUNICIPALITY ROAD ADDRESS: 310 TECHNOLOGY PARKWAY NW
PEACHTREE CORNERS, GA 30092
MUNICIPALITY PHONE: (678) 691-1200

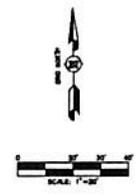


ZONING MAP
NTS



ZONED: C1-GENERAL BUSINESS DISTRICT
TOTAL SITE AREA: 2.40
PARKING:
CONCRETE STONE
1 PER 300 SF
METAL
1 PER 300 SF
BUILDING AREA: 4,800
GARAGE: 1,133
TOTAL PARKING PROVIDED: 14
TOTAL PARKING PROVIDED: 14

- NOTE:**
1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND THE MOST APPLICABLE FEDERAL, STATE AND LOCAL CODES.
 2. REFER TO ARCHITECTURAL PLANS FOR BUILDING ELEVATIONS, TRUCK BOXES, SIGNAGE, SEALS, TRANSFORMER PADS, ETC.
 3. REFER TO GEOTECHNICAL REPORT, PROPERTY LINE, LOCAL ELEVATION, EXISTING UTILITIES, SITE ELEVATIONS WITH SPOT ELEVATIONS, SURVEYING POINTS, UTILITIES AND EXISTING STRUCTURE LOCATIONS AS PROVIDED BY THE FOLLOWING COMPANY: SURVEYING: SURVEYING, INC.
 4. ALL DIMENSIONS AND MARKS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BALANCES ARE TO OUTSIDE FACE OF BUILDING.
 5. ALL HANDICAPPED ACCESSIBLE PARKING SPACES AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REGULATIONS AND STATE CODE.
 6. ALL TRAFFIC SIGNS SHALL CONFORM TO THE NATIONAL TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION.
 7. ALL STRIPING ON CURBED RADIUS SHALL BE 5' UNLESS OTHERWISE NOTED.
 8. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, CURB OR GUT, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR SHALL BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
 9. SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK.
 10. CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
 11. SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INCLUDING ALL CHANGES AND DIMENSIONS.
 12. ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
 13. ANY UNLAWFUL CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
 14. ALL CONCRETE SHALL BE 2,800 PSI 28 DAY COMPRESSIVE STRENGTH, MINIMUM.
 15. PROJECT DAMAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
 16. ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 3" UNLESS OTHERWISE NOTED.
 17. PARKING LOT STRIPING SHALL BE INCLUDED IN PARKING CONTRACTOR'S SCOPE FOR WORK, ALL STRIPING TO BE DEMONSTRATIVE.



REVISIONS:	
PROJECT: GWINNETT COUNTY C-STORE	
PROJECT ADDRESS: 5211 BUFORD HIGHWAY	
PROJECT ADDRESS: NORCROSS, GA 30071	
CLIENT: GENERAL CONSTRUCTION MANAGEMENT, LLC	
CLIENT ADDRESS: 1833 LAWRENCEVILLE HWY	
CLIENT ADDRESS: DECATUR, GA 30033	
DATE: 6/11/18	DWG: PRJ1
Civil Consulting Engineers, Inc.	
122 CEDAR WOODS TRAIL CANTON, GA 30114 678-462-4072 OFFICE@CCEINC.COM	
01/08/19	SITE PLAN
	CI

24-HOUR EMERGENCY CONTACT: AYAZ ALI (678) 777-0080



Civil Consulting Engineers, Inc.

January 8, 2019

City of Peachtree Corners
310 Technology Parkway
Peachtree Corners, GA 30092
678-691-1200

RE: C-store @ Buford Highway
5211 Buford Highway
Peachtree Corners, GA 30071

To whom it concerns,

Norcross Reality Holdings, LLC is humbly requesting two variances for the above mentioned property. The proposed development consists of one free standing building with a convenience store and retail space, four fuel pumps and supporting infrastructure. The current zoning of the property is C-2, in which our proposed use is allowed. The primary structure was built circa 1974 and can not be utilized. The building and parking lot appears as early as 1993. The prior use of the property was a used car dealership, see provided aerial photography. The two variances from the City of Peachtree Corners Code of Ordinances we would like to pursue are listed below.

1. Requested Variance #1

Requirement:

Code of Ordinances / Sec. 606 Buffer between dissimilar districts

Sec. 606.1 A buffer shall be required for the following:

All property zoned for commercial, neighborhood shopping, office-institutional, office business parks or industrial uses shall have a buffer along any rear and side property lines abutting a residential district.

Per Table in Section 606.7, it dictates that the buffer would be 75-feet for both the northern and eastern property lines.

Variance:

The applicate hereby requests the reduction of the buffer line to the east from 75-feet to 10-feet for a linear distance approximately 195-feet from the total buffer line of 380-feet.

Justification:

The prior use of the property had improvements and parked cars within this 75-foot buffer from about circa 2002 and still today has pavement within this area. The adjacent property to the east, that relief is being asked for, is one of the few residential zoned properties that fronts and access from Buford Highway that appears as a resident. The existing topography makes is the neighboring property to the east roughly 10-feet higher than the subject property. Based on the existing topography the side window of the adjacent property currently as a direct view of the subject

Civil Consulting Engineers, Inc.

property even with an existing fence and vegetation. The proposed development will provide additional planting and a new fence along the shared property line creating more buffer than what currently exists to still follow the intent of this code item. The 75-foot buffer along the rear property line will be complied with. The subject property's right of way frontage is 132.25-feet and if the 75-foot side buffer would constrain it to only 54.54-feet. The subject property is currently 1.12 acres and if both buffer areas are removed from that there is only 0.43 acres. With both buffer areas applied it makes the buildable area unfeasible to redeveloped. All proposed lighting for the development will be directed and shielded from the adjacent neighboring property.

2. Requested Variance #2

Requirement:

Code of Ordinances / Sec. 1002 Number of off-street parking spaces requirements

Parking table per proposed use:

Convenience store, gasoline stations = minimum 1 per 500 sq. ft.

Retail use = minimum 1 per 500 sq. ft.

Variance:

The applicant hereby requests the reduction of the required minimum parking from 14 spaces to 9 spaces, being a 36% reduction.

Justification:

As indicated to us, the spaces located at the four proposed pump islands can not be included in the overall parking count. They are though possible parking locations and if they were to be used as such the overall parking count would increase to 17 spaces.

The applicant respectfully requests the approval for the above two variances. The applicant also invites and welcomes any comments from the City staff or other officials so that such recommendations or input may be incorporated as conditions of approval of this application.

The plans have been signed and sealed and submitted for your consideration and approval. Should you have questions please don't hesitate to call.

Sincerely,



Civil Consulting Engineers, Inc.,
Terry Boomer PE

THIS SURVEY IS A RETRACEMENT OF AN EXISTING PARCEL OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) ARE STATED HEREON. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 186-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCGA 15-6-6



FOR THE FIRM
BOUNDARY ZONE, INC.
LSF #839

NOT VALID WITHOUT
ORIGINAL SIGNATURE

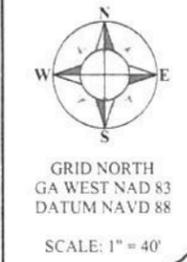
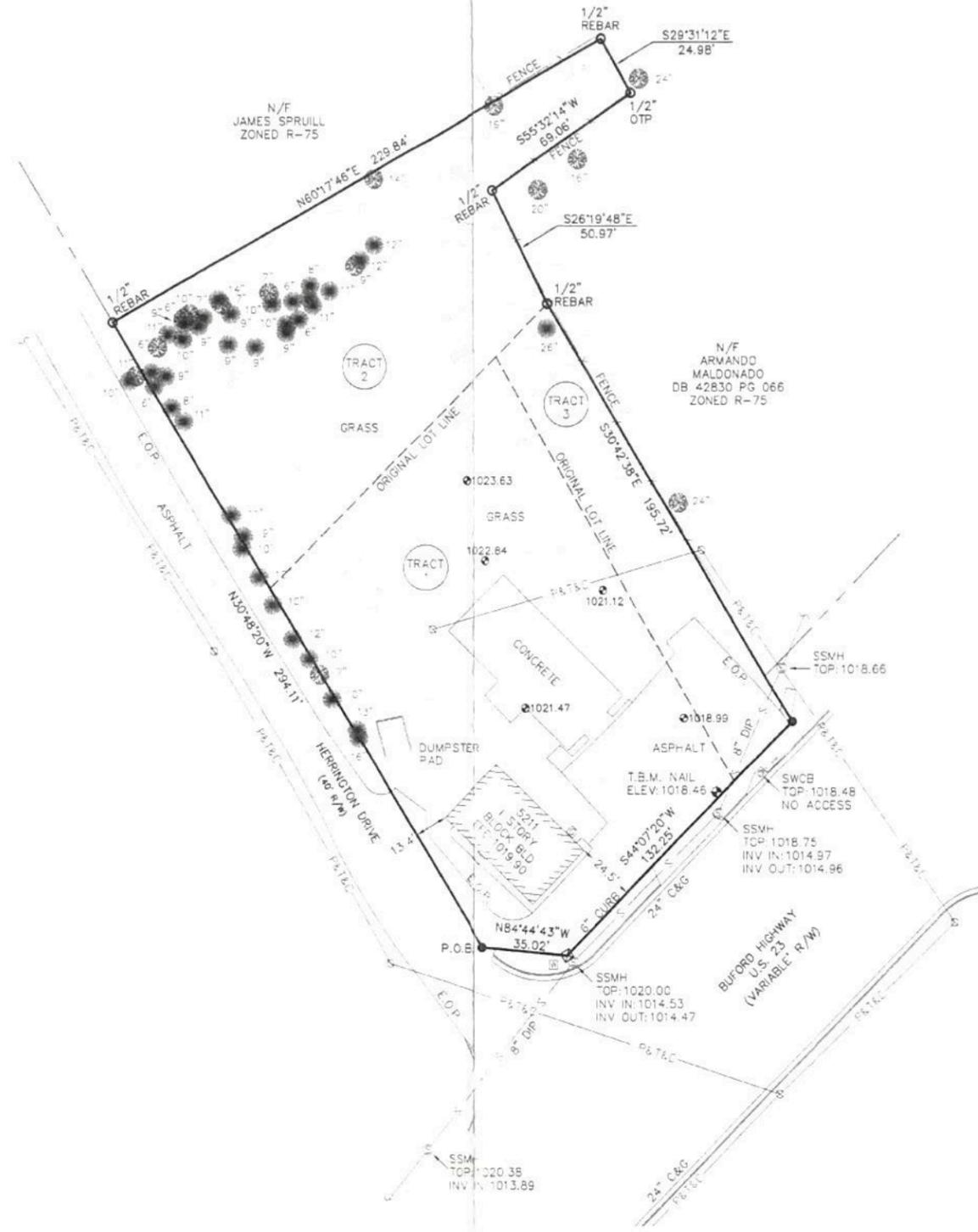
Ben E. Butterworth 1-22-18
BEN E. BUTTERWORTH RLS #2294 DATE

ZONING SUMMARY: C-2
COMMERCIAL DISTRICT

FRONT SETBACK 50' LOCAL/50' MAJOR R/W
SIDE SETBACK 10'/20' RESIDENTIAL
REAR SETBACK 15'/40' RESIDENTIAL

INFORMATION OBTAINED FROM
GWINNETT COUNTY ZONING,
DATED 01/19/2018

THE SURVEYOR IN NO WAY INTENDS TO
INTERPRET OR MAKE CONCLUSION REGARDING
THE ZONING AND SETBACK DESIGNATION SHOWN
HEREON.



NO.	REVISION	DATE
1		
2		
3		
4		
5		

BOUNDARY, TOPOGRAPHIC & TREE SURVEY
PREPARED FOR: AYAZ ALI
LAND LOT 256, 6 TH DISTRICT,
GWINNETT COUNTY, GEORGIA - 01/22/2018

○ PROPERTY CORNER FOUND (AS NOTED)	⊙ MAN-HOLE	⊠ A/C UNIT	⊕ GAS VALVE	LL LAND LOT	⊠ C.B. CATCH BASIN	-S- SEWER LINE	BSL BUILDING SETBACK LINE	DB DEED BOOK	F.K.A. FORMERLY KNOWN AS
● 1/2" REBAR WITH CAP SET LSF# 839	⊙ CLEAN OUT	⊠ GUY WIRE	⊕ CABLE BOX	N/F NOW OR FORMERLY R/W RIGHT-OF-WAY	⊠ CNT CANTILEVER	-G- GAS LINE	CONC. CONCRETE	FB PLAT BOOK	NAD NORTH AMERICAN DATUM
⊠ R/W MONUMENT	⊙ WATER METER	⊠ JUNCTION BOX	⊕ POWER METER	P/L PROPERTY LINE	⊠ TELEPHONE BOX	-C- CABLE LINE	EOP EDGE OF PAVEMENT	PG PAGE	NAVD NORTH AMERICAN VERTICAL DATUM
⊠ FIRE HYDRANT	⊙ WATER VALVE	⊠ OUTFLOW STRUCTURE	⊕ POWER BOX	OH OVERHANG	⊠ SIGN	-T- TELEPHONE LINE	BFE BASEMENT FLOOR ELEVATION	POB POINT OF BEGINNING	
	⊙ POWER POLE	⊠ DRAINAGE INLET	⊕ REGULAR PARKING	⊕ GAS METER	-W- WATER LINE	-X- FENCE LINE	GFE GARAGE FLOOR ELEVATION	POC POINT OF COMMENCEMENT	⊙ HARDWOOD TREE
	⊙ LIGHT POLE	⊠ POWER/LIGHT POLE	⊕ HANDICAP		-U- OVERHEAD UTILITY LINE	-92- COU-T-OUR LINE	FFE FINISHED FLOOR ELEVATION	A.K.A. ALSO KNOWN AS	⊙ PINE TREE

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

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TOTAL AREA: 1.115 ACRES / 48,587 SQUARE FEET

BOUNDARY REFERENCE: DEED BOOK 52662, PAGE 407
FIELDWORK PERFORMED ON 01/15/2018

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 182,563 FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5603 ROBOTIC TOTAL STATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET.

811
Know what's below.
Call before you dig.

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BUFORD
4195 SOUTHLIEE STREET, SUITE 1
BUFORD, GEORGIA 30518

ATLANTA
235 PEACHTREE STREET NE, SUITE 400
ATLANTA, GEORGIA 30303

MARIETTA
1879 THE EXCHANGE, SUITE 100
MARIETTA, GA 30039

RALEIGH
2205-C CANDLYN DRIVE, APEX
NORTH CAROLINA 27523

PROJECT
1905001

SHEET
1 OF 1



REVISIONS:	
PROJECT: GWINNETT COUNTY C-STORE	
PROJECT ADDRESS: 5211 BUFORD HIGHWAY	
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DATE: 6/11/18	DWG: PRJI

Civil Consulting Engineers, Inc.

e inc. 122 CEDAR WOODS TRAIL
 CANTON, GA 30114
 678-462-4072
 CIVILCONSULTINGENGINEERSINC.COM



Jeff Conkle

From: Rocio Monterrosa
Sent: Wednesday, February 6, 2019 4:10 PM
To: Jeff Conkle
Subject: V2019-001

Jeff,

I received a call from Mr. James H. Spruill who is the owner of 2792 Herrington Dr. He stated that he can not make it to the ZBA meeting on the 20th and wanted to let whoever is handling the case that he is opposing this request.

Thank you,



Rocio Monterrosa
Assistant to the City
Manager/Deputy Clerk
310 Technology Parkway
Peachtree Corners, GA 30092
770-609-8819 **Direct**
678-691-1200 **City Hall**
peachtreecornersga.gov





View of front along Buford Highway. Neighboring residential property on the right.



View of property at the corner of Buford Highway and Herrington Drive