



ZONING BOARD OF APPEALS AGENDA

MARCH 20, 2019
7:00 PM
CITY HALL

A. Roll Call

B. Approval of Minutes: February 20, 2019

C. Approval of Agenda

D. Old Business:

V2019-001 Norcross Realty Holding, LLC. (Continued from February 20, 2019)
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

E. New Business:

V2019-002 Soren Thomas. Request to permit an accessory structure in the front yard and to increase the permitted height of a fence or wall at an existing residence at 3552 Jones Mill Rd. in Dist. 6, Land Lot 281, 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
February 20, 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 January 16, 2018 Minutes.

MOTION TO APPROVE THE JANUARY 16, 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 FEBRUARY 20, 2019 AGENDA.

By: Amreeta Regmi

Seconded: James Blum

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

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

Diana Wheeler, Community Development Director, provided background information regarding the applicant's 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.

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. 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% 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.

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.

The applicant representative, Terry Boomer, gave a description of the proposed location for the gas station and the reason why the reduction of the buffer was necessary. He also stated that they would not have an issue with staff recommendations.

Commissioners asked applicant about the number of employees per shift, parking spaces for both employees and guests not only for the gas station, but for the additional two stores.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. There were seven comments in opposition to the application stating traffic, noise, parking and increased commercial activity coming to the area.

A motion was made after discussion

TABLED UNTIL NEXT MEETING TO ALLOW APPLICANT TO MEET WITH SURROUNDING NEIGHBORS AND SUBMIT AN UPDATED PLAN THAT SHOWS ARCHITECTURAL ELEVATIONS AND ADDITIONAL PARKING.

By: Matthew Gries

Seconded: Marcia Brandes

Vote: (4-0-1) (Gries, Brandes, Knox, Regmi) (Blum – Recused)

CITY BUSINESS ITEMS:

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

COMMENTS BY BOARD MEMBERS:

None.

AJDOURNMENT:

MOTION TO ADJOURN THE MEETING AT 7:58 PM.

By: James Blum

Seconded: Marcia Brandes

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

DRAFT COPY

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, 2019**

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

UPDATE

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

- A revised layout plan that provided for adequate parking while minimizing impacts on surrounding residential properties
- Architectural elevations of the proposed buildings and structures
- Evidence of a community meeting to address the concerns of surrounding residents

The applicant has provided a new layout plan which shifts the building and gas canopy further into the site, allowing additional parking in the front of the property and thus eliminating the need for a parking variance. The rear 75' buffer is maintained and the requested side buffer reduction to 10' remains the same.

Architectural elevations of the retail building have been provided and show a brick, stucco and glass storefront building. The brick and stucco cover the front and two sides, while the rear is a metal panel finish.

The applicant is scheduled to hold a community meeting with concerned neighbors on the evening of March 13, 2019. The applicant can provide an update to the Board regarding the outcome of that meeting at the hearing on March 20.

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.
4. The rear of the proposed building shall be primarily brick with stucco accents in order to match the front.



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:

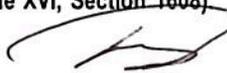
- | | |
|---|---|
| <input checked="" type="checkbox"/> Application Form (1 original and 1 electronic copy) | <input checked="" type="checkbox"/> Application Fee |
| <input checked="" type="checkbox"/> Site Plan and/or Boundary Survey (1 original, 1 8 1/2"x11" or 11"x17" reduction and 1 electronic copy.) | <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

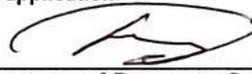
Ayaz ALI
Typed or Printed Name & Title

 5/8/18
Signature of Notary Public Date

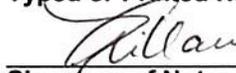
Property Owner Certification

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: _____

BK 55700 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

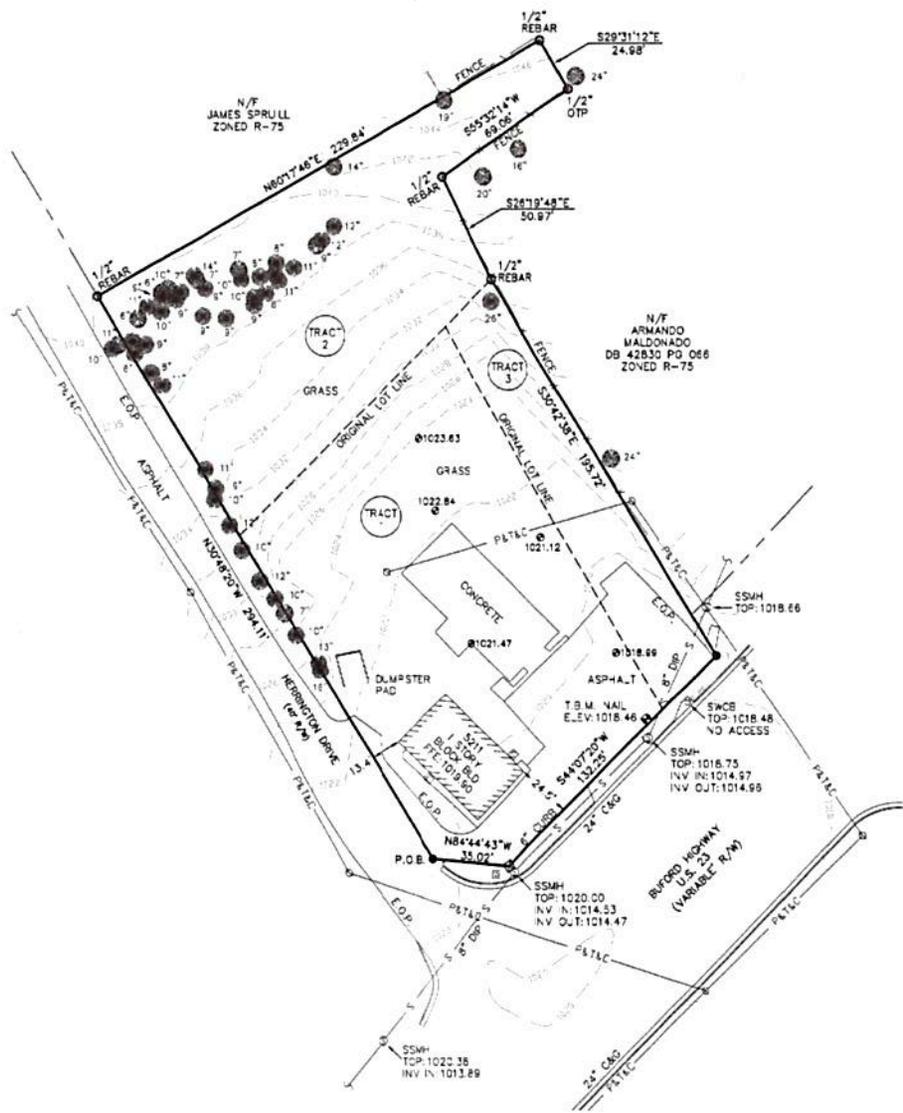
Ben E. Butterworth
BEN E. BUTTERWORTH RLS #2294 DATE 1-22-18

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		

GRAPHIC SCALE - IN FEET
0 20 40 80

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	CNT 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	NAVd NORTH AMERICAN VERTICAL DATUM
⊠ FIRE HYDRANT	⊙ WATER VALVE	⊙ OUTFLOW STRUCTURE	⊠ POWER BOX	⊠ REGULAR PARKING	⊠ SIGN	-T- TELEPHONE LINE	BFE BASEMENT FLOOR ELEVATION	POB POINT OF BEGINNING	
	⊙ POWER POLE	⊠ DRAINAGE INLET	⊠ REGULAR PARKING	⊠ OVERHANG	-W- WATER LINE	-X- FENCE LINE	GFE GARAGE FLOOR ELEVATION	POC POINT OF COMMENCEMENT	⊙ HARDWOOD TREE
	⊙ LIGHT POLE	⊙ POWER/LIGHT POLE	⊠ HANDICAP	⊠ GAS METER	-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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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 30611

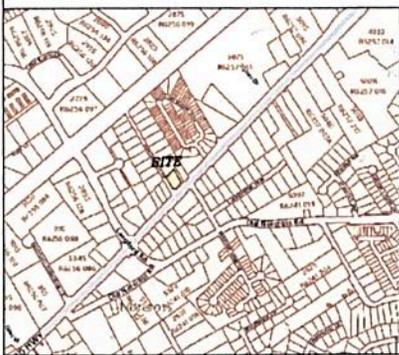
ATLANTA 215 PRITCHFIELD STREET NE, SUITE 408
ATLANTA, GEORGIA 30309

MARIETTA 1875 THE RICHMOND, SUITE 616
MARIETTA, GA 30067

RALEIGH 2200 CANTON DRIVE, APEX
RALEIGH, NC 27615

PROJECT
1905001

SHEET
1 OF 1



VICINITY MAP
NTS

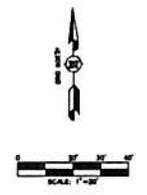
THIS PLAN IS DEVELOPED FROM AVAILABLE DATA AND/OR DRAWINGS. THIS SITE PLAN WAS NOT CREATED FROM A FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES SHOWN ON THIS PLAN AND APPROVE TO HIS FUTURE RESPONSIBILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF UTILITIES AND APPROVE TO HIS FUTURE RESPONSIBILITY.

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



ZONE: 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 REQUIRED: 14
TOTAL PARKING PROVIDED: 14

- SITE NOTES:**
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, SEPT., TRANSFORMER PADS, ETC.
 3. REFER TO GEOTECHNICAL REPORT, PROPERTY LINES, LOCAL ELEVATION, EXISTING UTILITIES, SITE ELEVATIONS WITH SPOT ELEVATIONS, DRAINAGE PATTERN, 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 SPOTS 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, CURBS OR ANY SITE, 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 CURBS AND GUTTERS WITHIN THE DEVELOPMENT SHALL BE 3" UNLESS OTHERWISE NOTED.
 17. PARKING LOT STRIPING SHALL BE INCLUDED IN PAVING CONTRACTOR'S SCOPE FOR WORK, ALL STRIPING TO BE DEMONSTRATIVE.



ZONING MAP
NTS

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

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



Civil Consulting Engineers, Inc.

enc. 122 CEDAR WOODS TRAIL
CANTON, GA 30114
678-462-4072
OFFICE@CCEINC.COM

01/08/19

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
SITE PLAN	
CI	

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

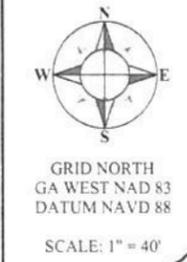
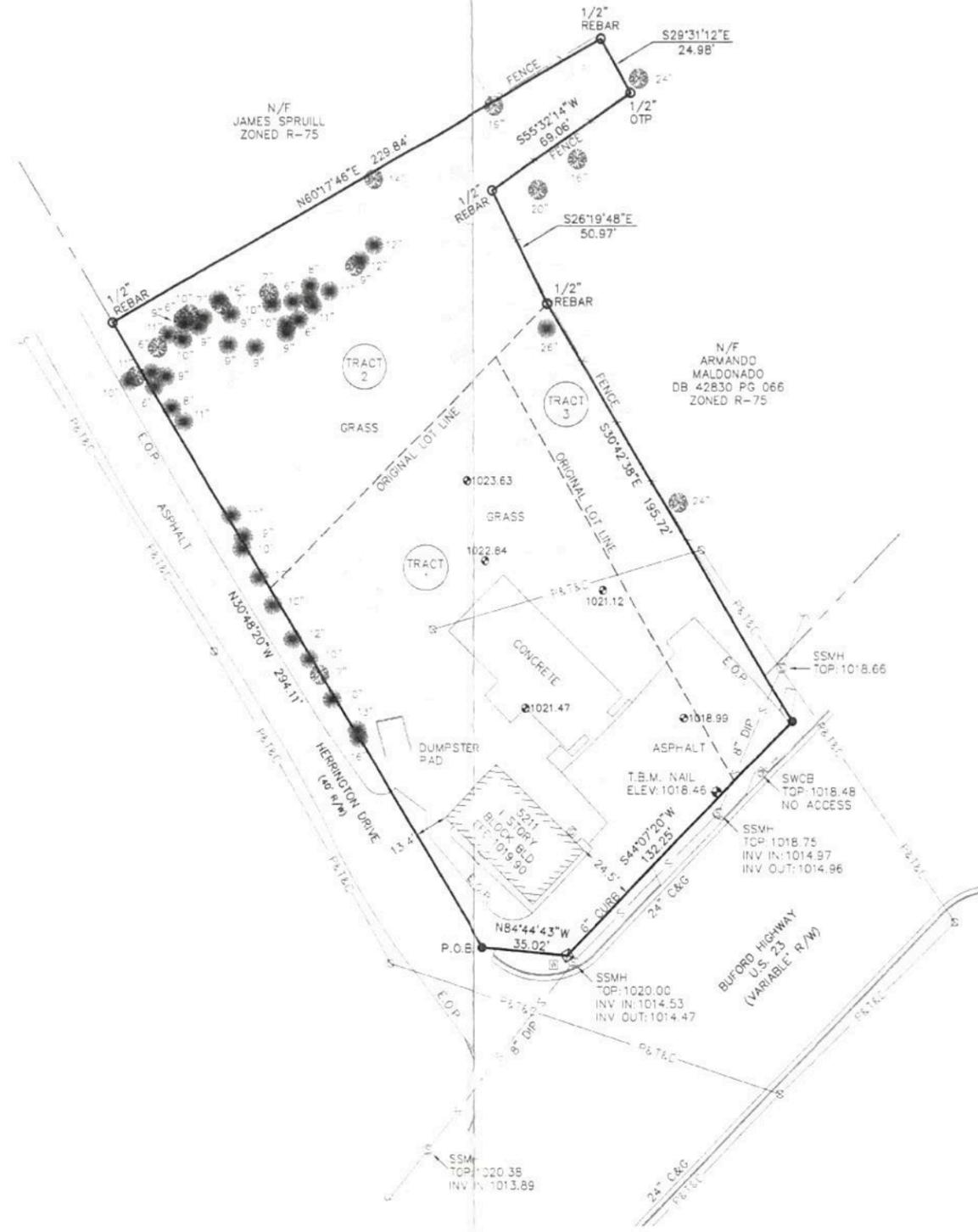
Ben E. Butterworth 1-22-18
BEN E. BUTTERWORTH RLS #2294 DATE

ZONING SUMMARY: C-2
COMMERCIAL DISTRICT

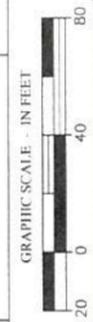
FRONT SETBACK 50' LOCAL/50' MAJOR R/W
SIDE SETBACK 10'/20' RESIDENTIAL
REAR SETBACK 15'/40' RESIDENTIAL

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.

© COPYRIGHT 2018 - BOUNDARY ZONE, INC. 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
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 30067

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	
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: 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

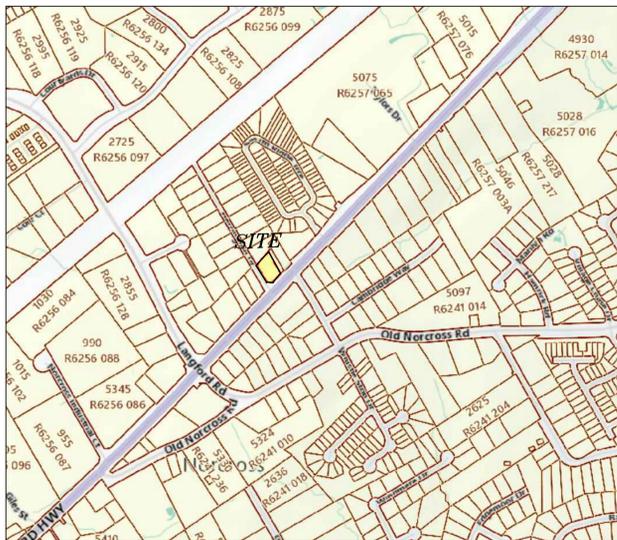




View of front along Buford Highway. Neighboring residential property on the right.



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



VICINITY MAP
NTS

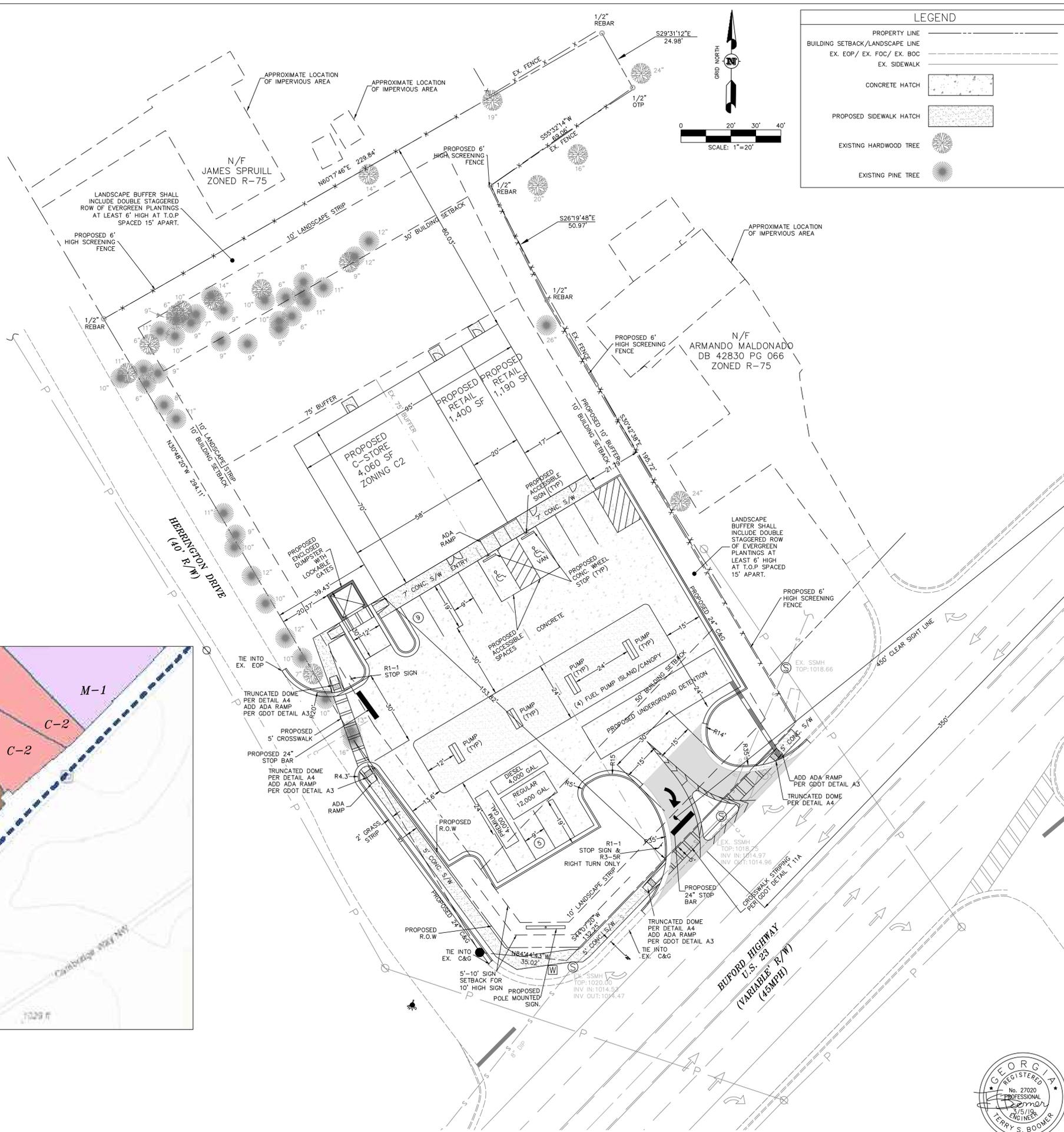
THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 13067C0102H DATED MARCH 4, 2013.

SITE PLAN DEVELOPED FROM AVAILABLE DATA MAPS AND/OR DRAWINGS. THIS SITE PLAN WAS NOT CREATED FROM A FIELD RUN SURVEY. CCE RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE.

MUNICIPALITY: CITY OF PEACHTREE CORNERS

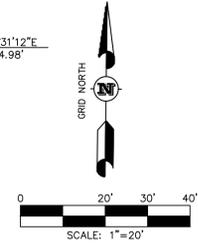
MUNICIPALITY ADDRESS: 310 TECHNOLOGY PARKWAY NW
PEACHTREE CORNERS, GA 30092

MUNICIPALITY PHONE: (678) 691-1200



LEGEND

PROPERTY LINE	---
BUILDING SETBACK/LANDSCAPE LINE	- - - -
EX. EOP/ EX. FOC/ EX. BOC	---
EX. SIDEWALK	---
CONCRETE HATCH	[Hatched Box]
PROPOSED SIDEWALK HATCH	[Dotted Box]
EXISTING HARDWOOD TREE	[Tree Symbol]
EXISTING PINE TREE	[Tree Symbol]



ZONED: C2-GENERAL BUSINESS DISTRICT

PARKING:

CONVENIENCE STORE:
1 PER 500 SF

RETAIL:
1 PER 500 SF

BUILDING AREA 6,650
BUILDING HEIGHT 1-STORY

6,650/500 = 13.3
TOTAL PARKING REQUIRED = 14
TOTAL PARKING PROVIDED = 14

DIRECTION	PROPERTY USE	ZONING
NORTH	VACANT	R-75 RESIDENTIAL
EAST	VACANT	R-75 RESIDENTIAL
SOUTH	HWY	BUFORD HWY
WEST	ROAD	HERRINGTON DRIVE

TOTAL SITE AREA = 47,936 SQ. FT. ±0.11 AC (100%)

PROPOSED ON-SITE IMPERVIOUS AREA = 23,782 SQ. FT. ±0.55 AC (50%)

BUILDING = 6,650 SQ. FT. ±0.15 AC (14%)

PAVEMENT/SIDEWALK = 17,132 SQ. FT. ±0.40 AC (36%)

PROPOSED PERVIOUS AREA = 24,154 SQ. FT. ±0.55 AC (50%)

PROPOSED R.O.W IMPERVIOUS AREA = 2,263 SQ. FT. ±0.05 AC

- SITE NOTES:**
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND LOCAL CODES.
 - REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK DOCKS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
 - TOPOGRAPHIC BOUNDARY SURVEY, PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY THE FOLLOWING COMPANY: BOUNDARY & TOPOGRAPHY: BOUNDARY ZONE, INC.
 - ALL DIMENSIONS AND RADI ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BUILDINGS ARE TO OUTSIDE FACE OF BUILDING.
 - ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
 - ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION.
 - ALL STRIPED OR CURBED RADII SHALL BE 5' UNLESS OTHERWISE NOTED.
 - THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ONSITE OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
 - SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK.
 - CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
 - SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
 - ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
 - ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.
 - ALL CONCRETE SHALL BE 3,500 PSI 28 DAY COMPRESSIVE STRENGTH, MINIMUM.
 - PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
 - ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.
 - PARKING LOT STRIPING SHALL BE INCLUDED IN PAVING CONTRACTOR'S SCOPE FOR WORK. ALL STRIPING TO BE THERMOPLASTIC.

REVISIONS:

BUILDING PROTOTYPE:

PROJECT NUMBER:

PROJECT NAME: GWINNETT COUNTY C-STORE

PROJECT ADDRESS: 5211 BUFORD HIGHWAY

PROJECT ADDRESS: PEACHTREE CORNERS, GA 30071

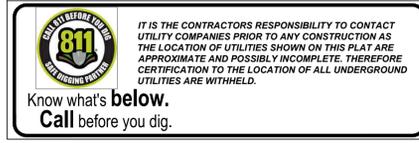
CLIENT: GENERAL CONSTRUCTION MANAGEMENT, LLC

CLIENT ADDRESS: 1833 LAWRENCEVILLE HWY

CLIENT ADDRESS: DECATUR, GA 30033

DATE: 6/11/18

DWG: PRJI



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



Civil Consulting Engineers, Inc.

e.inc. 211 EAST MAIN STREET
CANTON, GA 30114
678-462-4072
CivilConsultingEngineersinc.com

FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

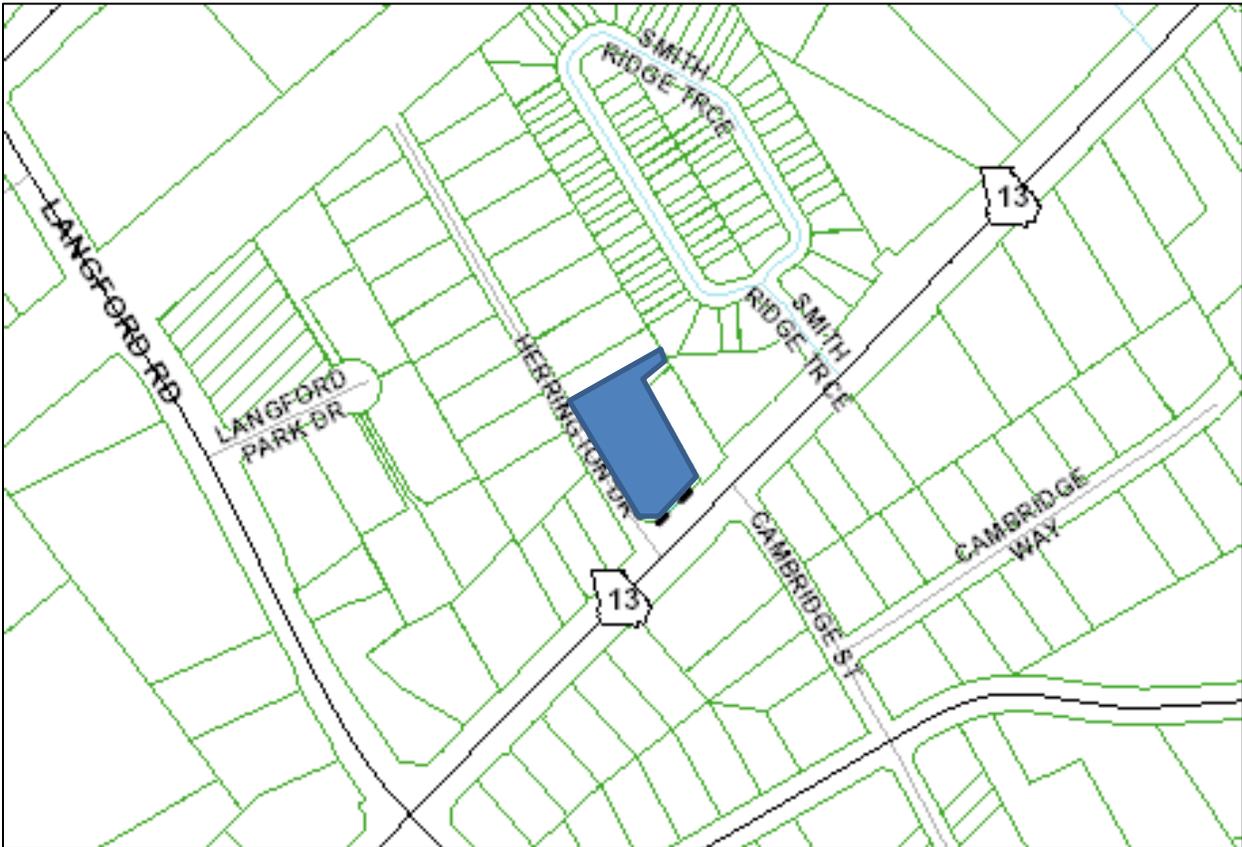


RIGHT SIDE ELEVATION



PROPERTY LOCATION MAP

5211 Buford Highway



CASE NUMBER	V2019-001
HEARING DATE	FEBRUARY 20, 2019
PROPERTY ADDRESS	5211 BUFORD HWY.

V2019-002
3552 Jones Mill Road

**City of Peachtree Corners
Zoning Board of Appeals
March 20, 2019**

CASE NUMBER:	V2019-002
PROPERTY LOCATION:	3552 Jones Mill Road 6th District, Land Lot 281, Parcel 011
CURRENT ZONING:	R-75
PARCEL SIZE:	8.81 acres
PROPERTY OWNER:	Soren S. (Madden) Thomas
APPLICANT:	Soren S. (Madden) Thomas

REQUEST

The applicant is requesting a variance to allow an accessory structure to remain in the front yard of the property and to allow a fence/wall to exceed the maximum 4' in height when located in a front yard. If approved, the applicant would be able retain the accessory structure and fence/wall in their current condition; both were built without permits.

LOCATION AND BACKGROUND

The property in question is a large, non-conforming residential parcel at the end of Jones Mill Road, approximately 2000 feet east of Winters Chapel Road. The parcel is non-conforming because it contains two single-family homes on one lot: a smaller one on the western side of the property and a larger one (relevant to this case) on the eastern side. The property has been under enforcement for code violations for approximately the last two years. The larger home and the accessory structure, which is the subject of this variance request, were renovated, expanded, and/or constructed without permits. The accessory structure in question is an open-air pavilion (termed a "gazebo" by the applicant) containing an outdoor fireplace and seating areas under a roof. The pavilion's columns and fireplace are constructed of brick with asphalt shingles on the roof. The property also has a fence/wall constructed of brick, stone and stucco that is the subject of a variance request. The variance is being requested because the wall exceeds the 4' height limit in several areas, varying from just a few inches over 4' to one foot over the 4' limit. See Staff Exhibit A for an aerial layout of the property.

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

Section 600 of the zoning ordinance permits accessory structures only in the rear yard of residential properties. The location in question is the front yard, directly adjacent to the front property line.

In the letter of intent, the applicant states that the street (Jones Mill Road) has not been maintained by the city or county and thus views it as “abandoned.” The applicant further states that the perceived abandonment of the street renders the definition and application of “front,” “side,” or “rear” yards for zoning purposes moot, thus allowing the accessory structure in its current location and the fence/wall to exceed 4’ because it is not in the “front” yard.

Jones Mill Road has never been formally abandoned and regardless of this fact, the property has a front yard for zoning purposes. Additionally, maintenance of the area between the pavement and the adjacent private property is the responsibility of the adjacent private property owner, not the city, and failure to maintain it does not constitute abandonment by the city. Sec. 10-346 of the Property Maintenance Code requires “All premises yards and exterior property shall be maintained free from debris, litter, and rubbish, as well as grass and weeds in excess of 12 inches in height. The term 'exterior property' shall include all areas on the property to the edge of street pavement. All noxious weeds shall be prohibited.” The code also defines “exterior property” further as “the open space on the premises and on adjoining property under the control of owners or operators of such premises.”

The property’s 8+ acres allow for numerous viable alternative locations for accessory structures which can comply with the zoning ordinance’s location requirement. Additionally, the fence/wall is clearly within the area at the front of the property that limits such structures to 4’ in height.

CONCLUSION

After reviewing the applicant’s request and the variance criteria, Staff finds that given the property’s large size and multiple alternative ways in which to comply with zoning regulations, a hardship cannot be justified.

If the Board does consider approval of the variance requests, Staff recommends the following conditions:

1. The accessory structure shall remain in its current state and shall not be permitted to increase in footprint or height nor otherwise expand.
2. The fence/wall shall remain in its current state and shall not be permitted to increase in height, length, area enclosed, or any other change to the current configuration.

3. The applicant shall submit an engineer's letter to the City Building Official describing the construction of the accessory structure. The applicant shall also apply for the required building permit(s).

Staff Exhibit A



Pavilion

Wall

Small Home

Large Home

Property Line

Jones Mill Rd

Jones Mill Rd NW

Jones Mill Rd

Ashley Club Cir

Ashley Run Dr

Ashley Run Dr



Case Number: V2019-002 Received Date: 2/19/19 Hearing Date: 3/20/19

**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>Soren S Thomas</u>	Name <u>SAME AS Applicant</u>
Address (all correspondence will be mailed to this address): <u>3602 Jones Mill Rd</u>	Address _____
City <u>P'tree Corners</u>	City _____
State <u>GA</u> Zip <u>30360</u>	State _____ Zip _____
Phone <u>404 391 9953</u>	Phone _____
Contact Person Name: <u>Wallace R Nichols, JD</u> Phone: <u>404-602-0040</u>	
Email Address: <u>wrn@wrnicholslaw.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 3550 Jones Mill Rd

Subdivision or Project Name _____ Lot & Block _____

District, Land Lot, & Parcel (MRN) 6, 281, 011

Proposed Development _____

Permit Number (if construction has begun) _____

Variance Requested boundary wall, concealing wall, gazebo

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 checked="" 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).



Soren S Thomas 2/5/19
Signature of Applicant Date

SOREN S THOMAS
Typed or Printed Name & Title

[Signature] 2/5/19
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.



Soren S Thomas 2/5/19
Signature of Property Owner Date

SOREN S THOMAS
Typed or Printed Name & Title

[Signature] 2/5/19
Signature of Notary Public Date

Community Development Use Below Only

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Variance Description: _____



LAW OFFICES
WR NICHOLS & ASSOCIATES, PC
ATTORNEYS AT LAW

WALLACE R. NICHOLS ADMITTED IN AZ, DC, & GA

Via Hand-Delivery

February 18, 2019

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

RE: Letter of Intent re Zoning Variance 3552 Jones Mill Rd Peachtree Corners 30360

Mme/MM,

Soren S Thomas has retained this office to assist her in seeking a variance concerning the set-back of her recently constructed gazebo (the "Gazebo") from, and the decorative wall running along the northern, or "top" boundary of, the former extension of Jones Mill Road (the "Wall") now used as a driveway to access 3552 Jones Mill Road (the "Subject") for at least the last ten (10) plus years.

The facts of the instant matter justifying an extraordinary hardship and exceptional conditions supporting this request for a variance are as follows:

- Ms. Thomas is the owner of the adjacent parcel next to 3552 Jones Mill Road, 3602 Jones Mill Rd, as set forth on the Reference Plat accompanying this correspondence as Exhibit 1, incorporated by reference as though fully set forth herein;
- R6281 044 is the parcel to the immediate east or right of 3552 (R6281 011) as is 3480 (R6281 048) on the attached Community Road Map accompanying this correspondence as Exhibit 2, incorporated by reference as though fully set forth herein;
- As is apparent from a site visit and on Exhibit 2, parcels R6281 048 and R6281 044 both have outlet drives or streets for ingress/egress, thus, neither parcel is or will be land-locked by any action taken concerning Jones Mill Rd, which services the frontage of the residence situated at 3602 Jones Mill Rd and which runs along the Northern ("Top") boundary of the Subject;
- The County of Gwinnett has not maintained the section of Jones Mill Rd running along the northern or "Top" boundary of the Subject for over 10 years. The County essentially abandoned that section of Jones Mill Rd and even discussed conveying it to Ms. Thomas at one point prior to the incorporation of the City of Peachtree Corner;

- The residence situated at 3612 Jones Mill Rd, R6280017 (see Exhibit 2), is not impacted by any action taken regarding the subject matter of this variance request;
- Zoning Regulation (ZR 700) permits walls and fences in any zoning district with no setback requirement. Corner lots have two front yards. *Id.* The Subject is not a “corner lot;”
- ZR 700 prohibits walls “in the front yard” exceeding 4 feet in height, mandates that such walls be “ornamental or decorative” and “made of brick, stone, wood, stucco, wrought iron or split rail;”
- ZR 600 prohibits walls and fences from being placed in a county right-of-way.

Because of the design of the residence on the Subject, Ms. Thomas will eventually complete a winding drive to the “front” of the residence facing the pond on the Subject for aesthetic reasons. Thus, while it is arbitrary in this instance to designate a “front” or “back” to the Subject, such is not required to be defined by the mere existence of the drive running along the northern boundary of the Subject historically denominated as “Jones Mill Rd” but clearly not maintained by either the City of Peachtree Corners or the County of Gwinnett. See Exhibits 16-21 (Images 5547-5552). The governing authorities have long posted “Do Not Enter” signs, “No Parking” signs, “Dead End” signs and such to discourage anything but immediately local residential traffic from entering the section of Jones Mill Rd running eastward from the residence at 3602 Jones Mill Rd. Thus, Ms. Thomas urges that such section of pavement is more akin to an alley-way or service path rather than the conventional “front” passage-way to any of the residential units on the Subject east of 3602 Jones Mill Rd, where the government maintenance effectively ends and has ended since circa 2008. Thus, the designation of “front” and “back” yards vis-à-vis the Subject are entirely arbitrary denominations. The mere location of the mailbox by the pathway is not dispositive of “front/back” designations as it is located there merely for the convenience of the USPS. Ms. Thomas would certainly be within her rights to locate the box just as easily at the end of Jones Mill Rd adjacent to the mailbox in front of 3602 Jones Mill Rd and such action would probably be greatly appreciated by the mail delivery personnel.

The Wall

Here, the Wall is not in any county right-of-way. The Wall is not greater than four feet tall along the northern boundary of the Subject. Given the facts discussed above, the Wall is arguably subject only to the 8-foot restriction and thus is entirely within compliance. The eastern most section of the Wall may in places slightly exceed 4 feet in height. However, as the Subject is not a corner lot, that section of the Wall running along the eastern boundary of the Subject is subject to the 8-foot restriction.

The Wall is set back 8 feet from the edge of the driveway long ago utilized as Jones Mill Rd along said northern boundary of the Subject. Exhibits 3-15 (Images 5555-5558).

The Wall is decorative and constructed of materials allowed by ZR 700.

There is a side section of the Wall that runs down a sloping hill where soil has eroded. Thus, in certain points, a few inches (2-4") of fill soil is required to bring the elevation within the standard 4' height. However, if viewed as a side-wall to the Gazebo, said wall is well within Code.

Ergo, although admittedly constructed without first obtaining a permit, for which violation of Article XV §1501, Ms. Thomas stands ready, willing, and able to pay an appropriate and reasonable monetary fine pursuant to Article XV §1503 and any order issued by the Director/City, considering all the circumstances, the Wall is otherwise within compliance with the Zoning Regulations. Accordingly, Ms. Thomas respectfully urges that the Board/City may appropriately issue a variance under Article XVI, §1610(a), after remittance of said appropriate and reasonable monetary fine regarding construction of the Wall without a permit under Article XV §1503 or §1504.

The Gazebo

Concerning the Gazebo, Ms. Thomas again urges that the Board/City may appropriately issue a variance under Article XVI §1610(g) to the extent the Gazebo is properly denominated an "Accessory Structure." Ergo, assuming *arguendo* that the Gazebo is even located in the "front" yard, the Board may appropriately issue a variance as the residentially-zoned property contains at least three acres, is an accessory structure for use as a gazebo, is not used or designed to be used for animal quarters, and, is roughly 260 feet from the nearest side-property line. As the Gazebo is constructed of brick with a barbecue pit and low-pitched roof (2 in 12 run), it is aesthetically pleasing and open-aired with the exception of its overhead covering. Thus, factor 4 of Article XVI §1610(g) is inapplicable or otherwise satisfied in principle.

The Gazebo supporting pillars are brick and are 10' tall. Were the roof flat, there would be no need for a variance. However, the roof is a standard low-slope, 2 in 12 run. Accordingly, the center point of the pitched roof is roughly 1-2' higher than the 10' allowed.

Wall Concealing HVAC Units

On the pond-facing side of the property, a concealing wall covers certain HVAC units affixed to the residential structure. Said wall is generally 8' as required to conceal the vertically placed HVAC units. However, as the front elevation of the structure shows, said wall is not the type contemplated generally by the code at a fence-boundary line. It is placed merely for aesthetic purposes to conceal the otherwise unsightly HVAC units. See Exhibits 22-26. The concealing wall averages 99" (8'3") which could be cured by additional fill dirt or a simple variance.

Letter of Intent to Seek Variance
City of Peachtree Corners, GA
Soren S Thomas, landowner
February 18, 2019
Page 4

Conclusion

For the foregoing reasons, Ms. Thomas seeks variances from the Board concerning the foregoing issues.

If you have further questions or concerns, contact me at the listed points.

Sincerely,
W.R. Nichols & Associates, P.C.



Wallace R. Nichols, for the Firm

cc: client (eMail); file
Enc: As stated

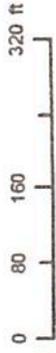
Exhibit 1

Exhibit 1

Exhibit 2

Exhibit 2

Map Title

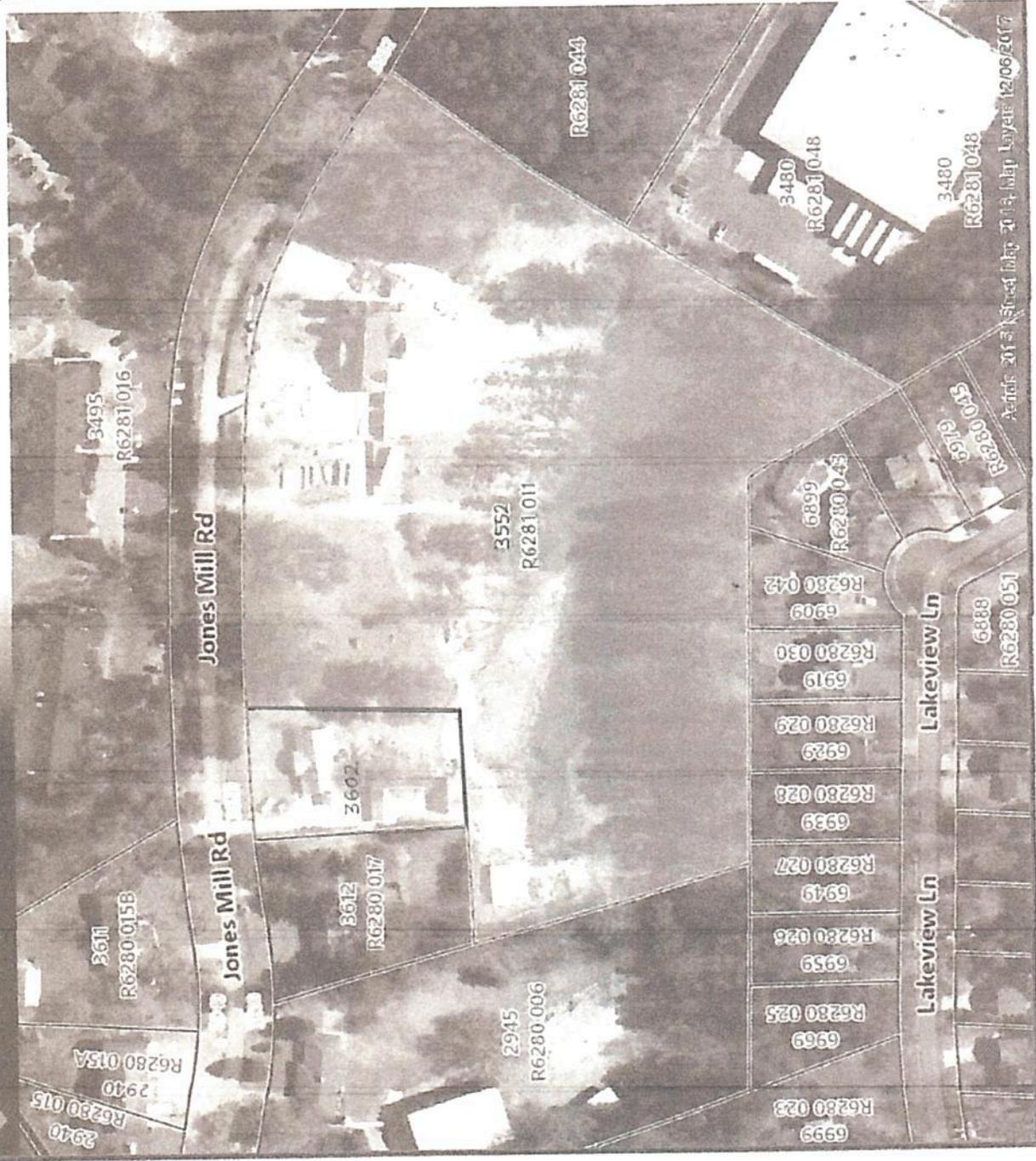


- Property Parcels
- County Boundary

N
1/3/2018

This map is a graphical representation of data obtained from aerial photography, recorded public records and data. Gwinnett County does not warrant the accuracy or currency of the data it has provided and does not guarantee the suitability of the data for any purpose, expressed or implied. ALL DATA IS PROVIDED AS IS, WITH ALL FAULTS. WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. This map is the proprietary product of Gwinnett County and in no event will Gwinnett County be liable for damages, including any loss of profits, lost savings, or other incidental or consequential damages arising out of the use or inability to use this map.

gwinnettcountry
GOVERNMENT



Aerial 2015 Street Map 2018 Map Layer 12/06/2017

Exhibit 3

Exhibit 3



Exhibit 4

Exhibit 4



Exhibit 5

Exhibit 5



Exhibit 6

Exhibit 6



Exhibit 7

Exhibit 7

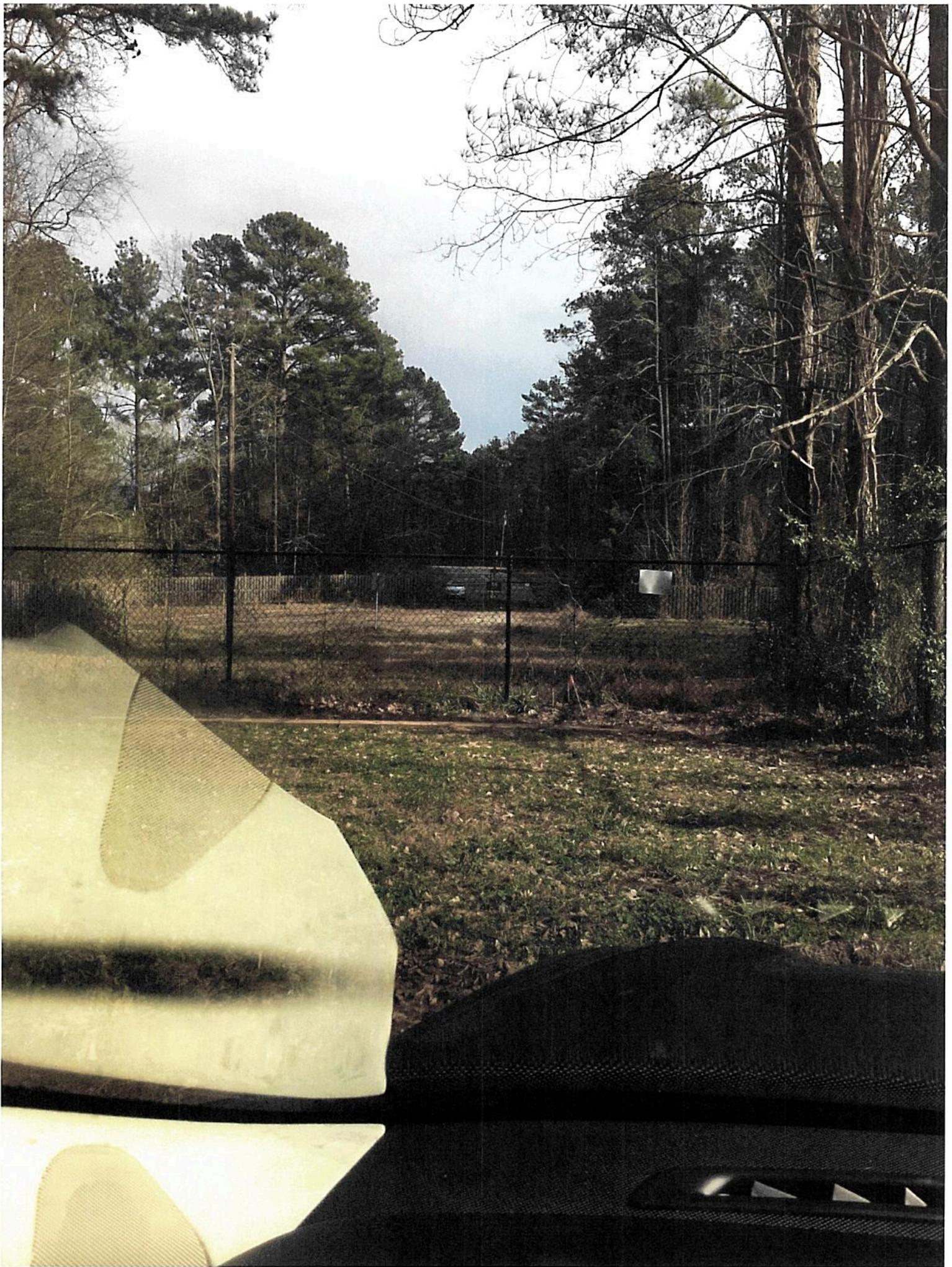


Exhibit 8

Exhibit 8

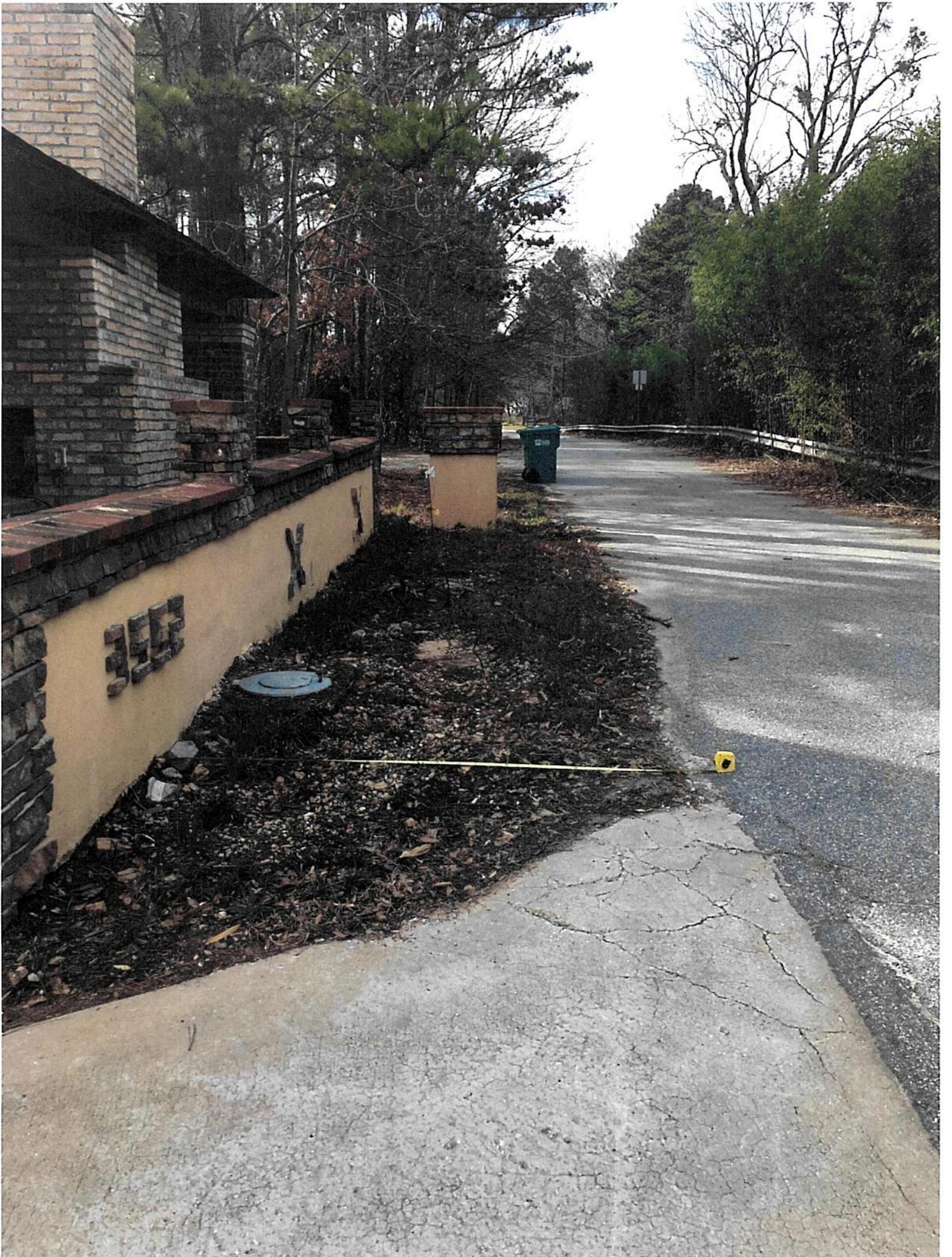


Exhibit 9

Exhibit 9

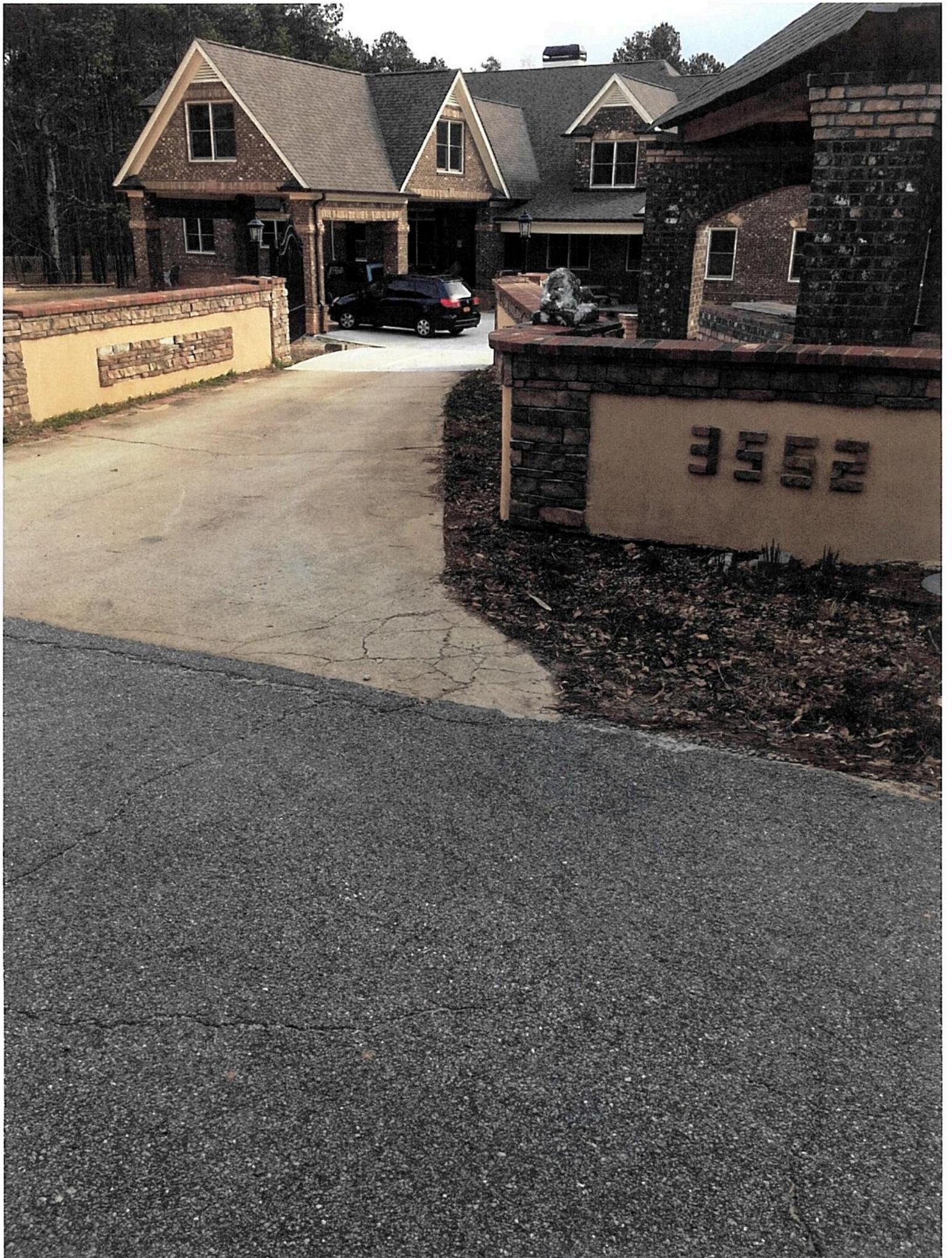


Exhibit 10

Exhibit 10



Exhibit 11

Exhibit 11



Exhibit 12

Exhibit 12

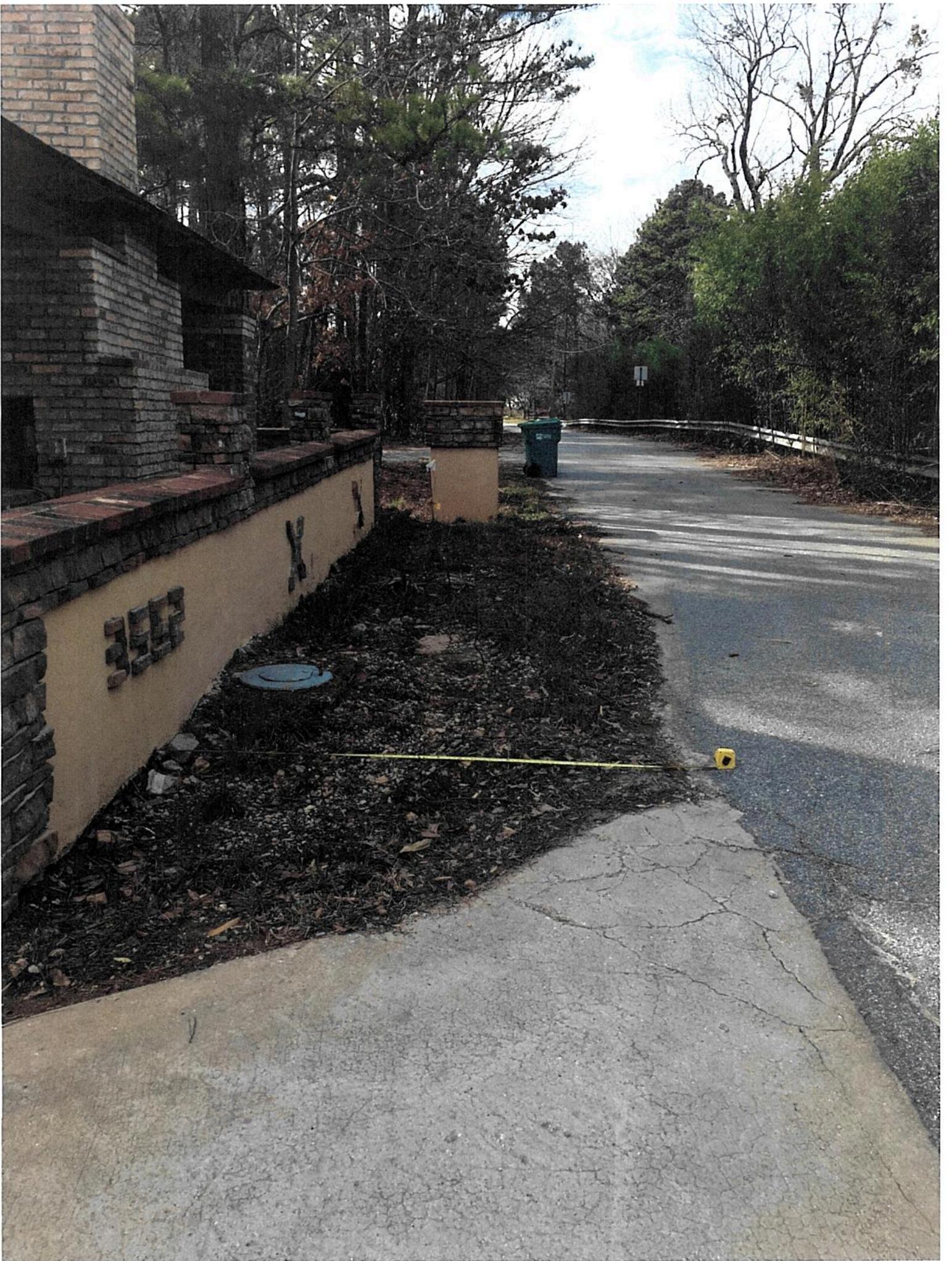


Exhibit 13

Exhibit 13

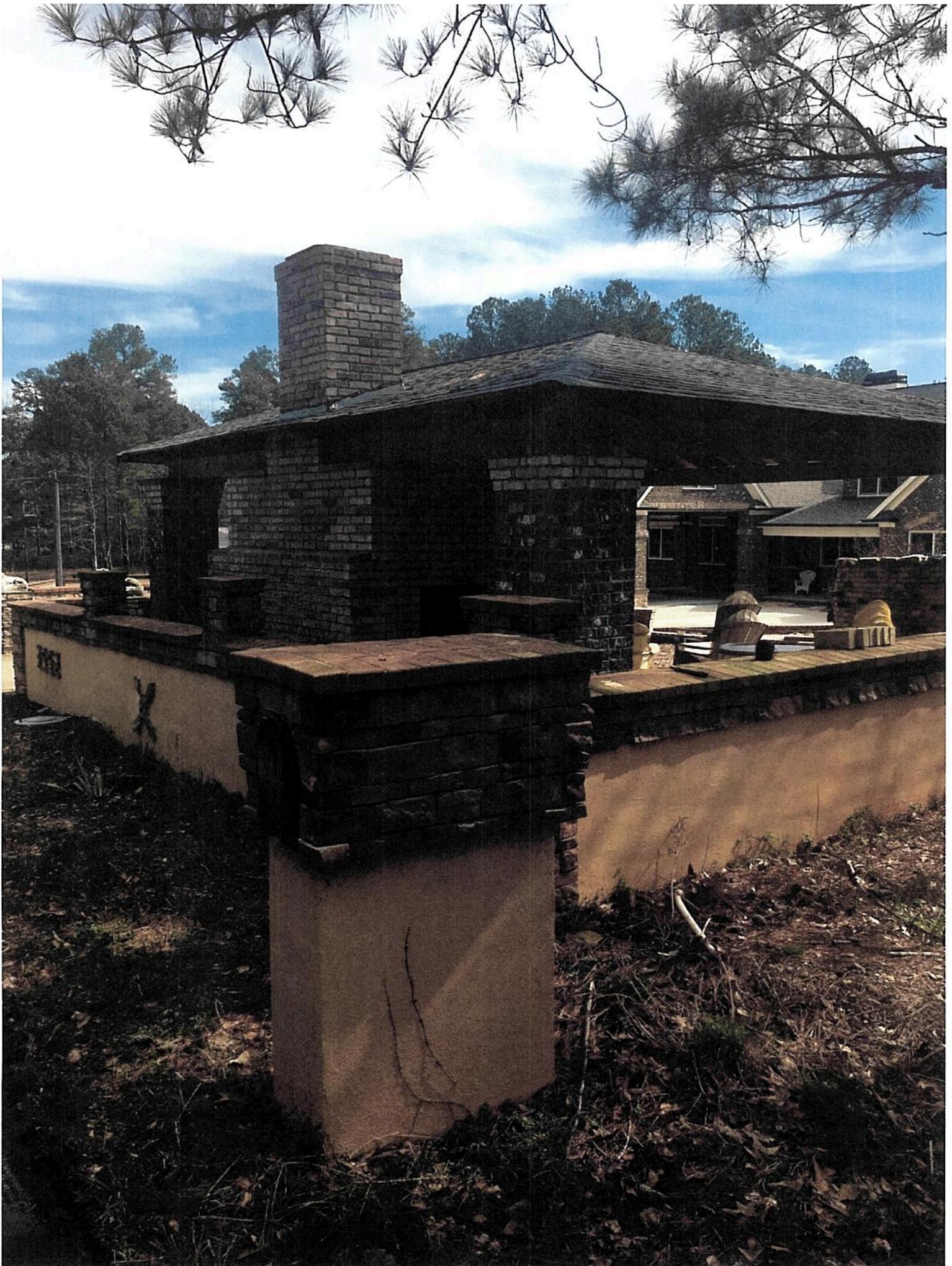


Exhibit 14

Exhibit 14



Exhibit 15

Exhibit 15



Exhibit 16

Exhibit 16



ROAD CLOSED
1000 FT
LOCAL
RESIDENTS ONLY
NO APARTMENT ACCESS



25

GRS
BERNARD OMGA
FOCUS

Exhibit 17

Exhibit 17

ROAD
ENDS
500 FT

STOP
ROAD CLOSED
600 FEET
NO TURN AROUND
NO APARTMENT
ACCESS
BY ORDER OF LINCOLN COUNTY

2934



Exhibit 18

Exhibit 18



3602

NO PARKING
AHEAD

Exhibit 19

Exhibit 19



NO APARTMENT
ACCESS

NO APARTMENT
ACCESS

P

Exhibit 20

Exhibit 20



Exhibit 21

Exhibit 21



Exhibit 22

Exhibit 22

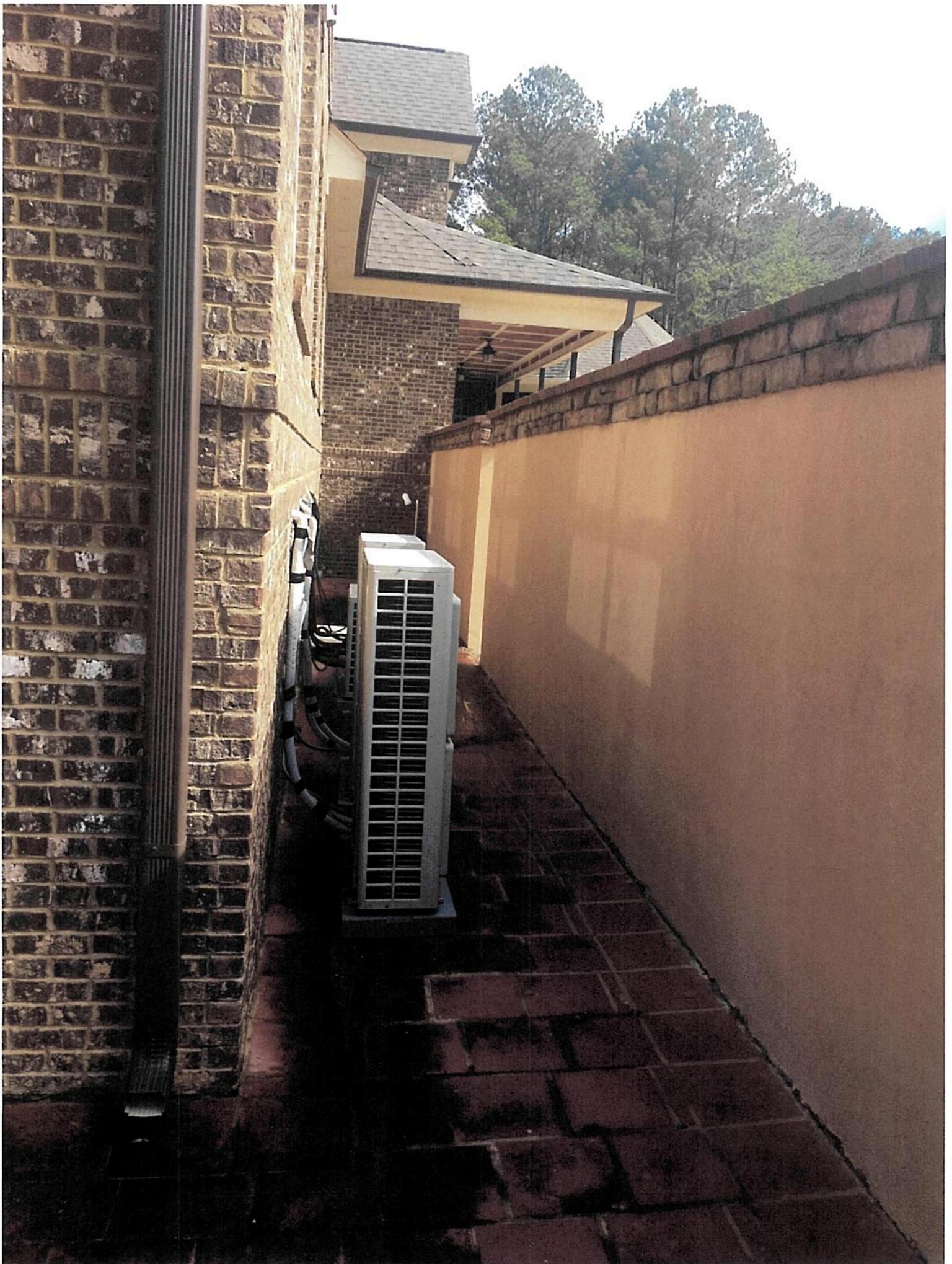


Exhibit 23

Exhibit 23



Exhibit 24

Exhibit 24



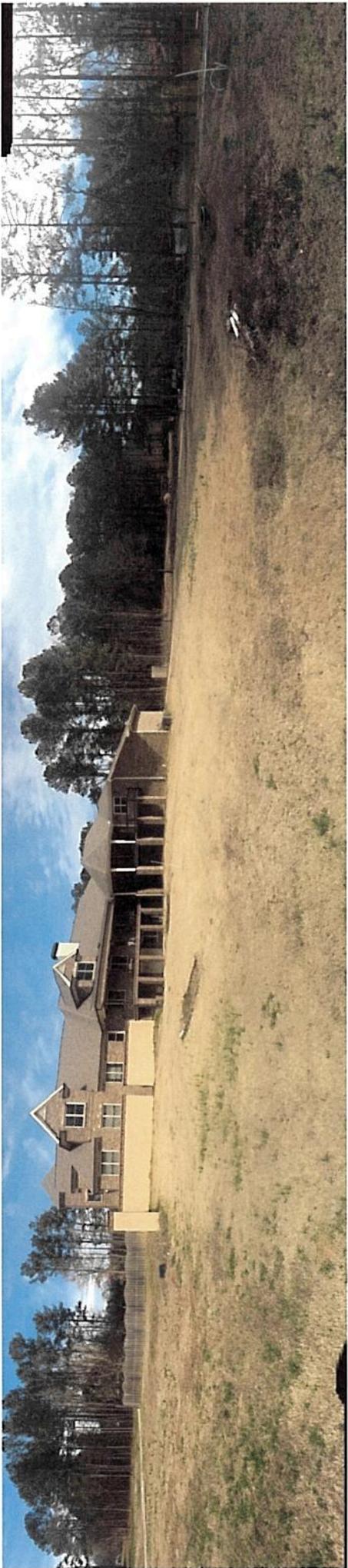
Exhibit 25

Exhibit 25



Exhibit 26

Exhibit 26





ACCOUNT DETAIL

[View/Pay Your Taxes / Account Detail](#)

Tax Account

Mailing Address:
MADDEN SOREN S
3602 JONES MILL RD
DORAVILLE, GA 30360-1814

[Change Mailing Address](#)

SITUS:
3552 JONES MILL RD
Tax District:
PEACHTREE CORNERS

Parcel ID	Property Type	Last Update
R6281 011	Real Property	2/19/2019 8:10:23 PM

Legal Description

JONES MILL ROAD

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
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Total						\$0.00
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Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2018	\$12,006.97	\$12,006.97	\$0.00	\$0.00	2/1/2019	\$0.00
2017	\$10,752.84	\$10,752.84	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$5,981.55	\$5,981.55	\$0.00	\$0.00	10/15/2016	\$0.00
2015	\$6,048.29	\$6,048.29	\$0.00	\$0.00	10/15/2015	\$0.00
Total						\$0.00

Print Tax Bill

Click to view and print your Aug 2018 tax bill.

* This bill is good through Oct 15, 2018 only.

Pay Online

No payment due for this account.

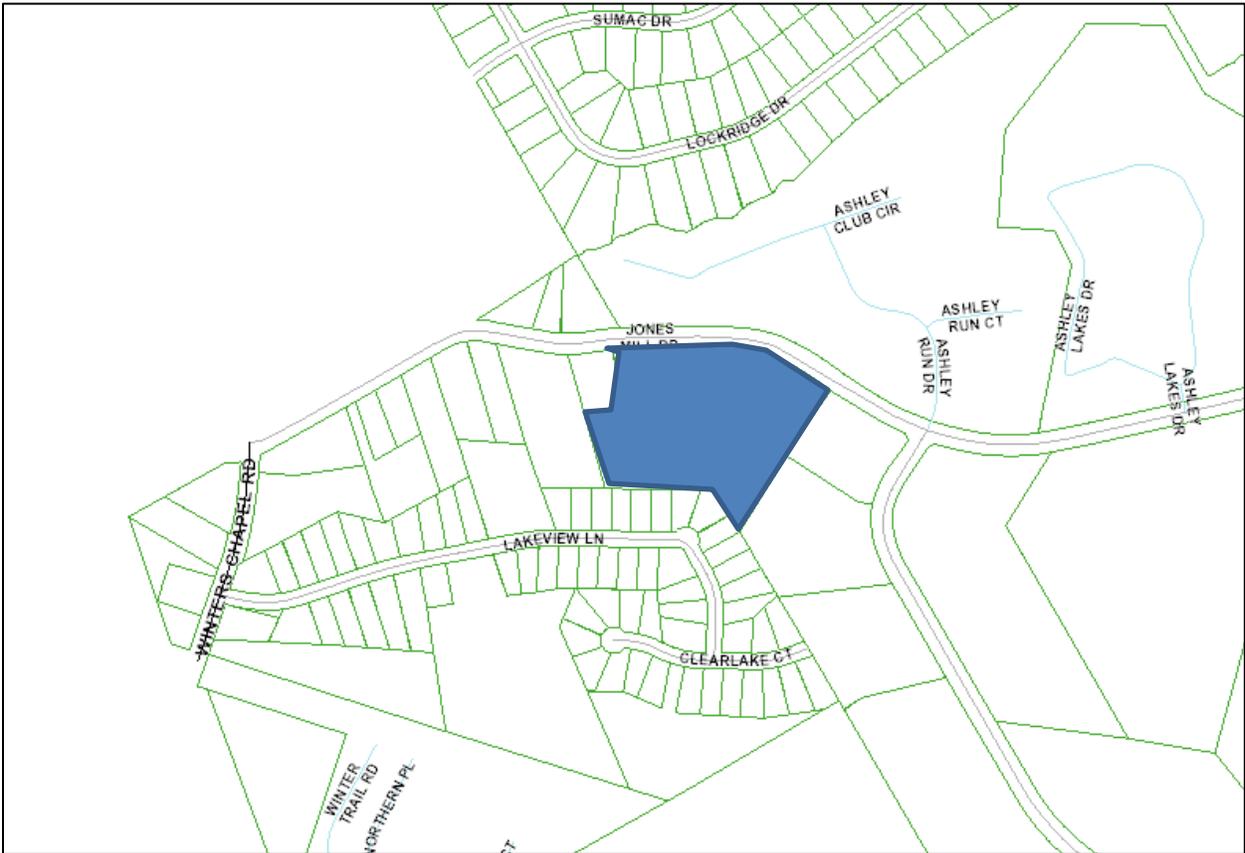


Click [here](#) to cancel your Paperless Billing enrollment

Schedule Payments

PROPERTY LOCATION MAP

3552 Jones Mill Road



CASE NUMBER	V2019-002
HEARING DATE	MARCH 20, 2019
PROPERTY ADDRESS	3552 JONES MILL RD.