



**CITY OF SNELLVILLE  
BOARD OF ZONING APPEALS**

**REGULAR MEETING MINUTES  
October 13, 2009**

Council Chambers, City Hall, 2342 Oak Road

Members Present: Tim Baggett, David Brown (arrived at 8:45 p.m.), Sid Parrott, Bill Peck, and Marcy Pharris.

Staff Present: Harmit Bedi, Director, Planning and Development and John Dennis, Zoning Administrator.

**CALL TO ORDER**

Chair Marcy Pharris called the regular meeting to order at 7:40 p.m. and announced that the public hearing was being audio taped to facilitate record keeping and Robert's Rules of Order shall govern the meeting.

**APPROVAL OF MINUTES**

Bill Peck made a motion to approve the September 8, 2009 regular meeting minutes.

Sid Parrot made a second to the motion.

A vote was taken; voted 4 in favor and 0 opposed, motion is approved.

Ms. Pharris announced that Board member David Brown was sitting in traffic on Hwy. 78 due to a vehicle crash and will join the regular meeting as soon as he arrives.

**OLD BUSINESS**

None.

## NEW BUSINESS

BOA 09-03 – Request for Variances from the City of Snellville Zoning Ordinance, Article XX, Landscape Ordinance, Sections 20.4, 20.5, and 20.8 and Article XXI, Tree Preservation Ordinance, Section 21.6 by SunTrust Bank for the ±1.01 acre property at 2440 Wisteria Drive, Snellville, Georgia.

Harmit Bedi spoke and presented a summary of the variance application. Mr. Bedi stated that the applicant is requesting to:

1. Reduce the front landscape strip adjacent to Wisteria Drive from fifteen feet (15') to zero feet (0') and corner side landscape strip adjacent to Hugh Drive from fifteen feet (15') to zero feet (0');
2. Reduce the side landscape strip adjacent to the vacant parcel to the south (Tax Parcel 5038 001) from five feet (5') to zero feet (0');
3. Reduce the required 60% of ground coverage and plantings within the front landscape strip (Wisteria Drive), and side landscape strip (Hugh Drive);
4. Reduce the size and amount of the required parking lot planter islands;
5. Eliminate the requirement to install irrigation; and
6. Reduce the amount of required Tree Density Units from 20.2 to 12.7.

Mr. Bedi concluded his presentation and stated that the Planning Department recommends approval of the requested variances with the six (6) conditions as outlined in the Variance Summary and Analysis.

Mr. Parrott asked if there is a sidewalk along Wisteria Drive and if not, could one be installed in an easement.

Mr. Bedi stated that there is no sidewalk along this area of Wisteria Drive. A variance would be required from the County to allow construction of a sidewalk in a sewer easement.

The applicant, Cyndi Sloan, Travis Pruitt and Associates, 2945 Meadowgate Way, Loganville, spoke on behalf of her client, SunTrust Bank and stated that Harmit did a good job at summarizing their application. Ms. Sloan stated that they had proposed a \$2,500 payment into the City's Tree Bank (rather than \$7,500 as calculated by the City) by taking credit for the existing Crape Myrtles on the property, that are to remain.

Mr. Parrott asked if the Crape Myrtle is a City acceptable tree.

Ms. Sloan said the current ordinance does not give TDU credits for Crape Myrtles.

Chair Marcy Pharris opened the meeting to public comments.

There were no public comments.

Bill Peck made a motion to approve the requested variances with the six conditions as recommended by the Planning Department.

Sid Parrott made a second to the motion.

A vote was taken; voted 4 in favor and 0 opposed, motion is approved.

**BOA 09-04 – Request for Variances from the City of Snellville Zoning Ordinance, Article XII, Sign Ordinance, Sections 12.4(B)(3) and 12.4(B)(7) by the Panera Bread Company for the ±1.70 acre property at 1905 Scenic Hwy., Su. 10,000A, Snellville, Georgia.**

Harmit Bedi spoke and presented a summary of the variance application stating that the applicant is requesting: a) to increase the allowable maximum sign area from 60 SF to 410.11 SF with the addition of three decorative awnings and window “wheat graphic” along the front (North) Building Elevation; and b) allow the maximum sign area from 60 SF to 271.51 SF with the addition of three decorative awnings along side (East) Building Elevation.

Chair Marcy Pharris asked Mr. Bedi to pass around the awning samples as submitted by the applicant for the Board members to review.

Mr. Bedi concluded by stating that the Planning Department recommends approval of the requested variances with the six (6) conditions as outlined in the Variance Summary and Analysis.

The applicant, Danny Lankford, Henry Signs Incorporated, 4132 Willowwalk, Lilburn, representing his client Panera Bread, spoke and stated that the proposed colors are the branded colors used by Panera Bread for their restaurants. Mr. Lankford presented photographs of several existing Panera Bread locations around the Atlanta metro area. Mr. Lankford stated that his research shows that the Martin Seymour colors on the City’s Exterior Color Palette are from a discontinued color palette which is no longer available.

Bill Peck asked if the applicant is in agreement with the conditions as presented by the Planning Department.

Mr. Lankford stated that he is in agreement with the conditions with the exception that the use of Panera Bread’s corporate colors be allowed.

Sid Parrott asked about the acceptable useful life of the awning material.

Chair Marcy Pharris said she visited three Panera Bread locations and noticed that the awnings were faded and awful looking.

Jennifer Richter, Panera Bread, 8904 Lou Court, St. Louis, Missouri, spoke and stated that the company switched to a vinyl material because of the short-life of the fabric material that was used previously. Ms. Rickter stated that Panera Bread has an 8-10 year remodel/refresh program for their stores.

Chair Marcy Pharris opened the meeting to public comments.

There were no public comments.

Bill Peck made a motion to approve the requested variances with the conditions as recommended by the Planning Department.

Tim Baggett made a second to the motion.

Mr. Bedi wanted to clarify that Condition #1 addresses the use of the decorative "wheat graphic" window screening and that it does not address the "wheat graphic" on the awnings.

Ms. Rickter stated that in addition to the "wheat graphic" on the front window, they also request to be allowed a "wheat graphic" on two of the awnings shown on sign plan labeled "T-096av4" and "T-096".

Ms. Pharris asked what the corporate colors are for Panera Bread.

Mr. Lankford stated that the colors are Arlon Plum, Arlon Sand, and Arlon Green.

Mr. Bedi read the amended Condition #1 as follows: *"The applicant shall be allowed to install the decorative "wheat graphic" window screening as shown on the submitted sign plan labeled, "T-096av4" and "wheat graphic" awnings, one on each side (North and East) as shown on the submitted sign plan labeled "T-096".*

Ms. Pharris suggested amending Condition #2 by adding the reference *"that the awning material shall be made from no more than three colors, with said colors being Arlon Plum, Arlon Sand, and Arlon Green, as per the samples submitted".*

Mr. Peck asked about Condition #4 and stated that the condition is rather broad and asked specifically what "maintained at all times" means.

Mr. Bedi stated that "maintained at all times" means the awnings shall not be ripped or torn, and shall be structurally sound and presentable to the public, as determined by the Director of Planning and Development.

Bill Peck amended his motion to include the amendments made to Condition #1 and Condition #2.

Mr. Baggett made a second to the amended motion.

Ms. Pharris asked the applicant if he had any problems with the amended conditions.

Mr. Lankford stated that he did not.

A vote was taken; voted 4 in favor and 0 opposed, motion is approved.

BOA 09-05 – Request for Variances from the City of Snellville Zoning Ordinance, Article IX, Schedule of District Regulations Adopted, Article X, Buffer and Screening Requirements, Article XI, Parking and Loading Requirements, and Article XX, Landscape Ordinance by Future Features, Inc. for the ±0.689 acre property at 2508 E. Main St., Snellville, Georgia.

Harmit Bedi spoke and presented a summary of the variance application stating that the applicant is requesting variances from the Corridor Overlay, buffer and screening, parking and loading, and landscaping requirements of the Zoning Ordinance. Mr. Bedi stated that the subject property contains an historic stone building, built in the late 1940's, and contains several large specimen oak trees.

Mr. Bedi stated that the applicant is requesting to be allowed the use of the property, "as-is" with no modifications or improvements to the structure or property.

Mr. Bedi concluded by stating that the Planning Department recommends approval of the requested variances with the ten (10) conditions as outlined in the Variance Summary and Analysis. Mr. Bedi also stated that he received a letter from the adjoining property owner to the east, outlining several concerns they have regarding the variance application. Mr. Bedi read the letter into the record.

Sid Parrott asked how many parking spaces would be needed for the subject property, based on the size of the existing structure.

Mr. Bedi stated that as a general rule, one space is needed for every 300 sq. ft. of floor area. Based on 3,800 sq. ft. in area, they would need about thirteen (13) parking spaces. The property currently has five (5) paved parking spaces.

Tim Baggett asked about the current zoning of the property and the listing of permitted uses outlined in the Staff Analysis.

Maxie Price, Jr., 1261 Hammond Creek Trail, Bogart, spoke on behalf of his wife and applicant, Beth Daniel, and stated that it is his original intent to assemble the subject and surrounding parcels for a larger development, however, he has been unsuccessful to date. Mr. Price stated that the subject property has been vacant since his last tenant relocated outside the City. Mr. Price stated that all he wants to do is to be allowed a new tenant to occupy the space. Mr. Price said that he has had several tenants interested in the property, but that they have been unsuccessful in meeting the requirements of the City. Mr. Price said this request is for temporary relief to allow him to generate some income from the property.

Chair Marcy Pharris asked Mr. Price to clarify the ownership of the subject property and adjoining property.

Ms. Pharris asked if Mr. Price had any issues with the two additional conditions (off-site parking agreement and the cutting and removal of trees) that were discussed earlier in the work session.

Mr. Price said that he did not understand the need for these conditions, but does not have any problems having them added to the list of conditions.

Ms. Pharris opened the meeting to public comments.

Randolph Simpson, 2498 E. Main Street, spoke and asked for clarification after reading the Planning Department Variance Summary and Analysis.

Ms. Pharris addressed Mr. Simpson's concerns and clarified the statements made in the Variance Summary and Analysis. Ms. Pharris asked Mr. Simpson if had any problems with pet grooming during daytime hours with no overnight boarding.

Mr. Simpson stated that they have two older Australian cattle dogs that could become agitated; therefore, they would prefer that this use be stricken from the listing of permitted uses.

Mr. Price reaffirmed his position that he (nor his wife) has any desire to cut and remove any of the trees on the property.

Mr. Simpson asked who the person was that came to the subject property earlier to measure.

Tim Baggett made a motion to approve the requested variances with the ten (10) conditions recommended by the Planning Department and two (2) additional conditions as follows:

Condition #11. The applicant/owner must provide a shared parking agreement with the adjoining property owner to the south and southwest (parcels 5026 063, 5025 066, and 5026 062) for the off-site parking and such agreement shall remain in force for at least three (3) years from the date of variance approval; and

Condition #12. No existing tree(s) on the property shall be cut or removed, either by the property owner, tenant, or contractor hired by the property owner or tenant, without first obtaining written approval from the Director of Planning and Development.

And amending Condition #9 to strike "Pet grooming shops (with no overnight boarding) as a permitted use

Bill Peck made a second to the motion.

A vote was taken; voted 4 in favor and 0 opposed, with David Brown abstaining; motion is approved.

Ms. Pharris acknowledged that David Brown arrived around 8:45 p.m. and considered present for the meeting.

## **ANNOUNCEMENTS**

None.

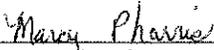
## **ADJOURNMENT**

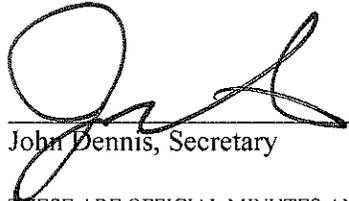
Motion to adjourn made by Sid Parrott.

David Brown made a second to the motion.

A vote was taken; voted 5 in favor and 0 opposed, motion is approved.

The meeting was adjourned at 8:50 p.m.

  
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Marcy Pharris, Board Chair

  
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John Dennis, Secretary

THESE ARE OFFICIAL MINUTES AND WERE APPROVED BY THE  
BOARD OF APPEALS AT THE FEBRUARY 9, 2010 REGULAR  
MEETING.