



**PLANNING AND DEVELOPMENT DEPARTMENT
STAFF REPORT**

Public Hearing Date: November 14, 2019

Item #: PZ2019-545

VARIANCES FOR 5126 PEACHTREE BLVD

Request: Variances to allow temporary banners to be displayed longer than permitted, to be larger than permitted, and to display more than one banner

Applicant: Greg Power, Terwilliger Pappas, LLC

Owner: Terwilliger Pappas, LLC

Proposed Development: Two - 225 square foot banners

Site Address: 5126 Peachtree Blvd

Parcel Number: 18 300 10 016

Current Zoning: Village Commercial (VC) - This zoning district is intended primarily for mixed-use development and related uses at a higher density. This district provides a location for residences, retail, goods, services and offices to satisfy the common and frequent needs of the city's commercial core and greater Chamblee area. Design standards and design parameters encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which limits the conflicts between vehicles and pedestrians.

Staff Recommendation: Denial



Case Number: PZ2019-532
City Council Work Session (public hearing): November 14, 2019
City Council Meeting: November 19, 2019

Applicable UDO Standards for Temporary Banners:

	Required	Proposed
Size	32 square feet (maximum)	225 square feet
Duration	No more than 14 consecutive days, three times per calendar year	Six months
Quantity	One Banner	Two Banners

Current Use: Mixed-use, multi-family residential and commercial

Surrounding Land Uses: North – NR-1 and NR-2, Residential
 South – Commercial businesses
 East and West – Multi-family and commercial businesses

Site Description:

The subject property is a 3.36-acre lot located on the north side of Peachtree Blvd, where Clairmont Road ends. The lot is currently under construction as a mixed-use development of three, 6-story buildings of residential and commercial space (Parkview Phase II).

Description of Proposed Project

The applicant is requesting three variances to display temporarily for lease banners:

- Two banners at 225 square feet per banner;
- The banners will be displayed for six months; and
- The banners will be on the south and east elevations of the building on Peachtree Blvd

Applicant’s Request:

The applicant requests three **VARIANCES** from the following regulations of the UDO, for the display of temporary banners:

1. Variance from Section 260-10(d)(1)(b) to display temporary banners for six months rather than three, 14-day periods per calendar year;
2. Variance from Section 260-10(d)(2) to allow a 225 square foot banner exceeding the 32 square foot maximum; and
3. Variance from Section 260-3(d)(3)(b) to allow more than one temporary banner on the lot.

Staff Analysis:

The UDO in Section 280-32(a), provides the following factors for granting a variance from the contextual front yard setback requirements. The analysis of these factors is included below:

- a. **There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and**

There are no extraordinary or exceptional conditions pertaining to this particular property because of its size, shape, or topography.

b. The application of this UDO to the particular piece of property would create an unnecessary hardship; and

The strict application of the zoning ordinance would not create an unnecessary hardship to this piece of property. Under the current UDO, the applicant is permitted to have one 32 square-foot temporary banner displayed for 14 consecutive days, three times per calendar year.

c. Such conditions are peculiar to the particular piece of property involved; and

The conditions are not peculiar to the particular piece of property involved. All developments that have opened since this code was adopted are required to abide by this regulation.

d. Such conditions are not the result of any actions of the property owner; or

The conditions of the property are the result of actions of the owner.

e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

Relief from the temporary banner requirements will impair the purposes or intent of the zoning ordinance to restrict the size, number, and duration of the signage.

Staff Recommendation:

Staff recommends **DENIAL** of the variances in application PZ2019-545 based on the fact that there is no hardship and that these conditions are the result of actions by the property owner.

If City Council approves the variance request, Staff recommends the following conditions of approval:

1. The temporary banners shall be in substantial compliance with the plans included in the variance packet received on October 14, 2019.
2. The temporary banners shall be removed no later than 180 days from issuance of the temporary banner permits.

Attachments:

Attachment 1 – Exhibit A: Site Plan labeled Received October 14, 2019

Attachment 2 – Application and Letter of Intent

Attachment 3 – Location Maps

Existing conditions

