



***Board of Zoning Appeals Public Hearing
May 17, 2016 — 7:00 P.M***

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| CASE NUMBER: | V-16-012 |
| PROPERTY LOCATION: | 11300 Medlock Bridge Road, Johns Creek, GA 30097 1st District, 1st Section, Land Lot 357 and 374 |
| CURRENT ZONING: | MIX (Mixed Use) Conditional |
| PARCEL SIZE: | 1.37 Acres |
| PROPERTY OWNER: | Johns Creek Promenade, LLC |
| APPLICANT: | Shabana Mustafa |
| STAFF RECOMMENDATION: | Partial Approval |

REQUEST

The existing retail location, It's About Time, is located at 11300 Medlock Bridge Road and was constructed in 2015. The store, which sells and repair watches and clocks, is approximately 1,227 square feet. The business opened in August of 2015. The applicant is requesting a variance in order to allow for burglar bars to be installed on the windows and doors on the front and side elevations. This portion of the Johns Creek Walk development features two buildings of strip retail which is connected by an arcade. The front windows and doors face Medlock Bridge Road, while the side windows face the interior of the arcade. The burglar bars are constructed of steel and are mounted on a track on the interior frame of the windows and door. It appears that the burglar bars are slightly smaller than the window and door openings.

BACKGROUND

The subject property, 11300 Medlock Bridge Road, is known as Track 14 within Phase II of the Johns Creek Walk development. The property faces Medlock Bridge Road to the east and abuts the Standard Club to the West. Other portions of the Johns Creek Walk development are located to the north and south.

Staff notes that this is an after-the-fact request, as the burglar bars have already been installed by the applicant.

ADJACENT ZONING AND LAND USES

The properties to the north and south are zoned MIX (Mixed Use) Conditional and are a part of the Johns Creek Walk development. The property to the west is zoned AG-1(Agricultural) and it operated by the Standard Golf Club. Adjacent properties to the east are zoned M-1A (Industrial Park) Condition and are a part of Technology Park.

APPLICABLE CODE REQUIREMENTS

City of Johns Creek Zoning Ordinance; Article XII-E: Community Standards; Section 12E.3: Development Standards; D.4: Building Materials and Architectural Treatments;

Burglar bars, steel gates, fiberglass awnings and steel-roll down curtains are prohibited except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure.

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Board of Zoning Appeals in considering the application and its merits. These considerations include:

- A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or
- B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or

STAFF RECOMMENDATION

The intent of this section of the Zoning Ordinance is for burglar bars to not be seen from the public right-of-way or a primary building on the lot. In this case, the burglar bars on the front windows and door can be seen from Medlock Bridge Road and the front of the development, and therefore does not meet the intent of the ordinance. The burglar bars on the side are only visible from within the arcade and have very little impact on the overall development as the long, narrow arcade screens the side windows. This also justifies the need for added security. For these reasons, Staff believes this request should be reviewed per each individual elevation. Based on the intent of the Zoning Ordinance, Staff recommends denial of the burglar bars on the front windows and door and approval of the burglar bars on the side windows.

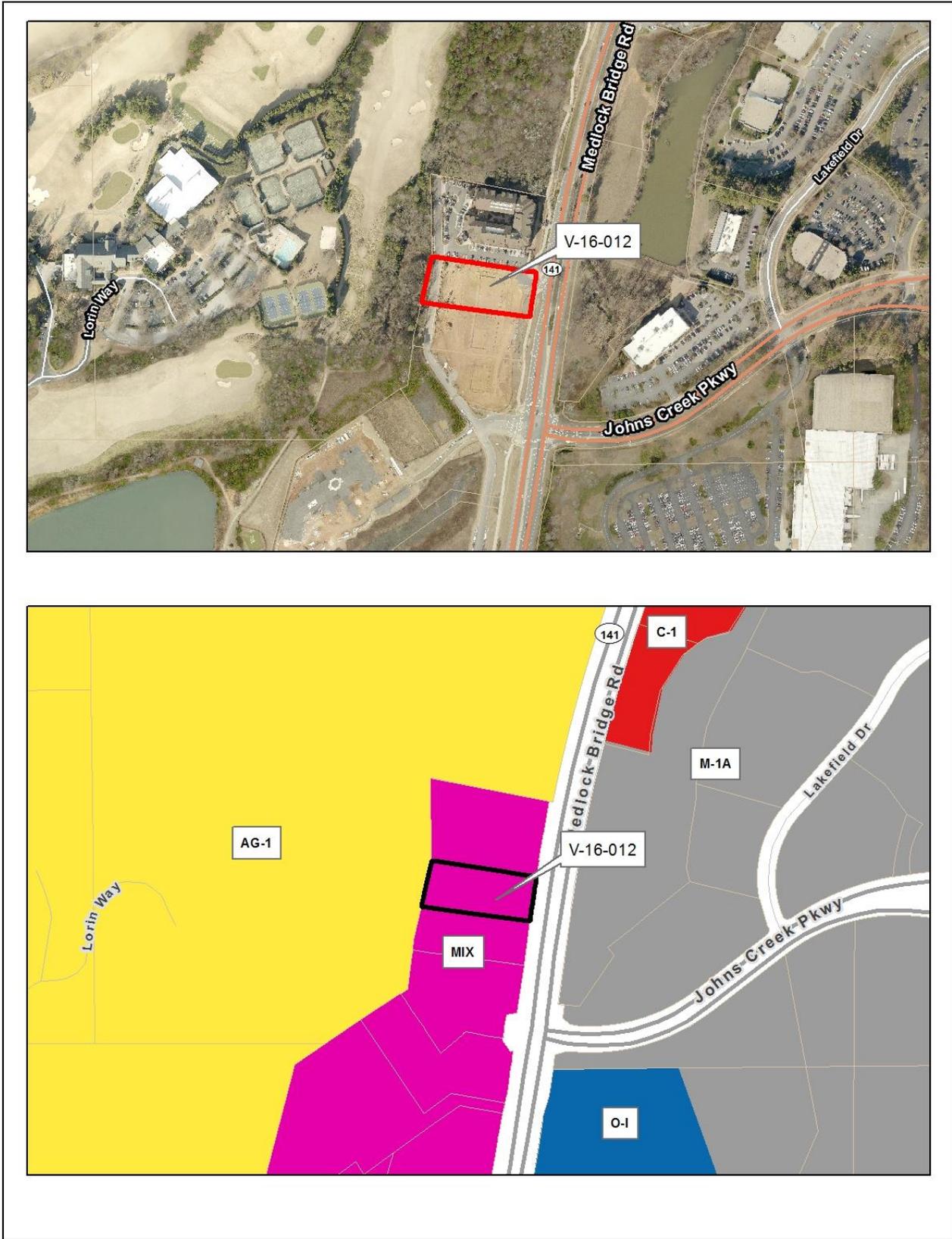
Additionally, there are no extraordinary or exceptional conditions on the subject property due to its size, shape, or topography that would create an unnecessary hardship under the provisions of the Zoning Ordinance which would allow the burglar bars to be installed on the front windows and doors.

The lack of visibility of burglar bars on the side elevation meets the intent of the Zoning Ordinance as it creates minimal impact to the street or the surrounding development. However, the request for burglar bars on the front windows and doors does not meet the intent of the Zoning Ordinance. Therefore, the Department of Community Development recommends **PARTIAL APPROVAL WITH CONDITIONS** of the request for burglar bars on the side windows.

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of the request for burglar bars on the side elevation, subject to the following conditions of approval:

- 1) The burglar bars on the front elevation shall be removed within 30 days.
- 2) The burglar bars shall be painted black and are to be mounted on the interior of the building.
- 3) The burglar bars shall not be expanded in height or width, nor additional bars added.
- 4) The burglar bars shall only be used outside of the businesses hours of operation.



Community Development