



Gwinnett

GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

446 West Crogan Street, Suite 300 | Lawrenceville, GA 30046-2440

678.518.6000

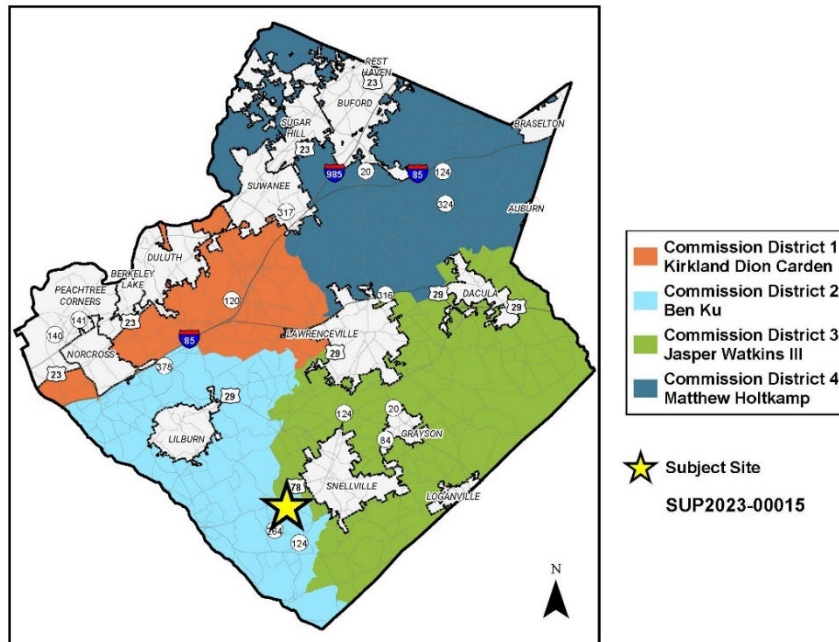
GwinnettCounty.com

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SUP2023-00015
Current Zoning: C-2 (General Business District)
Request: Special Use Permit
Additional Request: Variance
Address: 3660 Hewatt Court
Map Number: R6053 168
Site Area: 0.50 acres
Square Feet: 5,040
Proposed Development: Automobile Repair Shop
Commission District: District 2 – Commissioner Ku
Character Area: Vibrant Communities

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Planning Commission Advertised Public Hearing Date: 4/11/2023
Board of Commissioners Advertised Public Hearing Date: 4/25/2023

Applicant: Stanislav Pascaru
1030 Thornwood Lane
Dacula, GA 30019

Owner: Bernard N Gallagher
3660 Hewatt Court
Snellville, GA 30039

Contact: Stanislav Pascaru

Contact Phone: 267.968.5413

Zoning History

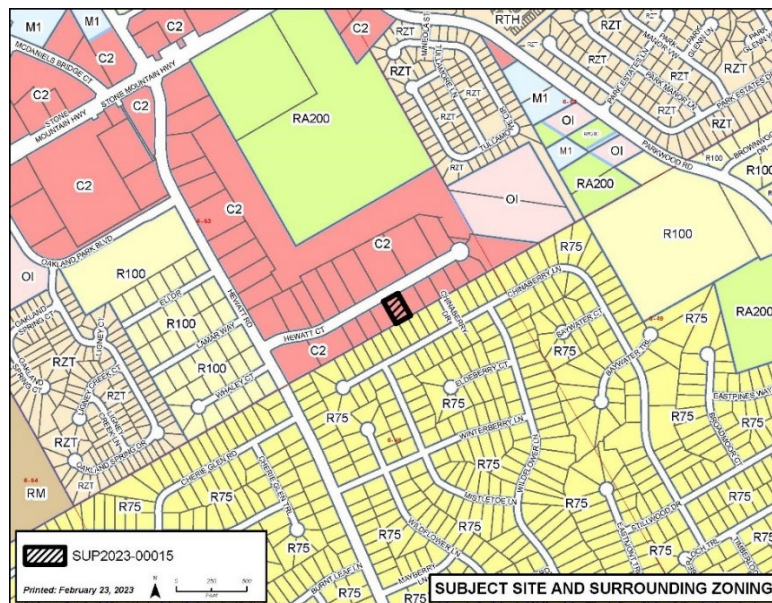
The subject property is zoned C-2 (General Business District). An area-wide rezoning in 1973 rezoned the property from R-100 (Single-Family Residence District) to O-I (Office-Institutional District). A rezoning request to rezone from O-I and C-2 to RM-13 (Multi-Family Residence District) was denied in 1984, pursuant to RZ-236-84. The property was rezoned to C-2 in 1988 as part of the Hewatt Road Office Park development, pursuant to RZ-160-88.

Existing Site Condition

The subject site is a 0.50-acre parcel located on the south side of Hewatt Court in the Hewatt Road Office Park. The site contains a 5,040 square-foot office-warehouse building with two bay doors on the eastern façade. There are 17 parking spaces on the site located in front and to the eastern side of the building currently enclosed by a screened security fence and gate. A 20-foot-wide drainage easement and undisturbed buffer is located along the rear property line. There are no sidewalks along Hewatt Court. The nearest Gwinnett County Transit Stop is 7 miles from the site.

Surrounding Use and Zoning

The subject site is surrounded to the north, east, and west by developed commercial parcels zoned C-2. Griers Station, a single-family residential subdivision, zoned R-75 (Single-Family Residence District), borders the subject parcel to the south. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Automobile Sales and Related Services	C-2	N/A
North	Commercial	C-2	N/A
East	Commercial	C-2	N/A
South	Single-Family Residential	R-75	2.6 units per acre
West	Commercial	C-2	N/A

Project Summary

The applicant requests approval of a special use permit on a 0.50-acre property zoned C-2 for an automobile repair shop, including:

- An automobile repair shop in an existing 5,040 square foot masonry building containing two bay doors.
- One existing full access driveway from Hewatt Court.
- 17 existing parking spaces, including 1 handicap accessible space, to the front and side of the building.
- An enclosed commercial dumpster on a pad, located at the south end of the property, within an existing parking space.
- A 20-foot-wide drainage easement and undisturbed buffer along the south property line which includes a wooden privacy fence.
- An existing monument sign along Hewatt Court to remain.

Zoning and Development Standards

The applicant is requesting a special use permit for an automobile repair shop in the C-2, General Business District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Existing	Meets Standard?
Building Height	Maximum 45'	17'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10.3'	YES
Rear Yard Setback	Minimum 30'	35'	YES
Off-Street Parking	Minimum: 2 spaces Maximum: 6 spaces	17 Spaces	NO*
Landscape Strip	Minimum 10'	0	NO**
Zoning Buffer	Minimum 75 (R-75)	20'	NO***

*Applicant is requesting a variance to exceed the maximum number of parking spaces.

**The provided buffer is legal non-conforming.

***The landscape strip must be provided during development of the site.

Variance Request

In addition to the rezoning request, the applicant is seeking a variance from the following provision of Title II of the UDO:

1. Chapter 240.20 - Table 240.1 Minimum Parking Requirements

Automobile service center, tire store or lubrication facility	Minimum 1 per bay	Maximum 3 per bay
---	----------------------	----------------------

The applicant requests a variance to exceed the maximum number of parking spaces to provide 17 spaces. The building contains only two bay doors; six parking spaces is the maximum number of required spaces.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and external agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to transportation, stormwater, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Special Use Permit Analysis: According to the UDO, the staff analysis and recommendation on each application for a special use permit shall follow the same procedures as those contained in Section 270-20. Emphasis shall be given to the evaluation of characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings. For special use permits, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The surrounding area is characterized by office-warehouse buildings along Hewatt Court and a single-family residential development to the south. All of the properties along Hewatt Court are zoned C-2 and are developed with a variety of commercial service businesses. Automobile uses tend to create negative impacts such as excessive vehicle parking, outdoor storage, and noise. A less intense use would be more appropriate for the parcel.

B. Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property.

The existing use and usability of adjacent or nearby properties would be negatively impacted by the proposed use. The neighboring property is identical in shape and size and would not adequately accommodate an automobile use.

C. Whether the property to be affected by a proposed special use permit has a reasonable economic use as currently zoned.

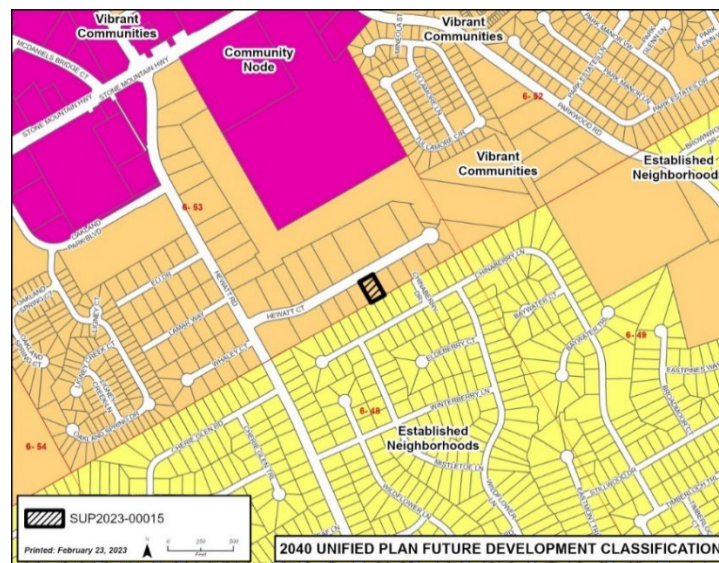
The property has a reasonable economic use as currently zoned.

D. Whether the proposed special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An impact on public facilities would be anticipated in the form of traffic. Since the site was not constructed to accommodate an automobile related use, parked vehicles on Hewatt Court could lead to vehicular movement of this street. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements, related from this request, are attached (Exhibit E).

E. Whether the proposed special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map.

The 2040 Unified Plan and Future Development Map indicate the subject property lies within the Vibrant Communities Character Area. This Character Area is intended to serve as a transition between nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. While the proposed special use permit does not align with the 2040 Plan, the Hewatt Road Business Park is an existing business park with similar uses. Therefore, the requested special use permit is in conformity with the 2040 Unified Plan.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit.

Other automotive related uses exist within the area. An inspection of these businesses reveal common issues with automotive related uses, in buildings not built for automotive repair, such as outdoor storage and inadequate parking.

Variance Requests Analysis: The standards for granting variances are outlined in Section 270-100.7 of the Unified Development Ordinance. Staff makes the following findings related to the variance request:

The applicant requests to provide 17 parking spaces where a maximum number of 6 parking spaces are permitted. Minimum parking is based on the number of service bays. Since the building was not constructed for the proposed use, the building only has two bays. A traditional repair shop would have more indoor space to accommodate vehicles awaiting repair.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the special use permit request.

In addition, staff recommends **DENIAL** of the following variance request:

1. To allow an increase in the maximum number of parking spaces to 17 spaces.

Staff Recommended Conditions

Approval of a special use permit for an automobile service facility, subject to the following conditions:

1. The proposed development shall be constructed and operated in general conformance with Exhibit B: Site Plan received March 15, 2023, by the Department of Planning and Development, with revisions and as required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. Automobile sales shall be prohibited. No vehicle sales of any kind shall take place on the property.
3. Salvage of inoperable vehicles and outdoor storage of automotive parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than ten days. Any vehicles abandoned by their owners, whether before or after repair, shall be removed from the property within five days after they become abandoned under state and/or county law.
4. All repair activities shall be conducted indoors. No repairs may be conducted in the parking lot.
5. Hours of operation shall not extend past 6:00 pm.
6. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or stung on site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sing-twirlers shall be prohibited.
7. The property owner shall restripe parking spaces in accordance with Gwinnett County parking standards. All vehicles must be parked in a striped parking space on a paved surface.
8. There shall be no body or paint work performed at the property.
9. All dumpsters shall meet the screening and placement requirements of the UDO.

10. The special use permit shall be valid for a two-year period, at which time the use shall cease, or an application shall be made for renewal of the special use permit.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL** of the special use permit request.

In addition, the Planning Commission recommends **DENIAL** of the following variance request:

1. To allow an increase in the maximum number of parking spaces to 17 spaces.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Application and Disclosure of Campaign Contributions Form
- E. Internal and External Agency Review Comments
- F. Maps

Exhibit A: Site Visit Photos



Frontage along Hewatt Court



Frontage along Hewatt Court (facing southwest)

Exhibit B: Site Plan

[attached]

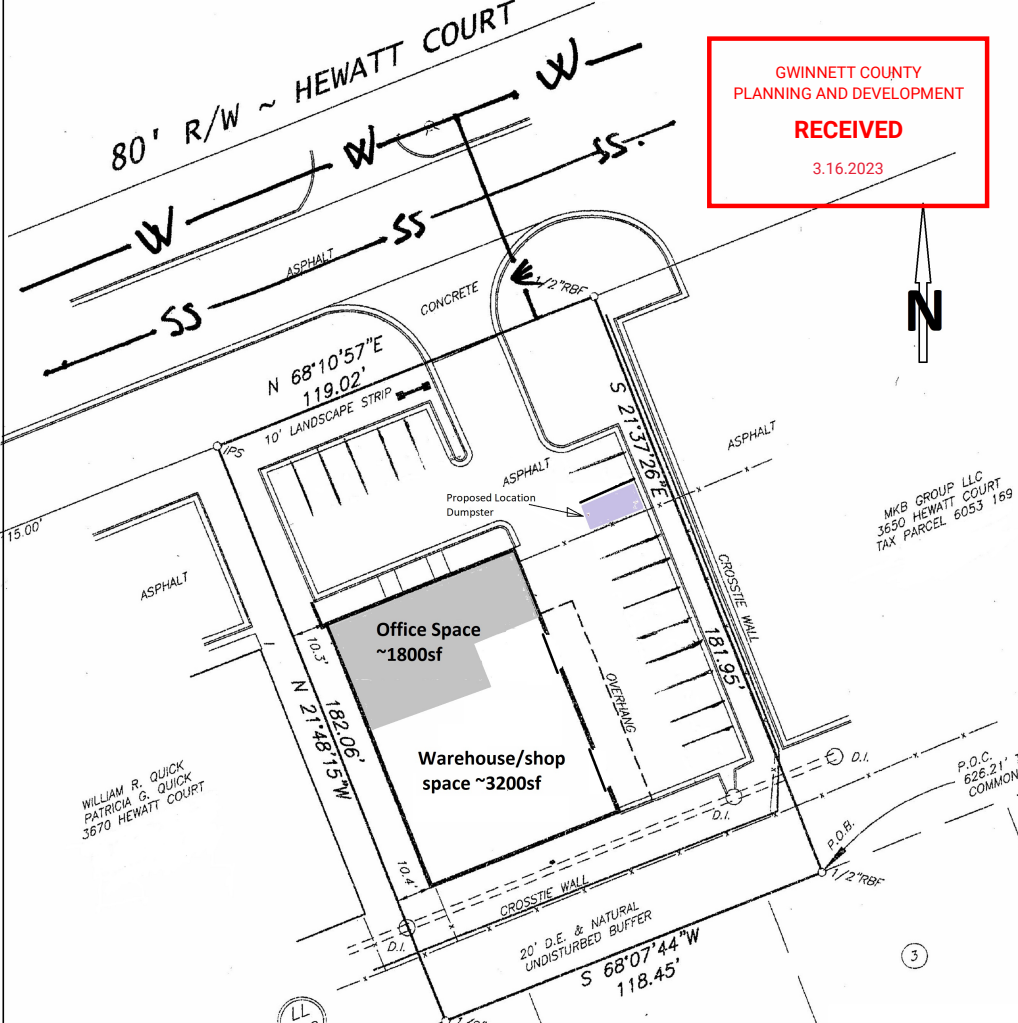
80' R/W ~ HEWATT COURT

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

3.16.2023

N



3660 Hewatt Ct., Snellville GA.30039

SITE PLAN

Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]



Stanislav Pascaru
1030 Thornwood Ln, Dacula, GA. 30019

01/25/2023

Gwinnett County Board of Commissioners
C/o Planning and Development
Gwinnett Justice and Administration Center
75 Langley Drive
Lawrenceville, GA. 30046

Re: Letter of intent – Special Use Permit Application

I, Stanislav Pascaru, submit this request for a Special Use Permit to allow to operate an Automotive/Automobile Repair Facility at 3660 Hewatt Ct., Snellville GA. 30039 with parcel number 6-053-168 in Gwinnett County.

The subject property is 0.496ac. and the existing building is 5040 sf. current zoning of the property is C-2 (General Business District) which supports an Automotive Repair to operate with approval of a Special Use Permit. The height of the building is 17ft, the size is 5040sf and the number of parking spaces is 17 with 6460 paved area. On the South side, the site already has a crosstie wall and a 20 lf of undisturbed buffer. Along with the SUP we would ask for a variance allowing this proposed location to exceed the parking requirements for the proposed use.

I currently operate a successful automotive repair shop at 452 Eaton Street in/near downtown Lawrenceville but my current landlord intends to use the land for different purpose so I have to change my business location. I want to mention here that I'm operating my business here for 5 years in good standing and portion of the lease the landlord was the City of Lawrenceville which I'm sure can provide good feedback regarding my way to operate and protect the community.

The Automotive/Automobile Repair business is consistence with the existing land uses and the businesses in the area; a few properties adjacent to the subject property operate the same or similar type of business. This property would allow for its reasonable economic use, without being an excess burden to the current infrastructure.

Please do not hesitate to contact us with questions or concerns.

Respectfully requesting the granting of the Special Use Permit.

Best Regards,
Stanislav Pascaru

RECEIVED

1/26/2023

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

I BELIEVE THE PROPOSED USE IS SUITABLE

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

THE PROPERTY IS CURRENTLY ZONED C-2 GENERAL BUSINESS DISTRICT. THE PROPOSED USE WILL TAKE ADVANTAGE OF THE ECONOMIC USE OF THE PROPERTY BY INTEGRATING IT WITH THE ADJACENT COMMERCIAL USES.

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

YES, THE SUBJECT PROPERTY IS DESIGNATED AS EMERGING SUBURBAN

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

SEE LETTER OF INTENT

Exhibit D: Application and Disclosure of Campaign Contributions Form

[attached]

SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>STANISLAV PASCARU</u>	NAME: <u>BERNARD N GALLAGHER</u>
ADDRESS: <u>1030 THORNWOOD LN</u>	ADDRESS: <u>3660 HEWATT CT</u>
CITY: <u>Dacula</u>	CITY: <u>SNELLVILLE</u>
STATE: <u>GA</u> ZIP: <u>30019</u>	STATE: <u>GA</u> ZIP: <u>30039</u>
PHONE: <u>267-968-5413</u>	PHONE: _____
EMAIL: _____	EMAIL: _____
CONTACT PERSON: <u>STANISLAV PASCARU</u> PHONE: <u>267-968-5413</u>	
CONTACT'S E-MAIL: <u>IMPACTAUTO77@yahoo.com</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>C-2</u> BUILDING/LEASED SQUARE FEET: <u>5040</u>	
PARCEL NUMBER(S): <u>6-053-168</u> ACREAGE: <u>0.496</u>	
ADDRESS OF PROPERTY: <u>3660 HEWATT CT, SNELLVILLE, GA 30039</u>	
SPECIAL USE REQUESTED: <u>AUTOMOTIVE REPAIR FACILITY</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

1/20/2023-00015

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.


SIGNATURE OF APPLICANT

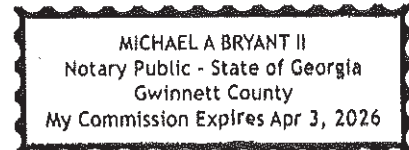
01-26-2023
DATE

STANISLAW PASCARU APPLICANT
TYPE OR PRINT NAME AND TITLE

N/A
SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE




SIGNATURE OF NOTARY PUBLIC

1-26-23
DATE

NOTARY SEAL

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

☐ YES

☒ NO

STANISLAW PASCARU

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

1/SUP2023-00015

RECEIVED

1/26/2023

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



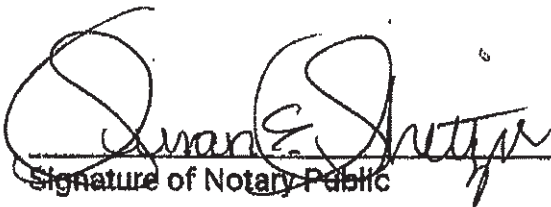
Signature of Property Owner

1/25/23

Date

Bernard M Gallagher, Owner

Type or Print Name and Title



Signature of Notary Public

1/25/23

Date

Commonwealth of Pennsylvania - Notary Seal
Susan E. Shertzer, Notary Public
Chester County
My commission expires June 24, 2026
Commission number 1242854
Member, Pennsylvania Association of Notaries

Notary Seal

RECEIVED

1/26/2023

SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



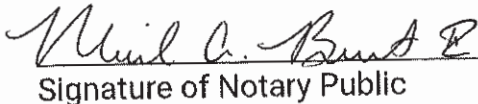
Signature of Applicant

1-26-2023

Date

STANISLAV PASCARU

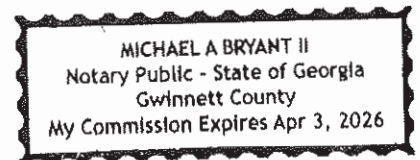
Type or Print Name and Title



Signature of Notary Public

1/26/23

Date



Notary Seal

Exhibit E: Internal and External Agency Review Comments:

[attached]



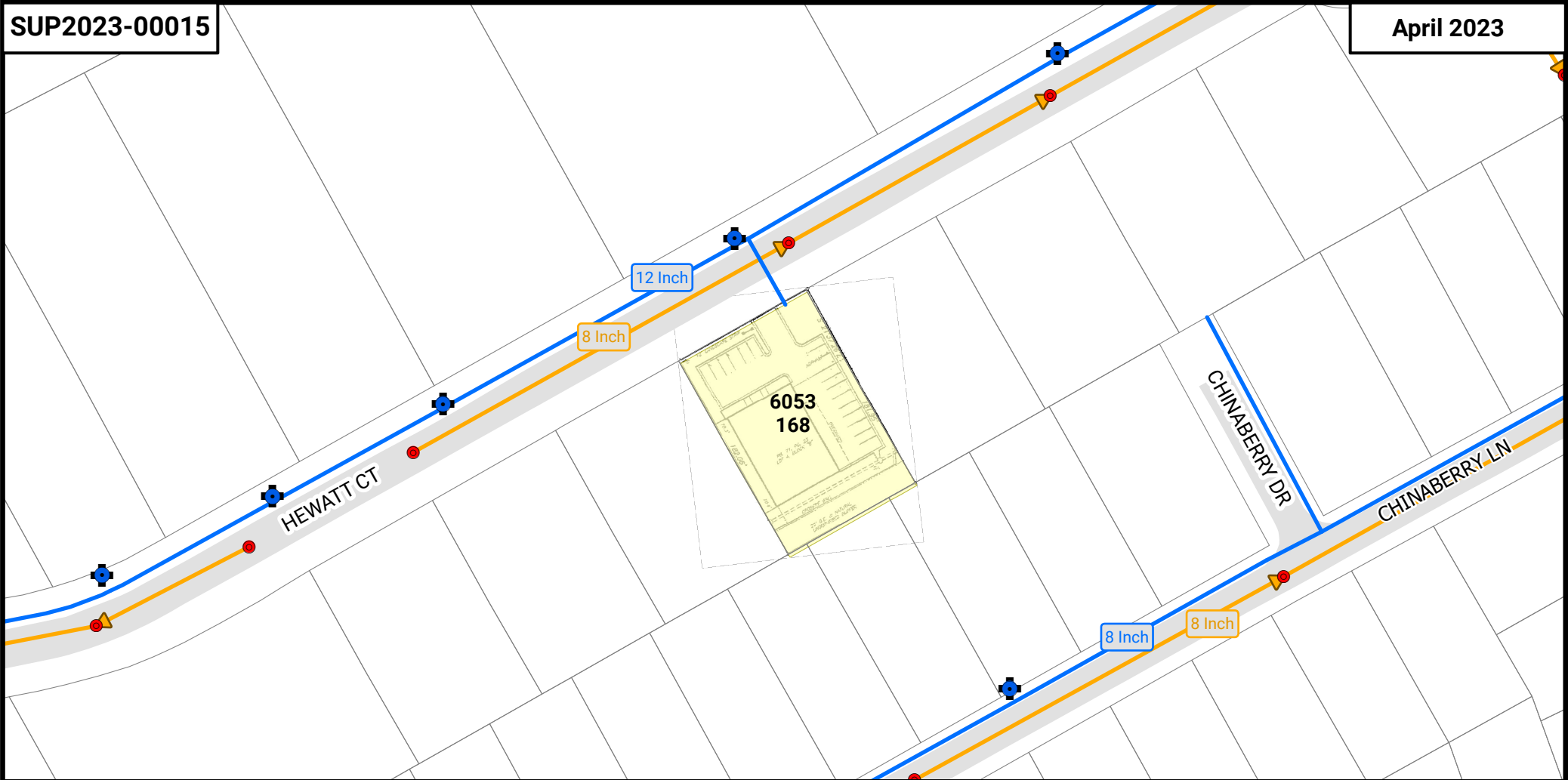
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		03.08.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		SUP2023-00015	
Case Address:		3660 Hewatt Court, Snellville, 30039	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Hewatt Court is a local road. ADT not available.		
2	7.0 miles to the nearest transit facility (#2334758) Lawrenceville Highway and Indian Trail-Lilburn Road.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> X NO
1			
2			
3			
4			
5			
6			
7			



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com		
Case Number:		SUP2023-00015		
Case Address:		3660 Hewatt Ct		
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	Water: DWR does not have comments for this special use permit application. The existing building is connected to public water.			
2	Sewer: The existing building is connected to public sewer. A sewer test manhole is required for the proposed change of use.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
2				
3				
4				
5				
6				
7				



LEGEND

	Flow Management		Hydrant		Sewer Force Main
	Pump Station		City		Effluent Outfall
	Regional		Water Main		Sewer Collector
	Manhole		Reuse Main		Sewer Interceptor

3660 Hewatt Ct
C-2

Water & Sewer
Utility Map

0 60 120
Feet

LOCATION

Water Comments: DWR does not have comments for this special use permit application. The existing building is connected to public water.

Sewer Comments: The existing building is connected to public sewer. A sewer test manhole is required for the proposed change of use.

Exhibit F: Maps:

[attached]



HEWATT CT

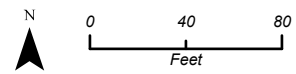
CHINABERRY DR

CHINABERRY LN

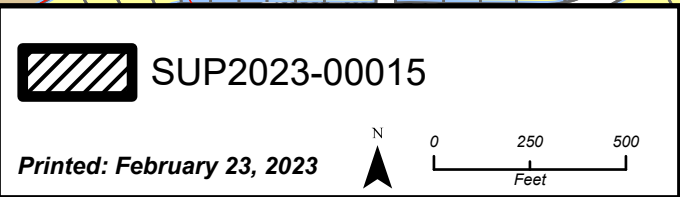


SUP2023-00015

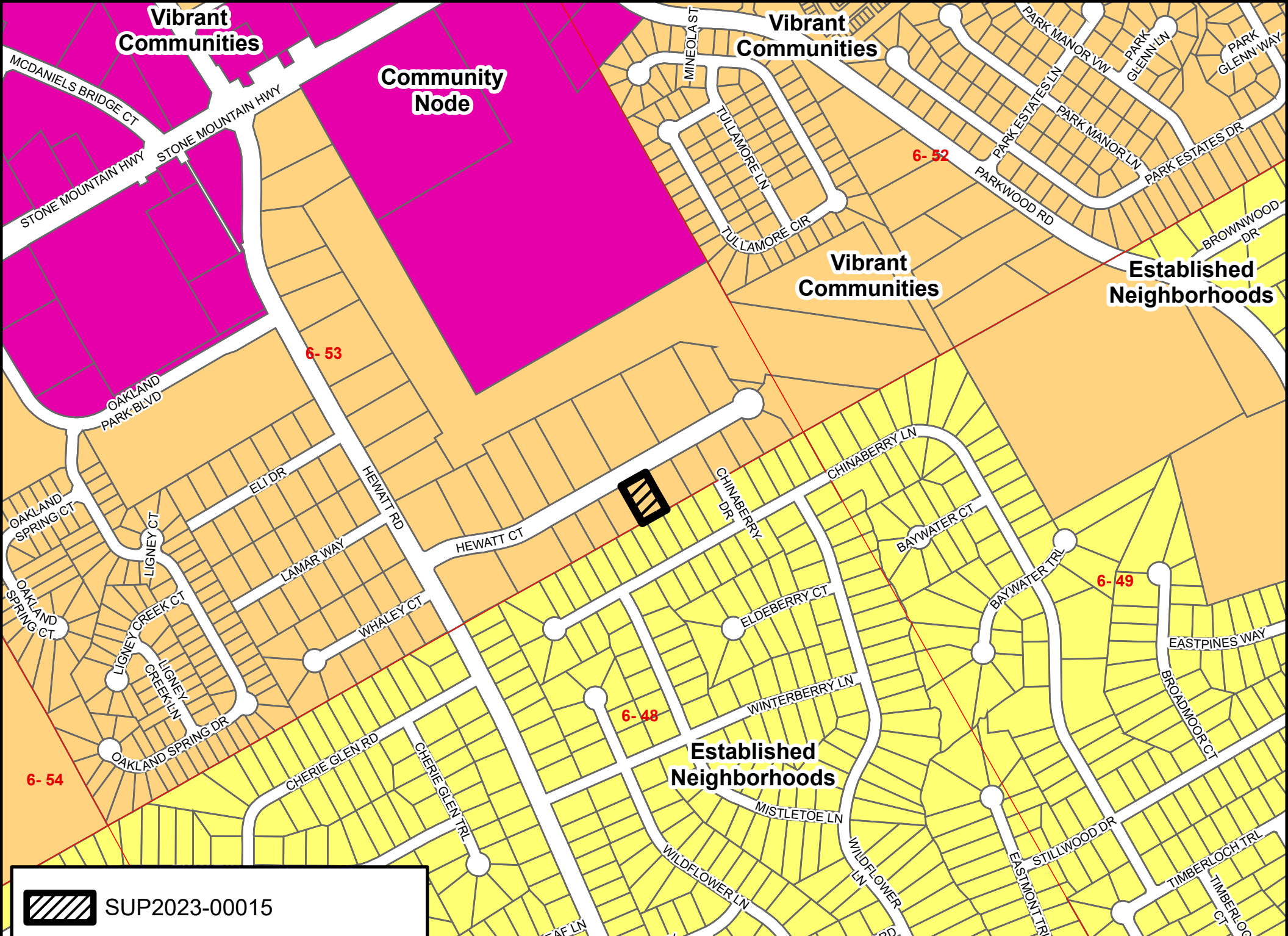
Printed: February 23, 2023



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION



SUBJECT SITE AND SURROUNDING ZONING



**SUP2023-00015**

Printed: February 23, 2023

N

0 250 500

Feet

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION