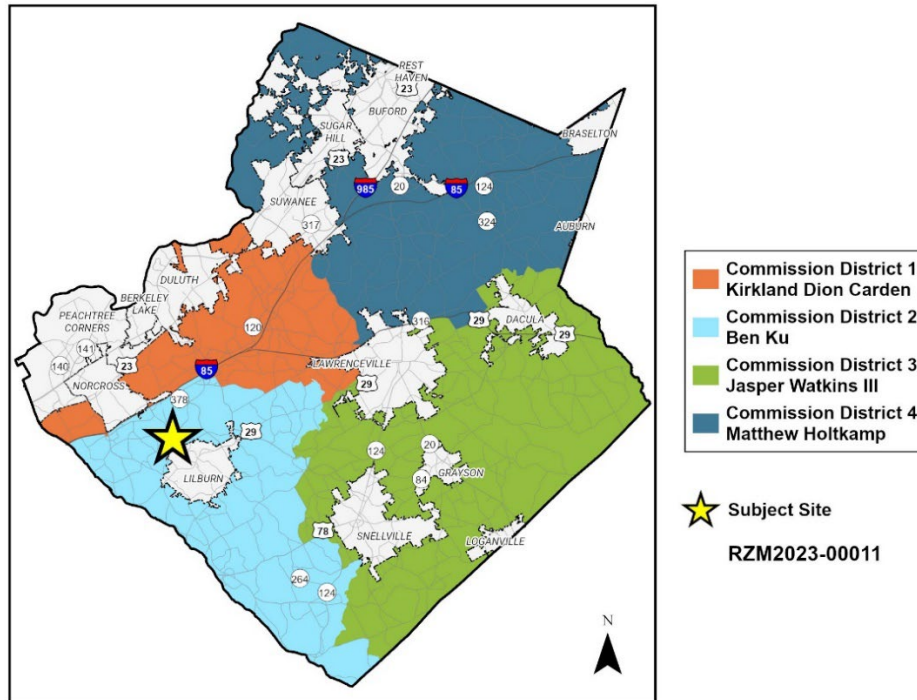


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZM2023-00011
Current Zoning: R-75 (Single-Family Residence District)
Request: Rezoning to **R-TH** (Single-Family Residence Townhouse District)
Overlay District: Gateway 85
Additional Requests: Waivers
Address: 1047 Indian Trail Lilburn Road
Map Number: R6173 006
Site Area: 1.01 acres
Units: 5
Proposed Development: Townhouses
Commission District: District 2 – Commissioner Ku
Character Area: Vibrant Communities

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Applicant: Jason E. Williams
800 Satellite Boulevard
Suwanee, GA 30024

Owner: Jack Chang
3775 Venture Drive, Suite D300
Duluth, GA 30096

Contact: Jason E. Williams

Contact Phone: 770.571.5772

Zoning History

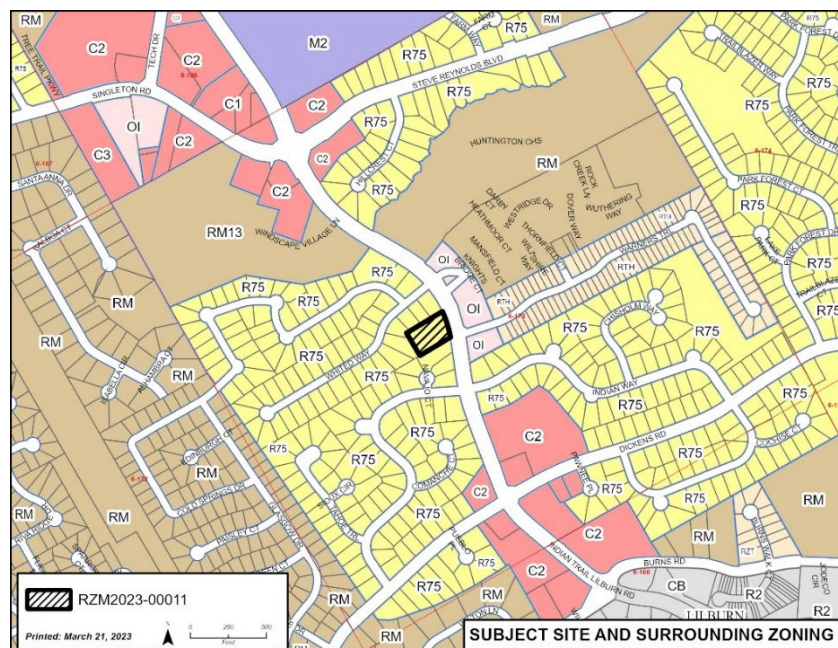
The subject property is zoned R-75 (Single Family Residence District). There are no previous zoning cases on record for this property. The site is located in the Gateway 85 Overlay Zoning District.

Existing Site Condition

The subject site is a 1.01-acre undeveloped parcel located along Indian Trail Lilburn Road, south of its intersection with Whited Way. A single-family residence on the property was demolished in 2022. The property is wooded and relatively level, sloping upward approximately 12 feet from the northern to southern boundaries. A single curb cut currently provides access to the site from the right-of-way. There is a sidewalk and curb and gutter along the property's frontage along Indian Trail Lilburn Road. The nearest Gwinnett County Transit stop is approximately 300 feet from the subject site.

Surrounding Use and Zoning

The surrounding area is primarily residential with small-scale office and retail uses nearby. The subject property is located between two single-family residential subdivisions, the Cold Springs subdivision to the north and west, and the Indian Springs subdivision to the south. A small office complex with three one-story buildings is located across Indian Trail Lilburn Road to the east. There are retail strip centers within 1,000 feet to the south of the property at the intersection of Indian Trail Lilburn Road and Dickens Road. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Townhouses	R-TH	4.95 units per acre
North	Single-Family Residential	R-75	2.85 units per acre
East	Office	O-I	N/A
South	Single-Family Residential	R-75	2.86 units per acre
West	Single-Family Residential	R-75	2.85 units per acre

Project Summary

The applicant requests rezoning of a 1.01-acre property from R-75 to R-TH for townhouses, including:

- Five front-entry townhouses with two-car garages and heated floor areas of 1,904 square feet, yielding a net density of 4.95 units per acre.
- Two-story townhouses with exterior building materials constructed primarily of fiber cement siding with stone or brick veneer accents wrapping the corners of front façades. The submitted elevations are not in conformance with Category 3 Architectural Design Standards, which is required by the UDO for R-TH zoned property.
- A 27-foot-wide private street with a 4-foot-wide sidewalk on one side of the street. The private street narrows to 20-foot-wide near the rear of the property.
- Two guest parking spaces located at the rear of the property.
- A mail kiosk facing the guest parking spaces.
- A 6-foot-tall fence along the side and rear property lines.
- Common area totaling 7,138 square feet located throughout the property.
- A reduced 20-foot-wide buffer along all external property lines adjacent to R-75 zoned parcels. A 20-foot-wide private street encroaches into the buffer all the way to the southern property line at the southwest corner of the property.
- A 12-foot-wide multi-use path along Indian Trail Lilburn Road extending the width of the development.
- Access to the site provided via a limited access right-in/right-out driveway from Indian Trail Lilburn Road.
- A 50-foot-long deceleration lane from Indian Trail Lilburn Road into the property.

Zoning and Development Standards

The applicant is requesting a rezoning to R-TH Single-Family Residence Townhome District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	30'	YES
Minimum Road Frontage	Minimum 50'	>50'	YES
External Front Yard Setback	Minimum 10'	>10'	YES
External Side Yard Setback	Minimum 20'	>20'	YES
External Rear Yard Setback	Minimum 20'	>20'	YES
Density	Maximum 10 units per acre	4.95 units per acre	YES
Common Area	Minimum 15% (6,612 SF)	16% (7,138 SF)	YES

Minimum Heated Floor Area	2-bedroom: 1,000 sf 3-bedroom: 1,200 sf 4-bedroom: 1,400 sf	1,904 square feet	YES
Landscape Strip	Minimum 10' wide	10'	YES
Buffer	Minimum 30'	0' to 20'	NO*
Structure Setback	Minimum 5' from buffer	0'	NO*
Sidewalk	Both sides of residential street	One side	NO*

* The applicant has requested waivers from these requirements.

The subject property is located within the Gateway 85 Overlay District; however, Section 220-50.2 states that areas within residential zoning districts, including R-TH, are exempt from overlay district requirements.

Waiver Requests

In addition to the rezoning request, the applicant is seeking waivers from the following provisions of Title III of the UDO:

1. Section 610-20.5 Minimum Buffer Requirements:

A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

A 30-foot-wide undisturbed zoning buffer between the proposed R-TH and existing R-75 properties.

The applicant is requesting a waiver to reduce the required 30-foot-wide undisturbed buffer to 20-feet along the northern and western property lines, and 0 feet along a portion of the southern property line for a 20-foot-wide private street encroachment.

2. Section 610-20.4 Buffer Plan Standards and Structure Setbacks:

B. All proposed improvements including, but not limited to, driveways, dumpsters, parking facilities, pavement, or retaining walls will be located a minimum of 5 feet from any buffer.

The applicant requests to eliminate the five-foot structure setback from the buffer to place a public street against the proposed reduced buffer.

3. Section 900-90.2 Sidewalk and curb ramp installation and timing:

B. Residential subdivision projects. Sidewalks and curb ramps, where required, shall be installed on new internal streets (both sides including "eyebrow" turnarounds and cul-de-sacs) and on abutting external streets (abutting side).

The applicant is requesting a waiver to eliminate the required 4-foot-wide sidewalk along the southern side of the public street where there are not any townhouse buildings.

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 F). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Rezoning Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, 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 rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Infill housing development in the form of small-scale missing-middle typologies are appropriate for an area with a mixture of residential, office, and retail uses nearby. Although townhouses are generally compatible with the surrounding area, the proposed configuration of the subdivision requires multiple waivers, making it unsuitable for this particular site.

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

Several single-family residential lots within the two adjacent subdivisions abut the subject property. The proposed site configuration would require reduced buffers, thus increasing the potential adverse impacts on adjacent residences from the proposed private street. It appears that the subject property is not large enough to accommodate the development as proposed.

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

The property has a reasonable economic use as currently zoned.

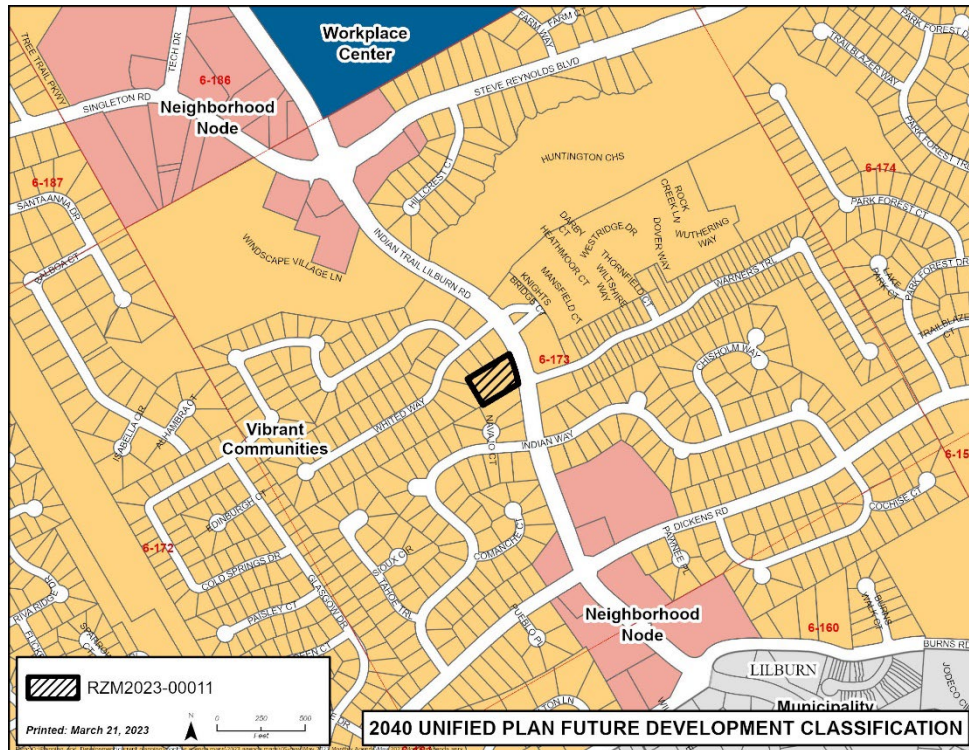
D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. The location of the proposed driveway in proximity to the nearby intersection would result in impact to vehicular travel and safety along the corridor. An increased impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit F).

E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The subject property is located within the Vibrant Communities Character Area. The Vibrant Communities 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. Dependent on the setting, zoning pattern, and intensity of development characterizing these various locations throughout the County, new development and redevelopment in Vibrant Communities may contain a mix of housing types, including small lot single-family housing, multifamily housing, townhomes, and senior housing.

The subject property is surrounded on three sides by established single-family subdivisions and is within walking distance to office and retail establishments. A small-scale infill housing development may be appropriate for the site if site development standards of the UDO can be achieved. However, the proposed site plan requires multiple waivers as proposed, indicating that the property is not large enough to contain a townhouse subdivision.



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 rezoning.

The proposed rezoning would require multiple waivers in order to be developed on this relatively small parcel of land. A lower quality of life for both townhome residents and adjacent residences would likely result from the reduced buffers that have been requested. Similar rezoning requests that required multiple exceptions to UDO standards have been denied by the Board of Commissioners. In addition, the site is located after a curve and before an incline along

a heavily traveled portion of Indian Trail Lilburn Road, making safe sight distances difficult to obtain. The result of these challenges requires that access be provided via a right-in/right-out driveway which further limits access to the site.

Waiver Requests Analysis: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver requests:

The applicant is requesting a waiver to reduce the required 30-foot-wide undisturbed buffer to 20-feet along the northern, western property lines, and a majority of the southern property line. In addition, an elimination of the buffer is required along the southern property line for a 20-foot-wide private street encroachment. In addition, the applicant requests to eliminate the five-foot structure setback from the buffer to place a private street against the proposed reduced buffer. The intent of the buffer standards is to reduce potential impacts of higher-density developments next to lower-density residential properties. The requested waivers would result in a private street being 15 to 35 feet closer to the rear property lines of the adjacent single-family residences than would normally be allowed by the UDO. The proposed 6-foot-tall fence would not fully mitigate the impact of the reduced buffers, which may adversely affect the general public welfare and nullify the intent of the Development Regulations.

In addition, the applicant is requesting a waiver to eliminate the required 4-foot-wide sidewalk along the southern side of the public street where there are not any townhouse buildings. The intent of this requirement is to provide pedestrian access to the other dwellings, amenities, and destinations located within walking distance along the public sidewalks. There are no dwellings, amenities, or sites for future development along the southern side of the private street where the sidewalk is to be eliminated. A four-foot-wide sidewalk would be constructed along the northern side of the private street to connect dwellings to the mail kiosk and open space. The need for this waiver further supports the assertion that the site is too small to accommodate the development.

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 rezoning request.

In addition, staff recommends **DENIAL** of the following Waivers:

1. To reduce the required 30-foot-wide undisturbed buffer to 20-feet along the northern and western property lines, and 0 feet along the southern property line for a 20-foot-wide private street encroachment.
2. To eliminate the five-foot structure setback from the buffer to place a private street against the proposed reduced buffer.
3. To eliminate the required 4-foot-wide sidewalk along the southern side of the private street.

Staff Recommended Conditions

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.

Approval as R-TH (Single-Family Residence Townhome District) for townhouses, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received April 7, 2023 and Exhibit C: Elevations dated received April 7, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
2. The property shall be limited to single-family attached townhouses and accessory uses and structures, not to exceed 4 units.
3. All dwellings shall have a minimum two-car garage.
4. All building elevations shall comply with the Architectural Design Standards for Category 3.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. All grassed areas shall be sodded.
7. An 8-foot-tall wooden privacy fence shall be installed along the northern, western, and southern property lines.
8. The access point for this site shall be restricted to a right-in/right-out only.

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 rezoning request.

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

1. To reduce the required 30-foot-wide undisturbed buffer to 20-feet along the northern and western property lines, and 0 feet along the southern property line for a 20-foot-wide private street encroachment.
2. To eliminate the five-foot structure setback from the buffer to place a private street against the proposed reduced buffer.
3. To eliminate the required 4-foot-wide sidewalk along the southern side of the private street.

Exhibits:

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

Exhibit A: Site Visit Photos



View of site from Indian Trail Lilburn Road



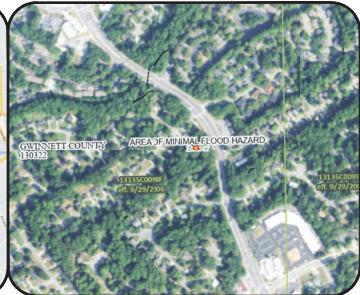
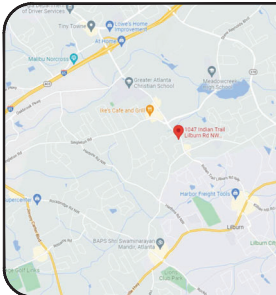
Northbound Indian Trail Lilburn Road at the site (subject on right)



Southbound Indian Trail Lilburn Road at the site (subject on left)

Exhibit B: Site Plan

[attached]



- GENERAL NOTES:**
1. SITE LOCATION: 1047 INDIAN TRAIL, LILBURN ROAD, LILBURN, GEORGIA 30047. PARCEL ID: 8017186.
 2. SCOPE OF WORK: DEMOLISH EXISTING SINGLE FAMILY RESIDENCE, ASPHALT DRIVEWAY, PORCH, DECK, ETC., AND REBUILD FIVE TOWNHOMES RESIDENCES (SEE ARCHITECTURAL PLANS FOR MORE DETAILS).
 3. SANITARY SERVICES PROVIDED BY PUBLIC SEWER SYSTEM. DRAINAGE STRUCTURES DO NOT EXIST ON THIS PROPERTY.
 4. GREENS OR DRAINAGE WALLS DO NOT EXIST ON THIS PROPERTY.
 5. NO NEW STORM DRAIN PIPES ARE PROPOSED.
 6. NO WELLS OR SEPTIC SYSTEMS EXIST ON THE SITE.
 7. APPROVED PLANS MUST BE ON SITE AT ALL TIMES.
 8. THIS PROPERTY DOES NOT LIE WITHIN THE CHARTERED/PROHIBITED BUFFER CORRIDOR.
 9. THIS PROPERTY IS NOT ON OR WITHIN 200 FEET OF WATERS OF THE STATE.
 10. THIS SITE DOES NOT CONTAIN ANY STATE WATER OR WETLANDS.
 11. BURIAL OF CONSTRUCTION DEBRIS IS NOT PERMITTED.

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	175.80'	657.10'	S 16°47'11" E	175.28'

Vicinity Map (NTS) ©

FIRM Panel Vignette

FLOOD HAZARD STATEMENT: (NTS)
THIS IS TO CERTIFY THAT NO PORTION OF THIS SITE LIES WITHIN A FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE F.I.R.M. MAP OF GWINNETT COUNTY, GEORGIA. PANEL 411310090F, EFFECTIVE ON 06/29/2006.

EXIST. ZONING: R-75

FRONT: 30 FT
SIDE: 30 FT
REAR: 30 FT
MIN. LOT WIDTH: 75 FT
MIN. LOT SIZE: 66,000 SQ. FT.
MAX. BLDG. HEIGHT: 35 FT

PROP. ZONING: R-TH

FRONT: 18 FT
SIDE: 30 FT
REAR: 30 FT
LOT WIDTH: NO MINIMUM
LOT AREA: NO MINIMUM
MAX. BLDG. HEIGHT: 35 FT
MAX. DENSITY: 8 UNITS/ACRE
MIN. UNIT WIDTH: 22 FT FOR TWO-CAR GARAGE

OWNER

JACK CHANG
JC COMMERCIAL INVESTMENT CORP.
3733 VENTURE DRIVE, BLDG. D 300
DUBLIN, GEORGIA 30096

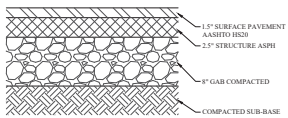
BUILDER / 24 HR. EMERGENCY CONTACT

JACK CHANG
JC COMMERCIAL INVESTMENT CORP.
3733 VENTURE DRIVE, BLDG. D 300
DUBLIN, GEORGIA 30096
JACKCHANGCOMMERCIAL@GMAIL.COM
770-871-1581 / 770-945-9153

SURVEYOR / ENGINEER

BOUNDARY ZONE, INC.
600 SATELLITE BLVD
SUWANEE, GEORGIA 30064

LINE DUCTILE IRON PIPE (DIP) FOR ALL THE WATER MAIN PIPES UNDER THE PAVEMENT



TYP. ASPHALT PAVEMENT SECTION
N.T.S.

LOT AREA: 44,082 SQ. FT. (1.012 ACRE)

MAXIMUM DENSITY: 8 UNITS PER ACRE
GROSS DENSITY: 5 UNITS PER ACRE
NET DENSITY: 5 UNITS PER ACRE
BUILDING HEIGHT: 30 FEET
REQUIRED PARKING: 3 PER UNIT
PROVIDED PARKING: 4 PER UNIT (2 IN GARAGE + 2 IN DRIVEWAY)

AREA CALCULATIONS:

FIRST FLOOR PER UNIT: 1,197 SF
SECOND FLOOR PER UNIT: 797 SF
HEATED AREA PER UNIT: 1,994 SF
GARAGE (1 PER UNIT): 431 SF

COMMON AREA CALCULATIONS:

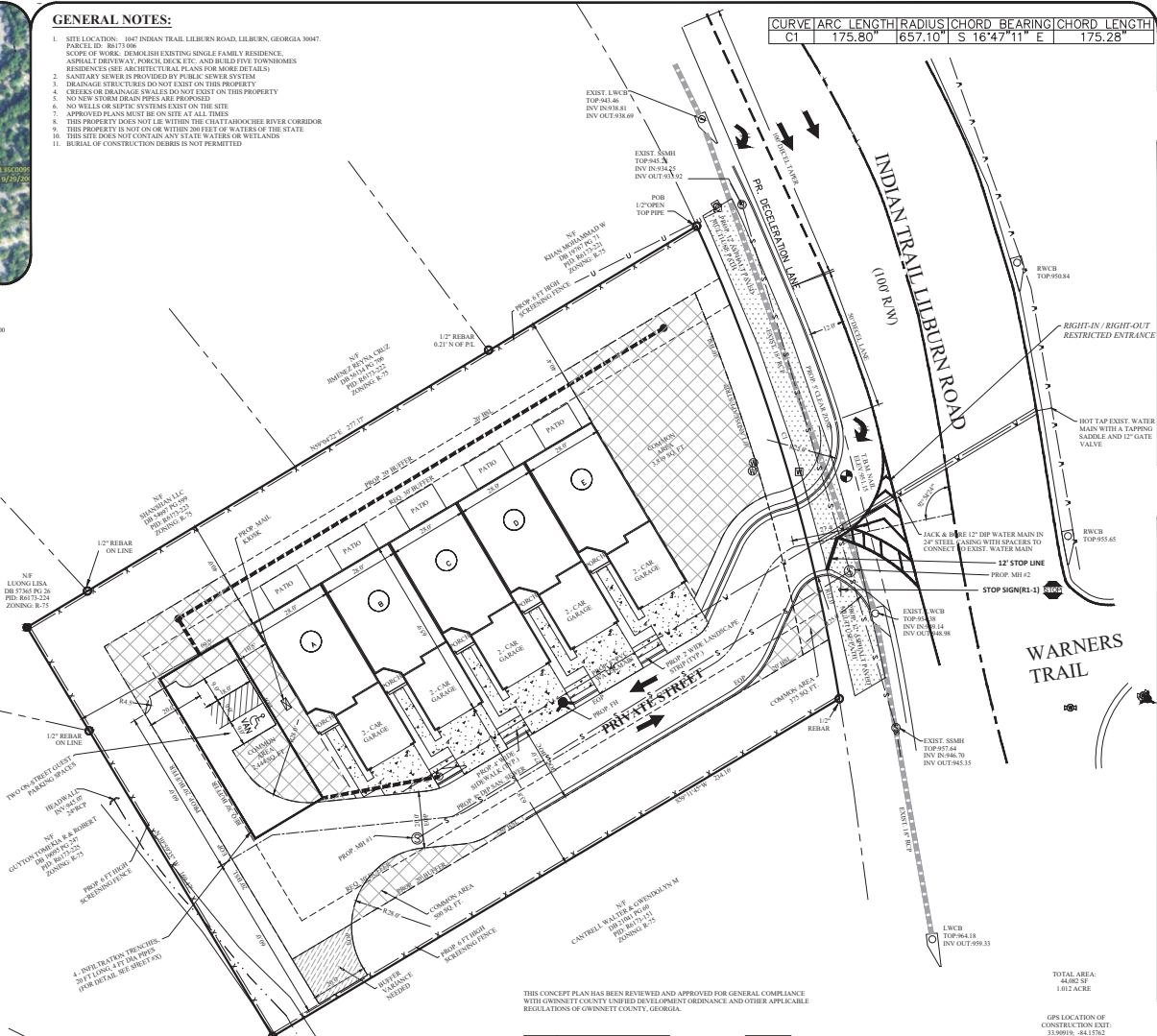
TOTAL SITE AREA: 44,082 SF
REQ. 15% COMMON SPACE: 6,612 SF
PROVIDED COMMON SPACE: 7,138 SF

NOTE:
THE TOWNHOUSES WILL BE INDIVIDUALLY OWNED

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

4/07/2023



THIS CONCEPT PLAN HAS BEEN REVIEWED AND APPROVED FOR GENERAL COMPLIANCE WITH GWINNETT COUNTY UNIFIED DEVELOPMENT ORDINANCE AND OTHER APPLICABLE REGULATIONS OF GWINNETT COUNTY, GEORGIA.

DIRECTOR
DEPARTMENT OF PLANNING AND DEVELOPMENT

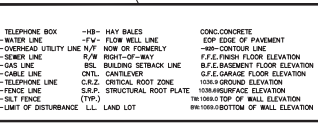
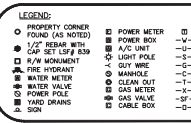
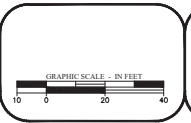
I HEREBY SUBMIT THIS CONCEPT PLAN AS AUTHORIZED AGENT OWNER OF ALL PROPERTY SHOWN THEREON, AND CERTIFY THAT ALL CONTIGUOUS PROPERTY UNDER MY OWNERSHIP OR CONTROL IS INCLUDED WITHIN THE BOUNDARIES OF THIS CONCEPT PLAN, AS REQUIRED BY THE UNIFIED DEVELOPMENT ORDINANCE.

SIGNATURE OF AUTHORIZED AGENT OWNER

"I CERTIFY UNDER PENALTY OF LAW THAT THIS PLAN WAS PREPARED AFTER A SITE VISIT TO THE LOCATIONS DESCRIBED HEREIN BY MYSELF OR MY AUTHORIZED AGENT, UNDER MY SUPERVISION."
JASON E. WILLIAMS, LEVEL II DESIGN PROFESSIONAL # 7796
EXPIRES: 9-10-2022

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH AFFECT AND BURDEN THIS PROPERTY.
THIS MAP OR PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY OTHER PERSON WITHOUT A RE-CERTIFICATION BY THE SURVEYOR/ENGINEER.
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THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR/ENGINEER AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE DESIGN PROFESSIONAL.

TOTAL AREA: 1.012 ACRE / 44,082 SQUARE FEET.
BOUNDARY REFERENCE: DEED BOOK 56743, PAGE 1, FIELDWORK PERFORMED ON 05/25/2021 & REVISED ON 05/25/2022.
THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 91,020 FEET.
THIS PLAN HAS BEEN PREPARED USING A TRIMBLE S8 POSING TOTAL STATION.
THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE ACCURACY OF 0.02 FEET.



SUWANEE (770) 271-5772
600 SATELLITE BLVD
SUWANEE, GEORGIA 30064
ATLANTA (404) 441-8100
ATLANTA, GEORGIA 30309
KENNESAW (770) 730-4931
121 DOWNS PARK DR, SUITE 200
KENNESAW, GEORGIA 30144

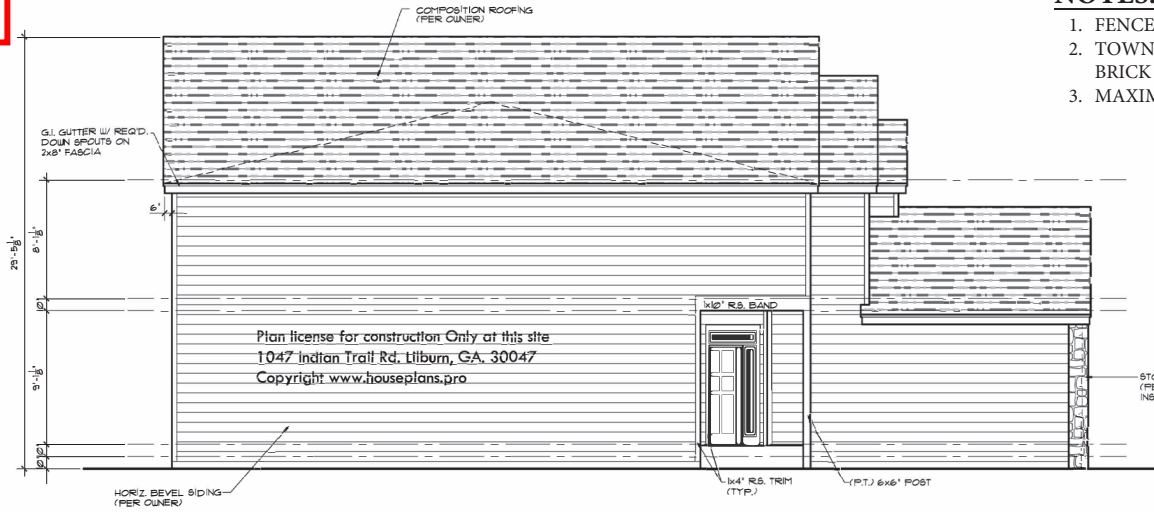
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25053.02
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2 OF 2

Exhibit C: Building Elevations

[attached]

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4/07/2023



LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"

NOTES:

1. FENCE MATERIAL IS WOOD
2. TOWNHOME MATERIAL IS COMBINED CONCRETE, BRICK AND HARDY PLANK.
3. MAXIMUM STORIES ARE TWO (2).

SQUARE FOOTAGE

MAIN FLOOR	1107 SQ. FT.
UPPER FLOOR	797 SQ. FT.
TOTAL	1904 SQ. FT.
GARAGE	431 SQ. FT.



FRONT ELEVATION

SCALE: 1/4"=1'-0"

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building designers 503-246-3022
1004 SW BERTHA BLVD. PORTLAND OREGON 97219

PROJECT	
DATE	
DESIGNED BY	DALE
CHECKED BY	
DATE	
SHEET	1
OF	9
PLAN NUMBER	F-241

RECEIVED

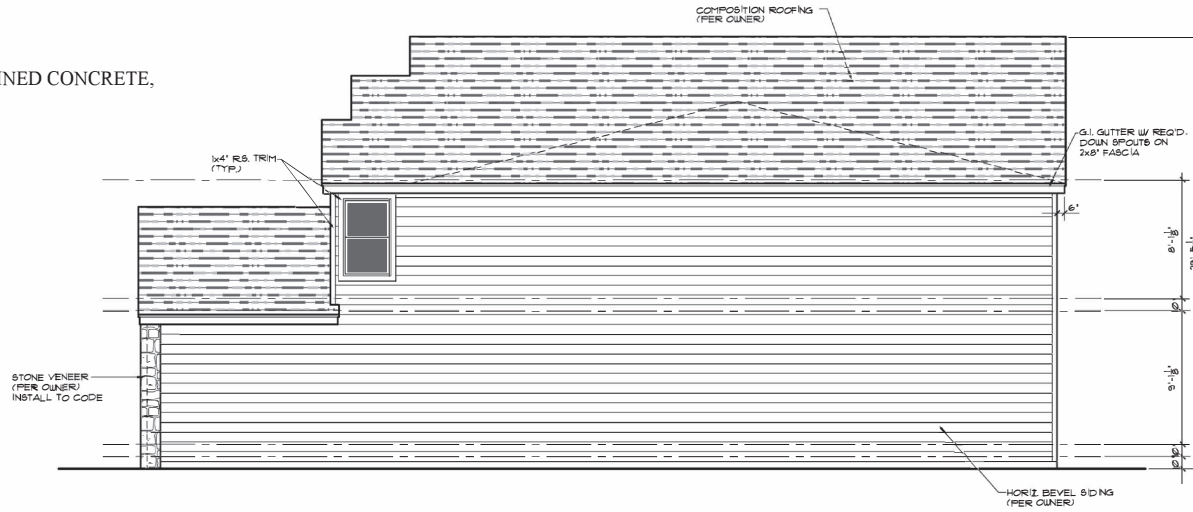
4/07/2023

NOTES:

1. FENCE MATERIAL IS WOOD
2. TOWNHOME MATERIAL IS COMBINED CONCRETE, BRICK AND HARDY PLANK.
3. MAXIMUM STORIES ARE TWO (2).

SQUARE FOOTAGE

MAIN FLOOR	1107 SQ. FT
UPPER FLOOR	797 SQ. FT.
TOTAL	1904 SQ. FT.
GARAGE	431 SQ. FT.



RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

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REAR ELEVATION

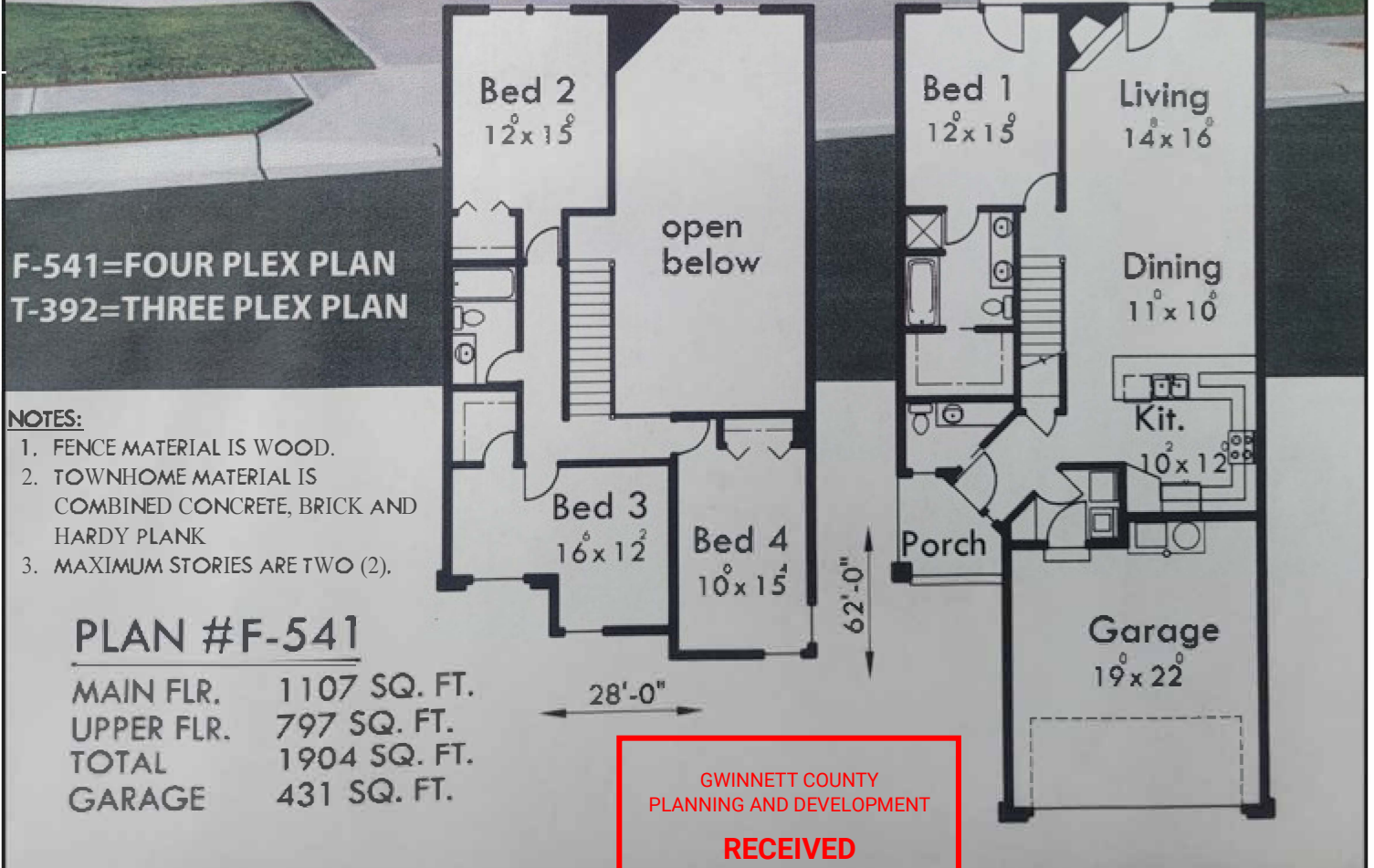
SCALE: 1/4"=1'-0"

These plans are intended for use in accordance with the specifications, standards, codes, regulations, laws, ordinances, rules, codes, and other requirements of the jurisdiction in which they are used. The user assumes all responsibility for compliance with all applicable laws, codes, and regulations. The user shall be responsible for any and all modifications and corrections to these plans.

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building designers 503-246-3022
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PROJECT	
DATE	
DESIGNER	DAU
CHECKER	Q
DATE	
SHEET	2
PLAN NUMBER	F-241



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 PLANNING AND DEVELOPMENT
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Exhibit D: Letter of Intent and Applicant's Response to Standards

[attached]

April 24, 2023

Gwinnett County
Board of Commissioners
446 West Crogan Street
Lawrenceville, GA 30046

Attn: Director of Planning and Development

Sub: Letter of Intent to Grant Variance to Reduce Required Buffers and Eliminate a portion of Proposed Buffer at 1047 Indian Trail Lilburn Road, Lilburn, Georgia 30047. Gwinnett Assessor Parcel ID No. R6173 006 BZI #25053

On behalf of Jack Chang, (hereinafter, the “Owner/Applicant”), Boundary Zone, Inc. submits this letter of intent and the attached Administrative Variance Application for the purpose to grant variances to encroach proposed buffer for above stated property. The subject property is comprised of approximately 1.012 acres which are located on the west side of Indian Trail and approximately 1,100 feet south of Singleton Road which has a Gwinnett County Tax ID number of R6173 006 (hereinafter, the “Land”). There is a one-story single-family residence with a basement on the property.

The proposed development is adjoined on the East side of the right-of-way of Indian Trail Lilburn Road, on the three remaining sides by single-family residences under zoning R-75. Pursuant to section 230-90 of the Gwinnett County Unified Development Ordinance (“UDO”), the required buffer is 30 ft along all four sides. The development proposes 20-foot grassed buffer strips and a 6-foot-high fence along property lines on the North, West, and South side of property. The proposed development will include ample vegetative screening within the 20-foot buffer.

Gwinnett County Unified Development Ordinance (UDO) Code Section 610-20.4 B states, “all proposed improvements including, but not limited to, driveway, dumpsters, parking facilities, pavement, or retaining walls will be located a minimum of 5 feet from any buffer”. In addition to these buffer reductions, we request elimination of the buffer at the South West corner of the property to facilitate an Emergency Service Vehicle turnaround. The size and shape of property requires road pavement for fire access turn around to encroach proposed buffer by approximately 20’ x 20’.

The applicant is requesting a variance to build improvements within 5 feet of the structure setback from the buffer and a reduction in the 30-foot buffer to a 20-foot buffer along three sides (North, West, and South)The rezoning of this property with reduced buffers will have no adverse effects on the surrounding properties and provide aesthetically pleasing buffers between the residential neighborhoods on three sides.

Gwinnett County Unified Development Ordinance (UDO) Code requires 4' wide sidewalk with landscape strip on both sides of the private street. Since the South side of "Private Street" does not have any development, the owner/applicant requests to waive the requirements of 4' wide sidewalk with a landscape strip on that side of the street.

Requested variances will not impair or injure other property or improvements in the neighborhoods or impair an adequate supply of light or air to adjacent property. Requested variance will not increase the congestion in the public streets, increase the danger of fire, endanger public safety, or substantially diminish or impair property values within the neighborhood.

If the variance is not granted, the owner/applicant may not be able to develop the site and provide an improved neighborhood. The requested variances are necessary to allow the project to move forward and allow the safe and orderly access and turnaround for Emergency Service Vehicles. This request represents the minimum necessary to afford relief.

The proposed development meets or exceeds the requirements in the UDO and would provide attractive, high-quality housing that is compatible with surrounding land uses and in conformance with the policies and intent of the 2040 plan.

The Owner submits the variance application along with supporting documents in support of this request. We welcome the opportunity to meet with the Gwinnett County officials and Staff to discuss this proposal and answer any questions that may arise. We respectfully request your approval of this variance application.

Sincerely,



Jason E. Williams
Boundary Zone Inc.
Engineer for Owner/Applicant

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2.24.2023

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS 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 REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached "Rezoning Applicant's Response"

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

Please see attached "Rezoning Applicant's Response"

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

Please see attached "Rezoning Applicant's Response"

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

Please see attached "Rezoning Applicant's Response"

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

Please see attached "Rezoning Applicant's Response"

- (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 REZONING:

Please see attached "Rezoning Applicant's Response"

RECEIVED

2.24.2023

REZONING APPLICANT'S RESPONSE
STANDARD GOVERNING THE EXERCISE OF THE ZONING POWER

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

Yes, approval of the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed residential development is compatible with existing residential uses and zoning classifications and will further diversify housing options in the surrounding area.

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

No, approval of the proposed Rezoning Application will not adversely affect the existing use or usability of any the nearby properties. The proposed residential development is compatible with surrounding residential land uses, but will also provide substantial buffering for adjacent properties.

\$

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

Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned.

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

No, approval of the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The proposed development has access to Indian Trail Lilburn Road with convenient connections to Interstate I-85 and Lawrenceville Highway (US Route 29).

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

Yes, approval of the proposed Rezoning Application would be in conformity with the policy and intent of the Gwinnett County 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 REZONING:

The applicant submits that the quality of the proposed homes provides additional supporting grounds for approval of Application.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Jason E. Williams</u>	NAME: <u>Jack Chang</u>
ADDRESS: <u>800 Satellite Blvd.</u>	ADDRESS: <u>3775 Venture Dr., Bldg. D 300</u>
CITY: <u>Suwanee</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30024</u>	STATE: <u>GA</u> ZIP: <u>30096</u>
PHONE: <u>770-271-5772</u>	PHONE: <u>770-871-1530 / 770-945-9153</u>
EMAIL: <u>jwilliams@boundaryzone.com</u>	EMAIL: <u>jackchangcommercial@gmail.com</u>
CONTACT PERSON: <u>Jason E. Williams</u> PHONE: <u>770-571-5772</u>	
CONTACT'S E-MAIL: <u>jwilliams@boundaryzone.com</u>	
APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>R-75</u> REQUESTED ZONING DISTRICT: <u>R-TH</u>	
PARCEL NUMBER(S): <u>R6173 006</u> ACREAGE: <u>1.012</u>	
ADDRESS OF PROPERTY: <u>1047 Indian Trail Lilburn Road, Lilburn, GA 30047</u>	
PROPOSED DEVELOPMENT: <u>Develop to build five Town Homes</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>Five</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>2335 per Unit</u>	Total Building Sq. Ft. _____
Gross Density: <u>+/- 5.00 Units per Acre</u>	Density: _____
Net Density: <u>+/- 5.00 Units per Acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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2.24.2023

REZONING 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.



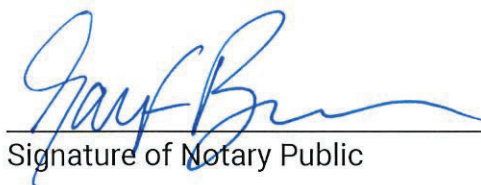
Signature of Applicant

11-18-22

Date

Jason E. Williams, Land Planning Manager

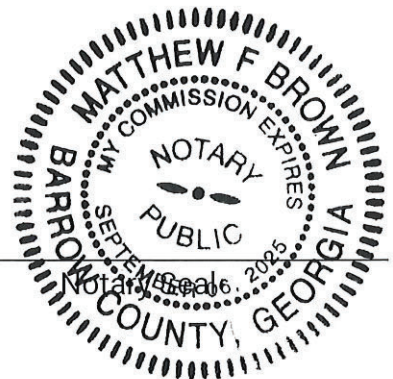
Type or Print Name and Title



Signature of Notary Public

11/18/22

Date



RECEIVED

2.24.2023

REZONING 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

01.09.2023

Date

Martha Sanchez Manager

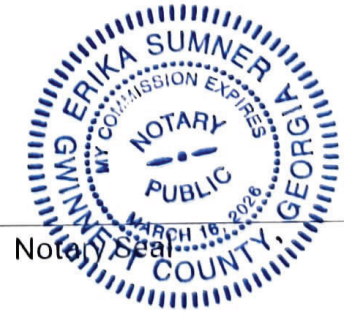
Type or Print Name and Title



Signature of Notary Public

01/09/2023

Date



Notary Seal

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2.24.2023

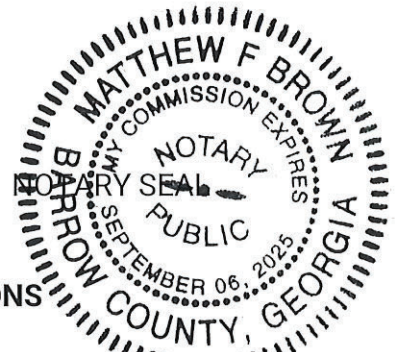
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, 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.

Jason E. Williams 11-18-22 Jason E. Williams
Land Planning Manager
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Jason E. Williams 11-18-22 Jason E. Williams
Land Planning Manager
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

Matthew F. Brown 11/18/22
SIGNATURE OF NOTARY PUBLIC DATE



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 Jack Chang
YOUR NAME

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

NAME AND OFFICAL 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.

Exhibit F: Internal and External Agency Review Comments

[attached]



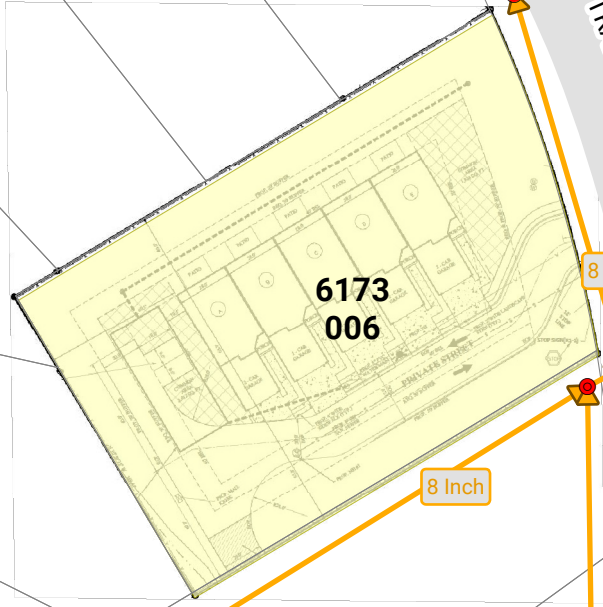
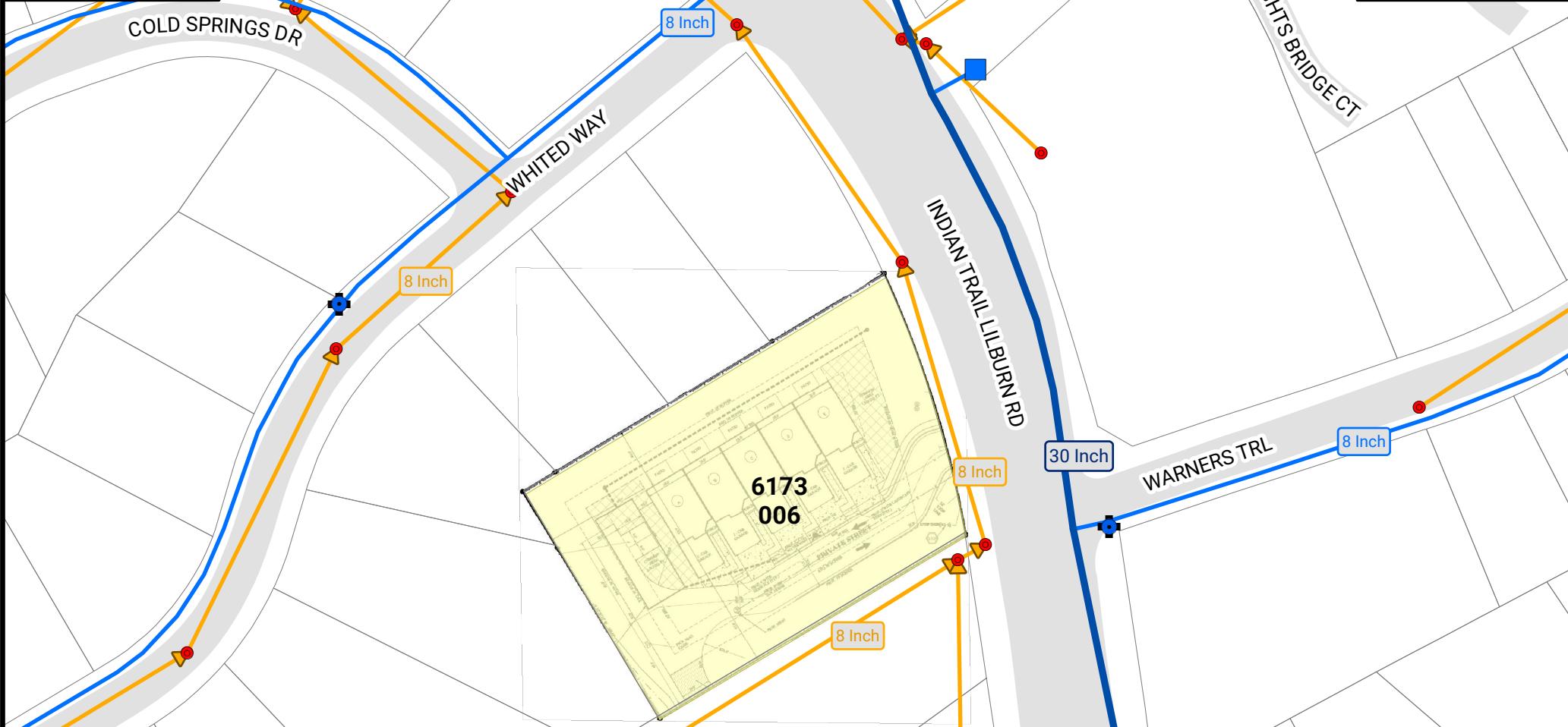
**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		04.05.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZM2023-00011	
Case Address:		1047 Indian Trail Road, Lilburn, 30047	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Indian Trail-Lilburn Road is a major arterial. ADT = 39,639.		
2	300-feet to the nearest transit facility (#2334995) Indian Trail-Lilburn Road and Indian Way.		
3	The developer should consider sight distance as the major factor for development of this site. The minimum allowable sight distance left (SDL) for this site, per number of lanes and speed limit, is 530'. Due to the location of the site in a curve, this minimum sight distance may be difficult to obtain.		
4			
5			
6			
7			
Recommended Zoning Conditions:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	The access point for this site shall be restricted to a right-in/right-out only.		
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@gwinnettcounty.com		
Case Number:		RZM2023-00011		
Case Address:		1047 Indian Trail Lilburn Road		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The proposed development shall connect to the existing 8-inch water main on Warners Trail. Connection to the 30-inch transmission main along Indian Trail Lilburn Road is not allowed; the transmission main must be avoided during all phases of construction.			
2	Sewer: A Sewer Capacity Certification is required to confirm capacity. Pending available capacity, the proposed development may connect to an existing 8-inch sanitary sewer main located on Indian Trail Lilburn Road.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
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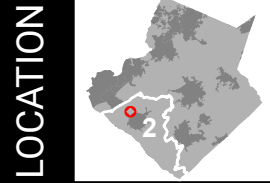
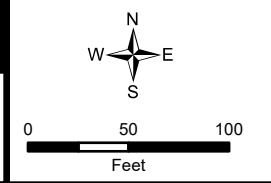


1047 Indian Trail Lilburn Road
R-75 to R-TH

Water & Sewer
Utility Map

LEGEND

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



Water Comments: The proposed development shall connect to the existing 8-inch water main on Warners Trail. Connection to the 30-inch transmission main along Indian Trail Lilburn Road is not allowed; the transmission main must be avoided during all phases of construction.

Sewer Comments: A Sewer Capacity Certification is required to confirm capacity. Pending available capacity, the proposed development may connect to an existing 8-inch sanitary sewer main located on Indian Trail Lilburn Road.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County BOC, May, 2023

											Proposed Zoning
	School	Forecast	2022-23 Capacity	+/- Cap.	Forecast	2023-24 Capacity	+/- Cap.	Forecast	2024-25 Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments
RZM2023-00010	Archer HS	3,129	2,575	554	3,311	2,575	736	3,394	2,575	819	9
	McConnell MS	2,197	1,775	422	2,132	1,775	357	2,164	1,775	389	7
	Cooper ES	1,389	1,625	-236	1,410	1,625	-215	1,431	1,625	-194	14
RZM2023-00011	Berkmar HS	3,034	2,925	109	3,140	2,925	215	3,234	2,925	309	1
	Berkmar MS	1,135	1,100	35	1,122	1,100	22	1,097	1,100	-3	1
	Hopkins ES	1,064	1,500	-436	1,047	1,500	-453	1,035	1,500	-465	1
RZM2023-00009	Peachtree Ridge HS	3,262	3,050	212	3,295	3,050	245	3,271	3,050	221	11
	Hull MS	1,258	1,750	-492	1,271	1,750	-479	1,290	1,750	-460	9
	Burnette ES	744	825	-81	755	825	-70	766	825	-59	16

Exhibit G: Maps

[attached]


COLD SPRINGS DR

WHITED WAY

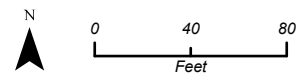
INDIAN TRAIL LILBURN RD

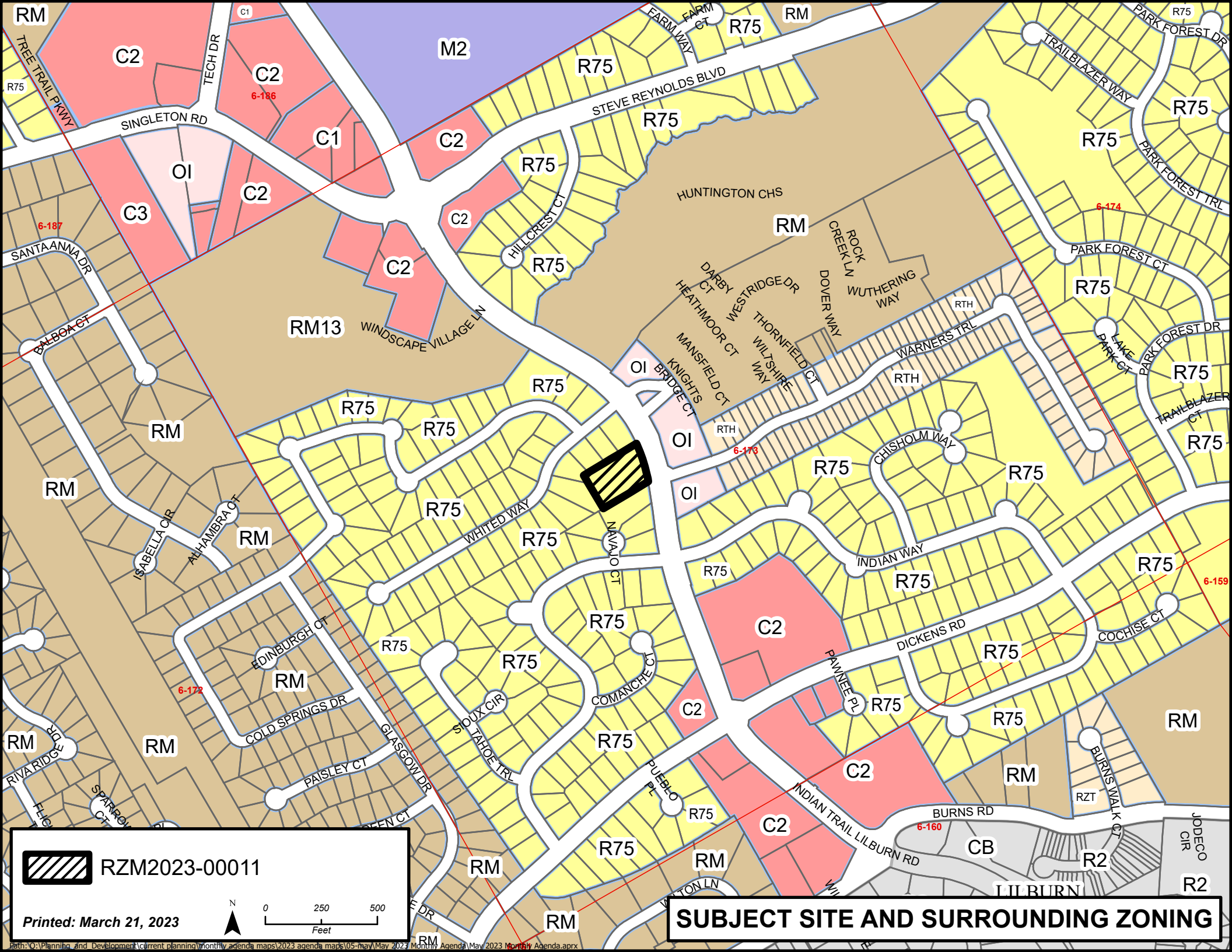
WARNERS TRL


NAVAJO CT

 RZM2023-00011

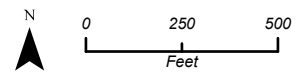
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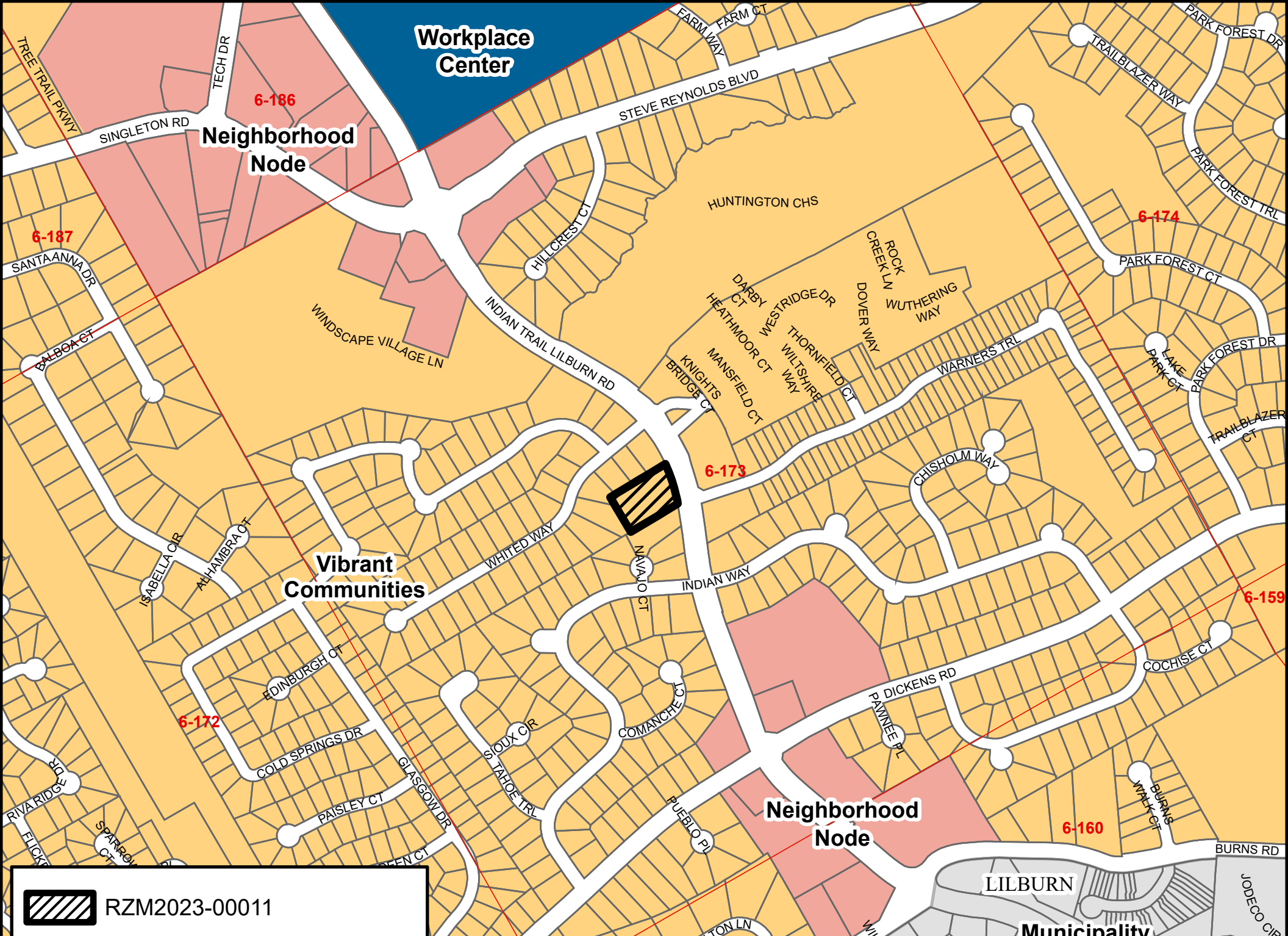


 RZM2023-00011

Printed: March 21, 2023



SUBJECT SITE AND SURROUNDING ZONING



Workplace Center


Neighborhood Node

Vibrant Communities

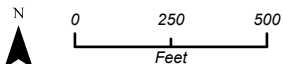
Neighborhood Node

LILBURN

Municipality

 RZM2023-00011

Printed: March 21, 2023



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION