

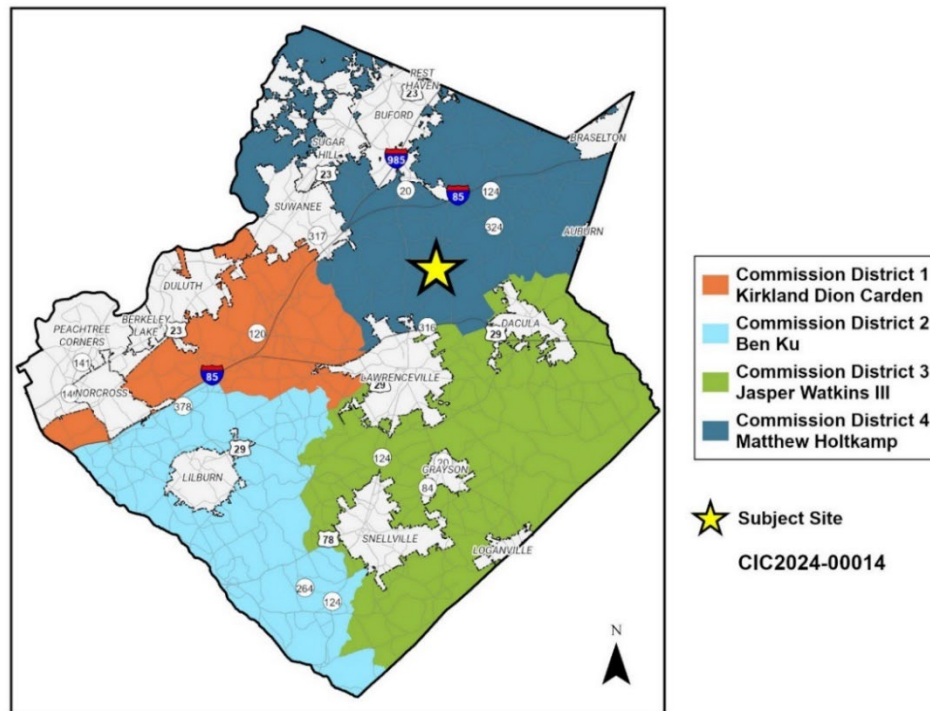


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2024-00014
Current Zoning: R-75 (Single-Family Residence District)
Request: Change in Conditions
Address: 1478 Kim Manor Way
Map Number: R7055 393
Site Area: 0.24 acres
Square Feet: 400
Proposed Development: Accessory Building
Commission District: District 4 – Commissioner Holtkamp
Future Development Type: Suburban Residential

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



**Planning Commission First Advertised Public Hearing Date: 8/6/2024 (Public Hearing Held/
Recommendation Tabled to 9/3/2024)**
Planning Commission Second Advertised Public Hearing Date: 10/1/2024
**Board of Commissioners Advertised Public Hearing Date: 8/27/2024 (Public Hearing Tabled to
10/22/2024)**

Applicant: Pedro Duenas Tovar
1478 Kim Manor Way
Lawrenceville, GA 30043

Owner: Pedro Duenas Tovar
1478 Kim Manor Way
Lawrenceville, GA 30043

Contact: Pedro Duenas Tovar

Contact Phone: 404.925.2074

Zoning History

The subject property is zoned R-75 (Single-Family Residence District), pursuant to RZR2018-00033.

Existing Site Condition

The subject property is a 0.24-acre lot located on Kim Manor Way within the Park Place at Prospect subdivision. Zoning condition 2.H. of RZR2018-00033 requires a 25-foot-wide undisturbed buffer adjacent to residentially-zoned properties. The required buffer was cleared during the development process and has not been replanted. The subject property contains a two-story, single-family residence with a large concrete patio to the rear with a stone wall. A 6-foot-tall wooden fence encloses the back yard of the property, and the fence is currently encroaching onto the adjacent properties to the east and west. An unpermitted, 400 square foot accessory building is located within the required 25-foot-wide undisturbed buffer. The nearest Gwinnett County Transit Stop is 4.3 miles from the subject site.

Surrounding Use and Zoning

The subject property abuts other residences within the Park Place at Prospect subdivision to the north, and west, and is bordered by the subdivision's detention pond to the east. Residences on large lots are located to the south. The following is a summary of the surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	R-75	2.82 units per acre
North	Single-Family Residential	R-75	2.82 units per acre
East	Single-Family Residential	R-75	2.82 units per acre
South	Single-Family Residential	RA-200	0.33 units per acre
West	Single-Family Residential	R-75	2.82 units per acre

Project Summary

The applicant requests a change in conditions to eliminate condition 2.H. of RZR2018-00033 for Lot 1 of the Park Place at Prospect subdivision which requires a 25-foot-wide undisturbed zoning buffer. The proposal includes:

- An unpermitted, 400 square foot accessory building within the rear yard, located five feet from the rear and side property lines, encroaching into the zoning buffer.
- Fiber-cement exterior building materials with colors similar to that of the principal building.
- Relocation of the existing 6-foot-tall wooden fence within the subject property lines.
- A code enforcement case was initiated in December 2023 for the construction of an accessory building without a permit within the required 25-foot-wide undisturbed buffer (CEU2023-12958). A notice of violation was issued in December 2023, and a citation was issued in April 2024.

Zoning and Development Standards

The applicant is requesting a change in conditions to remove a zoning buffer. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Lot Size	Minimum 10,500 square feet	10,500 square feet	YES
Lot Width	Minimum 75'	>75'	YES
Building Height	Maximum 35'	<35'	YES
Front Yard Setback	Minimum 20'	>20'	YES
Side Yard Setback	Minimum 7.5'	>7.5'	YES
Rear Yard Setback	Minimum 25'	>25'	YES
Accessory Building Setback (0-500 sq. ft.)	5'	5'	YES*
Zoning Buffer	25'	0'	NO**

* The accessory building is currently located closer than five feet from the rear property line. The applicant is proposing to move the building at least five feet from the property line.

**The applicant has requested a change in conditions to this requirement.

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 G). 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

Change in Condition 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 270-20.6. After this evaluation, staff makes the following findings based on the standards from the UDO:

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

A 25-foot-wide undisturbed zoning buffer is required as a condition of approval for RZR2018-00033 to mitigate potential negative impact to adjacent low-density residential lots. Allowing the proposal to remove the zoning buffer would not be suitable in view of the use and development of adjacent and nearby property as the buffer would provide additional separation between the subdivision and the existing residences in the surrounding area.

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

The intent of the undisturbed buffer is to mitigate potential negative impact (sound, light, and visibility) to adjacent properties. The condition of approval was due to the contrast in the density and character of the new subdivision and the adjacent existing large lot single-family residences. The requested change in conditions would adversely affect the existing use or usability of adjacent or nearby property.

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

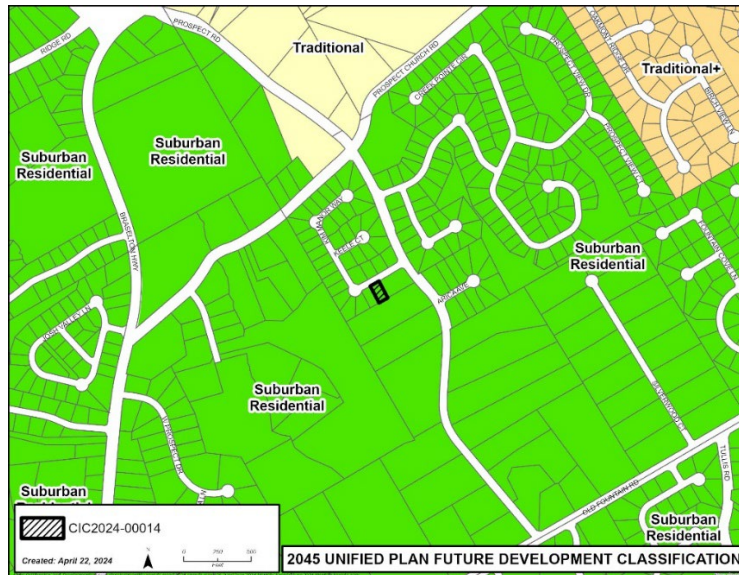
The property has reasonable economic use as currently zoned.

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

The requested change in conditions would not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Agency review comments related to any potential improvements concerning this rezoning request are attached. (Exhibit G).

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

The Unified Plan's Future Development Map indicates "Suburban Residential" for the subject property, which contains established single-family residential development that is not expected to change much over the next two decades. The proposed change in conditions to remove the zoning buffer in the rear of the site would impact adjacent property to the south. Therefore, the proposed change in conditions is not in conformity with the policy and intent of the Unified Plan and Future Development Map.



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 change in conditions.

There are no other conditions giving support for approval or disapproval of the proposal.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the change in conditions request to the existing rezoning.

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

Staff Recommended Conditions

Approval of the change in conditions subject to the following conditions:

I. To restrict the use of the property as follows:

- A. **One** single-family detached dwellings and accessory uses, ~~not to exceed 38 units.~~
- B. The minimum heated floor area ~~per dwelling unit shall be 2,200 square feet for one-story homes and 2,400 square feet for two-story homes.~~
- C. **The dwelling** ~~Homes~~ shall be constructed primarily of brick or stacked stone on front facades, with accents of fiber-cement siding or shake. The balance of the home may be the same or of fiber-cement siding with a minimum 3-foot brick or stacked stone water table.
- D. ~~The~~**All** dwellings shall have at least a double-car garage.

2. ~~To satisfy the following site development considerations:~~

- ~~A. The development shall abide by all applicable standards of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of an administrative variance or by the Zoning Board of Appeals, as appropriate.~~
- ~~B. No direct lot access shall be allowed from Prospect Road or Prospect Church Road.~~
- ~~C. All grassed areas shall be sodded.~~
- ~~D. All utilities shall be placed underground.~~
- ~~E. Natural vegetation shall remain on the property until the issuance of a development permit.~~
- ~~F. The Prospect Road and Prospect Church Road frontages shall be landscaped by the developer and maintained by the Homeowner's Association. Entrances shall include decorative masonry entrance features. Landscape and entrance feature plans shall be subject to review and approval of the Director of Planning and Development.~~
- ~~G. A specimen tree concept plan and tree survey shall be required prior to the submittal of a development permit application.~~
- ~~H. Provide a 25-foot wide undisturbed buffer along the perimeter of the property, adjacent to residentially-zoned properties.~~

3. ~~Abide by the following requirements, dedications and improvements:~~

- ~~A. Dedicate a 20-foot right-of-way miter at the intersection of Prospect Road and Prospect Church Road, as depicted on the miter exhibit presented at the November 7, 2018 Planning Commission public hearing.~~

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 change in conditions request.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Previously Adopted Resolution (RZR2018-00033)
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Code Enforcement Report (CEU2023-12958)
- G. Internal and External Agency Review Comments
- H. Maps
- I. Documents Presented at the October 1, 2024, Planning Commission Public Hearing

Exhibit A: Site Visit Photos



View of the existing accessory building



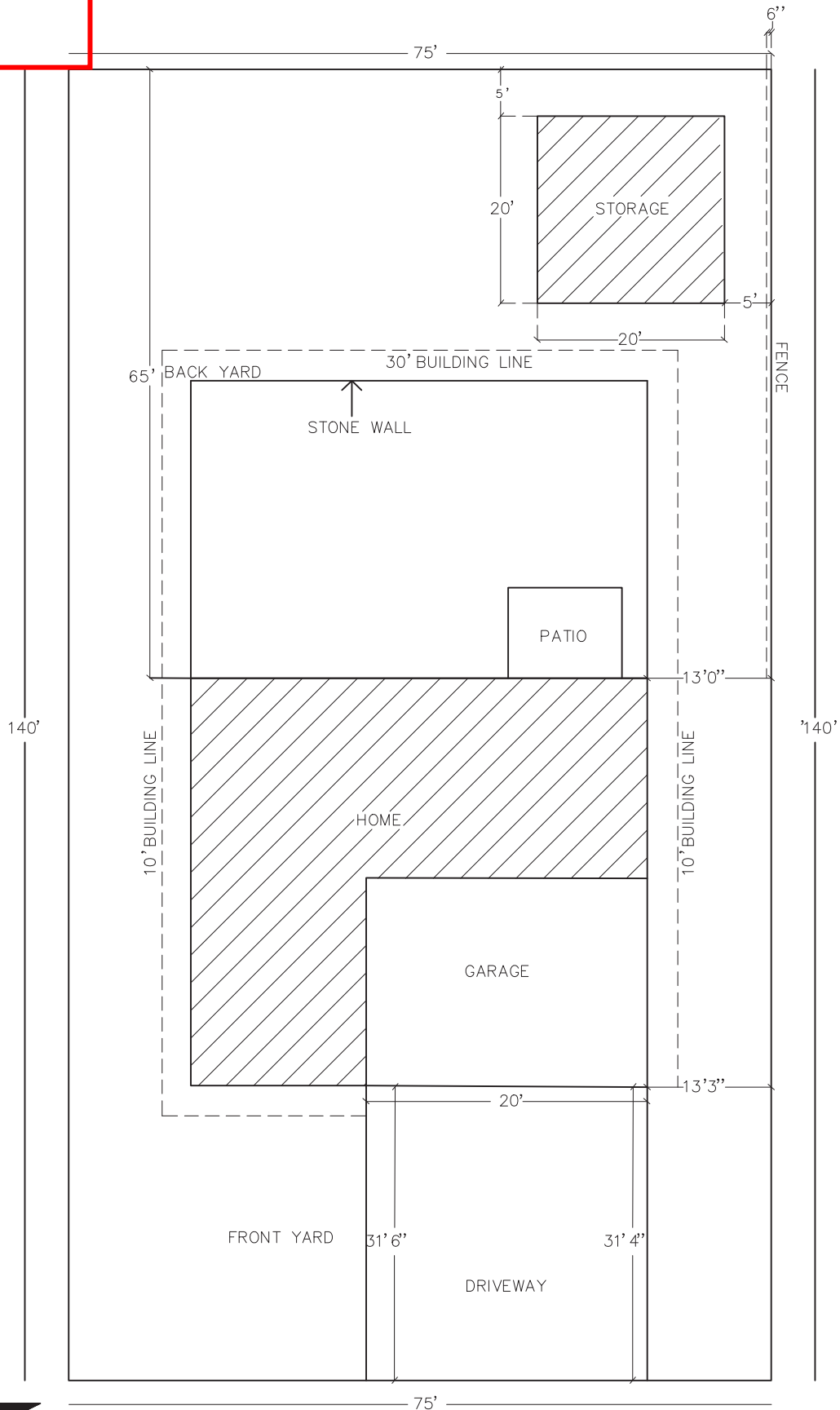
View of the accessory building within the undisturbed buffer

Exhibit B: Site Plan

[attached]

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04/15/2024



KIM MANOR WAY STREET

Exhibit C: Previously Adopted Resolution (RZR2018-00033)

[attached]

WINNETT COUNTY
PLANNING AND DEVELOPMENT

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4/15/2024

WINNETT COUNTY

BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: AMENDMENT TO THE OFFICIAL ZONING MAP

ADOPTION DATE: DECEMBER 18, 2018

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

	<u>Present</u>	<u>Vote</u>
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

On motion of COMM. HEARD, which carried 5-0, the following Resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from RA-200 to R-75 by HODGES FAMILY PROPERTIES for the proposed use of a SINGLE-FAMILY SUBDIVISION on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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4/15/2024

CASE NUMBER RZR2018-00033

GCID 2018-1494

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on DECEMBER 18, 2018 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this the 18th day of DECEMBER 2018, that the aforesaid application to amend the Official Zoning Map from RA-200 to R-75 is hereby **APPROVED** with the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Single-family detached dwellings and accessory uses, not to exceed 38 units.
 - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet for one-story homes and 2,400 square feet for two-story homes.
 - C. Homes shall be constructed primarily of brick or stacked stone on front facades, with accents of fiber-cement siding or shake. The balance of the home may be the same or of fiber-cement siding with a minimum 3-foot brick or stacked stone water table.
 - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
 - A. The development shall abide by all applicable standards of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of an administrative variance or by the Zoning Board of Appeals, as appropriate.
 - B. No direct lot access shall be allowed from Prospect Road or Prospect Church Road.
 - C. All grassed areas shall be sodded.

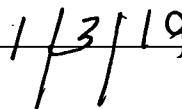
- D. All utilities shall be placed underground.
 - E. Natural vegetation shall remain on the property until the issuance of a development permit.
 - F. The Prospect Road and Prospect Church Road frontages shall be landscaped by the developer and maintained by the Homeowner's Association. Entrances shall include decorative masonry entrance features. Landscape and entrance feature plans shall be subject to review and approval of the Director of Planning and Development.
 - G. A specimen tree concept plan and tree survey shall be required prior to the submittal of a development permit application.
 - H. Provide a 25-foot wide undisturbed buffer along the perimeter of the property, adjacent to residentially-zoned properties.
3. Abide by the following requirements, dedications and improvements:
- A. Dedicate a 20-foot right-of-way miter at the intersection of Prospect Road and Prospect Church Road, as depicted on the miter exhibit presented at the November 7, 2018 Planning Commission public hearing.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____


Charlotte J. Nash, Chairman

Date Signed: _____



ATTEST:


County Clerk/Deputy County Clerk

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

[attached]

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4/15/2024

Dear, To whom it may concern

I am writing to address the concern regarding the setback distance of the shed constructed in my backyard. I understand that it does not currently meet the required distance from the buffer as stipulated by local zoning regulations.

After careful consideration, I respectfully request to strike out completely the condition of providing a 25-foot wide undisturbed buffer along the perimeter of the property, adjacent to residentially-zoned properties. RA-200 to R-75 Number 2 section H.

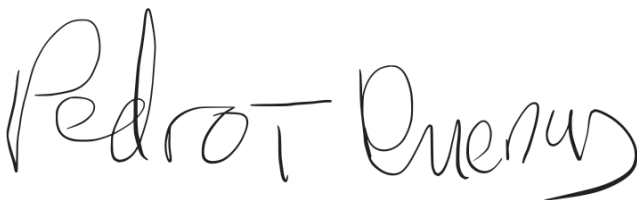
After careful consultation, I have decided to relocate the storage structure on my property. The purpose of this relocation is to follow the regulations given to me by Gwinnett County. Specifically, I intend to move the storage unit approximately five feet towards the property line. Furthermore, I have also decided to remove the fence along the retention pond side of my property. I will also be moving the fence from the opposite side ensuring it is within my property.

The shed is used as storage. It provides an area for me to store my work tools and lawn maintenance equipment and other home equipment such as bikes and holiday decor for my home. When building the storage I had careful consideration for the aesthetic of my property and nearby properties as well.

I appreciate your attention to this matter and am hopeful for a favorable resolution that allows me to retain the shed in its current position. Please let me know if there are any further steps or procedures I should follow in pursuing this process.

Sincerely,

Pedro Duenas Tovar

A handwritten signature in black ink that reads "Pedro Duenas". The signature is written in a cursive, flowing style.

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4/15/2024

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 attachment as necessary:

- (A) Whether a proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property:

The shed does not block any views of nearby property

- (B) Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property:

The shed does not affect the usability of nearby property

- (C) Whether the property to be affected by a proposed change in conditions has reasonable economic use as currently zoned:

It does not, it is only used as storage

- (D) Whether the proposed change in conditions will result in a use which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

It does not, it's located in the backyard of the home

- (E) Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map:

It does not effect any future development map, the storage will remain in the same location

- (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 change in conditions:

It does not the only change in conditions it affects is the one we request to eliminate

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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4/15/2024

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: <u>Pedro Duenas Tovar</u>	Name: <u>Pedro Duenas Tovar</u>
Address: <u>1478 Kim Manor Way</u>	Address: <u>1478 kim manor way</u>
City: <u>Lawrenceville</u>	City: <u>Lawrenceville</u>
State: <u>GA</u> ZIP: <u>30043</u>	State: <u>GA</u> ZIP: <u>30043</u>
Phone: <u>(404) 925-2074</u>	Phone: <u>(404) 925-2074</u>
Email: <u>Pedrodt2010@hotmail.com</u>	Email: <u>Pedrodt2010@hotmail.com</u>
Contact Person: <u>Pedro Duenas</u> Phone: <u>(404) 925-2074</u>	
Contact's Email: <u>pedrodt2010@hotmail.com</u>	
APPLICANT IS THE: <input type="checkbox"/> Owner's Agent <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser	
Zoning District(s): <u>Gwinnett</u> Prior Zoning Case No.: <u>BZR2018-00033</u>	
Parcel Number(s): <u>R7055 393</u> Acreage: <u>.24</u>	
Property Address(es): <u>1478 Kim Manor Way Lawrenceville, Ga 30043</u> to remove condition 2H of RZR2018-00033	
Proposed Change in Conditions: _____	
Variance(s): _____ Waiver(s): _____	
RESIDENTIAL DEVELOPMENT: No. of Dwelling Units: <u>1</u> Dwelling Unit Sq. Ft.: <u>400</u> Density: _____ Floor Area Ratio (LRR, MRR, HRR): _____	NON-RESIDENTIAL DEVELOPMENT No. of Buildings: _____ Total Building Sq. Ft.: _____ Floor Area Ratio: _____
MIXED-USE DEVELOPMENT No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____ Total Non-Residential Sq. Ft.: _____ Floor Area Ratio: _____	

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4/15/2024

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CHANGE IN CONDITIONS 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 six (6) months from the date of last action by the Board of Commissioners.

Pedro Duenas

Signature of Property Owner

2/21/24

Date

Pedro Duenas Tovar
Type or Print Name and Title

[Signature]

Signature of Notary Public

02/21/24

Date

CHI NGO
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires April 10, 2026

Notary Seal

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4/15/2024

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CHANGE IN CONDITIONS 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 six (6) months from the date of last action by the Board of Commissioners.

Pedro Duenas

Signature of Applicant

2/21/24

Date

Pedro Duenas Tovar

Type or Print Name and Title

[Signature]
CHI NGO
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires April 10, 2026

Signature of Notary Public

02/21/24

Date

CHI NGO
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires April 10, 2026

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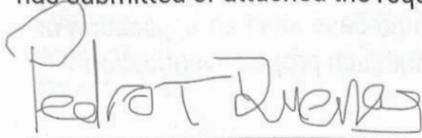
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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.



2/20/22

Pedro Duenas

Signature of Applicant

Date

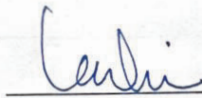
Type of Print Name and Title



2/21/24

Type or Print Name and Title

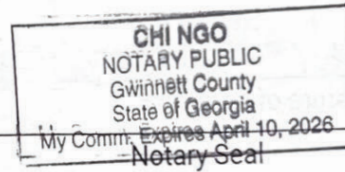
Signature of Applicant's
Attorney or Representative



02/21/24

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?

☐ Yes

☒ No

Pedro Duenas Tovar

(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.

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4/15/2024



**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

The undersigned below is authorized to make this application. The undersigned certifies that all Gwinnett County property taxes billed to date for the parcel listed below have been paid in full to the Gwinnett County Tax Commissioner. In no case shall an application or reapplication for change in conditions be processed without such property verification.

A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE CHANGE IN CONDITIONS REQUEST.

Parcel I.D. Number: R7055 393
(Map Reference Number)

Pedro Dueñas
Signature of Applicant

2/20/22
Date

Pedro Dueñas Tovar
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE. THIS FORM MUST BE SIGNED BY A REPRESENTATIVE OF THE TAX COMMISSIONER'S OFFICE.

TAX COMMISSIONERS USE ONLY

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.

Vicki Schokky
Name
2/21/2024
Date

TSAT
Title

Exhibit F: Code Enforcement Report (CEU2023-12958)

[attached]

GWINNETT COUNTY

CASE NUMBER : CEU2023-12958

PRIMARY ADDRESS:	1478 KIM MANOR WAY, LAWRENCEVILLE, GA 30043
RECEIVED DATE:	12/14/2023
APPLICATION STATUS:	Court Inspection - Scheduled
DESCRIPTION:	large shed in rear yard did not have a permit and is not setback enough from property line. * see email attached
PARCEL NUMBER:	7055 393
APPLICATION / PROJECT NAME:	

OWNER INFORMATION

OWNER NAME	ADDRESS	PHONE#	CITY/STATE/ZIP
DUEÑAS PEDRO	1478 KIM MANOR WAY		LAWRENCEVILLE, GA, 30043-6561

CONTACTS INFORMATION

CONTACTS ROLE	NAME	ADDRESS	PHONE#	CITY/STATE/ZIP
Complainant	THOMAS PHILLIPS	1400 Prospect Road	404-271-4197	LAWRENCEVILLE GA 30043

CASE INFORMATION

COMPLAINANT

E-MAIL:	NA
FIRST NAME:	NA
LAST NAME:	NA
MULTIFAMILY UNIT:	NO
PHONE:	NA

GIS INFO

CENSUS TRACT:	UNDEFINED
CODE ENFORCEMENT ZONES:	4C
COMMISSION DISTRICT:	UNDEFINED
GET UPDATED GIS INFO:	NO
LAND USE:	UNDEFINED
POLICE G ZONES:	UNDEFINED
POLICE PRECINCT:	UNDEFINED
SUBDIVISION:	UNDEFINED
ZONING DISTRICT:	UNDEFINED

INSPECTION DETAILS

SELECT A DATE:	01/01/2000
SELECT A TIME SLOT:	NA

LOCATION OF VIOLATION

LOCATION OF VIOLATION:	EXTERIOR
------------------------	----------

MISCELLANEOUS

CIC2024-00014	Page 26 of 40	RP
BUILDING PERMIT REQUIRED:	CHECKED	

GWINNETT COUNTY

CASE NUMBER : CEU2023-12958

OVERRIDE CITY/COUNTY EXCLUSION?:	NO
ZONING RESOLUTION	
ACCESSORY STRUCTURES:	CHECKED
OVERLAY DISTRICT:	UNDEFINED

INSPECTIONS						
Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Court Inspection	4/19/2024	7/22/2024	4/19/2024	Scheduled	Thomas Mulheron	
Re-Inspection	2/28/2024	4/23/2024	4/19/2024	Citation Issued	Thomas Mulheron	Citations issued CE06047 Conditions of Zoning
Re-Inspection	1/30/2024	2/27/2024	2/28/2024	Not Complied	Thomas Mulheron	<p>Owners Variance request was denied and is now moving forward with a request of "change of conditions" Owner will make last effort to keep from removing the building. (NO PICS in this inspection)</p> <p>See below email from Planner 1 Rebecca Payote</p> <p>I did hear back from the owner of this property. He has opted to move forward with the change in conditions. I was transparent that it is unlikely the department would support the request and that we would be recommending denial but he did choose to move forward as a last-effort attempt to keep the shed. I personally wish him luck and am walking him through that process now.</p> <p>Feel free to reach out if you need anything else from me. Rebecca Payote Planner I Planning and Development 678.518.6051 446 West Crogan Street Lawrenceville, GA 30046 GwinnettCounty.com Follow us @GwinnettGov and sign up for email newsletters!</p>
Re-Inspection	1/16/2024	1/30/2024	1/30/2024	Not Complied	Thomas Mulheron	<p>Owner called this morning, stating they had a Pre Application meeting with planning today and they told the owner that needed to be moved but the owner was confused to how much and where. Owner also stated that the planning people in meeting said they needed to get back with him. I will try to find those planners in meeting and get some clarification on next steps</p>
Re-Inspection	1/2/2024	1/16/2024	1/16/2024	Extension Granted	Thomas Mulheron	Talked to owner who submitted the application for a variance and the application meeting is scheduled for the 30th.
Re-Inspection	12/18/2023	1/2/2024	1/2/2024	Extension Granted	Thomas Mulheron	SPOKE WITH OWNER AND STATED HE HAS SUBMITTED PAPERWORK OR VARIANCE ON 12/28/23

GWINNETT COUNTY

CASE NUMBER : CEU2023-12958

Initial Inspection	12/18/2023	12/18/2023	12/18/2023	Field Official Notice	Thomas Mulheron	PEDRO DUENAS/ELIZABETH ACOSTA 404.394.9868/404.925.2074 - MET WITH OWNER'S WIFE AND ADVISED HER OF THE VIOLATIONS REGARDING SHED WITHIN THE UNDISTRBD BUFFER AND PERMIT REQUIRED FOR SHED OF THAT SIZE.
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WORKFLOW HISTORY

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	12/14/2023	12/14/2023	2/28/2024	Not Complied	Thomas Mulheron	Reinspection - Not Complied
Enforcement	12/14/2023	12/14/2023	2/28/2024	Not Complied	Thomas Mulheron	Reinspection - Not Complied
Enforcement	12/14/2023	12/14/2023	1/30/2024	Not Complied	Thomas Mulheron	Reinspection - Not Complied
Enforcement Intake	12/14/2023	12/14/2023	12/14/2023	Complaint Accepted	Thor Neff	

CASE ACTIVITIES

Activity Type	Activity Name	Date	Staff	Activity Description
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Violation Table

Violation Ordinance	Violation Code Section	Violation Code Section	Date of Violation	Compliance Date	Status of Violation
Construction Code	106.1 BUILDING PERMIT REQUIRED	106.1 BUILDING PERMIT REQUIRED	12/18/2023	01/02/2024	Not Met
Unified Development Ordinance	230-100.1 NON-PERMITTED USE	230-100.1 NON-PERMITTED USE	12/18/2023	01/02/2024	Not Met
Unified Development Ordinance	230-120.12.C ACCESSORY BUILDINGS	230-120.12.C ACCESSORY BUILDINGS	12/18/2023	01/02/2024	Not Met
Unified Development Ordinance	230-120.3 LOCATION	230-120.3 LOCATION	12/18/2023	01/02/2024	Not Met

Citation Table

Ordinance	Code Section	Date of Citation	Citation Number	Court Date
Unified Development Ordinance	270-40.4 VIOLATION /CONDITIONS	04/19/2024	CE06047	07/23/2024

DOCUMENTS

Doc Name	File Name	Description	Uploaded By	Uploaded On
COMPLAINT	Fwd 11.30.2023 ILLEGAL DUMPING pictures.msg		TDNEFF	12/14/2023
photo_20231218_113433_000.jpg	photo_20231218_113433_000.jpg		THMULHERON	12/18/2023
photo_20231218_120255_000.jpg	photo_20231218_120255_000.jpg	NOV	THMULHERON	12/18/2023
photo_20231218_113422_000.jpg	photo_20231218_113422_000.jpg	FRONT OF HOUSE	THMULHERON	12/18/2023
photo_20231218_113052_000.jpg	photo_20231218_113052_000.jpg	SHED IN REAR YARD	THMULHERON	12/18/2023
photo_20231218_113132_000.jpg	photo_20231218_113132_000.jpg	LEFT SIDE	THMULHERON	12/18/2023
photo_20231218_110804_000.jpg	photo_20231218_110804_000.jpg	REAR VIEW FROM NEIGHBORS PROPERTY	THMULHERON	12/18/2023
photo_20240102_092133_000.jpg	photo_20240102_092133_000.jpg	LEFT SIDE SHED IN REAR	CJMORA	1/2/2024
photo_20240102_092153_000.jpg	photo_20240102_092153_000.jpg	FRONT OF HOUSE	CJMORA	1/2/2024
photo_20240102_092203_000.jpg	photo_20240102_092203_000.jpg	FRONT OF HOUSE - STREET VIEW	CJMORA	1/2/2024
photo_20240116_110204_000.jpg	photo_20240116_110204_000.jpg	BUILDING IN REAR YARD WITHOUT A PERMIT	THMULHERON	1/16/2024
photo_20240116_110207_000.jpg	photo_20240116_110207_000.jpg	BUILDING IN REAR YARD WITHOUT A PERMIT	THMULHERON	1/16/2024
photo_20240116_110234_000.jpg	photo_20240116_110234_000.jpg	LEFT SIDE	THMULHERON	1/16/2024

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RP

GWINNETT COUNTY

CASE NUMBER : CEU2023-12958

photo_20240116_110243_000.jpg	photo_20240116_110243_000.jpg	FRONT OF HOUSE	THMULHERON	1/16/2024
photo_20240116_110253_000.jpg	photo_20240116_110253_000.jpg	RIGHT SIDE	THMULHERON	1/16/2024
photo_20240130_111035_000.jpg	photo_20240130_111035_000.jpg	ACCESSORY STRUCTURE IN REAR	THMULHERON	1/30/2024
photo_20240130_111405_000.jpg	photo_20240130_111405_000.jpg	FRONT OF HOUSE	THMULHERON	1/30/2024
photo_20240130_111415_000.jpg	photo_20240130_111415_000.jpg	RIGHT SIDE	THMULHERON	1/30/2024
CIC Application	CIC2024-00014 - 1478 Kim Manor way.pdf	CIC Application	THMULHERON	4/19/2024
photo_20240419_125547_000.jpg	photo_20240419_125547_000.jpg	SHED IN REAR YARD	THMULHERON	4/19/2024
photo_20240419_125545_000.jpg	photo_20240419_125545_000.jpg	SHED IN REAR YARD	THMULHERON	4/19/2024
photo_20240419_125458_000.jpg	photo_20240419_125458_000.jpg	FRONT OF HOUSE	THMULHERON	4/19/2024
photo_20240419_125442_000.jpg	photo_20240419_125442_000.jpg	SHED IN REAR YARD	THMULHERON	4/19/2024

Comments		
View id	Comment	Date
THMULHERON	CIC application received 4-15-24 and approved to be reviewed by planning board. Will go into the paper in May for 15 days, Scheduled for Planning Commission review of application on June 4th, Board Review scheduled for June 25.	4/23/2024
NITUCKER	Citation and paperwork for court given to Thor	4/22/2024
THMULHERON	Talked to planning and the Application for CIC has been received. According to Yaslin Turruvates, The CIC will be posted in the local paper in May and will go before the Planning Commission hearing on June 4th and then the BOC on June 25th. That is the schedule as we see it today	4/19/2024
THMULHERON	I have reached out to owner a few times in last two weeks to meet with him to discuss property. I received a text back today saying he has been working in Knoxville last few weeks and can look to schedule a meeting next week.	4/10/2024
THMULHERON	<p>COMPLAINANT'S RECENT EMAIL TO COMMISSIONERS REGARDING COMPLAINT:</p> <p>Greetings Gwinnett County Board of Commissioners,</p> <p>We are including all of our previous email communications (beginning in 2018) into this email communication to highlight all of the time, mental anguish, financial investment, attorney fees, etc. the Gwinnett County Board's approval of this development has had on our family as Gwinnett County residents. Gwinnett County has binding guidelines, restrictions, and codes to which each resident residing in the county has an obligation to adhere. Please see the attached email of the current situation of a resident in the Park Place at Prospect Subdivision violating the Gwinnett County Board of Commissioners approved plat (Number SDP2019-00036) of a required undisturbed 25ft buffer between the development and our property. The resident at 1478 Kim Manor Way has chosen to erect a noncompliant structure within the required undisturbed 25ft buffer. In addition (per the attached email), this noncompliant structure does not adhere to the Gwinnett County Code (according to Gwinnett County Code Enforcement Officer Mulheron Thomas.Mulheron@GwinnettCounty.com) in the following ways: (1). The structure exceeds the 120 square footage limit. (2). There is not the required 15 foot setback of the structure from our property line. (3). This noncompliant structure was constructed and erected without a Gwinnett County Permit. In conclusion, we are seeking a resolution to this matter from the Gwinnett County Board of Commissioners. Our position is to ensure that all parties have the legal and binding information to prevent additional residents (along our property line) in the Park Place at Prospect Subdivision from constructing and erecting structures that are noncompliant with Gwinnett County Code and Regulations and to ensure the residents at 1478 Kim Manor Way are compliant with the Gwinnett County Code and Gwinnett County Plat that was approved in 2019.</p> <p>Professional Regards, Dr. Daundria Phillips and Thomas A. Phillips 404-643-2190</p>	1/2/2024
THMULHERON	TALKED TO OWNER OF THE PROPERTY AND HE SAID HE HAS SUBMITTED HIS VARIANCE REQUEST FOR THE SHED BEING IN THE BUFFER	12/28/2023
THMULHERON	COMPLAINANT: THOMAS PHILLIPS 404.643.2190	12/18/2023
JSBOYCE	<p>Water records contact information:</p> <p>Pedro Duenas: 404.925.2074</p> <p>pedrodt2010@hotmail.com</p>	12/14/2023

Exhibit G: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		05.03.2024	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		CIC2024-00014	
Case Address:		1478 Kim Manor Way, Lawrenceville, 30043	
	Comments:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Kim Manor Way is a local street. ADT is not on file.		
2	4.3 miles to the nearest transit facility (#2454819) located at Collins Hill Road and Collins Industrial Way.		
3			
4			
5			
6			
7			
	Recommended Zoning Conditions:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

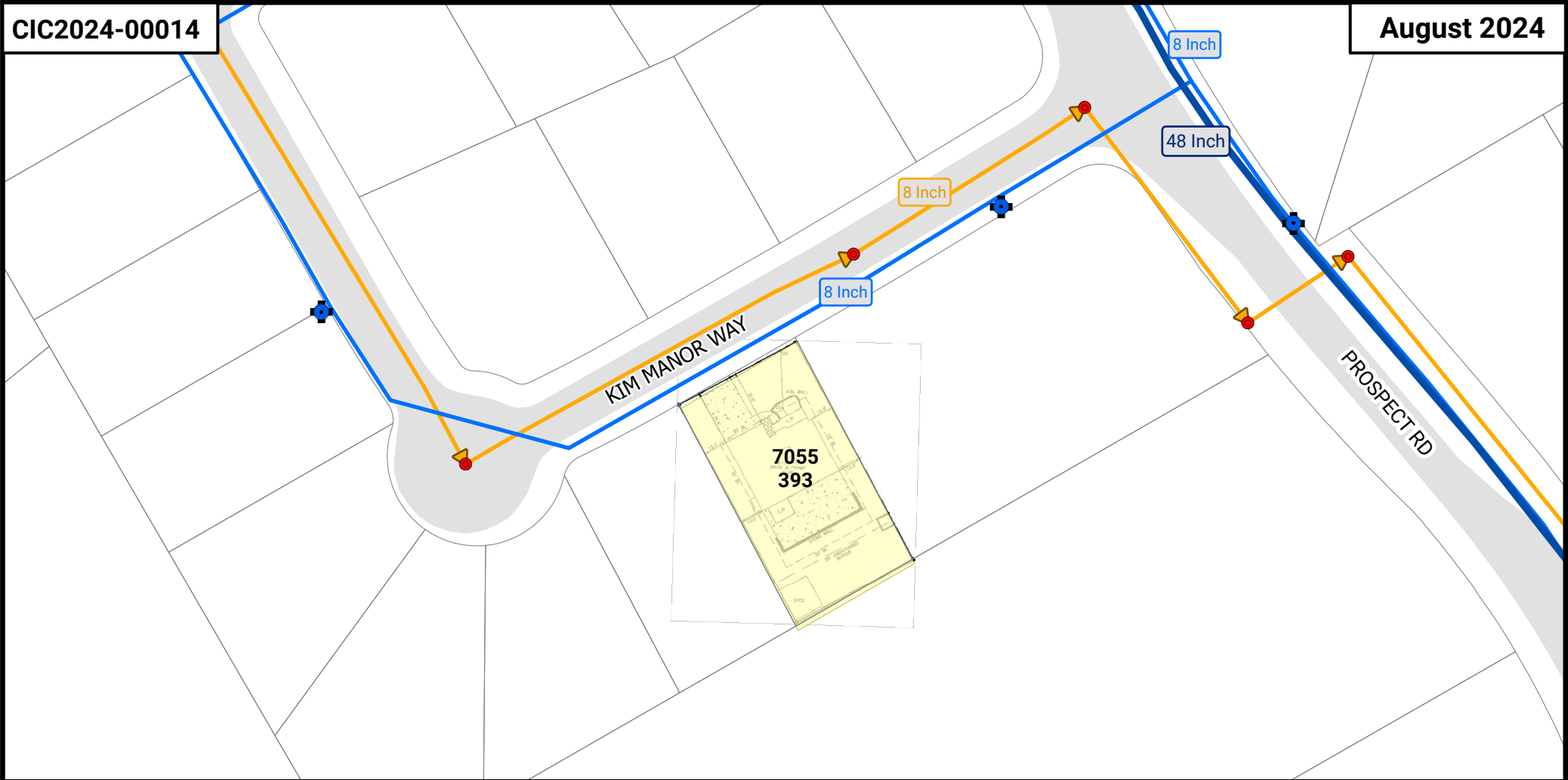


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

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:		CIC2024-00014		
Case Address:		1478 Kim Manor Way		
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> X NO
1	Water: GCDWR does not have comments for this Change in Conditions. The existing facility is connected to public water.			
2	Sewer: GCDWR does not have comments for this Change in Conditions. The existing facility is connected to public sewer.			
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				

Note: Attach additional pages, if needed

Revised 7/26/2021



LEGEND

Water Main
 Hydrant

Manhole
 Sewer Collector

1478 Kim Manor Way

Water & Sewer Utility Map

LOCATION

Water Comments: GCDWR does not have comments for this Change in Conditions. The existing facility is connected to public water.

Sewer Comments: GCDWR does not have comments for this Change in Conditions. The existing facility is connected to public sewer.

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.

Exhibit H: Maps

[attached]



CIC2024-00014

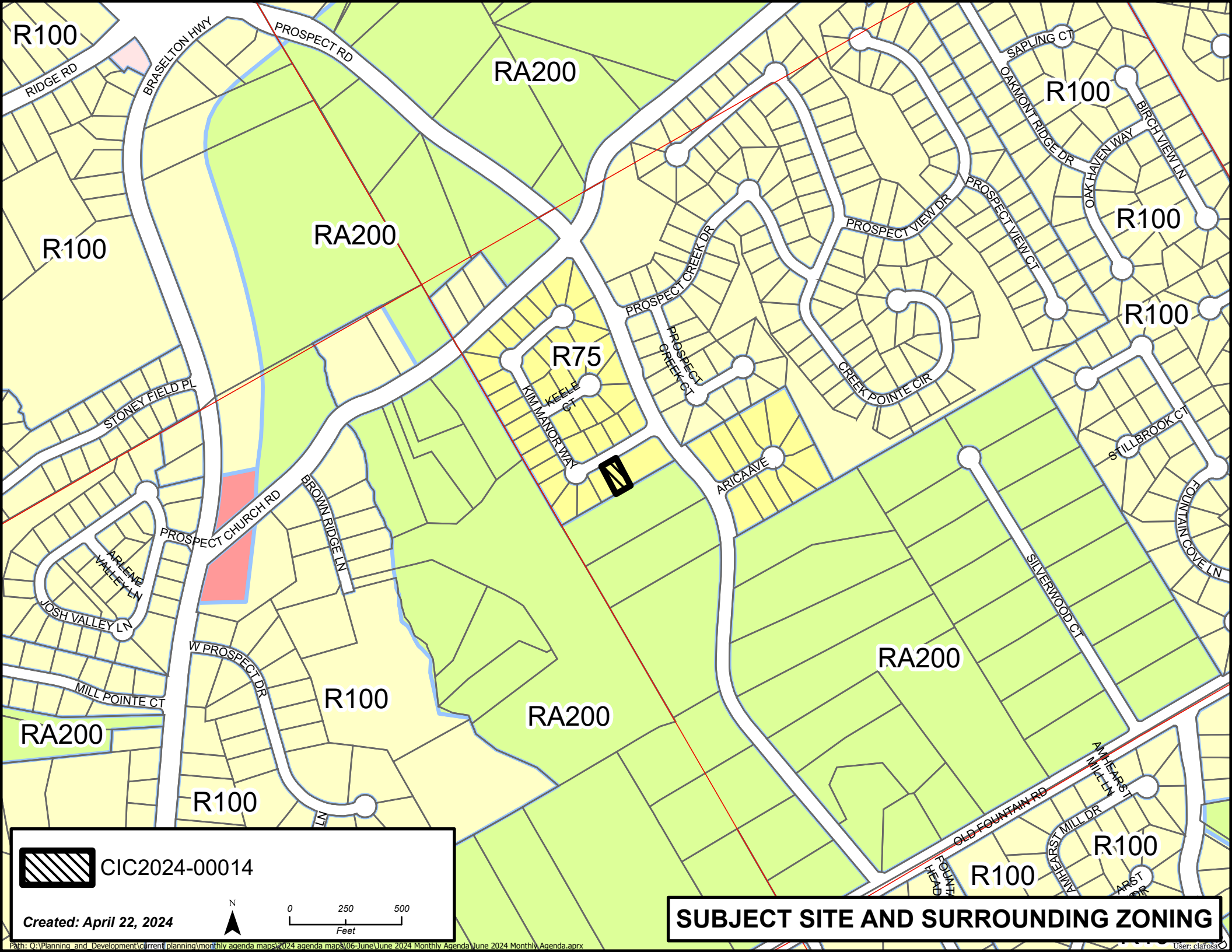
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Feet

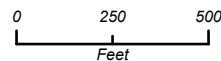
Gwinnett County GIS

User: clarosa

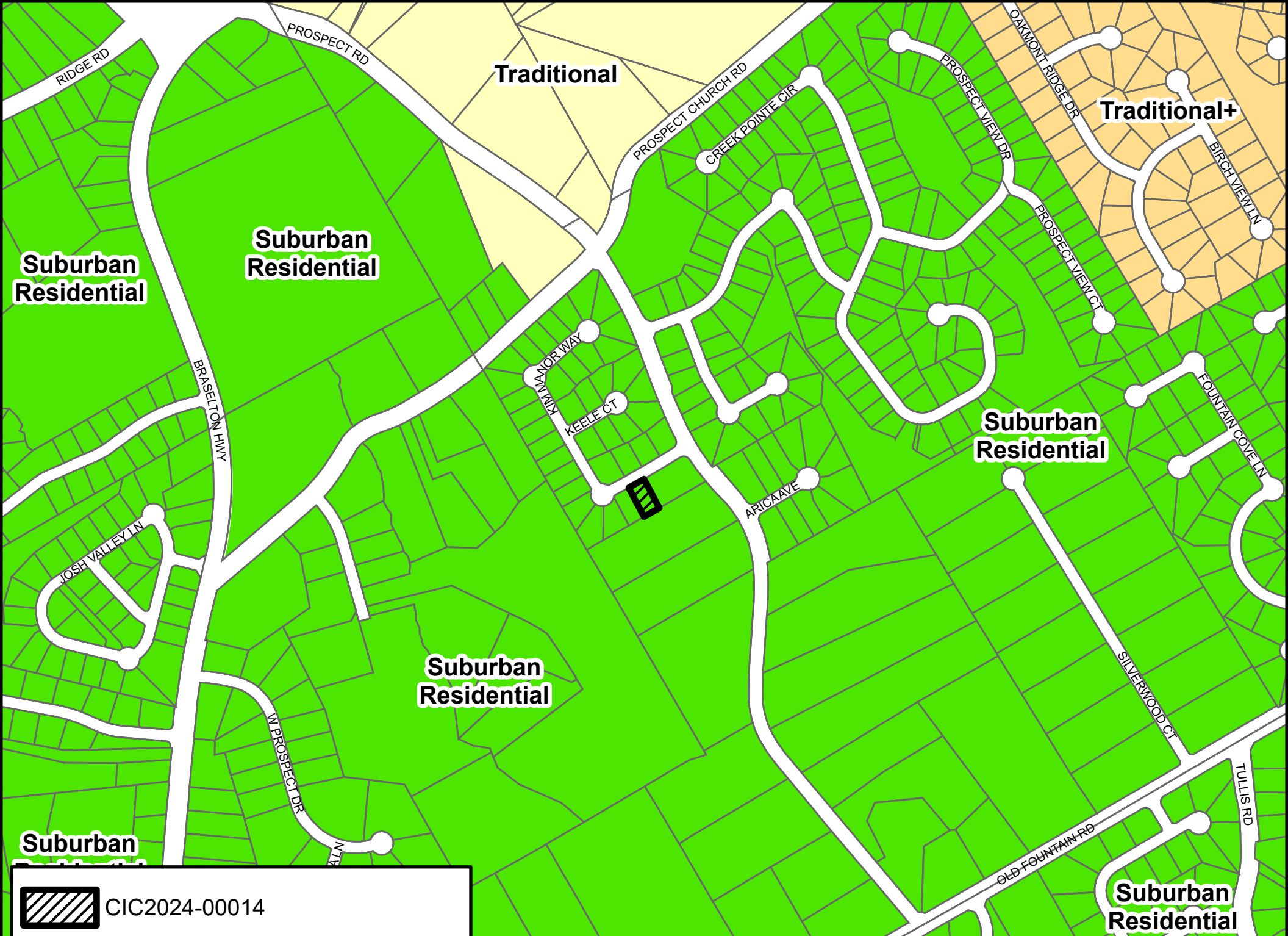



CIC2024-00014

Created: April 22, 2024




SUBJECT SITE AND SURROUNDING ZONING



**CIC2024-00014**

Created: April 22, 2024



2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

Exhibit I: Documents Presented at the October 1, 2024, Planning Commission Public Hearing

[attached]



