

**Zoning Board of Appeals Minutes**  
**Tuesday, October 12, 2021, at 6:30pm**  
75 Langley Drive, Lawrenceville, GA 30046

Present: Paula Hastings, Jason Graham, Jeff Timler, Matt Peevy, Jim Nash

Staff Members Present: Susan Canon, Cyndi Sloan, Catherine Long, David Schlifka

- A. Call to Order, Moment of Silence, Pledge to Flag**
- B. Opening Remarks by Chairwoman and Rules of Order**
- C. Approval of Agenda:**  
{Action: Approved Motion: Peevy; Second: Nash; Vote: 5-0: Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}
- D. Approval of Minutes: September 14, 2021**  
{Action: Approved Motion: Graham; Second: Peevy; Vote: 5-0: Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}
- E. Old Business**
  - 1. Case Number: **ZVR2021-00082 (Public Hearing Held)**  
Applicant: Diana Carolina Olaya  
Phone Number: 404.644.8074  
Zoning: R-100 (Single-Family Residence District)  
Location: 2295 Castle Royale Drive  
Map Number: R7057 127  
Proposed Development: Recreational Vehicle Parking  
Variance Requested: Allow parking of recreational vehicle or non-motor vehicle in front yard  
Commission District: (4) Fosque  
{Action: Denied Motion: Hastings; Second: Nash; Vote: 3-0-1; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy-Abstained; Nash-Yes}

2. Case Number: **ZVR2021-00084 (Public Hearing Held)**  
Applicant: Marcella Cox  
Phone Number: 404.889.9221  
Zoning: R-100 (Single-Family Residence District)  
Location: 4970 Hodgkins Place  
Map Number: R6100 326  
Proposed Development: Fence  
Variance Requested: Allow fence height increase from 4 feet to 5 feet 4 inches in a front setback  
Commission District: (2) Ku

**CONDITIONS**

1. The doghouse shall be removed from the front yard.
2. The fence must be removed from the front yard within three months from the date of approval of this variance.

{Action: Approved with Amended Staff Recommended Conditions Motion: Graham; Second: Nash;  
Vote: 4-0-1; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Abstained; Nash-Yes}

**F. New Business**

- |                       |   |
|-----------------------|---|
| 1. Case Number:       | <b>ZVR2021-00091</b>                                    |
| Applicant:            | BURCH001, LLC   |
| Contact:              | Andrew Perry  |
| Phone Number:         | 404.987.1224  |
| Zoning:               | R-100 (Single-Family Residence District)                |
| Location:             | 3458 South Scales Road – Lot 2                          |
| Map Number:           | R7198 005   |
| Proposed Development: | Single-Family Residential Subdivision                   |
| Variance Requested:   | Allow reduction of road frontage from 40 feet to 0 feet |
| Commission District:  | (1) Carden  |

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peavy-Yes; Nash-Yes}

2. Case Number: **ZVR2021-00092**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 2  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of lot width from 100 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

3. Case Number: **ZVR2021-00093**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 3  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of road frontage from 40 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

4. Case Number: **ZVR2021-00094**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 3  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of lot width from 100 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

5. Case Number: **ZVR2021-00095**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 4  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of road frontage from 40 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

6. Case Number: **ZVR2021-00096**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 4  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of lot width from 100 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}



7. Case Number: **ZVR2021-00097**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 5  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of road frontage from 40 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

8. Case Number: **ZVR2021-00098**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 5  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of lot width from 100 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

9. Case Number: **ZVR2021-00099**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 6  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of road frontage from 40 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

10. Case Number: **ZVR2021-00100**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 6  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of lot width from 100 feet to 0 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

11. Case Number: **ZVR2021-00101**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 7  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of road frontage from 40 feet to 38.31 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

12. Case Number: **ZVR2021-00102**  
Applicant: BURCH001, LLC  
Contact: Andrew Perry  
Phone Number: 404.987.1224  
Zoning: R-100 (Single-Family Residence District)  
Location: 3458 South Scales Road – Lot 7  
Map Number: R7198 005  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow reduction of lot width from 100 feet to  
38.31 feet  
Commission District: (1) Carden

**CONDITIONS**

1. The subdivision shall be developed in conformance with the exemption plat for Creekside Duluth, dated May 19, 2020, and shall be limited to no more than seven homes.
2. Exemption plat must be recorded, subject to approval by the Department of Planning and Development.
3. Driveway to be completed prior to issuance of first Certificate of Occupancy. Location and design, including sight distance, subject to approval by the Department of Planning and Development.
4. Shared driveway to be located within an access and maintenance easement and recorded on the exemption plat.
5. Homes shall be a minimum 2,400 square feet and shall be constructed with front and sides of brick or stacked stone with accents of EIFS, Hardi-shake or fiber cement siding. Rear of homes shall be finished with fiber cement siding and a three-foot brick or stacked stone water table.

{Action: Approved with Amended Staff Recommended Conditions Motion: Hastings; Second: Nash; Vote: 4-0; Hastings-Yes; Graham-Out of Room; Timler-Yes; Peevy -Yes; Nash-Yes}

13. Case Number: **ZVR2021-00103**  
Applicant: ResiBuilt Homes  
Owner: Stan Hall  
Contact: Jeff Hill  
Phone Number: 470.809.1256  
Zoning: OSC (Open Space Conservation District)  
Location: 1490 Chandler Road  
Map Number: R5184 021  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow an increase in maximum cul-de-sac street length, from 600 feet to 775 feet  
Commission District: (3) Watkins

**CONDITIONS**

1. Traffic calming measures shall be provided throughout the subdivision subject to review and approval by Gwinnett County Department of Transportation.  
{Action: Approved with Staff Conditions Motion: Timler; Second: Nash; Vote: 5-0; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}

14. Case Number: **ZVR2021-00113**  
Applicant: ResiBuilt Homes  
Owner: Stan Hall  
Contact: Jeff Hill  
Phone Number: 470.809.1256  
Zoning: OSC (Open Space Conservation District)  
Location: 1490 Chandler Road  
Map Number: R5184 021  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow an increase in maximum cul-de-sac street length, from 600 feet to 675 feet  
Commission District: 3 (Watkins)

**CONDITIONS**

1. Traffic calming measures shall be provided throughout the subdivision subject to review and approval by Gwinnett County Department of Transportation.  
{Action: Approved with Staff Recommended Conditions Motion: Timler; Second: Nash; Vote: 5-0; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}

15. Case Number: **ZVR2021-00104**  
Applicant: Barefoot Brothers, LLC  
Contact: Bo Braswell  
Phone Number: 770.238.9000  
Zoning: RA-200 (Agriculture-Residence District)  
Location: 4604 Braselton Highway  
Map Number: R3003 013  
Proposed Development: Kennel  
Variance Requested: Allow primary building façade and entrance to be located greater than 70 feet from the public right-of-way  
Commission District: (3) Watkins

**CONDITIONS**

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated and received September 2, 2021, by the Department of Planning and Development, with revisions required by conditions, subject to the review and approval of the Director of Planning and Development.
2. The development shall comply with all GA Highway 124/324/Hamilton Mill Overlay District requirements.
3. Animal pens and similar facilities are to be located no closer than 100 feet to any property line unless a Special Use Permit is approved by the Board of Commissioners.
4. Obtain all required approvals and permits prior to any land disturbance.
5. Provide landscaping along the side and rear property lines for visual screening, subject to approval by the Director of Planning and Development.

{Action: Approved with Staff Recommended Conditions Motion: Timler; Second: Peevy; Vote: 5-0; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}



16. Case Number: **ZVR2021-00105**  
Applicant: Thomas and Hutton  
Owner: Robert Pounds  
Contact: Tonya Woods  
Phone Number: 770.271.2868  
Zoning: OSC (Open Space Conservation District)  
Location: 3591 Tuggle Road  
Map Number: R1001 049  
Proposed Development: Single-Family Residential Subdivision  
Variance Requested: Allow increase in maximum cul-de-sac street length, from 600 feet to 1,048 feet  
Commission District: (4) Fosque  
{Action: Tabled to 11/9/2021 Motion: Peevy; Second: Nash; Vote: 5-0; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}

17. Case Number: **ZVR2021-00109**  
Applicant/Owner/Contact: Sejd Rizvic  
Phone Number: 404.483.9483  
Zoning: R-ZT (Single-Family Residence District)  
Location: 1170 Lendl Lane  
Map Number: R7004 536  
Proposed Development: Single-Family Dwelling  
Variance Requested: Allow encroachment of 17.8 feet into the 35-foot rear setback for a building addition  
Commission District: (4) Fosque

**CONDITIONS**

1. Obtain all required approvals and permits prior to beginning construction.
2. Materials and colors of building addition are to be consistent with existing house.
3. Building addition shall be limited to one story and shall not exceed height of the existing house. Roof pitch shall be the same as the existing roof.

{Action: Approved with Amended Staff Recommended Conditions Motion: Peevy; Second: Nash; Vote: 5-0; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}

18. Case Number: **ZVR2021-00110 – Administratively Held**

**G. OTHER BUSINESS**

1. Approval to reconsider ZVR2021-00077 at the Zoning Board of Appeals Meeting on November 9, 2021. Applicant: Dirk Heyns; 2231 Lakeway Drive, Dacula, GA 30019; Allow parking of recreational vehicle or non-motor vehicle in side yard. Staff is directed to re-advertise and re-post this zoning hearing.

{Action: Approved Motion: Peevy; Second: Nash; Vote: 5-0; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}

**H. Adjournment**

{Action: Approved Motion: Peevy; Second: Nash; Vote: 5-0; Hastings-Yes; Graham-Yes; Timler-Yes; Peevy-Yes; Nash-Yes}