



Zoning Board of Appeals
Tuesday, February 8, 2022, at 6:30pm
Gwinnett Justice and Administration Center
75 Langley Drive, Lawrenceville, GA 30046

- A. **Call To Order, Pledge to Flag**
- B. **Opening Remarks by Chairman and Rules of Order**
- C. **Approval of Agenda**
- D. **Approval of Minutes** – January 11, 2022
- E. **Announcements**
- F. **Election of Officers**
- G. **Old Business**
 - 1. Case Number: **ZVR2021-00130 (Public Hearing Held 12/13/2021)**
Applicant: Dharani Investments, LLLP
Owner: Dharani Investments
Contact: Venkatram Korapaty
Phone Number: 224.388.4567
Zoning: C-2
Location: 1924 Braselton Highway
Map Number: 7094 156
Proposed Development: Convenience Store with Fuel Pumps
Variance Requested: Allow more than 20 percent of parking area in the front yard in an overlay district
Commission District: (4) Fosque
 - 2. Case Number: **ZVR2022-00005 (Public Hearing Held 1/11/2022)**
Applicant/Owner/Contact: Jesus Arnoldo Granados
Phone Number: 678.471.2421
Zoning: R-75
Location: 1221 Buttercup Court
Map Number: R7041 138
Proposed Development: Single-Family Residence
Variance Requested: Allow an accessory building in a side yard setback
Commission District: (4) Fosque

H. New Business

- 1. Case Number: **ZVR2022-00019**
Applicant/Owner/Contact: Myron Butler, Jr.
Phone Number: 770.962.1947
Zoning: RA-200
Location: 556 Auburn Road
Map Number: R2003 039
Proposed Development: Single-Family Residence
Variance Requested: Allow reduction of lot width for a single-family residence

Commission District: (3) Watkins

- 2. Case Number: **ZVR2022-00020**
Applicant/Owner/Contact: Myron Butler, Jr.
Phone Number: 770.962.1947
Zoning: RA-200
Location: 558 Auburn Road
Map Number: R2003 160
Proposed Development: Single-Family Residence
Variance Requested: Allow reduction of lot width for a single-family residence

Commission District: (3) Watkins

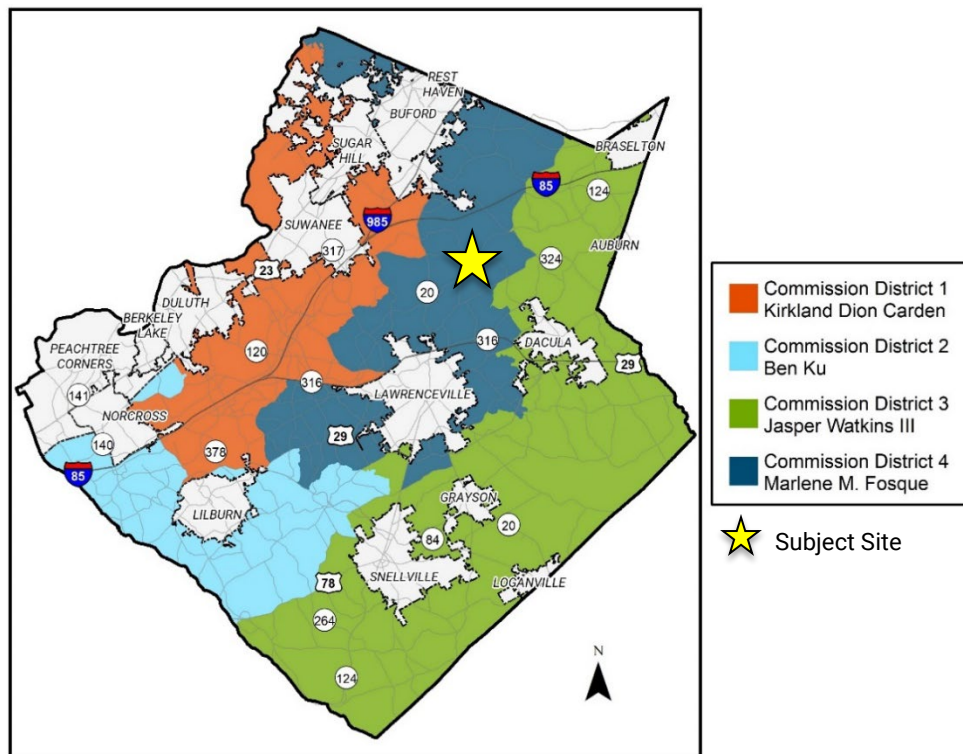
H. OTHER BUSINESS

I. ANNOUNCEMENTS

J. ADJOURNMENT

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2021-00130
Address: 1924 Braselton Highway
Overlay District: Georgia Highway 124/324/Hamilton Mill Overlay District
Map Number: R7094 156
Current Zoning: C-2 (General Business District)
Site Area: 0.81 acres
Proposed Development: Convenience Store with Fuel Pumps
Commission District: District 4 – Commissioner Fosque
Request: Allow more than 20 percent of parking area in the front yard in an overlay district



Location Map

Applicant: Dharani Investments, LLLP
122 Kia Drive
Alpharetta, GA 30022

Owner: Dharani Investments, LLLP
122 Kia Drive
Alpharetta, GA 30022

Contact: Venkatram Korapaty

Contact Phone: 224.388.4567

Zoning Board of Appeals Advertised Public Hearing Date: 12/13/2021 (Public Hearing Held/Motion

Tabled to 2/8/2022)

Zoning History

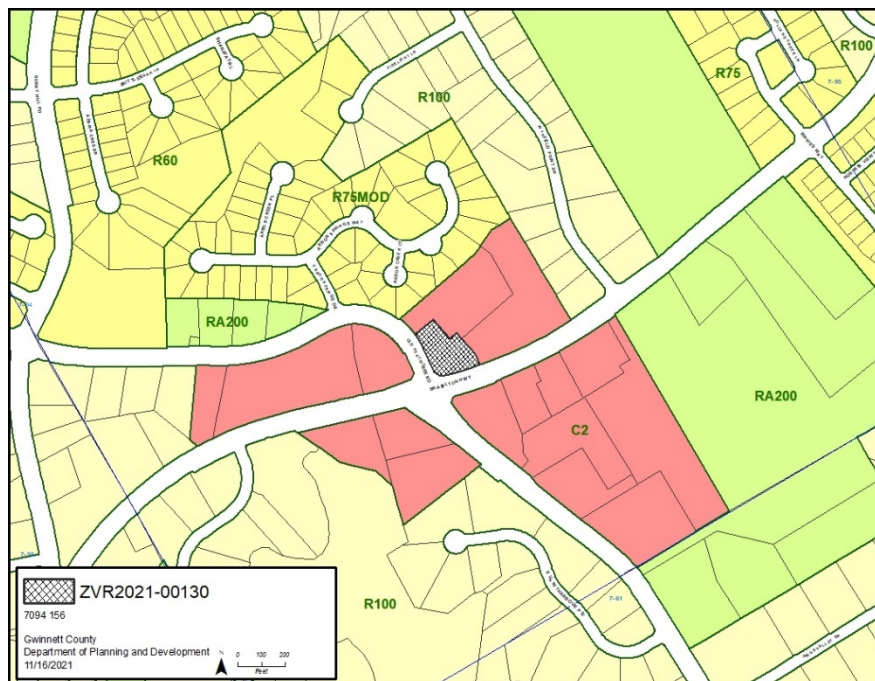
The subject property is zoned C-2 (General Business District) within the Georgia Highway 124/324/Hamilton Mill Overlay District. The property was previously zoned RA-200 (Agriculture-Residence District) and C-1 (Neighborhood Business District) in 1970. The subject property was rezoned from RA-200 and C-1 to C-2 (General Business District) for commercial/retail uses in 1998 pursuant to REZ1998-00121. A zoning request to rezone from C-2 to C-2 Change in Conditions was administratively withdrawn in 2003, pursuant RZC2003-00036. A Change in Conditions was approved in 2005, pursuant CIC-05-005.

Existing Site Condition

The subject site is a 0.81-acre undeveloped, commercial lot on the northwest corner of Braselton Highway and Old Peachtree Road with frontage along both roadways. There is one right-in-right out driveway along Braselton Highway, and one driveway along Old Peachtree Road. The variance request is to construct a convenience store with fuel pumps and canopy oriented towards Braselton Highway that has more than twenty percent of parking area in front of the building. Since this site is a corner lot, it has two front yards.

Surrounding Use and Zoning

The surrounding properties contain a variety of commercial uses including a day care center to the north, strip shopping center to the east, medical office to the west, and convenience stores with fuel pumps to the south. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Undeveloped	C-2
North	Day Care Center	C-2
East	Strip Shopping Center	C-2
South	Convenience Stores with Fuel Pumps	C-2
West	Medical Office	C-2

Project Summary

The applicant is requesting a variance to allow more than 20 percent of parking area in front of the building in an overlay district, including:

- A 5,434 square foot one-story building on a corner lot with two frontages that has an entrance along Braselton Highway and another along Old Peachtree Road
- Overhead fuel canopy located along Braselton Highway
- Total 19 parking spaces to include nine parking spaces (47.37%) along Old Peachtree Road, two parking spaces (10.52%) along Braselton Highway and eight parking spaces (42.11%) along the northeast corner of the proposed building.

Variance Requested

The applicant requests approval of a variance from the following regulation of the Unified Development Ordinance (UDO):

1. **Variance from Section 220-30.3.E** to allow more than 20 percent of parking area in the front of the building.

Zoning and Development Standards

The following is a summary of applicable development standards from the Unified Development Ordinance:

Standard	Required	Proposed	Meets Standard
Off-Street Parking:	Minimum: 11 spaces Maximum: 44 spaces	19	YES
Overlay District Parking Areas:			
Along Braselton Highway	<20%	10.52%	YES
Along Old Peachtree Road	<20%	47.37%	NO
Required Location of Parking	Rear	Front	NO

Recommended Staff Condition

Should the Board approve this request, staff recommends the following condition of approval:

1. The off-street parking shall be located in general conformance with Exhibit B: Site Plan received November 4, 2021.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Standards for Granting Variances
- D. Maps

Exhibit A: Site Visit Photos



Intersection of Old Peachtree Road and Braselton Highway



Property Frontage Along Old Peachtree Road



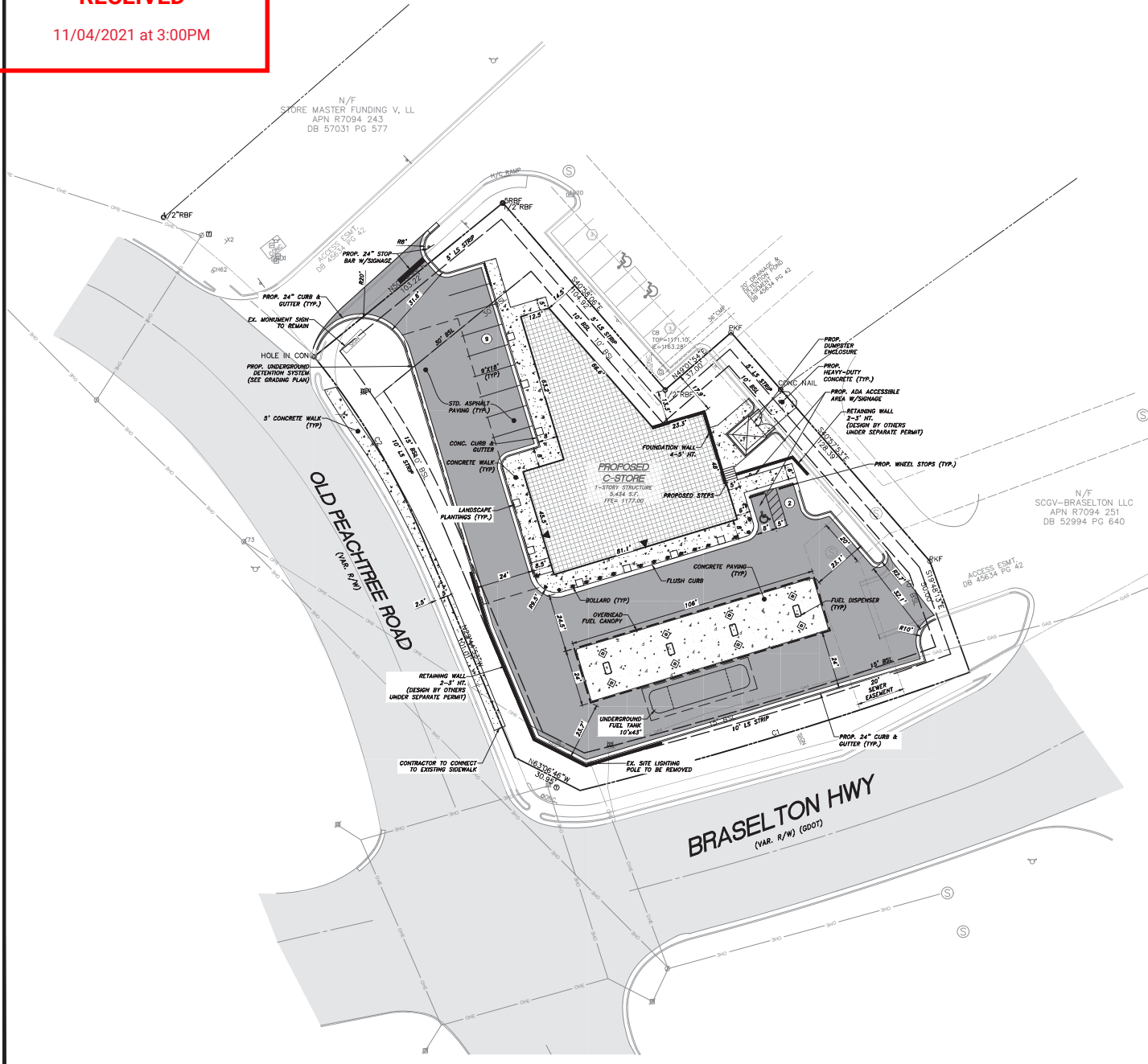
Property Frontage Along Braselton Highway

Exhibit B: Site Plan

[attached]

RECEIVED

11/04/2021 at 3:00PM



SITE LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED SETBACK LINE
- 24" CURB AND GUTTER
- ⊙ STORM MANHOLE
- ⊙ SANITARY SEWER MANHOLE
- STANDARD DUTY CONCRETE
- HEAVY DUTY CONCRETE PAVING

SITE AREA CALCULATIONS

LOT SIZE = 36,983 SQ. FT. (0.849 AC)
 LIMITS OF DISTURBANCE = 21,798 SQ. FT. (0.73 AC.)
 PROP. IMPERVIOUS AREA = 29,620.8 SQ. FT. (0.68 AC.)-80%
 PROP. PERVIOUS AREA = 7,361.6 SQ. FT. (0.169 AC.)-20%

BUILDING AREA CALCULATIONS

TOTAL BUILDING AREA = 5,434 SQ. FT.

ZONING

JURISDICTION WINNETT COUNTY
 ZONING C-2 (GENERAL BUSINESS)

PARKING

TOTAL PARKING REQUIRED 1 SPACE/300 SF (MIN.) - 11 SPACES
 1 SPACE/250 SF (MAX.) - 22 SPACES
 PARKING PROVIDED 11 SPACES (1 ADA ACCESSIBLE)

NOTE: VARIANCE REQUIRED FOR PARKING ON FRONT & SIDE OF THE BUILDING.

SETBACKS

FRONT YARD SETBACK 15'
 SIDE YARD SETBACK 10'
 REAR YARD SETBACK 30'
 FRONT LS STRIP 10'
 PERIMETER LS STRIP 5'

SITE NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE SPECIFICATIONS AND SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL CODES.
2. REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK WELLS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
3. TOPOGRAPHIC BOUNDARY SURVEY, INCLUDING PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE ELEVATIONS WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY THE FOLLOWING COMPANY, AS A CONTRACTOR TO THE SELLER/OWNER:

BOUNDARY & TOPOGRAPHY: ATLAS TECHNICAL CONSULTANTS DATED 5/26/2021
4. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BUILDINGS ARE TO OUTSIDE FACE OF BUILDING.
5. ALL HANDICAP ACCESSIBLE PARKING SPACES AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
6. ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION.
7. ALL STRIPED OR CURBED RADII SHALL BE 5' UNLESS OTHERWISE NOTED.
8. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, CURBS OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
9. SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK. ALL PARKING LOT LIGHTING POLES, BASES AND FIXTURES WITH LAMPS SHALL BE INSTALLED BY THE GENERAL CONTRACTOR'S ELECTRICAL CONTRACTOR AND SHALL SUPPLY A ONE YEAR WARRANTY CERTIFICATE.
10. CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
11. SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
12. ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
13. ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.
14. ALL CONCRETE SHALL BE MINIMUM 4,000 PSI 28 DAY COMPRESSIVE STRENGTH (SEE DETAILS).
15. PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
16. ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 18".
17. PARKING LOT STRIPING SHALL BE INCLUDED IN PARKING CONTRACTOR'S SCOPE OF WORK. STRIPING WILL BE ACCORDING TO OWNER'S SPECIFICATIONS UNLESS NOTED OTHERWISE. ALL STRIPING IS TO HAVE TWO (2) COATS OF PAINT (MIN).
18. THE OWNER/DEVELOPER IS RESPONSIBLE FOR OBTAINING ANY AND ALL OFF-SITE EASEMENTS NOT DELINEATED ON PLANS OR KNOWN OF AT TIME OF PLAN ISSUANCE.
19. THE SITE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL WORK AND APPURTENANCE TO WITHIN 5' OF THE BUILDING. THIS INCLUDES TRANSFORMER AND DUMPSTER PADS AS WELL AS ALL UTILITY CONDUITS.



CONCEPT ENGINEERING SERVICES INC.
 ARCHITECTURE
 ENGINEERING
 CONSTRUCTION MANAGEMENT
 ENERGY ENGINEERING
 6735 Peachtree Industrial Blvd. Suite 100
 Northpark Town Center, Suite 1700
 Atlanta GA 30328
 TEL: (404) 643-6044

EMAIL: eabus@conceptengrs.net

CLIENT:

THIS DRAWING IS THE PROPERTY OF CES LLC. IT IS ONLY TO BE USED FOR THE PROJECT AND LOCATION IDENTIFIED HEREIN. NO PART OF THIS DRAWING IS TO BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY MEANS ELECTRONIC, MECHANICAL, PHOTOCOPIING OR OTHERWISE WITHOUT THE PRIOR PERMISSION OF CES LLC.

SCALE:

REVISIONS:

NO.	DATE	DESCRIPTION

PROJECT:

PROPOSED "C" STORE
 1924 BRASELTON HWY.
 BUFORD, GA 30519

SHEET TITLE:

SITE PLAN

DESIGNED BY: DO-CES

DRAWN BY: DJ

CHECKED BY: DJ

APPROVED BY: DO-CES

SCALE: AS SHOWN

DATE: 10-27-2021

PROJECT NO.:

SHEET:

C2.0



Know what's below.
Call before you dig.

Exhibit C: Letter of Intent and Standards for Granting Variances

[attached]

RECEIVED

11/04/2021 at 3:00PM



CONCEPT ENGINEERING SERVICES, LLC

3850 HOLCOMB BRIDGE RD, SUITE 260

PEACHTREE CORNERS, GA 30092

Tel: 678-691-7628

November 2nd, 2021

Gwinnett County Department of Planning and Development
446 West Crogan St, Suite 300
Lawrenceville, GA 30046-2440

Letter of Intent:

The owner, Dharani Investments LLLP., is seeking a variance at 1924 Braselton Hwy, Buford, GA 30519 (to be referred to as the “subject property”) for the development of new C-Store with Gas Canopy. The new facility will be approximately 5,434 sf and the total acreage of the property is 0.849 Acres. The “subject property” is presently zones as General Business (C-2).

The intent of this application is to apply for a zoning variance for the “subject property” to accommodate parking in the front of the building. The request appeals to code section 220-30E, which requires for a building of 7,500 sf gross or less to provide no more than 20 percent of parking areas in the front of the building and be limited to no more than one double row of parking. No more than 20 percent of off-street parking areas may be located to the sides of the building, with the balance of parking located to the rear of the building. The proposed development will provide up to 11 spaces for vehicle parking out of which 9 to the side and 2 in the front of the building.

The proposed building design accommodates for all other requirements and is consistent with the intent of the UDO. Landscaping in the front of the building, dumpster to rear side of the building and similar other requirements have been met. The applicant’s design incorporates adequate site design standards that will contribute to avoiding negative impacts on the adjacent properties.

The “subject property” is situated at the intersection of Braselton Hwy and Old Peachtree Rd, in the Land Lot 7 and District 94. It has frontage along both the roads and must satisfy Landscape requirements along the Perimeter. The proposed C-store has a gas canopy which must go along the frontage of Braselton Hwy to make use of the Real Estate. In this case, it is difficult to design the actual building without having to provide most of the parking on the side of the building and still provide efficient ingress & egress to the subject property.

The applicant looks forward to discussions with the neighbors, county officials and other interested parties to ensure a successful variance approval through the city.

Thank you for your thoughtful attention to the forgoing request. We look forward to working with you on this important matter.

Please call us if you have any questions.

Regards,

Emmanuel Abua, CEO
Concept Engineering Services LLC

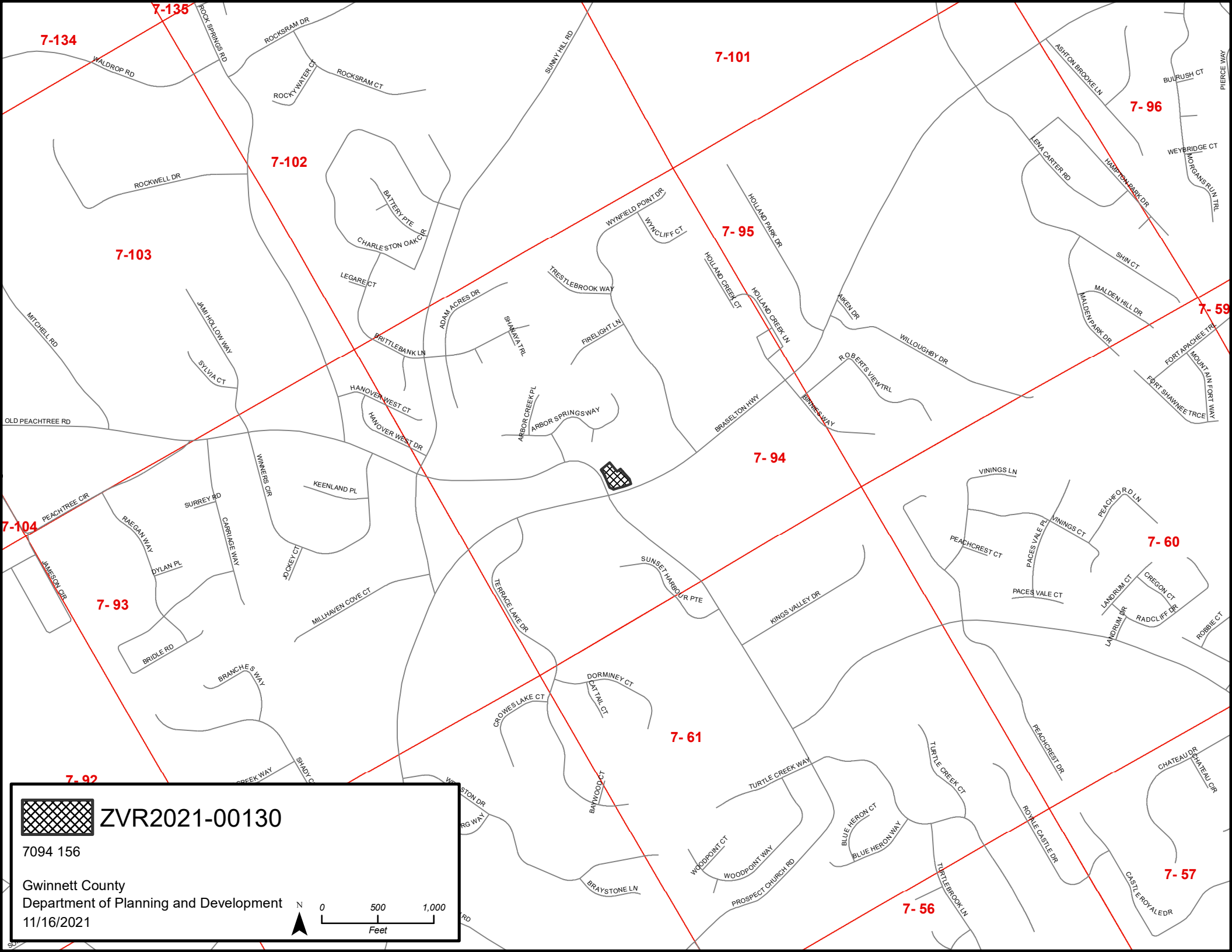
Standards for Granting Variances:

Responses to the following criteria must be submitted for each variance requested (attach additional sheets as needed). According to the Unified Development Ordinance (UDO), a variance shall not be granted unless evidence is presented supporting conclusions that the variance meets each of the following criteria:

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: The proposed parking location is adequate as per the Zoning and development code if not for the Overlay District Requirements. As the lot has two street frontages, it is impossible to satisfy the Overlay Parking requirements for the proposed development
- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: As the overlay district parking requirements calls for the parking to be on the rear side of the building, the proposed C-store cannot satisfy it and still provide efficient ingress & egress to the property. As there is a gas canopy in front of the building, it is impossible to access it if parking is proposed in the rear side of the building.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: It is entirely consistent with the surrounding buildings of the same zoning district. The buildings located on 1925 Braselton Hwy & 1895 Braselton Hwy have parking in the front of the building
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: The request is because of the Overlay District section 220-30E and not by an action or actions of the property owner
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: NO. The proposed parking will not impair or injure other property or improvements in the neighborhood. The proposed development shall provide minimum spaces required as per the code and will not increase the congestion in the public streets.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: The only way to maximize the proposed c-store building is by proposing the parking on the front and side of the building. The grant of this variance will achieve that.
- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain: All other requirements like Landscaping in the front of the building, dumpster location have been met except for the parking.

Exhibit D: Maps

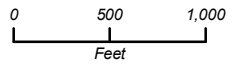
[attached]



ZVR2021-00130

7094 156

Gwinnett County
Department of Planning and Development
11/16/2021

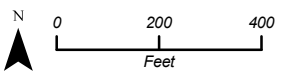




ZVR2021-00130

7094 156

Gwinnett County
Department of Planning and Development
11/16/2021





OLD PEACHTREE RD

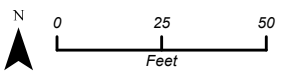
BRASELTON HWY

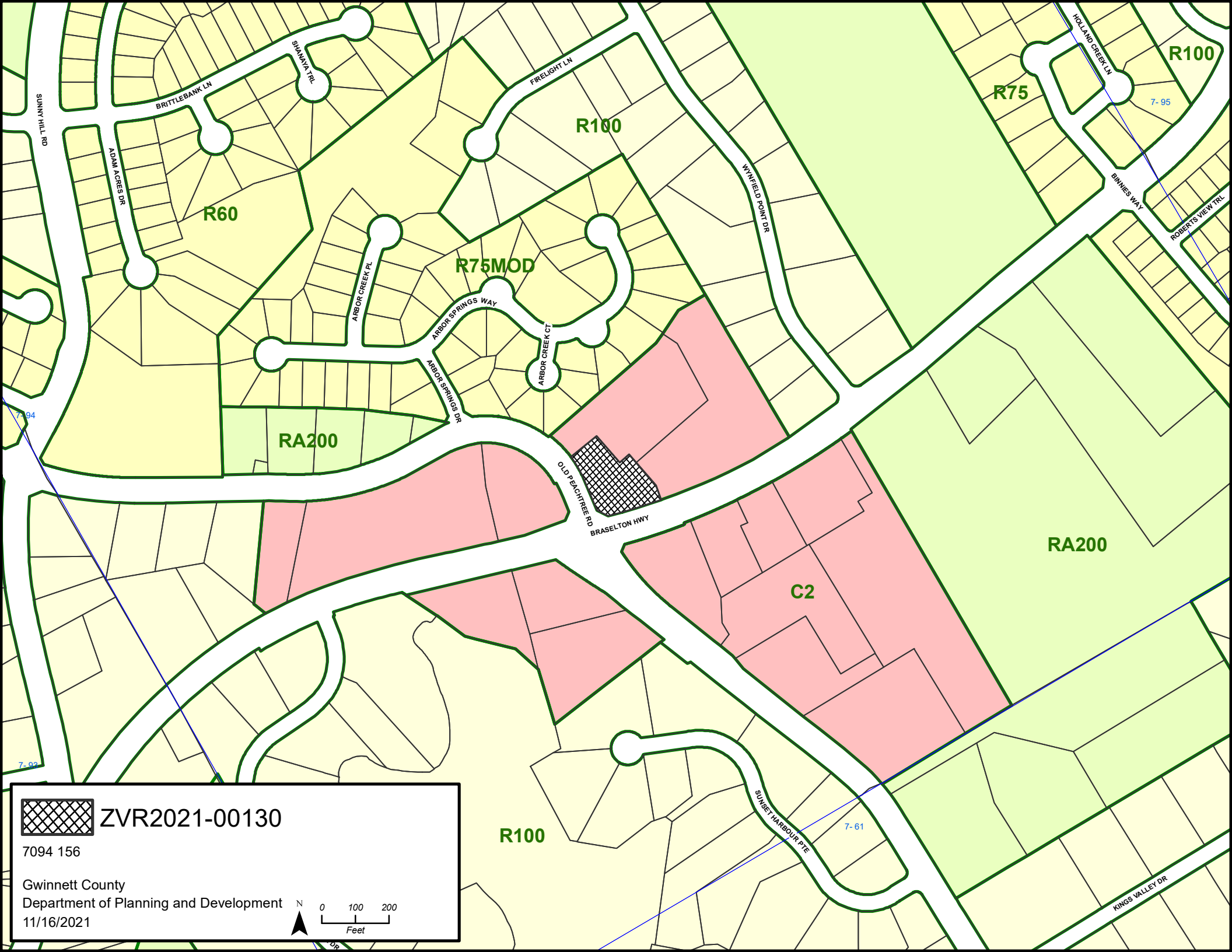


ZVR2021-00130

7094 156

Gwinnett County
Department of Planning and Development
11/16/2021

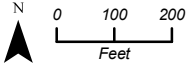




ZVR2021-00130

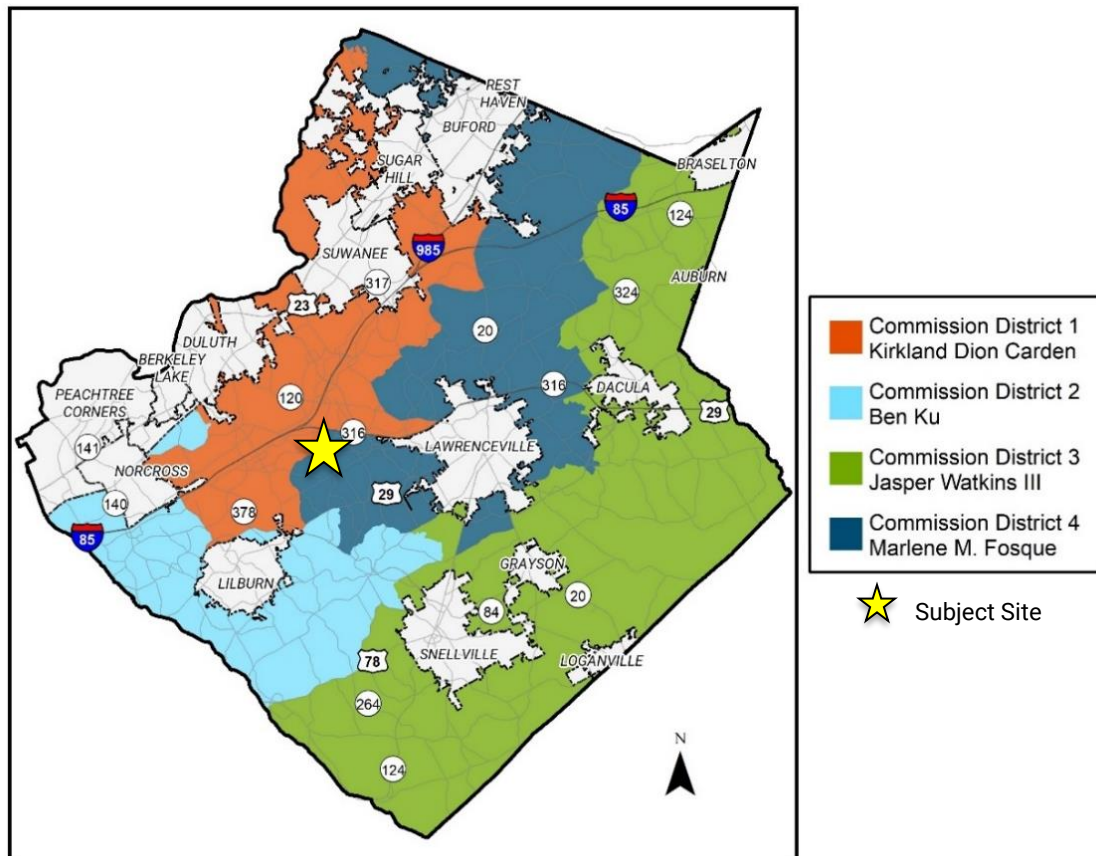
7094 156

Gwinnett County
Department of Planning and Development
11/16/2021



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2022-00005
Address: 1221 Buttercup Court
Map Number: R7041 138
Existing Zoning: R-75 (Single-Family Residence District)
Site Area: 0.39 acres
Proposed Development: Single-Family Residence
Commission District: District 4 – Fosque
Request: ZVR2022-00005 – Allow an accessory building within an accessory building setback



Location Map

Applicant: Jesús Arnoldo Granados
1221 Buttercup Court
Lawrenceville, GA 30044

Owner: Jesús Arnoldo Granados
1221 Buttercup Court
Lawrenceville, GA 30044

Contact: Jesús Arnoldo Granados

Contact Phone: 678.471.2421

Zoning History

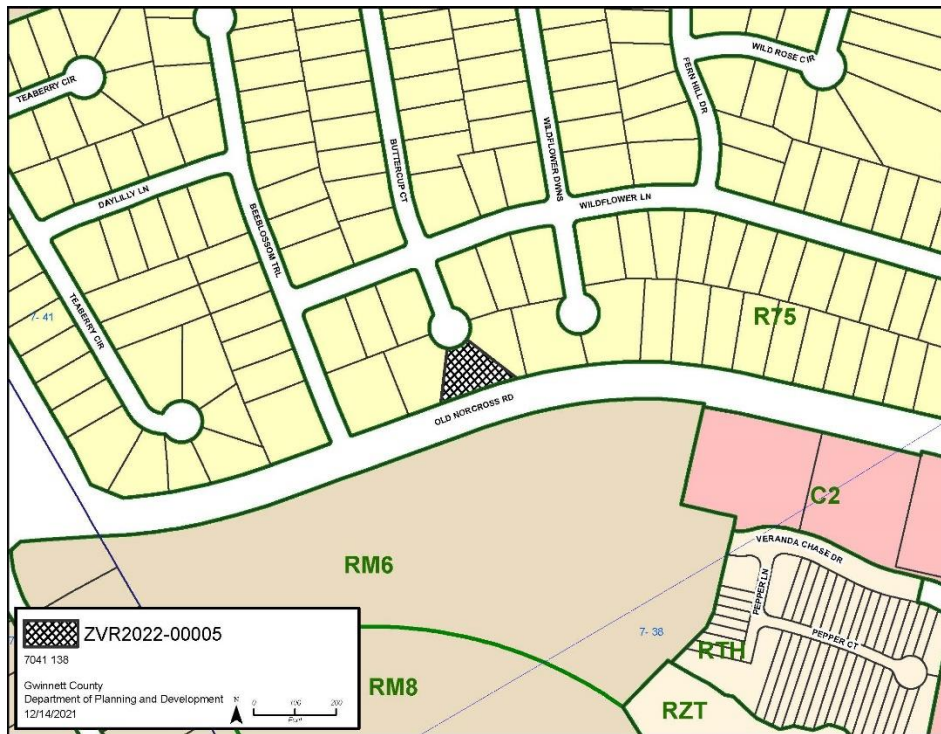
The subject property is zoned R-75 (Single-Family Residence District) and developed as a single-family residence. The property was rezoned from M-1 (Light Industry District) to R-75 in 1980 for a single-family subdivision, pursuant to RZ-170-80.

Existing Site Condition

The subject site is a 0.39-acre developed, single-family parcel (Block D, Lot 5) on the south side of a cul-de-sac on Buttercup Court, in The Wildings subdivision. The site contains a single-family home, an unpermitted accessory building, and two driveways.

Surrounding Use and Zoning

The surrounding properties are single-family residences within an established subdivision. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Single-Family Detached Residential	R-75
North	Single-Family Detached Residential	R-75
East	Single-Family Detached Residential	R-75
South	Multifamily Residential	RM-6
West	Single-Family Detached Residential	R-75

Project Summary

The applicant is requesting a variance to allow the encroachment of an accessory building into the accessory building setback.

- A 467.4 square-foot accessory building, which was constructed without a building permit, encroaches 10 feet into the 15-foot side accessory building setback alongside the property line. The rear yard is enclosed by a wooden fence, which in turn provides screening for the accessory building.
- The request is the result of a Code Enforcement Notice of Violation (CEU2021-05337), which originated as a citizen complaint.

Variance Requested

The applicant requests approval of a variance from the following regulation of the Unified Development Ordinance (UDO):

1. **Variance from Section 230-120.9.** to allow an accessory building encroachment of 10 feet into a 15-foot accessory building setback.

Zoning and Development Standards

The following is a summary of applicable development standards from the Unified Development Ordinance, Table 230.1 – Accessory Structure Setback Requirements:

Standard	Required	Proposed	Meets Standard
Accessory Building Setback (301-500 square feet)	Minimum 15 feet	5 feet	NO

Recommended Staff Conditions

Should the Board approve this request, staff recommend the following conditions of approval:

1. Applicant is to obtain all required permits and inspections for the accessory building within 30 days of action by the Zoning Board of Appeals.
2. The accessory building is to be finished with colors and materials that are consistent with the residence on the lot.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Standards for Granting Variances
- D. Code Enforcement Notice of Violation
- E. Maps

Exhibit A: Site Visit Photos



Front of residence



Accessory building



Access to accessory building

Exhibit B: Site Plan

[attached]

RECEIVED

December 2, 2021

R 75
Parcel # 704, 138
Zoning - R 75
Lot # 5
Acre: 0.3900
Wilding subdivision
1221 Buttercup Ct.
Lawrenceville, GA, 30044

Name:
Jesus A. Granados

Scale: 2' - 1/8"

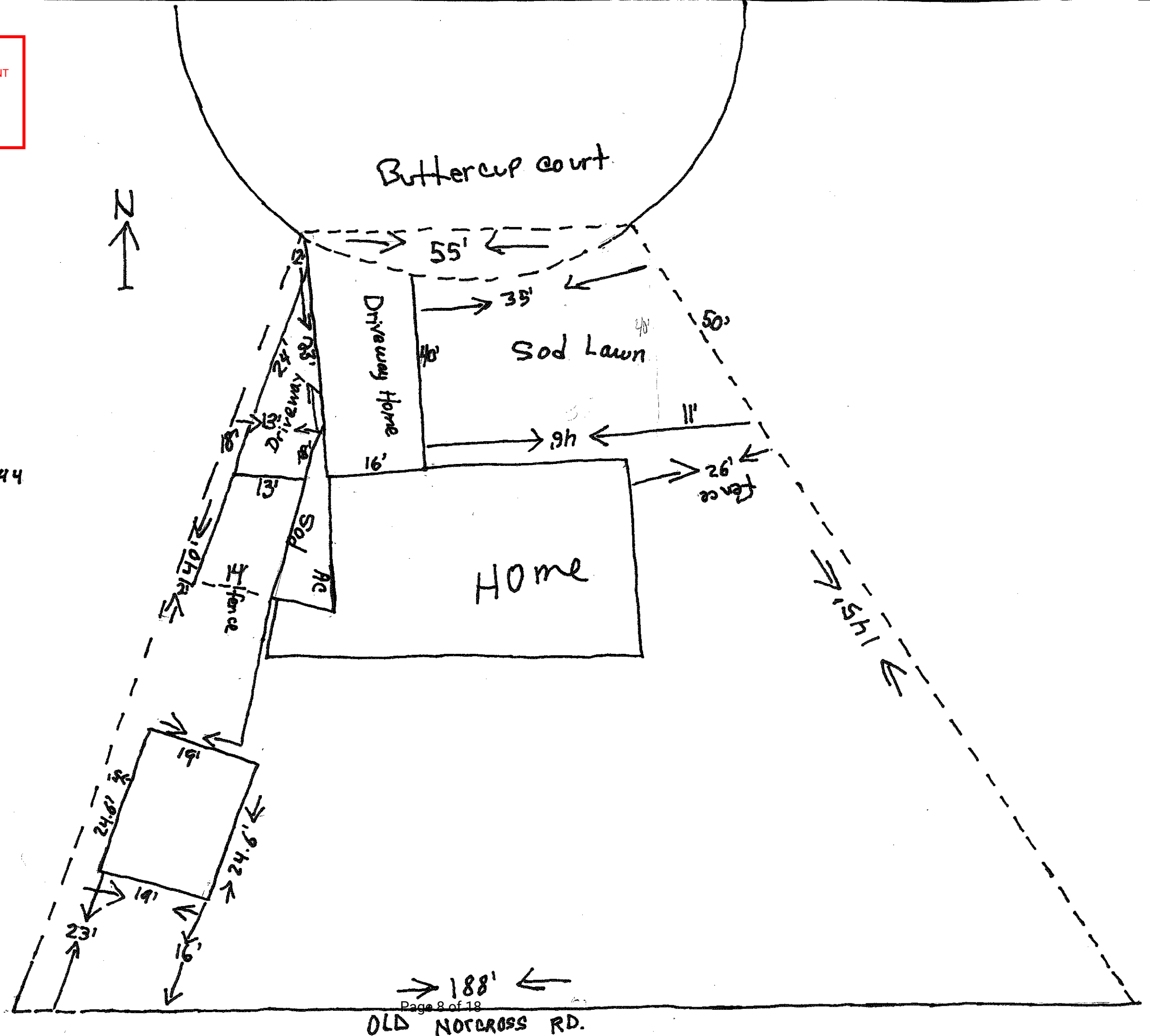


Exhibit C: Letter of Intent and Standards for Granting Variances

[attached]

RECEIVED

December 2, 2021

December 2, 2021

To Whom it may concern,

Due to the position and condition of my property, it is complicated to tear down the shade garrage I built.

This is because I live by a busy street and all the trees in my backyard that use to cut off noise were cut. Also, the power lines were cut along with the trees. Now there is a lot more noise and danger to my property, hence why I built the shed. I now request tree variances five feet encroachment into the side yard setback and seven foot encroachment into the rear yard setback.



Standards for Granting Variances:

Responses to the following criteria must be submitted for each variance requested (attach additional sheets as needed). According to the Unified Development Ordinance (UDO), a variance shall not be granted unless evidence is presented supporting conclusions that the variance meets each of the following criteria:

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: no
- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: yes the request is difficult to remove due to the condition it would result in an unnecessary hardship
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: no
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: no
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: no
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: yes
- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain: yes

Exhibit D: Code Enforcement Notice of Violation

[attached]



Case Number: CEU20 21-05337

Inspection Date: 5-27-21

Name: _____

Contact Name: _____

Violation Address: 1221 BUTTERCUP CT
LAWRENCEVILLE

Contact Phone: _____

Contact Email: _____

A Gwinnett County Code Enforcement Officer inspected this property on this date and found the following violations:

Construction Code	
Building Permit Required	106.1
Certificate of Occupancy	113.1
Certificate of Completion	113.2
Expired Building Permit	106.7
Occupation Tax & Business Regulation Ordinance	
Business License Required	18-20
Property Maintenance Ordinance	
Fence & Wall Maintenance	14-284
Graffiti	14-285
Grass, Weeds	14-286
Junk Vehicle	14-287
Driveway/Walkways	14-288
X Open/Outdoor Storage	14-289
Trees (Dead / Stumps / Debris)	14-290
Swimming Pools	14-291
Numbering Requirements	14-318
Exterior Surface Treatment	14-319
Exterior Walls	14-320
Foundation Walls	14-321
Roofs	14-322
Exterior Stairways, Decks, Porches	14-323
Windows	14-324
Exterior Doors & Frames	14-325
Garage Doors	14-326
Decorative Features	14-327
Vacant Structure Maintenance	14-328
Vacant Registration	14-437
Boarding-Up Permit	14-329
Burned Structure	14-330
Overcrowding	14-353

Sign Ordinance	
Sign Permit Required	78-102(1)
Prohibited Signs	78-107
Temporary Signs (Banners)	78-108
Flags	78-109(10)
Generally Permitted Signs	78-109
Maintenance & Appearance	78-116
Home Occupation Sign Prohibited	78-107(8)
Solid Waste Ordinance	
Trash containers - collection hours	82-56.A.6.C
Unified Development Ordinance/Zoning	
Overlay District Requirements	220-30
One Principle Building/Use	230-40
Walls and Fences (Requirements)	230-80
Livestock	230-130.3.DD
X Non-Permitted Use	230-100
Accessory Uses or Structures	230-120
Right of Way Violations	230-120.4
X Home Occupation	230-130.3.R
Donation Boxes	230-130.4.C
Outdoor Display _ Commercial	230-130.4.E
Outdoor Storage _ Commercial	230-130.4.G
X Off Street Parking (Yard Parking)	240-10.3.B
Parking Lot Maintenance	240-60.3
Vehicle Used as Signage	240-110.1
X Vehicle Parking Requirements	240-110.2
Dumpster Screening	230-120.14
Temporary Outdoor Activity	265
Conditions of Zoning	270.40.4
X	

Details or corrective action: REMOVE ALL OUTDOOR STORAGE FROM PROPERTY - ONLY KID'S TOYS OPERABLE GRILLS AND LAWN FURNITURE IS PERMITTED TO REMAIN OUTDOORS NOT PERMITTED TO OPERATE A COMMERCIAL BUSINESS IN A RESIDENTIAL ZONE. EXTERIOR EVIDENCE OF A HOME OCCUPATION IS NOT PERMITTED. DRIVEWAY IS NOT PERMITTED TO BE MORE THAN 35% OF FRONT YARD. COMMERCIAL VEHICLES ARE NOT PERMITTED IN A RESIDENTIAL ZONE

PLEASE CORRECT BY: 06 / 10 / 21

Failure to correct on or before the date listed above could result in a citation(s) requiring a court appearance and fines up to \$1000.

Officer: JAMES JOHNSON CE37

Phone: 470 534 3343

Email: _____

For more information, visit GwinnettQualityOfLife.com


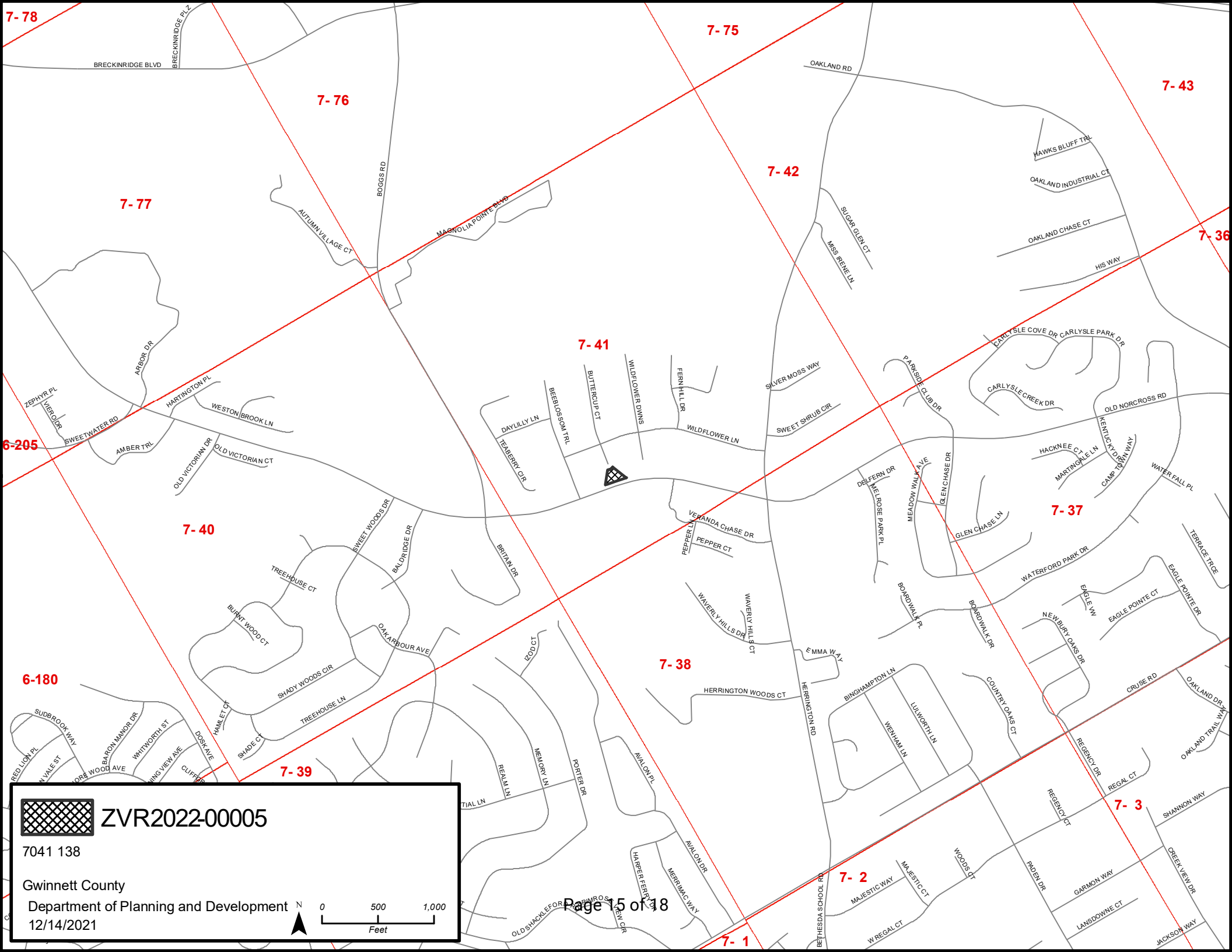


Exhibit E: Maps

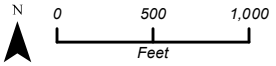
[attached]



ZVR2022-00005

7041 138

Gwinnett County
Department of Planning and Development
12/14/2021





BOGGS RD

DAYLILY LN

TEABERRY CIR

BUTTERCUP CT

BEEBLOSSOM TRL

WILDFLOWER DWNS

WILDFLOWER LN

FERN HILL DR

WILD ROSE CIR

SILVER MOSS WAY

SWEET SHRUB CIR

OLD NORCROSS RD

BALDRIDGE DR

VERANDA CHASE DR

PEPPER LN

PEPPER CT

HERRINGTON RD

TREHO

WAVERLY HILLS DR

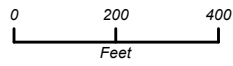
AVANONDR



ZVR2022-00005

7041 138

Gwinnett County
Department of Planning and Development
12/14/2021





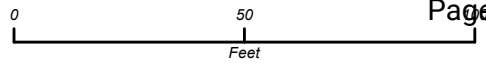
SS RD

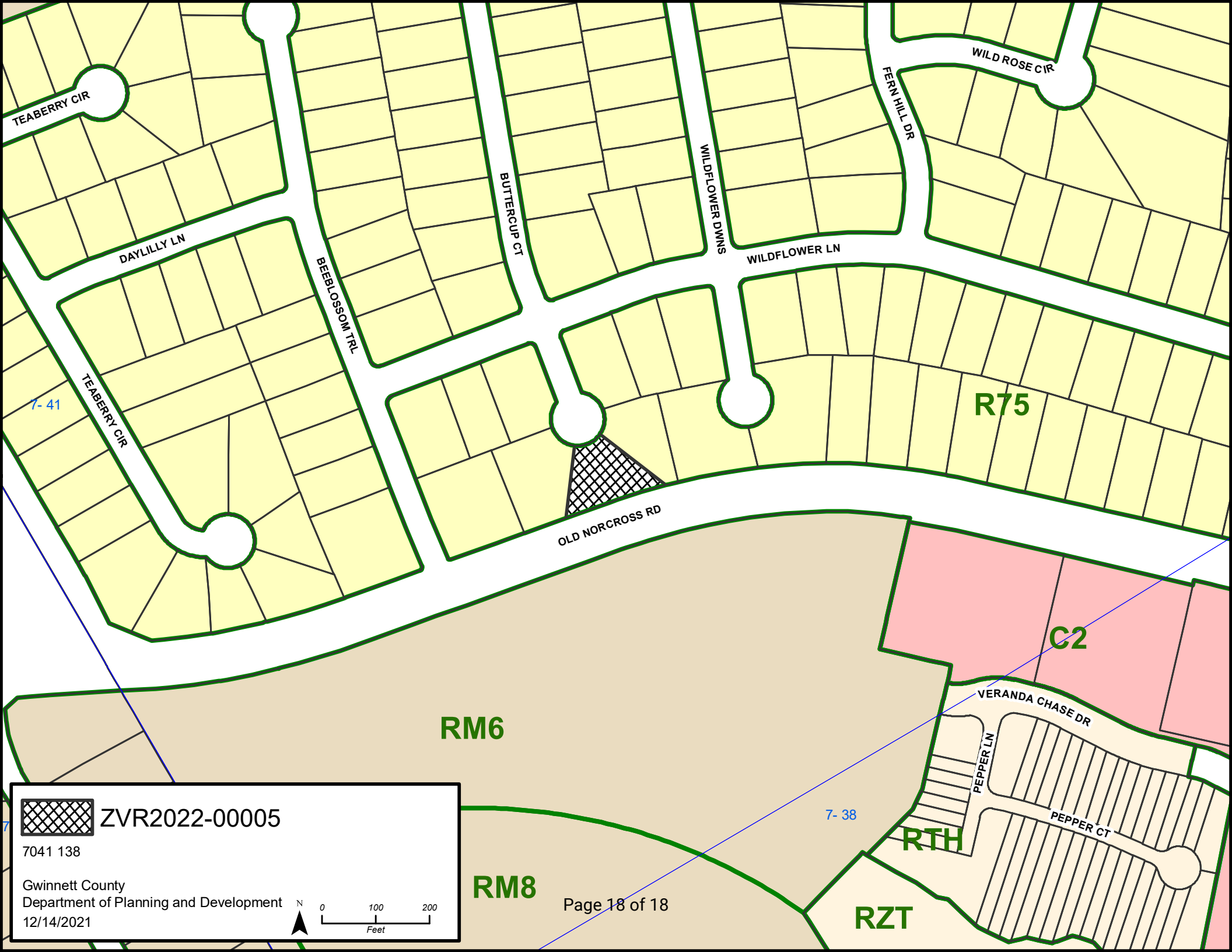


ZVR2022-00005

6139 061

Gwinnett County
Department of Planning and Development
12/14/2021

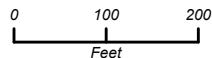




ZVR2022-00005

7041 138

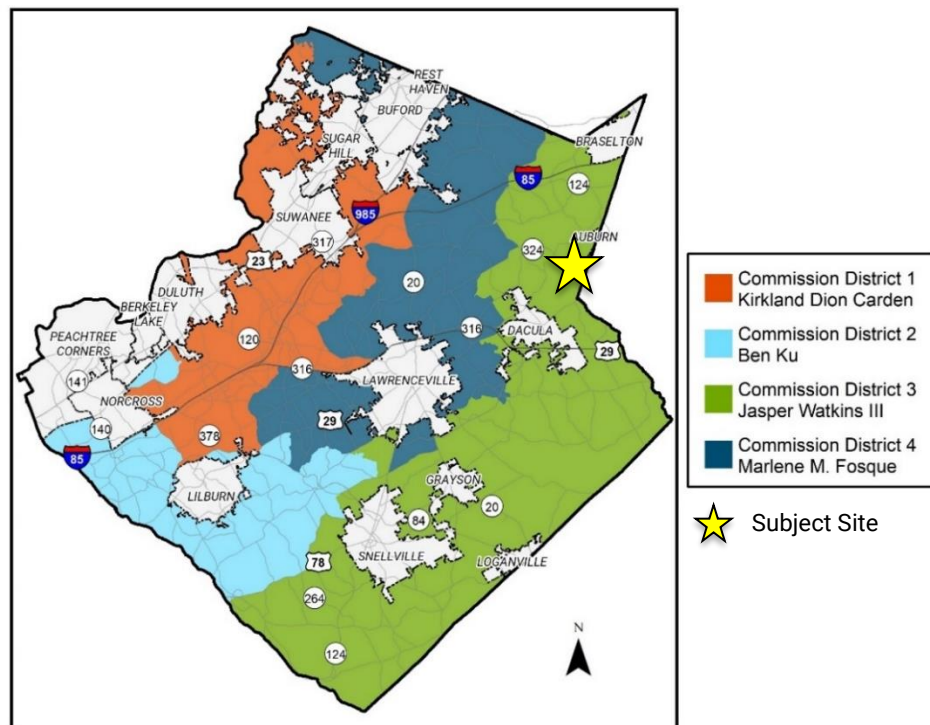
Gwinnett County
Department of Planning and Development
12/14/2021



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2022-00019
Address: 556 Auburn Road
Overlay District: Georgia Highway 124/324/Hamilton Mill
Map Numbers: R2003 039
Existing Zoning: RA-200 (Agriculture-Residence District)
Site Area: 6.0 acres
Existing Development: Single-Family Residence
Commission District: District 3 – Watkins
Requests: Allow reduction of lot width for a single-family residence

Case Number: ZVR2022-00020
Address: 558 Auburn Road
Overlay District: Georgia Highway 124/324/Hamilton Mill
Map Numbers: R2003 160
Existing Zoning: RA-200 (Agriculture-Residence District)
Site Area: 2.0 acres
Existing Development: Single-Family Residence
Commission District: District 3 – Watkins
Requests: Allow reduction of lot width for a single-family residence



Location Map

Applicant: Myron Butler, Jr.
558 Auburn Road
Auburn, GA 30011

Owner: Estate of Myron and Helen Butler
558 Auburn Road
Auburn, GA 30011

Contact: Myron Butler, Jr.

Contact Phone: 770.962.1947

Zoning History

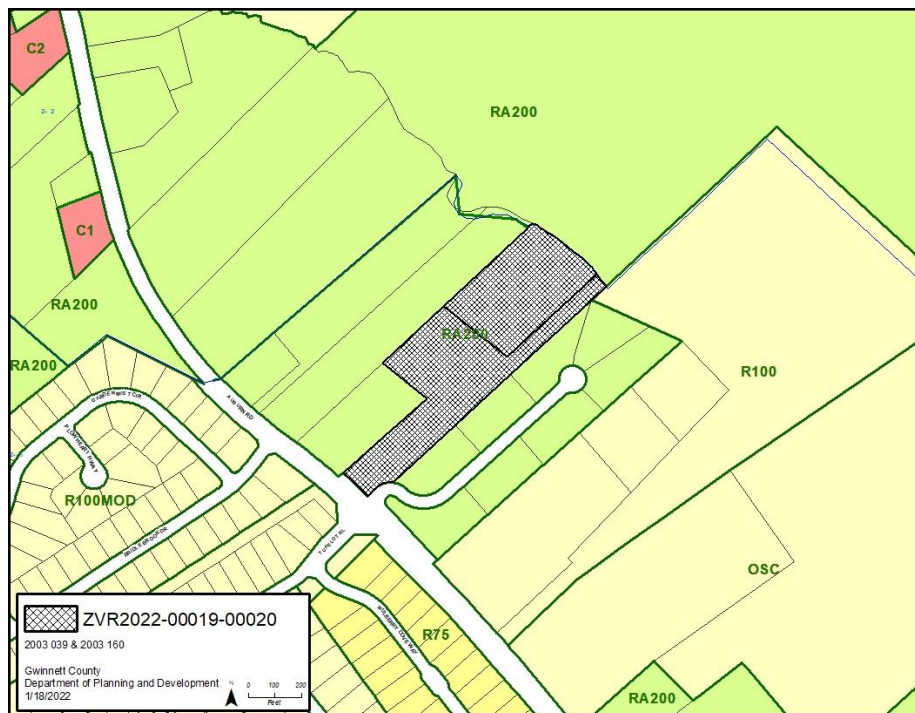
The subject property is zoned RA-200 (Agriculture-Residence District) and is developed with two single-family residences and accessory structures. Variances were approved in 1989 for parcel R2003 160 to reduce the required road frontage from 40 feet to 0 feet and the required lot width from 200 feet to 0 feet, pursuant to ZV890067 and ZV890068, respectively. An access easement was created for the landlocked parcel (R2003 160), allowing for a single shared driveway.

Existing Site Condition

The subject site is comprised of two single-family residential lots totaling 7.84 acres along the north side of Auburn Road, between the intersections of Fence Road to the west and Bailey Road to the east. Each lot is developed with a single-family home and accessory structures. The two homes are accessed via a single shared driveway from Tupelo Trail, which is a dead-end street providing access to an adjacent eight-lot subdivision. A plant nursery previously existed on the property, in addition to the residences. The site is located within the Georgia Highway 124/324/Hamilton Mill Overlay District.

Surrounding Use and Zoning

The surrounding properties are single-family residences on large lots or within established subdivisions. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Single-Family Detached Residential	RA-200
North	Vacant	RA-200
East	Single-Family Detached Residential	RA-200
South	Single-Family Detached Residential	R-100CSO
West	Single-Family Detached Residential	RA-200

Project Summary

The applicant is requesting two variances in order to reconfigure two existing parcels and construct a separate driveway for parcel R2003 160, including:

- A proposed gravel driveway will provide direct access to parcel R2003 160 from Tupelo Trail.
- The applicant requests a lot width reduction from 200 feet to 132 feet for parcel R2003 160, which will be reconfigured into a 6.73-acre parcel. The lot width will increase from 0 feet to 132 feet.
- The applicant requests a lot width reduction from 200 feet to 40 feet for parcel R2003 039, which will be reconfigured into a 1.11-acre parcel. The lot width currently exceeds the 200-foot minimum requirement but will be reduced to 40 feet. The existing asphalt driveway will continue to provide access to this parcel from Tupelo Trail.
- The reconfiguration of the two lots will result in each containing more than the minimum 40-foot required road frontage.
- No new lots will be created, and no new building construction is proposed by the applicant.

Variances Requested

The applicant requests approval of variances from the following regulations of the Unified Development Ordinance (UDO):

1. **Variance from Section 230-10.** – to allow a 160-foot lot width reduction.
2. **Variance from Section 230-10.** – to allow a 68-foot lot width reduction.

Zoning and Development Standards

The following is a summary of applicable development standards from the Unified Development Ordinance, Table 230.1 – Dimensional Standards for Residential Zoning Districts:

Standard	Required	Proposed	Meets Standard
Lot width (RA-200 zoning)	Minimum 200 feet	40 feet (parcel R2003 039); 132 feet (parcel R2003 160)	NO

Recommended Staff Conditions

1. Lots shall not be further subdivided.
2. Properties shall be reconfigured via a recombination plat.

3. Driveway location shall be subject to review and approval of the Gwinnett Environmental Health Department.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Standards for Granting Variances
- D. Maps

Exhibit A: Site Visit Photos



Current single driveway entrance from Tupelo Trail



Current driveway split access to each parcel



556 Auburn Road



558 Auburn Road



Proposed second driveway location

Exhibit B: Site Plan

[attached]

RECEIVED

January 20, 2022

BUTLER PROPERTY

556 & 558 AUBURN RD / HWY 324
AUBURN, GA 30011

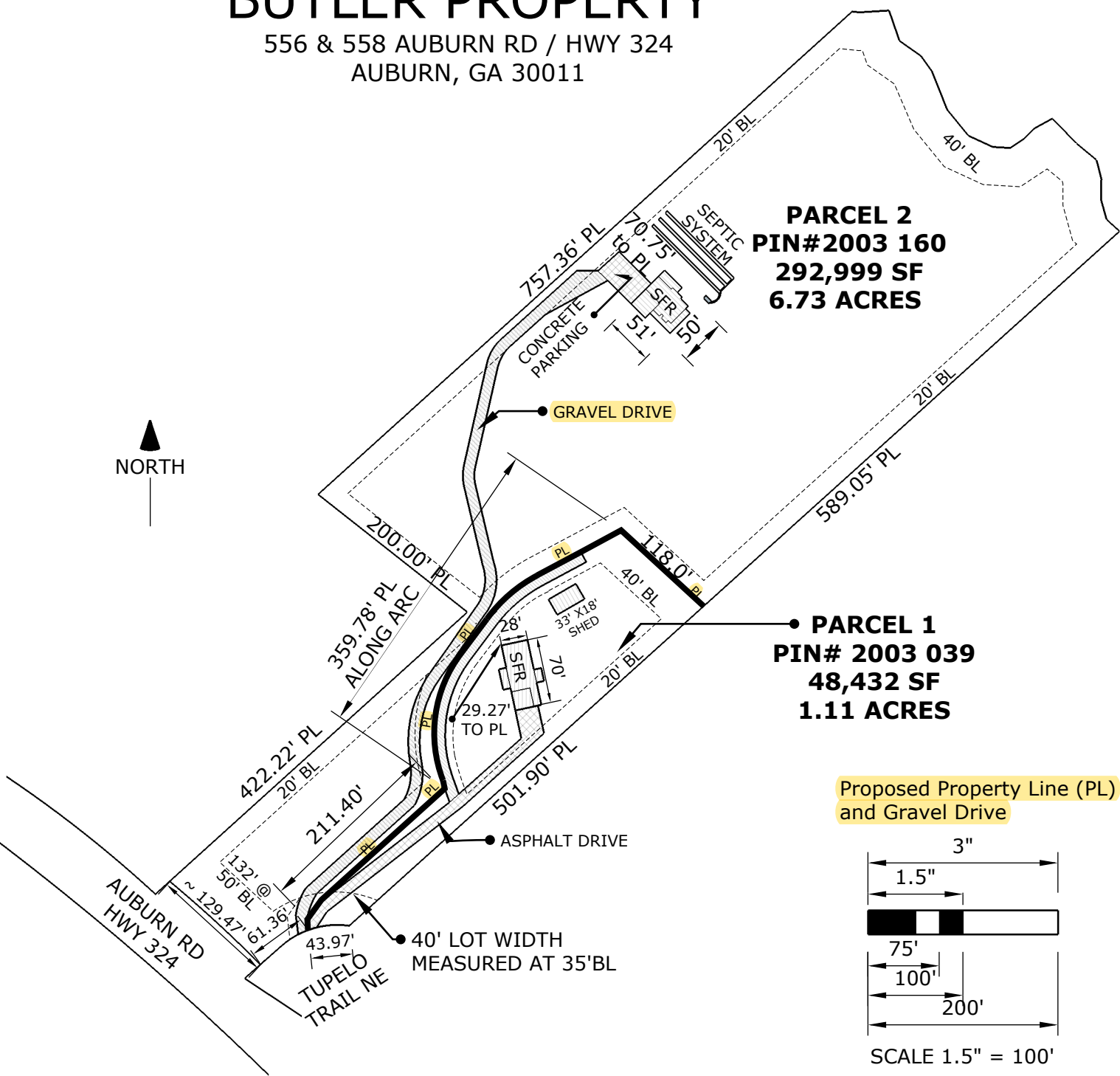
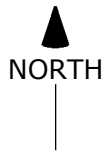


Exhibit C: Letter of Intent and Standards for Granting Variances

[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

January 13, 2022

Proposed Variance Requests

556 Auburn Rd lot width reduction from 200 feet to 40 feet

558 Auburn Rd lot width reduction from 200 feet to 132 feet

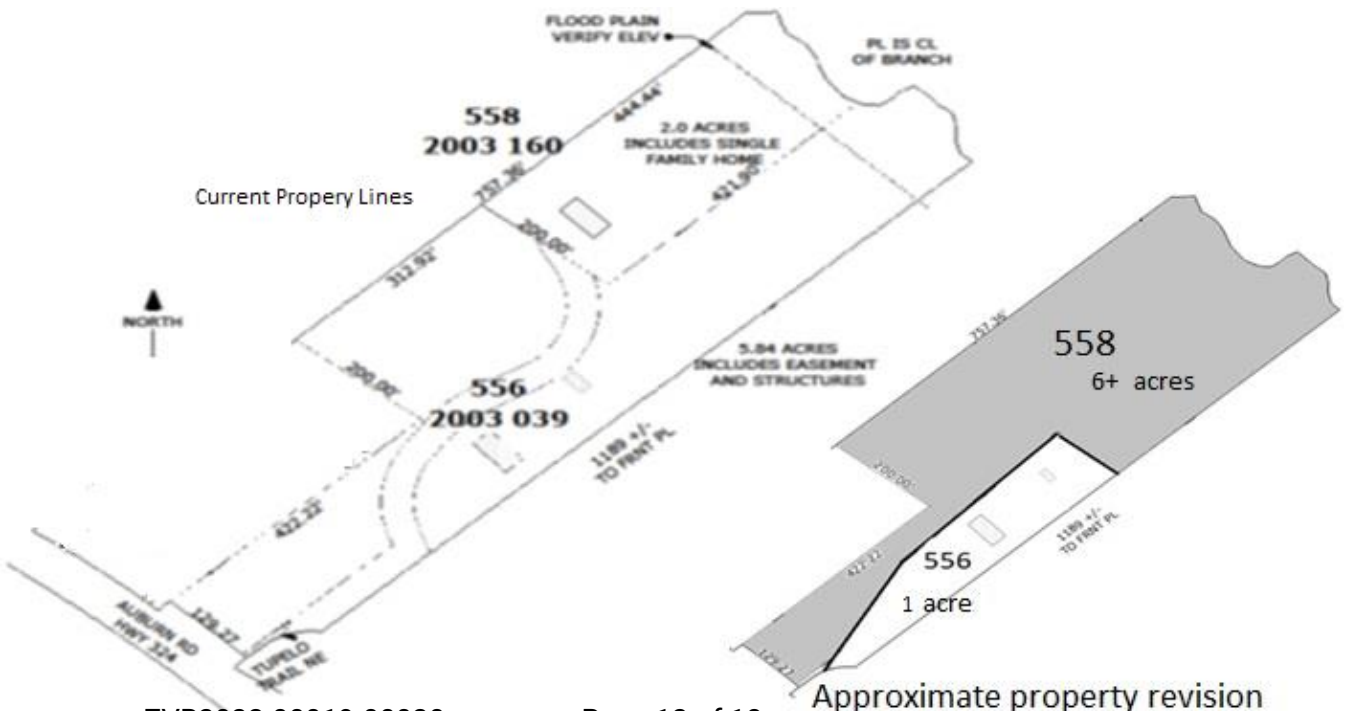
558 Auburn Rd is currently accessed by easement via variance received at the time of construction, to allow for 0' road frontage, from Auburn Rd.

I reside at **558 Auburn Rd** and Robert Butler (678/457-7122) resides at 560 Auburn Rd. My brother and I are executors of our parent's estate.

I would like to acquire 4+ acres from parent's estate, including road frontage, providing **558 Auburn Rd** separate driveway access to Tupelo Tr. Proposed road frontage would be 132' on Auburn Rd and 61'+ on Tupelo Tr. Resulting 6+ acres would exceed all other Dimensional Standards for RA-200 Zoning Districts per 230-10.

556 Auburn Rd remaining acreage would include out building and carports, with driveway access. Proposed road frontage would be 44'+ on Tupelo Tr. Resulting 1+- acre would exceed all other Dimensional Standards for RA-200 Zoning Districts per 230-10.

No change in number of lots or buffers requested, simply reconfiguring existing lots / property lines within family compound.



RECEIVED

January 13, 2022

556 Variance Request

Standards for Granting Variances:

Responses to the following criteria must be submitted for each variance requested (attach additional sheets as needed). According to the Unified Development Ordinance (UDO), a variance shall not be granted unless evidence is presented supporting conclusions that the variance meets each of the following criteria:

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: _____

- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: _____

- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: _____

- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: _____

- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: _____

- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: _____

- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain: _____

Exhibit D: Maps

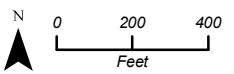
[attached]

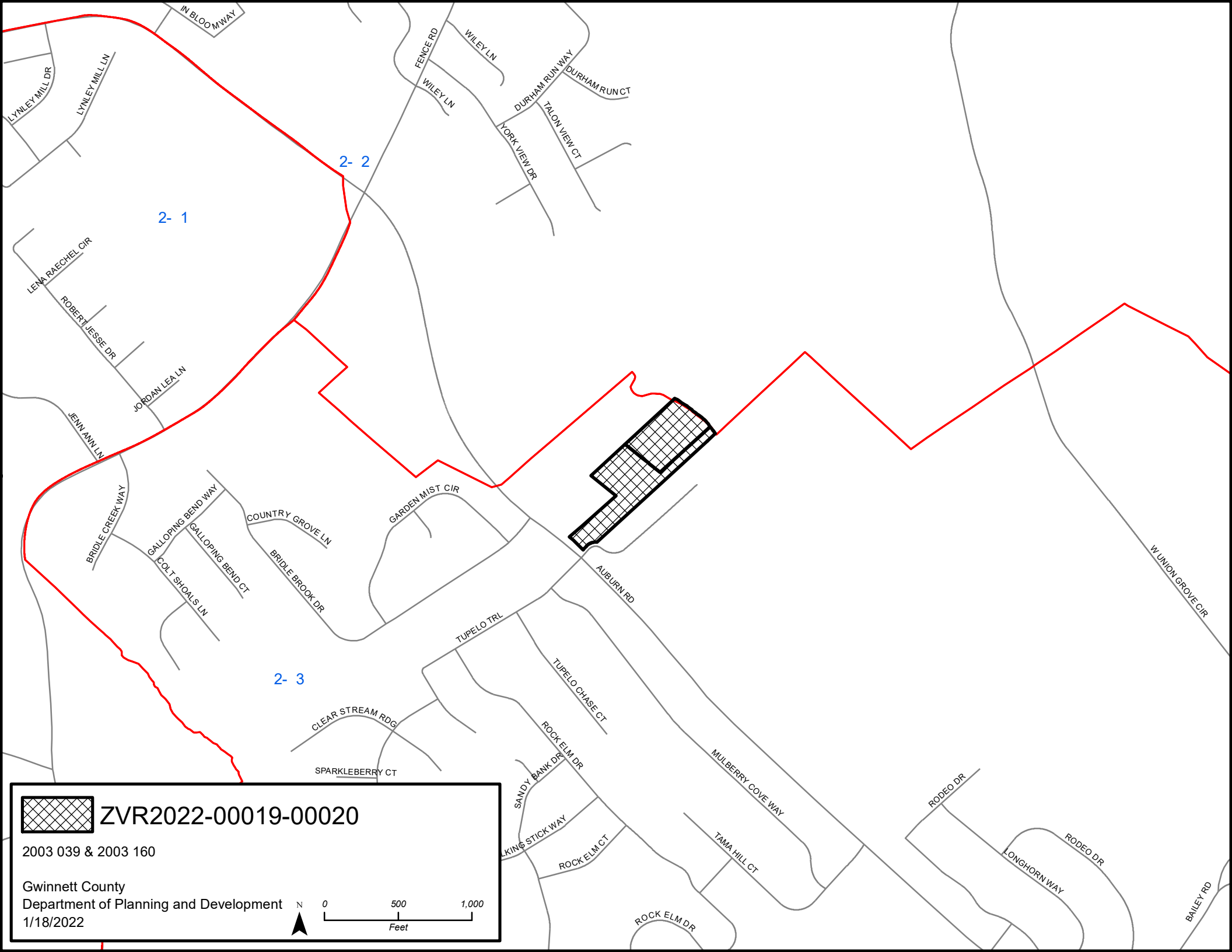


ZVR2022-00019-00020

2003 039 & 2003 160

Gwinnett County
Department of Planning and Development
1/18/2022

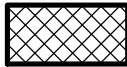




2- 1

2- 2

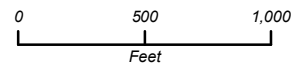
2- 3

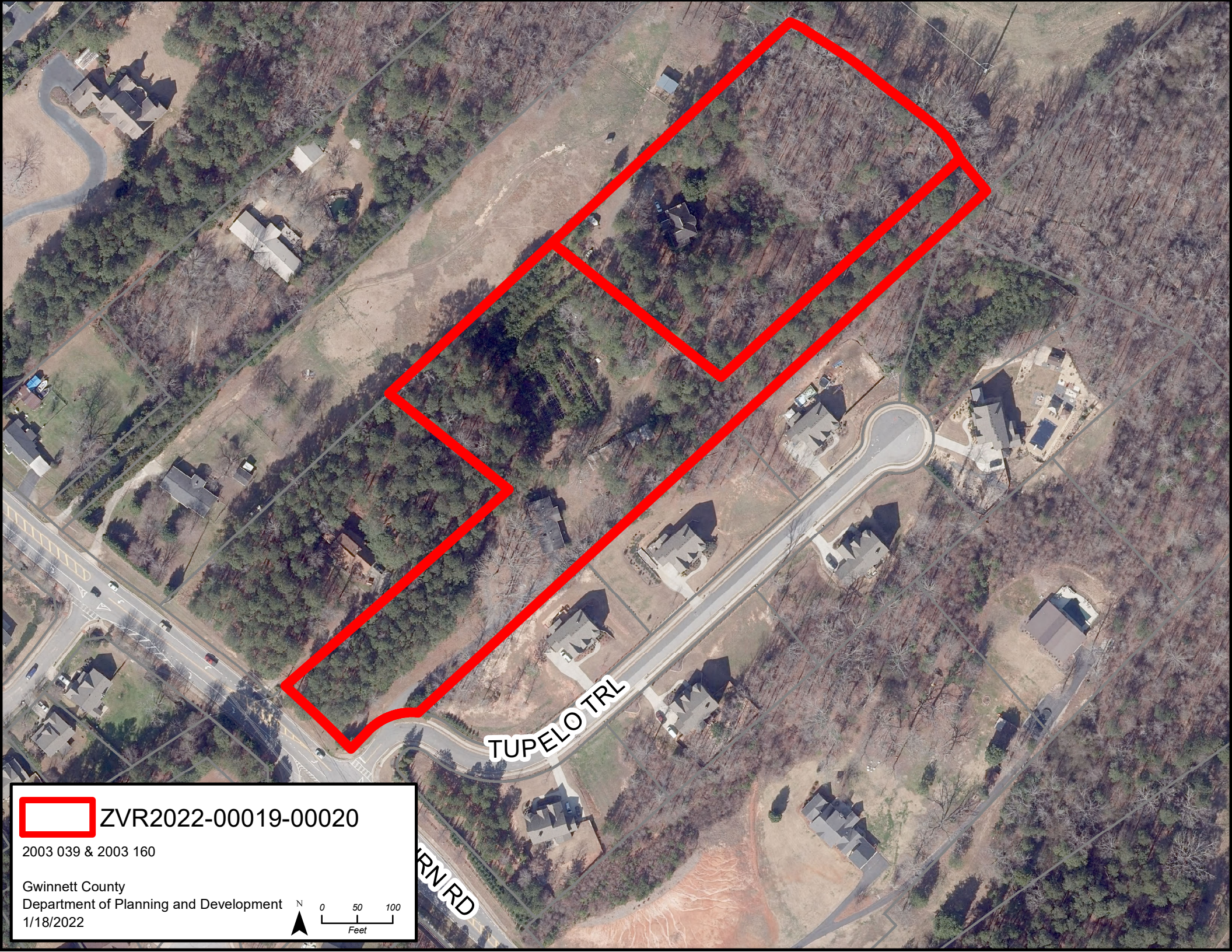


ZVR2022-00019-00020

2003 039 & 2003 160

Gwinnett County
Department of Planning and Development
1/18/2022





TUPELO TRL

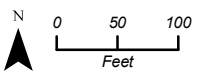
WERN RD

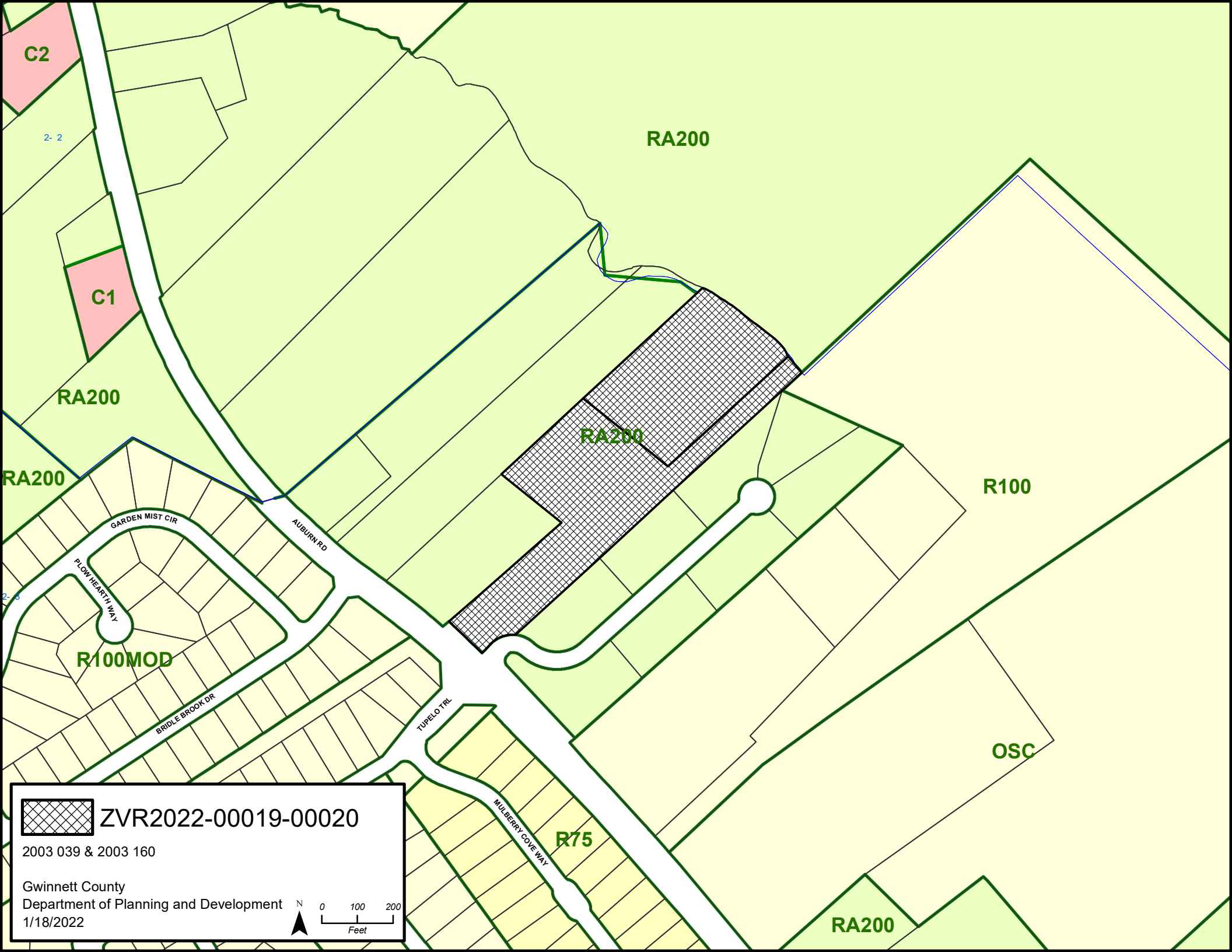


ZVR2022-00019-00020

2003 039 & 2003 160

Gwinnett County
Department of Planning and Development
1/18/2022





C2

2-2

C1

RA200

RA200

RA200

R100

GARDEN MIST CIR

AUBURN RD

FLOW HEARTH WAY

R100MOD

BRIDLE BROOK DR

TUPELO TRL

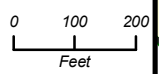
OSC



ZVR2022-00019-00020

2003 039 & 2003 160

Gwinnett County
Department of Planning and Development
1/18/2022



R75

RA200