

Zoning Board of Appeals
Tuesday, May 10, 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 – April 12, 2022**
- E. Announcements**
- F. New Business**
 - 1. Case Number: **ZVR2022-00015**
 - Applicant: Battleson Law, LLC
 - Owner: Jhonatan Garcia
 - Contact: Mark Battleson
 - Phone Number: 404.368.7809
 - Zoning: R-100
 - Location: 3074 Bethany Church Road
 - Map Number: R6030 008
 - Proposed Development: Fence
 - Variance Requested: Allow an eight-foot fence in a front yard setback
 - Commission District: (3) Watkins

 - 2. Case Number: **ZVR2022-00016**
 - Applicant: Battleson Law, LLC
 - Owner: Jhonatan Garcia
 - Contact: Mark Battleson
 - Phone Number: 404.368.7809
 - Zoning: R-100
 - Location: 3074 Bethany Church Road
 - Map Number: R6030 008
 - Proposed Development: Accessory Building
 - Variance Requested: Allow an accessory building to encroach into the 20-foot accessory building setback
 - Commission District: (3) Watkins

3. Case Number: **ZVR2022-00032**
Applicant/Owner: Teodora Perez
Contact: Ronald Perez
Phone Number: 678.704.6217
Zoning: R-100
Location: 3527 Spain Road
Map Number: R6022 005A
Proposed Development: Accessory Dwelling
Variance Requested: Encroachment into an accessory dwelling rear yard setback

Commission District: (3) Watkins
4. Case Number: **ZVR2022-00033**
Applicant/Owner: Teodora Perez
Contact: Ronald Perez
Phone Number: 678.704.6217
Zoning: R-100
Location: 3527 Spain Road
Map Number: R6022 005A
Proposed Development: Accessory Dwelling
Variance Requested: Exceed maximum heated square footage for an accessory dwelling

Commission District: (3) Watkins
5. Case Number: **ZVR2022-00034**
Applicant/Owner: Teodora Perez
Contact: Ronald Perez
Phone Number: 678.704.6217
Zoning: R-100
Location: 3527 Spain Road
Map Number: R6022 005A
Proposed Development: Accessory Dwelling
Variance Requested: Allow non-compatible exterior style for an accessory dwelling (metal roof)

Commission District: (3) Watkins

6. Case Number: **ZVR2022-00035**
Applicant/Owner/Contact: Monroe Pickard
Phone Number: 770.558.3272
Zoning: R-100
Location: 4275 Bending River Trail SW
Map Number: R6064 042
Proposed Development: Accessory Building
Variance Requested: Encroachment into an accessory building setback
Commission District: (2) Ku
7. Case Number: **ZVR2022-00036**
Applicant: Magdalena Bach/Bach Design Studio
Owner: Galyna Yatsuk
Contact: Galyna Yatsuk
Phone Number: 404.281.1258
Zoning: R-75
Location: 3101 Cardinal Lake Drive
Map Number: R6234 117
Proposed Development: Accessory Building
Variance Requested: Encroachment of a garage into the front building setback
Commission District: (1) Carden
8. Case Number: **ZVR2022-00039**
Applicant: Magdalena Bach/Bach Design Studio
Owner: Galyna Yatsuk
Contact: Galyna Yatsuk
Phone Number: 404.281.1258
Zoning: R-75
Location: 3101 Cardinal Lake Drive
Map Number: R6234 117
Proposed Development: Accessory Building
Variance Requested: Exceed the maximum allowable square footage for an accessory dwelling
Commission District: (1) Carden

9. Case Number: **ZVR2022-00038 (Administratively held)**
10. Case Number: **ZVR2022-00037**
Applicant: Japanese Auto Repair
Owner: Rajesh Dugar
Contact: Vanessa Jimenez
Phone Number: 470.440.6414
Zoning: C-2
Location: 2355 Mall of Georgia Boulevard
Map Number: R7176 060
Proposed Development: Wall Sign
Variance Requested: Exceed the maximum sign area for wall signage
on one face of a building
Commission District: (4) Fosque

G. OTHER BUSINESS

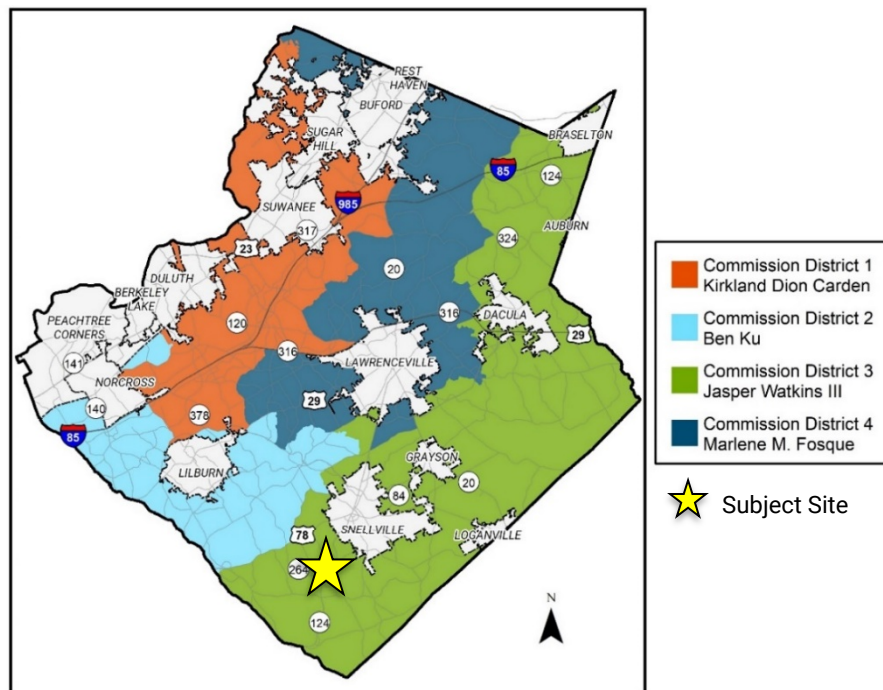
H. ANNOUNCEMENTS

I. ADJOURNMENT

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2022-00015
Address: 3074 Bethany Church Road
Map Number: R6030 008
Existing Zoning: R-100 (Single-Family Residence District)
Site Area: 4.80 acres
Current Development: Fence
Commission District: District 3 – Watkins
Request: Allow fence height increase of 4 feet in required front building setback

Case Number: ZVR2022-00016
Address: 3074 Bethany Church Road
Map Number: R6030 008
Existing Zoning: R-100 (Single-Family Residence District)
Site Area: 4.80 acres
Current Development: Accessory Building
Commission District: District 3 – Watkins
Request: Allow an accessory building within an accessory building setback



Location Map

Applicant: Battleson Law, LLC
1100 Peachtree Street NE, Suite 200
Atlanta, GA 30309

Owner: Jhonatan García Guía
3074 Bethany Church Road
Snellville, GA 30039

Contact: Mark Battleson

Contact Phone: 404.368.7809

Zoning History

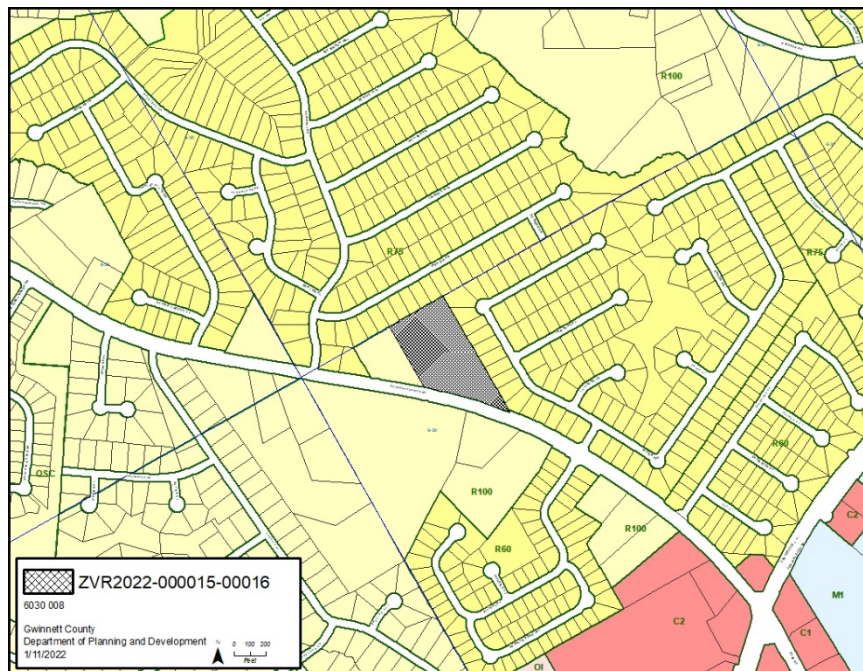
The subject property is zoned R-100 (Single-Family Residence District). A previous request to rezone the property from R-100 to C-2 (General Business District) was denied in 1987, pursuant REZ1987-00021. The property was commercially used as a butcher shop and meat processing business from 1962 until 2020, predating the adoption of the 1970 and 1985 Gwinnett County Zoning Resolutions and the Unified Development Ordinance. In 2005, the Department of Planning and Development determined the commercial operation could be transferred as a legal non-conforming use (Exhibit D).

Existing Site Condition

The subject site is a 4.80-acre developed, single-family lot on Bethany Church Road. A one-story ranch residence constructed in 1978 occupies the lot. Much of the property contains mature landscaping. The lot is enclosed by two fence styles that exceed the maximum fence height within the front building setback. There is also an 840 square-foot accessory building on the eastern side of the property that serves as a garage within the accessory building setback.

Surrounding Use and Zoning

The surrounding properties are single-family residences within the established Kittery Point and Quinn Ridge subdivisions, and along Bethany Church Road. Across the street are Gwinnett County facilities. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Single-Family Residential	R-100
North	Single-Family Residential	R-75
East	Single-Family Residential	R-75
South	Single-Family Residential/Centerville Senior Center/Centerville Library	R-100
West	Single-Family Residential	R-100

Project Summary

The applicant is requesting variances to keep an existing 8-foot-high fence located in a front building setback and to allow the encroachment of an accessory building into the accessory building setback.

- The variance request is to increase the maximum allowable fence height in the front building setback from 4 feet to 8 feet for two existing fence types parallel to the right-of-way that are separated by a driveway.
- An 8-foot-tall wooden fence is constructed to the west of the driveway, screening the former commercial buildings, and a 6-foot-tall wrought iron fence with white cement columns is on the east side of the driveway in front of the residence.
- The fence variance request is the result of a Code Enforcement Notice of Violation (CEU2021-09134), which originated as a citizen complaint.
- An 840 square-foot accessory metal building, which was constructed without a building permit, encroaches 17.2 feet into the 20-foot accessory building setback along the eastern side property line.
- The applicant’s letter of intent states that the accessory building is used to store the property owner’s personal vehicles and yard maintenance equipment.

Variances Requested

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

1. **Variance from Section 230-80.1.** To allow a fence in a residential zoning district to exceed 4 feet in height within a required front building setback.
2. **Variance from Section 230-120.9.** to allow an accessory building encroachment of 17.2 feet into a 20-foot accessory building setback.

Zoning and Development Standards

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

Standard	Required	Proposed	Meets Standard
Fence height in required front yard	Maximum 4 feet	8 feet	NO
Accessory building setback (over 500 square feet)	Minimum 20 feet	2.8 feet	NO

Recommended Staff Conditions

Should the Zoning Board of Appeals choose to approve the variance requests, staff recommends the following conditions of approval:

1. The fences in the front yard shall remain wooden and wrought iron with cement columns. The fences shall not exceed 8 feet in height.
2. The accessory building shall be located in general conformance with Exhibit B: Site Plan submitted March 31, 2022, subject to conditions and approval by the Department of Planning and Development.
3. Relocate accessory building to minimum five feet from property line or provide fire rated exterior wall, subject to review and approval by the Department of Planning and Development (Building Plan Review).
4. Applicant is to obtain all required permits and inspections for the accessory building within 30 days of action by the Zoning Board of Appeals.
5. The accessory building is to be finished with colors and materials that are consistent with the residence on the lot.
6. Storage of vehicles other than the property owner’s personal vehicles shall be prohibited.
7. All junk vehicles and commercial trailers shall be removed from the property.
8. Outdoor storage shall be prohibited.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Standards for Granting Variances
- D. Planning and Development Department Letter of Legal Non-Conformance
- E. Code Enforcement Notice of Violation
- F. Maps

Exhibit A: Site Visit Photos



Fence View Along Bethany Church Road



Front Gate Along Bethany Church Road



Accessory Building Side View (Adjacent to Property Line)



Accessory Building Rear View (Adjacent to Property Line)



Accessory Building Front View

Exhibit B: Site Plan

[attached]

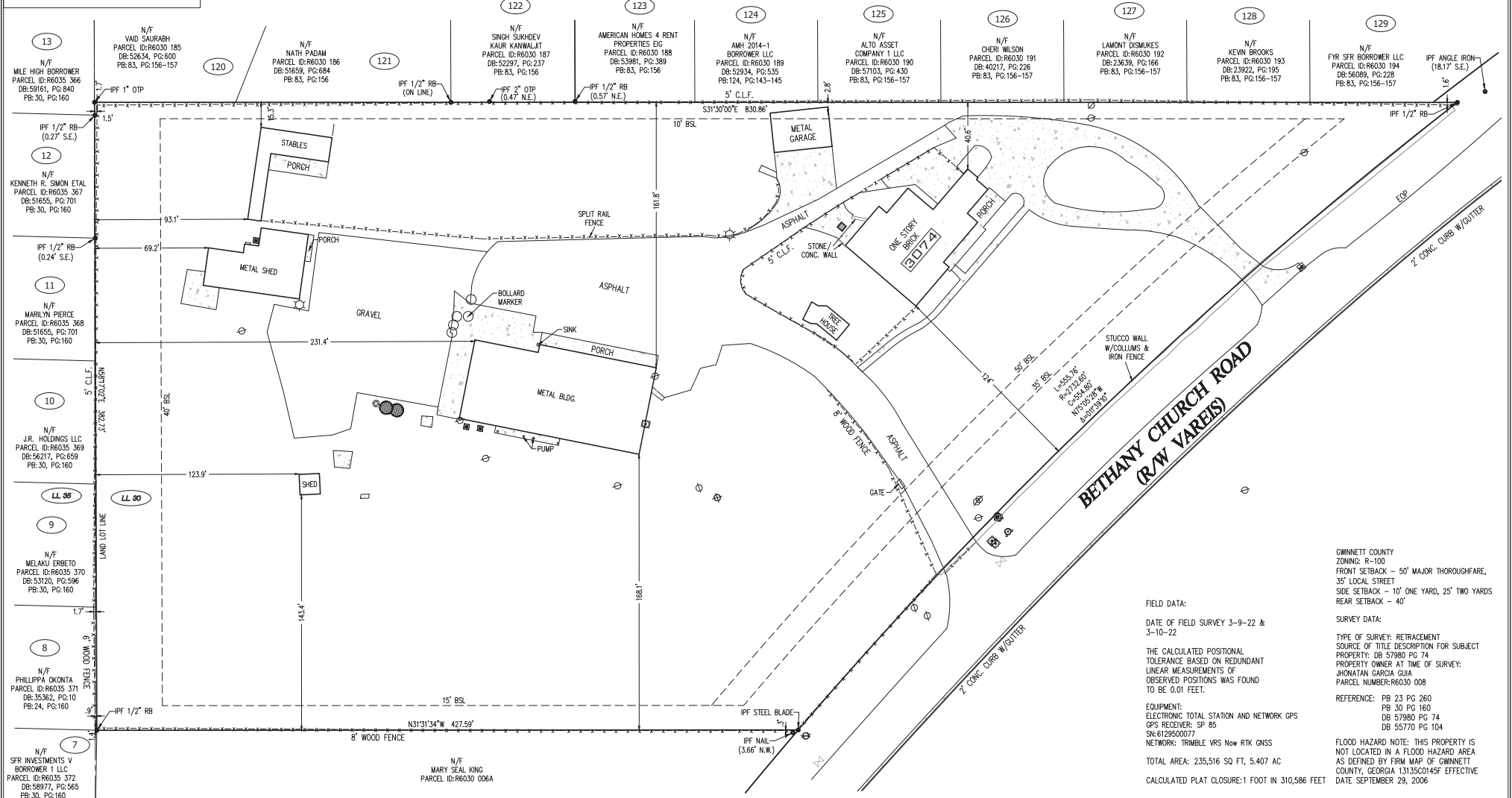
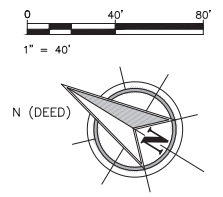
GENERAL NOTES:
 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
 4: No Geodetic monuments were found within 500 feet of this site.
 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plat, or other instruments which created the parcel or parcels is stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A Section 15-6-67

GINNETT COUNTY
 PLANNING AND DEVELOPMENT
RECEIVED
 3/31/2022 2:47PM

LEGEND

- EOP EDGE OF PAVEMENT (CURB)
- PP POWER POLE
- R/W RIGHT OF WAY
- IPF IRON PIN FOUND
- IPFS SIDE WALK
- SW SIDE WALK
- BOLLARD
- OHP OVERHEAD POWER
- FH FIRE HYDRANT
- CB CATCH BASIN
- MH MANHOLE
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- GM GAS METER
- LP LIGHT POLE
- CONCRETE PAD
- MB MAIL BOX



FIELD DATA:
 DATE OF FIELD SURVEY 3-9-22 & 3-10-22
 TYPE OF SURVEY: RETRACEMENT
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 57980 PG 74
 PROPERTY OWNER AT TIME OF SURVEY: JHONATAN GARCIA GUIA
 PARCEL NUMBER: R6030 008
 REFERENCE: PB 23 PG 260
 PB 30 PG 160
 DB 57980 PG 74
 DB 55770 PG 104
 FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 1313500145F EFFECTIVE DATE SEPTEMBER 29, 2006
 EQUIPMENT:
 ELECTRONIC TOTAL STATION AND NETWORK GPS
 GPS RECEIVER: SP 85
 SN: 6129500077
 NETWORK: TRIMBLE VRS Now RTK GNSS
 TOTAL AREA: 235,516 SQ FT, 5.407 AC
 CALCULATED PLAT CLOSURE: 1 FOOT IN 310,586 FEET

GWINNETT COUNTY
 ZONING: R-100
 FRONT SETBACK - 50' MAJOR THOROUGHFARE,
 35' LOCAL STREET
 SIDE SETBACK - 10' ONE YARD, 25' TWO YARDS
 REAR SETBACK - 40'

Date	Revisions Description	By



KEYSTONE LAND SURVEYING, INC.
 162 E. CROGAN ST.
 SUITE F
 LAWRENCEVILLE, GEORGIA
 770-545-8700
 www.keystonelandsurveying.com

BOUNDARY SURVEY FOR
 CLAUDIA GONZALES
 3074 BETHANY CHURCH ROAD, SNELLVILLE, GEORGIA 30039



Date: 3-23-22
 Scale: 1" = 40'
 Client: CLAUDIA GONZALES
 Drawn By: JTF
 Page 1 of 1

ZVR2022-0001516

COPY RIGHT 2019 - THIS IS A 24 DRAWING AND REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND NO PART OF THIS DRAWING MAY BE REPRODUCED, PUBLISHED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

Exhibit C: Letter of Intent and Standards for Granting Variances

[attached]

RECEIVED

11/30/2021 12:10PM

Jhonatan Garcia Guia

29 November 2021

3074 Bethany Church Rd

Snellville GA 30039

(404) 468-4379

To whomever this may concern,

My name is Jonathan Garcia I am the owner of the property at 3074 Bethany Church Rd. My family and I purchased this property in November of 2020 including both the residential and commercial parts. I live with my wife, 4 years old daughter, elder mother, and father, and soon to have a newborn. *In our property we have dogs and a horse, we hope to soon keep adding more.* One of the reasons why we chose to construct a fence in our front yard was for our safety. Our dog is a Pitbull blue nose, and she likes to run wild and free, she is not an aggressive dog, but she does have a strong sense of protecting her property. In many instances we caught many people crossing through our yard, and we have had to run behind her so that she doesn't harm anyone. *We fear that she can cross the road and get lost or in fear harm someone. In our past home she use to jump over our fences because they were 6 feet tall and we want to make sure that she can't jump this one.* We also want to make sure that she isn't harmed by a car passing by, and it is the same thing for our horse. We always keep him in his enclosed space, but this fence is a second protection not only to anyone passing by but to our horse's life. Most importantly my *daughter, I want to make sure that she is well protected. The road that passes in front of our*

RECEIVED

11/30/2021 12:10PM

property is a high-speed road, it's a hill and a curve, cars always pass by very fast. The speed limit on this road is 45mph and most cars pass at 50 to 60mph. Matter of fact, since we moved in, we have had a car accidentally run off the road and into our property. I am a father and I care for the wellbeing of my family; I work all day from 8am to 7pm sometimes 8pm and I want to have a peace of mind that my family is protected. My wife and parents don't speak English fluently and I want to make sure that they are taken care of and in a safe place where my daughter can play outside. Lastly, I want to assure that we are making sure this fence is done properly. We want to do something that will protect and look nice for the neighborhood. We spent a lot of money on this fence to make sure that it is pleasing to the eye and well-constructed. It is the first thing you see when you arrive to our home, and we want to make sure it is nice and in cohesion to the house. This is our forever home, and we want to take good care of it and protect our surroundings; but most importantly I want to protect my family.

RECEIVED

11/30/2021 12:10PM

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: yes, this request is for a fence for safety to our property and others.
- 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, it is necessary for safety and protection to my young daughter and elder parents.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: yes, similar fences are found in neighboring houses with less property/land than ours.
- 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, this problem was not created by us, we simply bought the house without a fence or protection and put one up for safety.
- 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, this will not injure or impair other property or improvements in the neighborhood. it will make the property look nice and well taken care of.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: it is reasonable, it will not affect any other property around us. it is only for the wellbeing and safety of our family.
- 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, it is for safety reasons not only to my property but to others because of the animals we own.

To: P&D-PlanningZoning@gwinnettcountry.com

December 30, 2021



3074 Bethany Church Road, Snellville, GA 30039: parcel ID R6030 008

Request for side setback variance for garage structure on large 4.8 acre parcel, formerly zoned

LETTER OF INTENT IN SUPPORT OF APPLICATION

- a) Description of variance requested and code section
 - a. Section 230-10 applies setback requirements for R-100 zoned properties with a minimum side setback of 10' for "one yard" and 25' for "two yards". See Table 230.1
- b) Reason for the requested variance
 - a. Owner has constructed a garage on the 4.8 acre premises which is (at its closest point to its side property line) approximately 4' from the side property line.
 - b. It is not clear whether the large 4.8 acre parcel is a "one yard" or "two yard" property, but in any event, a variance would be necessary to come into compliance.
 - c. The garage is approximately 35' x 24' = 840 total square feet and 9' high. It is used primarily for the parking of 3 of the owners vehicles and yard maintenance equipment.
- c) Explanation of variance being consistent the intent of the UDO:

This Title 2 is intended to implement the purposes set forth in Section 100-20, and further is enacted for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the present and future inhabitants of Gwinnett County; of lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings and other structures throughout the County; securing economy in government expenditures; and for other purposes, all in accordance with a comprehensive plan for the development of the County.

The above highlighted portions of the UDO's Section 200-10 statement of Purpose, are indicative of the benefits that the county and owner will receive if the variance is granted. The proper storage and control of vehicles on residential and commercial premises add to the safety, convenience, order, prosperity and general welfare of the community and owner. The parcel is 4.8 acres and was used as a commercial enterprise from 1997-2020. The current owner has made aesthetic and general clean up of improvements to the property since purchasing it in 2020, which protect against blight and depreciation for the owner and neighbors. The garage is an appropriate use for the adjacent single family residence.

- d) Statement of hardship
 - a. Admittedly, the owner constructed the garage within the setback of the premises. The owner used a high standard of construction, spent in excess of \$15,000, and has attempted to be highly responsive once he realized there was noncompliance. Given the unique nature of this property having formerly been RA-200 zoned, a long history of commercial use with commercial buildings on the premises, and the owners current use as a single family residence and seeking to make improvements that cause the property to more conform the surrounding master-planned subdivided land, it would cause undue

hardship to require the owner to remove an otherwise conforming and high-quality garage. The owner will in the future ensure that all future improvements and construction on the premises will be properly presented and approved by the appropriate county authorities, and the owner prays that the ZBA grants the variance.



RECEIVED

December 30, 2021

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: This 4.8 acre property was zoned RA-200 until 1973 and is now zone R-100. There are commercial buildings that pre-date the existing 1983 residence, and those commercial buildings were in active use by a prior owner making sausage from 1997-2020. The current use is far less intensive, as the property is now being used and improved as a single family residence. A new, high quality garage was constructed (at issue).
- 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: In an effort to utilize his land and discreetly park vehicles near the single family residence, the owner built a garage of high quality and aesthetically pleasing steel (see photos). The structure is placed near the home in a logical place, but it is only approximately 4' from the side property line of the odd-shaped, large parcel. There is a tree buffer and berm which further insulates any neighboring property.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: This is a unique property in that subdivision development has surrounded it over the years. Given the original zoning and permitted prior commercial use as a sausage manufacturing location (see supplement 2005 letter from Gwinnett Planning), and the current less intensive use, the owner requests a variance to permit the new garage to remain. It enhances the property and is discreet parking for vehicles.
- 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. The owner did build the garage and was unaware of the setback requirements.
- 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. Please see photos of the quality, tree buffer, berm, distance from the back of any adjacent SFR structure in the subdivision nearest the garage structure. This is an improvement to the property and even to the back property line of the adjacent owners. Additionally, the current use by the the new owner is far less intensive than the prior 23-year use as a sausage manufacturing facility.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: Yes. The existing structure was built in a very logical place in proximity to the single family residence, existing drives, and benefits from the tree buffer and berm. See the photos an aerals.
- 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. Good and valuable utilization of property that does not interfere with the enjoyment and safety of neighbors and the general public is what property ownership is all about. There is improvement to the property and enclosed parking of vehicles in an appealing structure. The structure is of high quality and craftsmanship and should be permitted to remain.

Exhibit D: Planning Department Letter of Legal Non-Conformance

[attached]



GWINNETT COUNTY
Department of Planning & Development
(678)518-6000

April 6, 2005

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

RECEIVED

December 30, 2021

Mr. Charlie Harper
Atlanta Sausage Co.
3074 Highway 264
Snellville, Georgia 30039

Re: Atlanta Sausage Co. - 3074 Bethany Church Road (Highway 264)

Dear Mr. Harper,

This letter is in response to a request this Department received from attorney Lee Tucker, inquiring on your behalf, regarding the proposed sale and continued use of the above-referenced property. It is our understanding that you desire to sell the land and business to another party, and are seeking the County's determination that the new owner may continue to operate the business as a legal, non-conforming use in R-100 zoning.

Based upon the attached documentation provided by Mr. Tucker, which has been reviewed by both the Planning and Development and Law Departments, the property has been used as a butcher shop and meat processing business since 1962, predating the current Gwinnett County Zoning Ordinance. In 1983, the Zoning Board of Appeals of Gwinnett County granted a variance to allow a building, which had been damaged by fire, to be rebuilt. The minutes of the Zoning Board of Appeals' decision contain no conditions with regard to the granting of the variance.

Subsequent to the variance approval, a series of memos were written between Bill Ross and Paul Kelman of the Gwinnett County Planning Department and the Gwinnett County Development Department. In Mr. Ross' memorandum to Paul Kelman dated June 5, 1987, he concludes his memorandum by stating "Any change in the type of business, or transfer to the operation of others, would require rezoning to the appropriate zoning category." Mr. Ross justifies this conclusion by stating: "The variance approval was based upon these representations to the Zoning Board of Appeals, and therefore would have to be maintained in order for the variance approval to remain in effect and for the use to maintain its status as a legal, non-conforming use."

446 WEST CROGAN STREET • SUITE 150 • LAWRENCEVILLE, GEORGIA 30045-2440

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

December 30, 2021


Mr. Harper
Page 2

Because this business has operated continually since prior to the adoption of the 1970 and 1985 Gwinnett County Zoning Resolutions, nothing in Article 8, Section 800, would prohibit the transfer of the legal title and ownership of this particular tract of land to another individual. Further, it is the determination of the County Law Department that Mr. Ross' conclusion in 1987 was simply a conservative opinion that is not enforceable under the provisions of the Zoning Resolution.

Therefore, it is the Department's determination that the property may be transferred as a non-conforming use subject to the provisions and limitations of Article 8 of the 1985 Zoning Resolution of Gwinnett County. Mr. Ross' memorandum dated June 5, 1987 does not change this conclusion.

Should you have any questions regarding this determination, please feel free to contact me at 678-518-6211.

Sincerely,



Jeffrey F. West, Manager
Current Planning Section

attachments

c: Mike Williams, Dir. P&D
Steve Logan, Dir., Planning Div.
Glenn Stephens, Law Dept.
Interpretation File (R-100)

Exhibit E: Code Enforcement Notice of Violation

[attached]



GWINNETT COUNTY
 QUALITY OF LIFE | CODE ENFORCEMENT
COURTESY NOTICE OF VIOLATION

Case Number: CEU20 21-09134
 Name: _____
 Violation Address: 3074 BETHANY CHURCH RD
SNEEDVILLE 30039

Inspection Date: 08-02-2021
 Contact Name: _____
 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
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

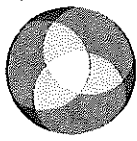
Sign Ordinance	
Sign Permit Required	78-102(1)
Prohibited Signs	78-107
Temporary Signs (Banners)	78-108
Flags	78-109(10)
Generally Permitted Signs	78-109
Maintenance & Appearance	78-116
Home Occupation Sign Prohibited	78-107(8)
Solid Waste Ordinance	
Trash containers -collection hours	82-56.A.6.C
Unified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

Details or corrective action: _____

- FENCE OVER FOUR (4) FEET IN FRONT ; VARIANCE NEEDED

PLEASE CORRECT BY: <u>08 / 23 / 2021</u>	
Officer: <u>J Boyce CE 40</u>	For more information, visit GwinnettQualityOfLife.com 
Phone: <u>770-513-5038</u>	
Email: <u>ZVR2022-0001516</u>	
Page 22 of 28 gwinnettcounty.com	

TJ



OFFICIAL NOTICE OF VIOLATION

Case Number: CEU20 21-09134

Inspection Date: 12-22-2021

Name:

Contact Name:

Violation Address: 3074 BETHANY CHURCH RD
SMYRNAVILLE 30039

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
X 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 Principal Building/Use		230-40
X Walls and Fences (Requirements)		230-80
Livestock		230-130.3.DD
Non-Permitted Use		230-100
Accessory Uses or Structures		230-120
Right of Way Violations		230-120.4
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
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

Details or corrective action:

- REMOVE ALL OUTDOOR STORAGE AND DEBRIS FROM PROPERTY
- ALL VEHICLES MUST BE OPERABLE AND DISPLAY VALID TAGS
- COMMERCIAL TRAILER PROHIBITED FROM PARKING ON PROPERTY
- VARIANCE NEEDED FOR FENCES IN FRONT YARD

PLEASE CORRECT BY: 01 / 20 / 2022

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 and/or imprisonment.

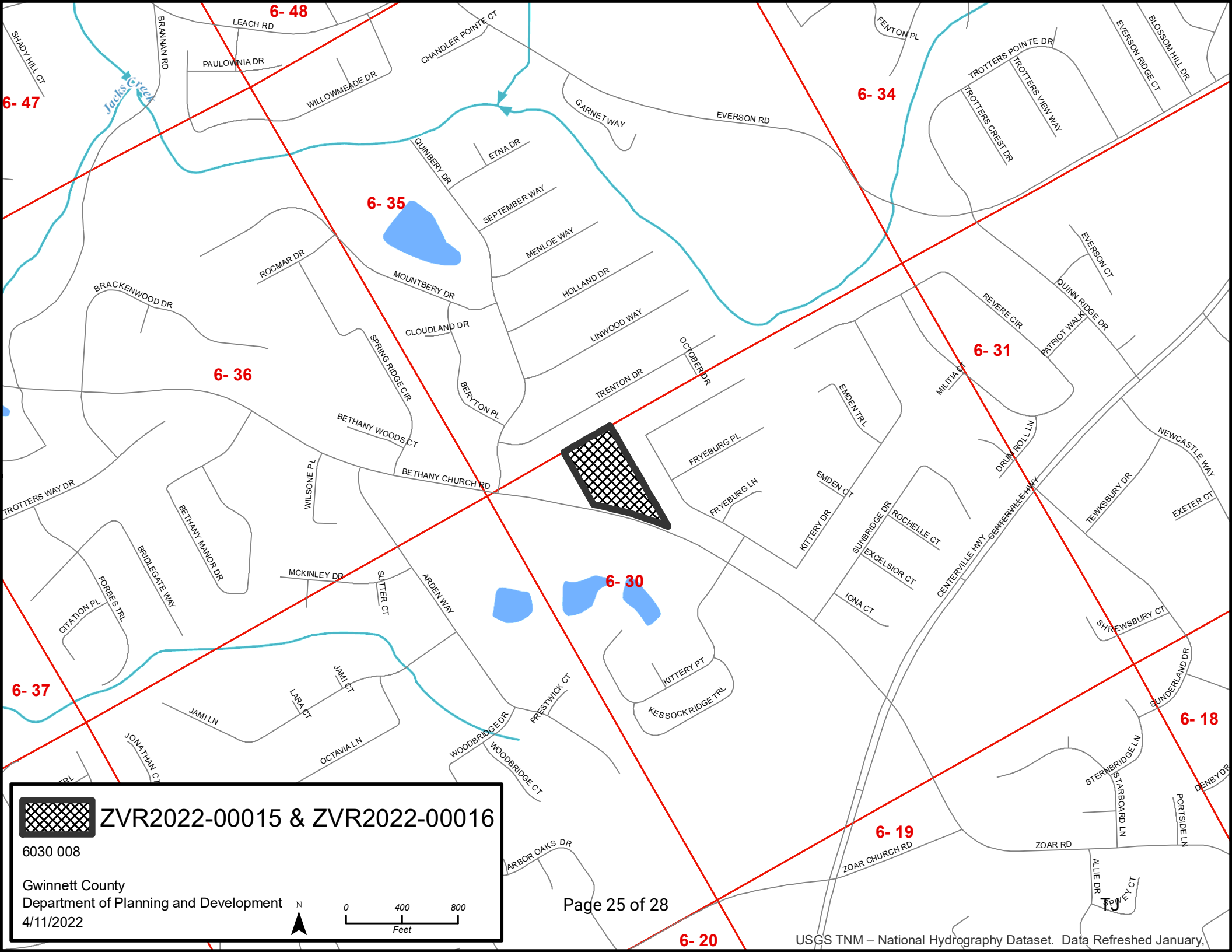
Officer: J Boyce CE 40
 Phone: 470-534-2313
 Email: JASON.Boyce@gwinnettcounty.com

For more information, visit
GwinnettCodeEnforcement.com



Exhibit F: Maps

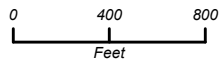
[attached]




ZVR2022-00015 & ZVR2022-00016

6030 008

Gwinnett County
Department of Planning and Development
4/11/2022

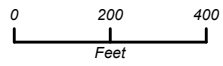




 ZVR2022-00015 & ZVR2022-00016

6030 008

Gwinnett County
Department of Planning and Development
4/11/2022




TRENTON DR

KITTERY DR

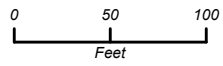
FRYEBURG PL

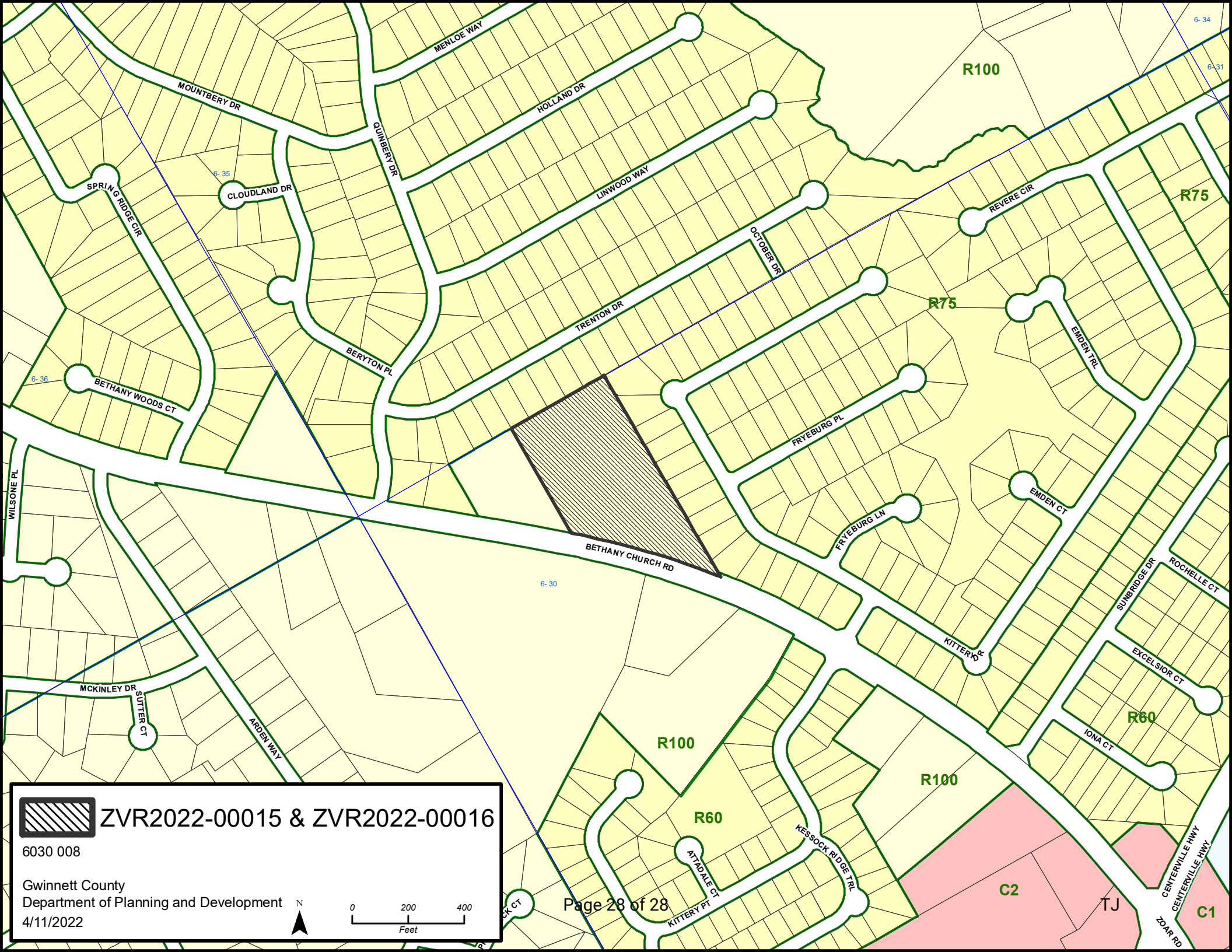
BETHANY CHURCH RD


 ZVR2022-00015 & ZVR2022-00016

6030 008

Gwinnett County
Department of Planning and Development
4/11/2022

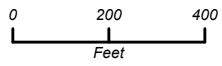




 ZVR2022-00015 & ZVR2022-00016

6030 008

Gwinnett County
Department of Planning and Development
4/11/2022



6-34

6-31

6-35

6-36

6-30

R75

R75

R60

R100

R100

R60

C2

TJ

C1

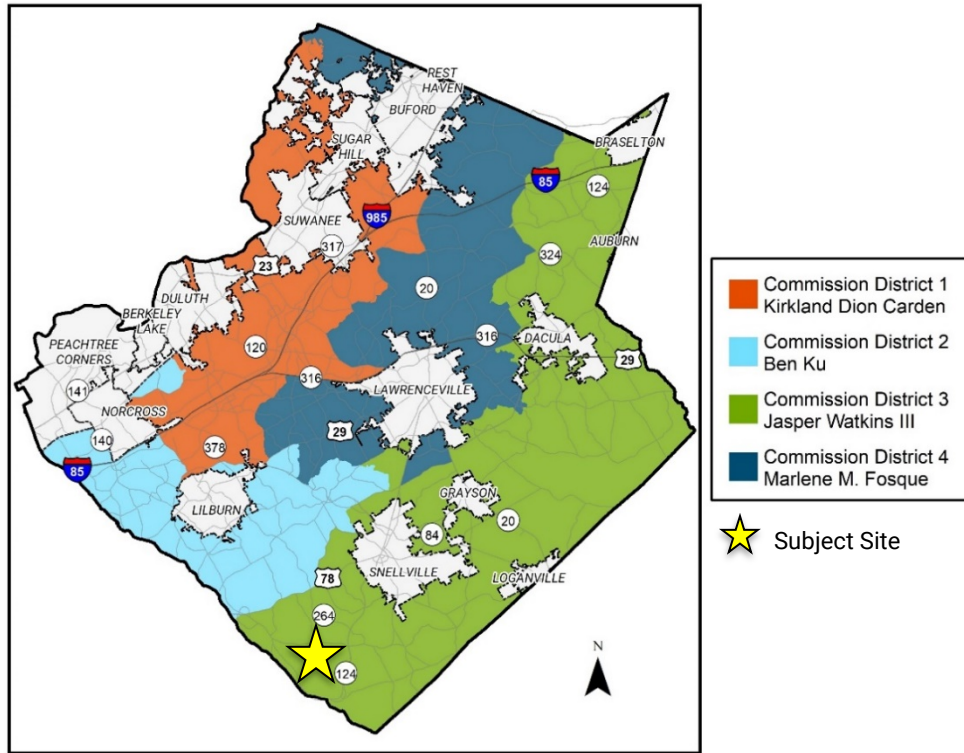


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2022-00032
Address: 3527 Spain Road
Map Number: R6022 005A
Current Zoning: R-100 (Single-Family Residence District)
Site Area: 1.45 acres
Proposed Development: Accessory Dwelling
Commission District: District 3 – Commissioner Watkins
Request: Allow a 15.1-foot encroachment into an accessory dwelling rear yard setback

Case Number: ZVR2022-00033
Address: 3527 Spain Road
Map Number: R6022 005A
Current Zoning: R-100 (Single-Family Residence District)
Site Area: 1.45 acres
Proposed Development: Accessory Dwelling
Commission District: District 3 – Commissioner Watkins
Request: Exceed the maximum heated square-footage for an accessory dwelling

Case Number: ZVR2022-00034
Address: 3527 Spain Road
Map Number: R6022 005A
Current Zoning: R-100 (Single-Family Residence District)
Site Area: 1.45 acres
Proposed Development: Accessory Dwelling
Commission District: District 3 – Commissioner Watkins
Request: Allow a non-compatible exterior style for an accessory dwelling (metal roof)



Location Map

Applicant: Teodora Perez
3527 Spain Road
Snellville, GA 30039

Owner: Teodora Perez
3527 Spain Road
Snellville, GA 30039

Contact: Ronald Perez

Contact Phone: 678.704.6217

Zoning History

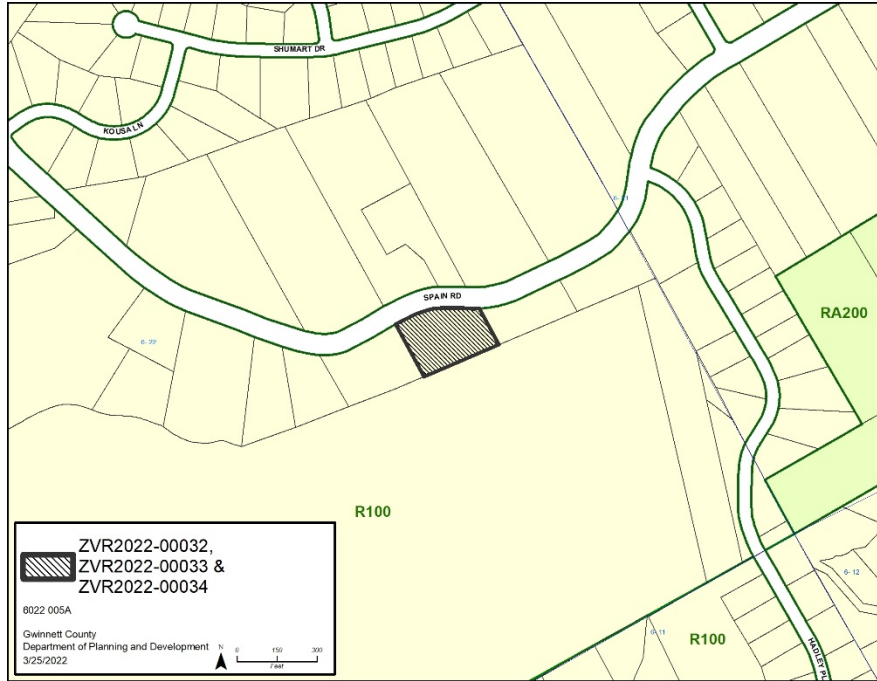
The subject property is zoned R-100 (Single-Family Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject site is a 1.45-acre developed, single-family septic lot along Spain Road. The 1,881 square-foot primary residence was built in 1967. Access is by way of one driveway from Spain Road. A partially constructed accessory dwelling is located in the rear yard, within the setback. The two-story accessory dwelling construction has been without permits or inspections. The first floor serves as an 840 square-foot unheated storage area, while the second floor contains 840 square-feet of heated living space including one kitchen, two bedrooms, and one bathroom. Entry into the heated living space is provided by a deck that is elevated due to topography. The site slopes approximately 26 feet downward from west to east.

Surrounding Use and Zoning

The surrounding properties are single-family residence. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Single-Family Residential	R-100
North	Single-Family Residential	R-100
East	Single-Family Residential	R-100
South	Single-Family Residential	R-100
West	Single-Family Residential	R-100

Project Summary

The applicant is requesting three variances to allow an accessory dwelling to encroach the rear yard setback, exceed the maximum square-footage, and have a non-compatible exterior style (metal roof) including:

- A two-story accessory dwelling that is 4.9 feet from the south property line. It contains 840 square-feet of storage on the first floor and 840 square-feet of heated living space on the second floor that includes two bedrooms, two bathrooms, and one kitchen.
- The height of the accessory dwelling measures 26 feet which is less than the principal dwelling height which measures 27.5 feet.

- On March 2, 2022, the Environmental Health Department approved an upgraded septic system to accommodate the addition of the accessory dwelling.
- Construction of the accessory dwelling is incomplete, and is made of brick and wood with a pitched metal roof that sits on a concrete foundation
- This variance request is a result of Code Enforcement Complaint, COM2019-00143, for building without a permit. The complaint, CSR2019-03333, was submitted anonymously on June 16, 2019. A Notice of Violation and Stop Work Order were issued June 17, 2019.
- A previously submitted variance request, ZVR2019-00096, was administratively withdrawn.
- Progress investigations and Notice of Violation re-inspections have occurred from 2019 through 2022
- The applicant was advised of violations and requirements during a meeting with the Planning Division on October 15, 2021.
- The shed listed on the site plan submitted November 11, 2021 will be removed.
- Due to topography, entry to second level living space is at grade.

Variations Requested

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

1. **Variance from Section 230-130.3.U** to allow a 15.1-foot accessory dwelling rear setback encroachment.
2. **Variance from Section 230-130.3.U.3** to exceed the maximum heated living square-footage by 40 square-feet
3. **Variance from Section 230-10.3.U.6** to allow a dissimilar roof type from the principal dwelling

Zoning and Development Standards

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

Standard	Required	Proposed	Meets Standard
Required location of accessory dwelling	Rear Yard	Rear Yard	YES
Minimum accessory dwelling setbacks:			
Side	10 Feet	> 10 feet	YES
Rear	20 Feet	4.9 Feet	NO
Accessory dwelling units per primary dwelling unit ratio	1:1	1:1	YES
Primary dwelling unit owner-occupied	Yes	Yes	YES
Accessory building heated living space			
Minimum square-footage:	400	>400	YES
Maximum square-footage:	800	840	NO
Accessory dwelling is a separate building	Yes	Yes	YES
Accessory dwelling height is less than principal dwelling height	Principal: 27.5 Feet	Accessory: 26 Feet	YES
Same or similar and compatible exterior			

style:			
Roof Type	Shingle	Metal	NO
Window Style	Yes	Yes	YES
Color	Yes	Yes	YES
Trim	Yes	Yes	YES
Landscape	Yes	Yes	YES
Windows directly opposite of a principal dwelling on an abutting lot	> 50 Feet	> 50 Feet	YES
Rooms:			
Kitchen	1	1	YES
Bedrooms	≥1≤2	2	YES
Bathrooms	At least 1	2	YES
Number of Occupants	Maximum: 2	1	YES
Paved off-street parking space (additional to primary dwelling unit)	At least: 1	At least: 1	YES
Separate electrical meter and service panel with main disconnect	Yes	Yes	YES
Backflow preventer and shut-off valve on potable water service line	Yes	Yes	YES

Staff Recommended Conditions

Should the Zoning Board of Appeals choose to approve these variance requests, staff recommends the following conditions of approval:

1. Applicant is to obtain all required permits and inspections for the accessory dwelling within 30 days of action by the Zoning Board of Appeals.
2. The exterior of the accessory dwelling shall be consistent with materials and colors used on the primary residential structure, with the exception of the metal roof
3. The accessory dwelling shall be located in general conformance with Exhibit B: Site Plan submitted November 17, 2021.

Exhibits:

- A. Site Visit Photos
- B. Site Plan and Floor Plan
- C. Letter of Intent and Standards for Granting Variances
- D. Septic Tank Parcel Report
- E. Code Enforcement Complaint COM2019-00143
- F. Maps

Exhibit A: Site Visit Photos



Property Along Spain Road



Principal Housing Structure



Pathway to Accessory Dwelling Structure



**Accessory Dwelling Northern Side with Ground Floor Storage
(Facing Principal Housing Structure)**



**Accessory Dwelling Northern Side
(Topography and Elevated Deck)**



Accessory Dwelling Western Side (Entrance Facing Adjacent Lot)



Accessory Dwelling Eastern Side (Side Facing Adjacent Lot)



Accessory Dwelling Southern Side (Rear Facing Adjacent Lot)



Shed to be Removed

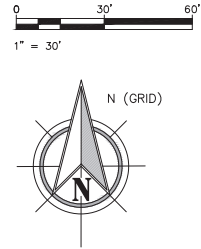
Exhibit B: Site Plan and Floor Plan

[attached]

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

RECEIVED

11/17/2021 10:12AM



GENERAL NOTES:
 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
 4: No Geodetic monuments were found within 500 feet of this site.
 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

FIELD DATA:
 DATE OF FIELD SURVEY 2-3-21, 2-17-21 & 2-26-21.

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.00 FEET.

EQUIPMENT:
 ELECTRONIC TOTAL STATION AND NETWORK GPS
 GPS RECEIVER: CHAMPION INSTRUMENTS, PRO, SN:1033458,
 NETWORK: eGPSVRS

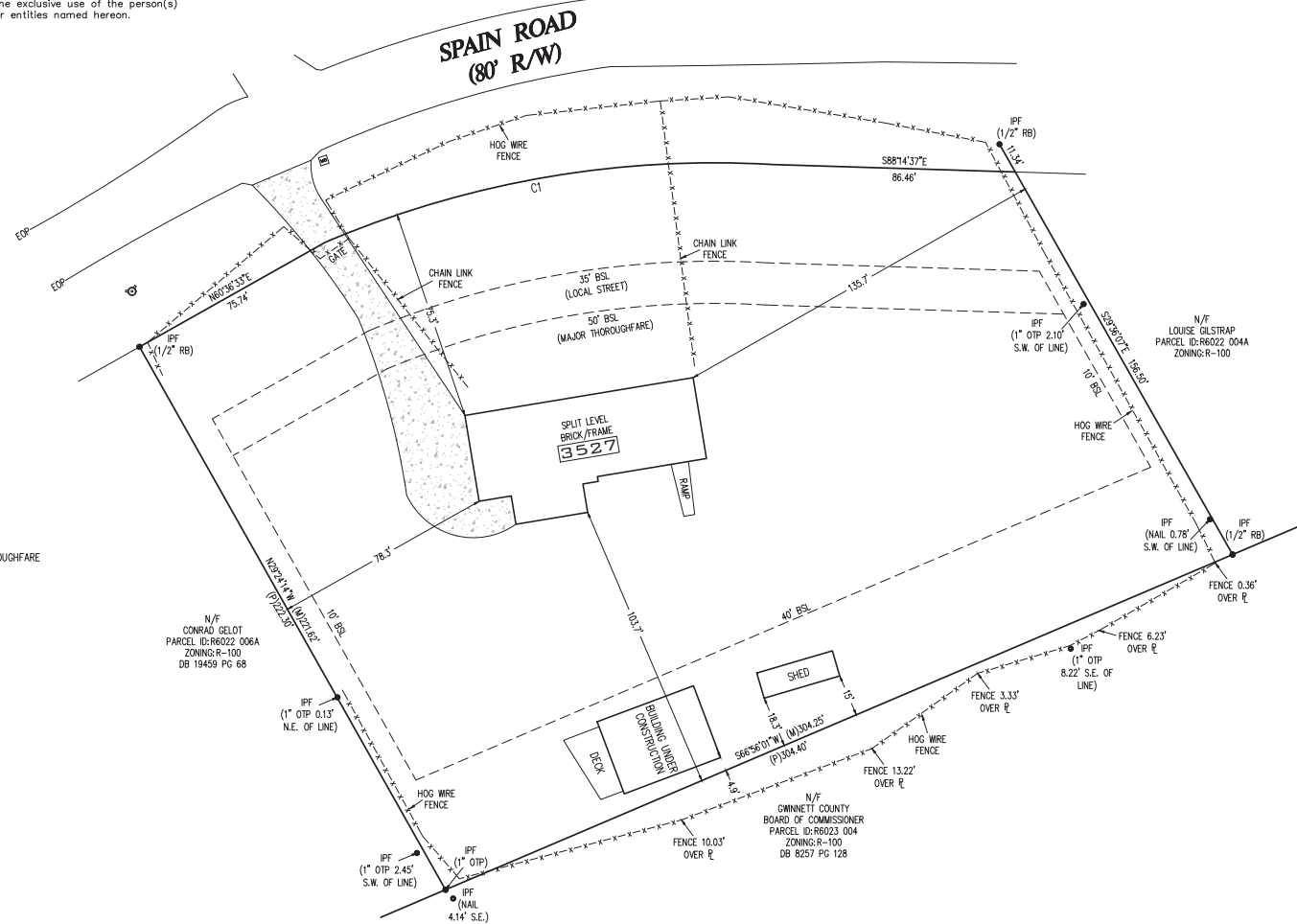
TOTAL AREA: 63,254 SQ FT, 1.45 AC
 CALCULATED PLAT CLOSURE: 1: 267,593

SURVEY DATA:
 TYPE OF SURVEY: RETRACEMENT
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 51109 PG 830
 PROPERTY OWNER AT TIME OF SURVEY: TEODORA PEREZ
 PARCEL NUMBER: R6022 005A

REFERENCE: PLAT BOOK M PG 267
 DEED BOOK 51109 PG 830

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 13135C0144F EFFECTIVE DATE SEPTEMBER 29, 2006

ZONING: R-100
 FRONT SETBACK - 35' LOCAL STREET, 50' MAJOR THOROUGHFARE
 UNLESS OTHERWISE NOTED
 SIDE SETBACK - 10' ONE YARD, 25' TWO YARD
 REAR SETBACK - 40'



- LEGEND**
- EOP EDGE OF PAVEMENT (CURB)
 - PP POWER POLE
 - R/W RIGHT OF WAY
 - IPF IRON PIN FOUND
 - IPS 1/2" REBAR SET
 - SW SIDE WALK
 - BOLLARD
 - OHP OVERHEAD POWER
 - FH FIRE HYDRANT
 - CB CATCH BASIN
 - MH MANHOLE
 - WM WATER METER
 - WV WATER VALVE
 - GV GAS VALVE
 - GM GAS METER
 - LP LIGHT POLE
 - CONCRETE PAD
 - MB MAIL BOX
 - (M) MEASURED
 - (P) PLAT

Curve Table

Curve #	Length	Radius	Direction	Chord Length
C1	162.86	352.45	S80°07'20"W	161.41

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plat, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A Section 15-6-67

REVISIONS

Date	Description	By



BOUNDARY SURVEY FOR
 MITCHELL PEREZ
 3527 SPAIN ROAD, SNELLVILLE, GEORGIA 30039

LAND LOT 22 - 6TH DISTRICT
 GWINNETT COUNTY, GEORGIA



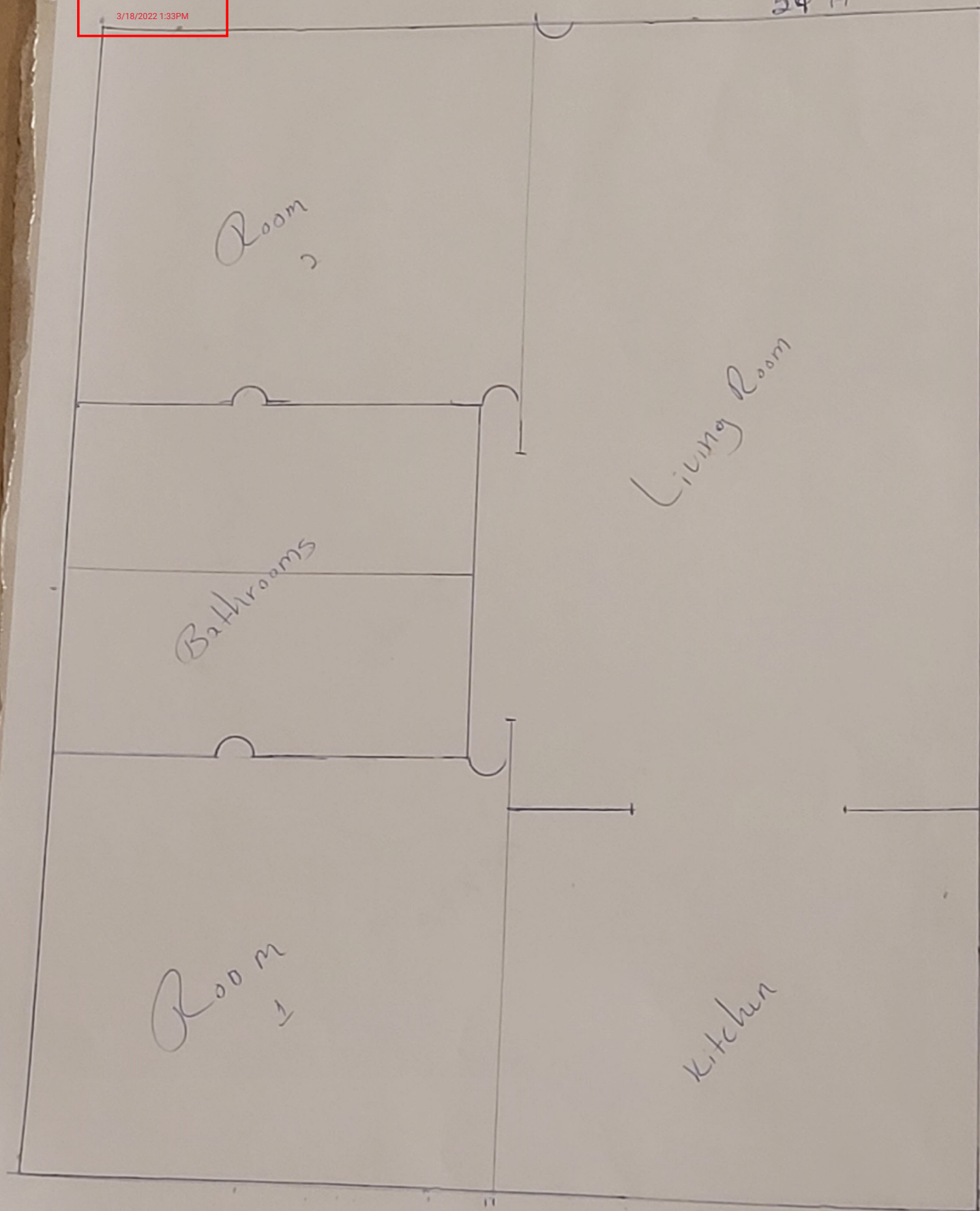
Date:	3-1-21
Scale:	1" = 30'
Client:	MITCHELL PEREZ
Drawn By:	JTF
Page:	1 of 1

ZVR2022-0003234

COPY RIGHT 2019 - THIS IS A 24 DRAWING AND REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND NO PART OF THIS DRAWING IS TO BE REPRODUCED, PUBLISHED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
3/18/2022 1:33PM

24 FT



02-01-19 14:55 / 1

RECEIVED

3/18/2022 1:33PM

02/01/19 14:55 / 1

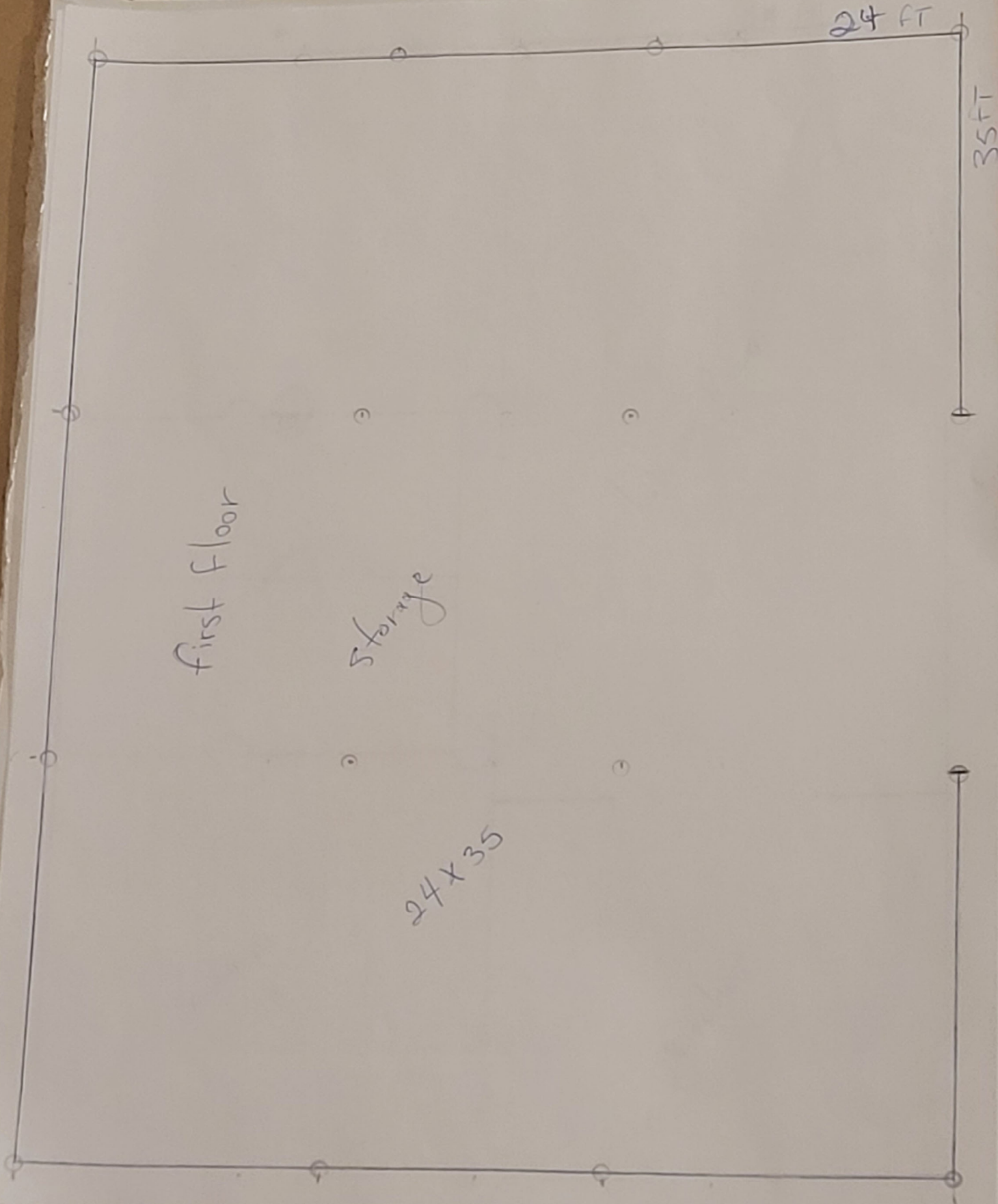


Exhibit C: Letter of Intent and Standards for Granting Variances

[attached]

April 3,2022

To Whom It May Concern,

The purpose of this letter is to seek the approval of three variances for an accessory dwelling. The accessory dwellings shall only be located in a rear yard. I am hoping to get an approval of a variance to allow the building in the accessory dwelling setback, to exceed the maximum heated living square-footage by 40 square feet, and to allow a metal roof. I will be following all the requirements detailed below with the approval of the variances.

- The first variance (ZVR2022-00032) to allow a 15.1 foot accessory dwelling rear setback encroachment.
- The second variance (ZVR2022-00033) to allow the maximum heated living square-footage to exceed by 40 square feet.
- The last variance (ZVR2022-00034) to allow a dissimilar roof type from the principal structure to metal roof.

This accessory dwelling is a separate unit from the primary dwelling located in the back of the property. The primary dwelling is owner occupied and it only has this accessory dwelling unit. The accessory dwelling will be constructed with the same or similar and compatible exterior style, materials, slope, doors, window style and proportions, color, trim and landscaping as the principal dwelling. The windows of an accessory dwelling unit are not directly opposite windows of the principal dwelling as the accessory dwelling is located at the back of the property separated by more than 50 ft. The accessory dwelling unit contains a kitchen and two bedrooms and two full bathrooms. Occupancy of the accessory dwelling is for my parents (Teodora's parents) so it will not be occupied by more than two people. One paved off-street parking space is dedicated for the use of the accessory dwelling unit. We will separate the electrical meter and service panel with the main disconnect once the accessory dwelling renovations are completed. We will also have a backflow preventer and shut-off valve on the potable water service line on the accessory dwelling when we finish the renovation.

We will apply for a Certificate of Occupancy for the accessory dwelling.

Thanks,

Teodora Perez



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: Yes. The property is on a septic tank and the only available space is in the rear.

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 property is on a septic tank and the only available space is in the rear.

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: Septic Tank Parcel Report

[attached]



GWINNETT COUNTY ENVIRONMENTAL HEALTH RESIDENTIAL SEWAGE/ADDITION PERMIT APPLICATION

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
3/08/2022 12:00PM

Application Date: 02/10/21

Map # _____

OWNER INFORMATION (Please Print)	APPLICANT INFORMATION (Please Print)
Name <u>Teodora Pérez</u>	Name <u>RONALD PÉREZ</u>
Address <u>3527 Spain Rd</u>	Address <u>3527 Spain Rd</u>
City, State, Zip <u>Snellville GA 30039</u>	City, State, Zip <u>Snellville GA 30039</u>
Home Phone (917) <u>651-5254</u>	Home Phone (678) <u>704-6217</u>
Work Phone () _____	Work Phone () _____
Fax () _____	Fax () _____
Other Phone () _____	Other Phone () _____
E-MAIL _____	E-MAIL <u>rnlD-Perez@hotmail.com</u>

PROPERTY INFORMATION (must be completed)

New Construction on Undeveloped Lot

Addition to Existing Property/Structure

Address: 3527 Spain Rd City Snellville

Subdivision _____ Lot 22 Block _____

Current # Bedrooms 0 # Bedrooms After Addition(s) 7 Garbage Disposal: Yes / No

Building Design: Basement / Crawl Space / Slab (Basement w/ Plumbing)

Stub out location: Basement / Crawl Space / Slab (Basement w/ Plumbing)

Lot Size (Sq. Ft.)** 63,254 Soil Type (if known) _____

Property Water: Public / Well Tax ID 4177 005A

Check all that are on or within 100' of property:

Creeks ___ Ponds ___ Wells, Springs, Sink Hole ___ Embankments ___ Gullies ___

Locations: _____

Describe Addition: It's a storage with ^{Bed} 2 Rooms on top. Size 35x25 with Living Room, kitchen and bath rooms. Deck and shed.

Type of Septic Field Product Requested: _____

APPROVED

GWINNETT COUNTY ENVIRONMENTAL HEALTH

DATE 3/2/2022

No septic records on file.

Exhibit E: Code Enforcement Complaint COM2019-00143

[attached]

CASE NUMBER : COM2019-00143

PRIMARY ADDRESS:	3527 SPAIN RD, SNELLVILLE, GA 30039
PARCEL:	6022 005A
RECEIVED DATE:	6/17/2019
APPLICATION STATUS:	In Violation
DESCRIPTION:	Per new CSR: Was reluctant to report this...they built what looks like a whole house behind the property. But, when they placed 5-6 metal rods right on the road line (county property) I decided this is enough!

OWNER NAME	ADDRESS	CITY/STATE/ZIP
PEREZ TEODORA	3527 SPAIN RD	SNELLVILLE, GA, 30039-8506

Phone:

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP
Complainant			GA
Contact	Ronald Perez		GA
Owner	Teodora Perez		GA
Homeowner	Nicolas Perez		GA

Phone:

COMMENTS

View ID	COMMENTS	DATE

INSPECTIONS

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Progress Investigation	12/14/2021	1/24/2022	1/26/2022	In Violation	Brandon Alpirez	working on septic tank for enviro to get variance process
Progress Investigation	12/14/2021	1/24/2022	1/26/2022	In Violation	Brandon Alpirez	follow up on variance
Progress Investigation	12/11/2021	12/17/2021	12/14/2021	In Violation	Brandon Alpirez	follow up on permit/variance
Progress Investigation	11/12/2021	12/1/2021	12/1/2021	In Violation	Brandon Alpirez	owner still working on variance
Progress Investigation	11/12/2021	12/1/2021	12/1/2021	In Violation	Brandon Alpirez	Follow up on permit/variance
Progress Investigation	10/29/2021	11/12/2021	11/12/2021	In Violation	Brandon Alpirez	Property owner submitted variance application and has to re submit more documents. Property owner keeps working towards a permit.
Progress Investigation	10/29/2021	11/12/2021	11/12/2021	In Violation	Brandon Alpirez	Follow up on variance and permits. check for variance payment.
Progress Investigation	10/15/2021	10/28/2021	10/29/2021	In Violation	Brandon Alpirez	Talked to the owner working on the variance he needs to comeback to 3rd floor and make a payment for the application still working on getting everything they need for the variance.
Progress Investigation	10/15/2021	10/28/2021	10/29/2021	In Violation	Brandon Alpirez	Call and follow up with owner regarding variances and letters from their neighbors.

CASE NUMBER : COM2019-00143

CASE NUMBER : COM2019-00143

Progress Investigation	10/15/2021	10/15/2021	10/15/2021	In Violation	Brandon Alpirez	On this date we met with the home owner, provide them with information regarding the permits/ variances they will need to get and how to do each variance. Owner is willing to work with us and will try to get everything as soon as possible. Issued Citation Set Court date for May 4th 2022.
Progress Investigation	10/15/2021	10/15/2021	10/15/2021	In Violation	Brandon Alpirez	Meeting with home owner.
Notice of Violation Reinspection	10/11/2021	10/12/2021	10/13/2021	In Violation	Gregory Beauchamp	Spoke with property owner by phone, Meeting setup Friday in office
Notice of Violation Reinspection	10/11/2021	10/12/2021	10/13/2021	In Violation	Gregory Beauchamp	Follow up PZ12705
Notice of Violation Reinspection	9/24/2021	10/11/2021	9/24/2021	Rescheduled	Gregory Beauchamp	Follow up PZ12705
Notice of Violation Reinspection	6/18/2021	7/15/2021	6/18/2021	Rescheduled	Roy Adams	Follow up PZ12705
Meeting	3/12/2021	5/19/2021	5/25/2021	Done	Roger Zavala	Property Owner did no show up to court, Sheriffs Officer didn't find defendant
Meeting	3/12/2021	5/19/2021	5/25/2021	Done	Roger Zavala	COURT DATE AT 10 AM
Case Notes	3/15/2021	3/15/2021	3/15/2021	Done	Roger Zavala	Received a phone call from Property owner's son. Got site plan from Surveyor and will go this week to EHD to submit Application
Case Notes	3/15/2021	3/15/2021	3/15/2021	Done	Roger Zavala	Phone call
Progress Investigation	3/11/2021	3/12/2021	3/12/2021	In Violation	Roger Zavala	Took Citation to court house
Progress Investigation	3/11/2021	3/12/2021	3/12/2021	In Violation	Roger Zavala	Take Citation to Court House 9am
Notice of Violation Reinspection	2/18/2021	3/11/2021	3/11/2021	Citation Issued	Roger Zavala	Issued Citation PZ12705
Notice of Violation Reinspection	2/18/2021	3/11/2021	3/11/2021	Citation Issued	Roger Zavala	Follow up on permit
Notice of Violation Reinspection	1/28/2021	2/18/2021	2/18/2021	In Violation	Roger Zavala	Spoke to Property Owner's son. Waiting on Surveyor Company to provide. . Posted new SWO.
Notice of Violation Reinspection	1/28/2021	2/18/2021	2/18/2021	In Violation	Roger Zavala	Follow up on permit
Notice of Violation Reinspection	1/25/2021	1/28/2021	1/28/2021	In Violation	Roger Zavala	Mailed Notice of Violation / Must Obtain BLD Permit
Notice of Violation Reinspection	1/25/2021	1/28/2021	1/28/2021	In Violation	Roger Zavala	Follow up on permit
Notice of Violation Reinspection	12/10/2020	1/7/2021	1/7/2021	In Violation	Roger Zavala	Permit has not yet been obtained. Homeowner's son is looking for a Surveyor Company
Notice of Violation Reinspection	12/10/2020	1/7/2021	1/7/2021	In Violation	Roger Zavala	Follow up on BLD permit

CASE NUMBER : COM2019-00143

Notice of Violation Reinspection	11/17/2020	12/10/2020	12/10/2020	In Violation	Roger Zavala	Made a Site Visit. Met Property Owner's son. Homeowners is out of the country. Still looking a Surveyor Company or a General Contractor and apply for BLD permit.
Notice of Violation Reinspection	11/17/2020	12/10/2020	12/10/2020	In Violation	Roger Zavala	Follow up on permit
Notice of Violation Reinspection	10/16/2020	11/16/2020	11/17/2020	In Violation	Roger Zavala	Spoke to Amanda, Due to a lost in the family Homeowner is out of town.
Notice of Violation Reinspection	10/16/2020	11/16/2020	11/17/2020	In Violation	Roger Zavala	Follow up on permit
Phone Call	10/27/2020	10/27/2020	10/27/2020	Done	Roy Adams	On this date, spoke with Amanda Goodwin by phone. Explained that the structure is a two story accessory structure, greater than 1000 square feet, encroaching in setbacks. Explained that the structure would require a special use permit and variance and provided contact information for Tyler Lasser in Development Review and Ashley Nichols in Planning.
Phone Call	10/27/2020	10/27/2020	10/27/2020	Done	Roy Adams	Phone call with Amanda Goodwin, friend of family (912) 429-0151.
Notice of Violation Reinspection	9/18/2020	10/16/2020	10/16/2020	In Violation	Roger Zavala	Requested more time. still looking for a Surveyor Company
Notice of Violation Reinspection	9/18/2020	10/16/2020	10/16/2020	In Violation	Roger Zavala	Follow un on permits
Progress Investigation	9/17/2020	9/18/2020	9/17/2020	Not Complied	Roger Zavala	Homeowner requested more time, looking for a Surveyor company.
Progress Investigation	9/17/2020	9/18/2020	9/17/2020	Not Complied	Roger Zavala	Follow up on Special use permit / variance / building permit. C32020 Nick – property owner (718) 864-0735 Juan Perez (son) (404)484-4601
Progress Investigation	2/18/2020	2/20/2020	2/24/2020	In Violation	Roy Adams	NOV issued by mail & Certified Mail.
Progress Investigation	2/18/2020	2/20/2020	2/24/2020	In Violation	Roy Adams	Follow up on SUP / permits. Issued 2nd NOV.
Progress Investigation	10/2/2019	10/21/2019	10/21/2019	In Violation	Roy Adams	Property owner was applying for Special Use Permit, currently has surveyor working on paperwork. Reducing size to less than 1000' so can get variance.
Progress Investigation	10/2/2019	10/21/2019	10/21/2019	In Violation	Roy Adams	Follow up on variance application / permits.
Progress Investigation	7/31/2019	8/19/2019	9/4/2019	In Violation	Roy Adams	Property owner has applied for variance, pick up sign week of 9/09/2019, hearing date 10/08/2019. Does not show in system at this time.
Progress Investigation	7/31/2019	8/19/2019	9/4/2019	In Violation	Roy Adams	Follow up on variance application / permits.
Progress Investigation	7/9/2019	7/23/2019	7/31/2019	In Violation	Roy Adams	Property owner is waiting for survey to apply for variance.
Progress Investigation	7/9/2019	7/23/2019	7/31/2019	In Violation	Roy Adams	Follow up on permits.
Notice of Violation Reinspection	6/18/2019	7/8/2019	7/9/2019	In Violation	Roy Adams	Property owner has completed drawings and will bring in to review.
Notice of Violation Reinspection	6/18/2019	7/8/2019	7/9/2019	In Violation	Roy Adams	Follow up on permits.

CASE NUMBER : COM2019-00143

Residential Building Complaint Investigation	6/17/2019	6/17/2019	6/17/2019	In Violation: See Comment	Roy Adams	On this date a site visit was made. I observed an accessory building in the rear yard without permits / inspections. Issued NOV and provided guide sheets to property owner on site, issued SWO on site.
Residential Building Complaint Investigation	6/17/2019	6/17/2019	6/17/2019	In Violation: See Comment	Roy Adams	Per new CSR: Was reluctant to report this...they built what looks like a whole house behind the property. But, when they placed 5-6 metal rods right on the road line (county property) I decided this is enough!
Stop Work Order	6/18/2019	6/17/2019	6/17/2019	In Violation	Roy Adams	Issued SWO to property owner on site.
Stop Work Order	6/18/2019	6/17/2019	6/17/2019	In Violation	Roy Adams	Issued NOV & SWO.
Notice of Violation 1st	6/18/2019	6/17/2019	6/17/2019	In Violation	Roy Adams	Issued NOV to property owner on site.
Notice of Violation 1st	6/18/2019	6/17/2019	6/17/2019	In Violation	Roy Adams	Issued NOV & SWO.
Meeting	3/11/2021	4/7/2021		Scheduled	Roger Zavala	COURT DATE AT 10 AM
Notice of Violation Reinspection	5/25/2021	6/15/2021		Rescheduled	Roger Zavala	Follow up PZ12705
Notice of Violation Reinspection	1/7/2021	1/22/2021		Rescheduled	Roger Zavala	Follow up on permit
Progress Investigation	3/22/2022	3/4/2022		Scheduled	Brandon Alpirez	Follow up on permit variance
Progress Investigation	2/25/2022	3/26/2022		Rescheduled	Brandon Alpirez	Follow up on permit variance
Progress Investigation	1/26/2022	2/26/2022		Rescheduled	Brandon Alpirez	Follow up on permit variance
Progress Investigation	5/11/2020	7/10/2020		Rescheduled	Roy Adams	Follow up on SUP / permits. C32020
Progress Investigation	3/18/2020	5/11/2020		Rescheduled	Roy Adams	Follow up on SUP / permits. C32020
Progress Investigation	3/15/2020	3/17/2020		Rescheduled	Roy Adams	Follow up on SUP / permits.
Progress Investigation	2/24/2020	3/9/2020		Rescheduled	Roy Adams	Follow up on SUP / permits.
Progress Investigation	1/15/2020	1/16/2020		Rescheduled	Roy Adams	Follow up on SUP / permits. Issued 2nd NOV.
Progress Investigation	1/1/2020	1/2/2020		Rescheduled	Roy Adams	Follow up on variance application / permits.
Progress Investigation	12/7/2019	12/12/2019		Rescheduled	Roy Adams	Follow up on variance application / permits.
Progress Investigation	10/21/2019	11/21/2019		Rescheduled	Roy Adams	Follow up on variance application / permits.
Progress Investigation	9/4/2019	10/1/2019		Rescheduled	Roy Adams	Follow up on variance application / permits.

CASE NUMBER : COM2019-00143

WORKFLOW HISTORY

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Initial Investigation	6/17/2019	6/17/2019	6/18/2019	In Violation	Roy Adams	On this date a site visit was made. I observed an accessory building n the rear yard without permits / inspections. Issued NOV and provided guide sheets to property owner on site, issued SWO on site.

VIOLATIONS

ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
-----------	--------------	----------------	-----------------	------------------

CITATIONS

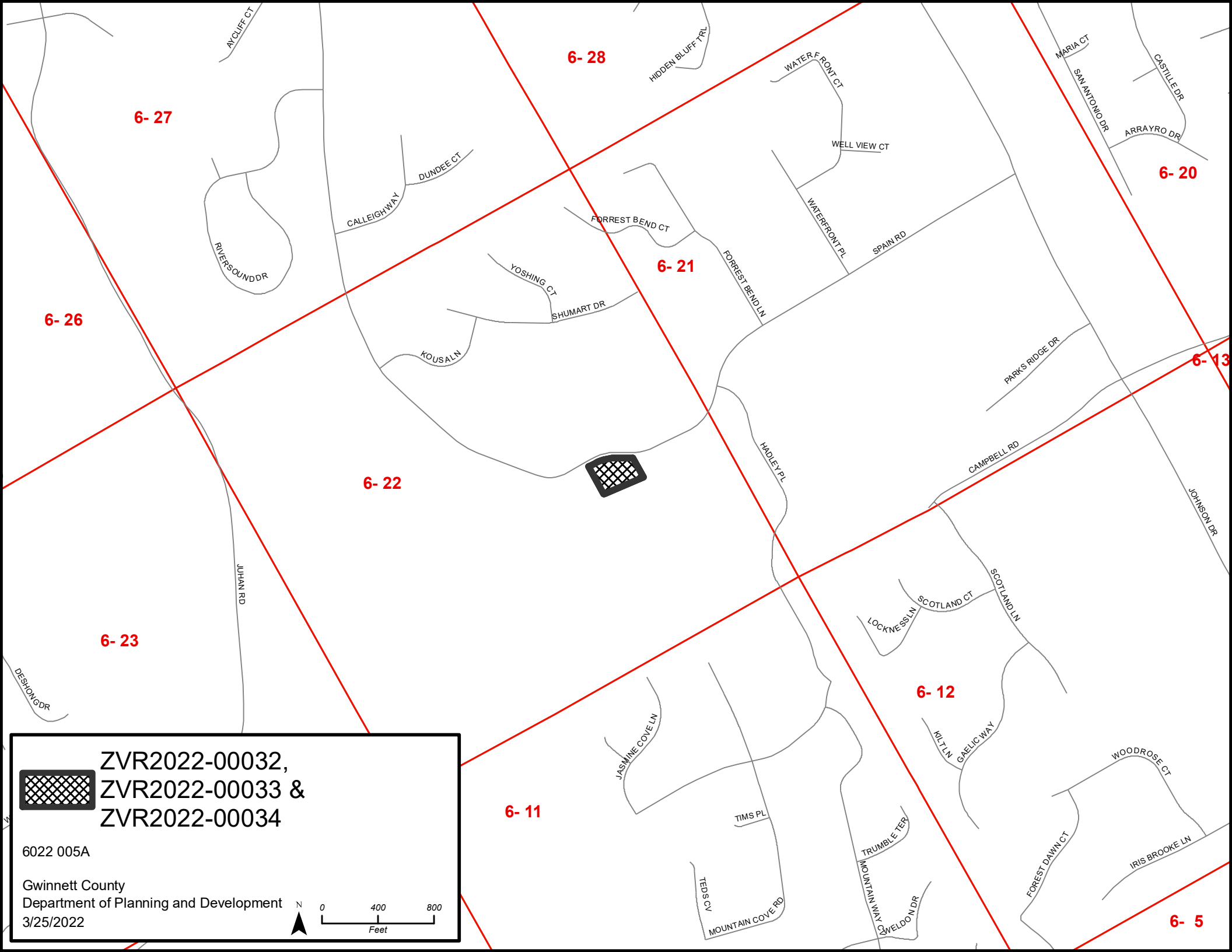
ORDINANCE	CODE SECTION	DATE OF CITATION	CITATION NUMBER	COURT DATE
-----------	--------------	------------------	-----------------	------------


DOCUMENTS

DOCUMENT NAME	FILE NAME	DESCRIPTION	UPLOADED BY	UPLOADED ON
Sitee photo 6/17/2019	WIN_20190617_12_20_30_Pro.jpg		RRADAMS	6/18/2019 4:59:49 AM
SWO 6/17/2019	WIN_20190617_12_20_15_Pro.jpg		RRADAMS	6/18/2019 4:59:50 AM
NOV_06/17/2019	COM2019-00143_NOV.pdf		JYUCHIMIUK	6/24/2019 8:58:07 AM
SWO_06/17/2019	COM2019-00143_SWO.pdf		JYUCHIMIUK	6/24/2019 8:59:01 AM
NOV_02/24/2020	COM2019-00143_NOV 2.pdf		JYUCHIMIUK	2/25/2020 9:27:30 AM
NOV_01/28/2021	COM2019-00143_NOV 3.pdf		JYUCHIMIUK	1/29/2021 2:46:53 PM
Site Visit	WIN_20210218_12_24_16_Pro.jpg	Posted New SWO	REZAVALA	2/18/2021 12:26:38 PM

Exhibit F: Maps

[attached]




 ZVR2022-00032,
ZVR2022-00033 &
ZVR2022-00034

6022 005A

Gwinnett County
Department of Planning and Development
3/25/2022


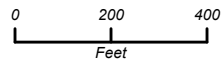
N
0 400 800
Feet




**ZVR2022-00032,
 ZVR2022-00033 &
 ZVR2022-00034**

6022 005A

Gwinnett County
 Department of Planning and Development
 3/25/2022

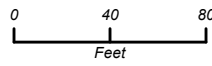
SPAIN RD

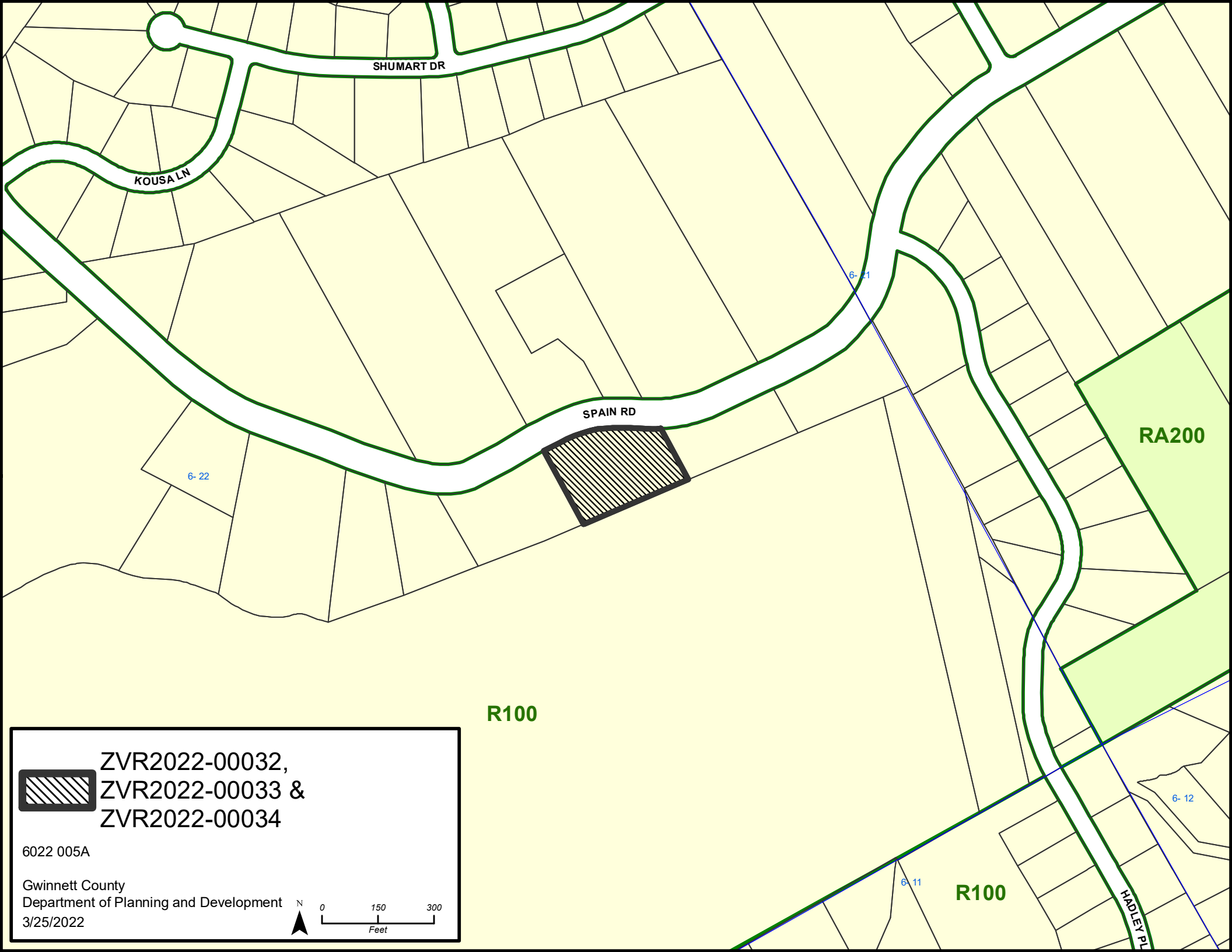


ZVR2022-00032,
ZVR2022-00033 &
ZVR2022-00034

6022 005A

Gwinnett County
Department of Planning and Development
3/25/2022





SHUMART DR

KOUSA LN


SPAIN RD

RA200

R100

R100

HADLEY PL

 ZVR2022-00032,
ZVR2022-00033 &
ZVR2022-00034

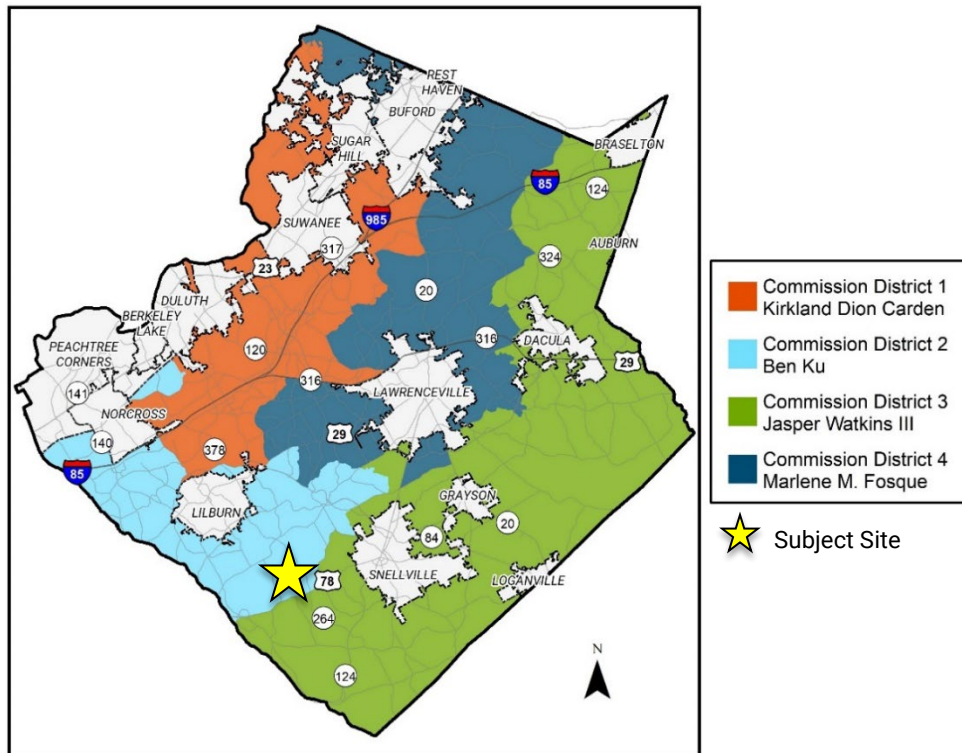
6022 005A

Gwinnett County
Department of Planning and Development
3/25/2022

N
0 150 300
Feet

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2022-00035
Address: 4275 Bending River Trail SW
Map Number: R6064 042
Zoning: R-100 (Single-Family Residence District)
Site Area: 1.01 acre
Proposed Development: Accessory Building
Commission District: District 2 – Commissioner Ku
Request: Allow encroachment into accessory building setback



Location Map

Applicant: Monroe Pickard
4275 Bending River Trail SW
Lilburn, GA 30047

Owner: Monroe Pickard
4275 Bending River Trail SW
Lilburn, GA 30047

Contact: Monroe Pickard

Contact Phone: 770.558.3272

Zoning History

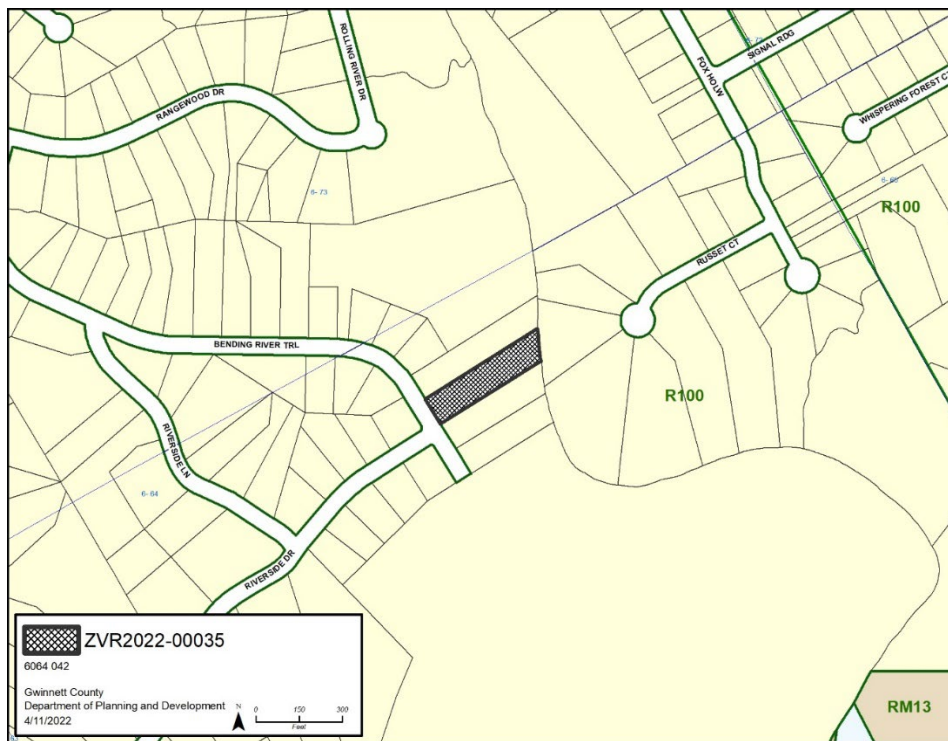
The subject property is zoned R-100 (Single-Family Residence). In 2001, the property underwent a comprehensive rezoning from RM (Multi-Family Residence) to R-100, pursuant to CRZ2001-00004.

Existing Site Condition

The subject site is a 1.01-acre single-family residential lot (Block D, Lot 39) located along Bending River Trail in the Bent River subdivision. The site is within the Vibrant Communities Character Area and is not within an Overlay District. The property is served by a septic system. The Yellow River runs along the northeastern property line and a flood zone covers the northeastern half of the property. The property generally slopes down from southwest to northeast by approximately a 48-foot rise and with an average grade of 11 percent.

Surrounding Use and Zoning

The subject site is surrounded by residences. The following is a summary of surrounding zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Single-Family Residential	R-100
North	Single-Family Residential	R-100
East	Single-Family Residential	R-100
South	Single-Family Residential	R-100
West	Single-Family Residential	R-100

Project Summary

The applicant is requesting a variance to allow an accessory building to encroach 17 feet into the 20-foot accessory building setback, including:

- An existing 1.5-story principal residence with 2,087 gross square feet on a 1.01-acre lot zoned R-100 (Single-Family Residence District).
- Residence served by septic system.
- The reason for this variance request is due to the location of the septic system in the rear yard.
- A proposed 625 square-foot accessory building to be used as a garage.
- Stream buffer and floodplain present on property.

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 Table 230.1.** to allow a 625 square-foot accessory building to encroach 17 feet into the accessory building setback on a property 1.01 acre in size.

Zoning and Development Standards

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

Section 230-120: Accessory Building, Structure and Use Standards			
Standard	Required	Proposed	Meets Standard
Lot Size (1.00-2.99 acres)	<650 square feet	625 square feet	YES
Setbacks (Accessory structures >500 square feet)	20 feet	3 feet	NO

The applicant is requesting a variance to allow an accessory building to encroach 17 feet into the 20-foot accessory building setback.

Staff Recommended Condition

Should the Zoning Board of Appeals choose to approve this variance request, staff recommends the following condition:

1. The accessory building shall be located in general conformance with Exhibit B: Site Plan, received March 25, 2022.
2. The accessory building is to be finished with colors and materials that are consistent with the residence on the lot.
3. Fire resistance details shall be submitted for review and approval by Building Plan Review prior to issuance of a building permit.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Septic Information
- D. Final Plat
- E. Letter of Intent and Standards for Granting Variances
- F. Maps

Exhibit A: Site Visit Photos



Photo Facing Front Façade of Building



Photo Facing Driveway to Backyard

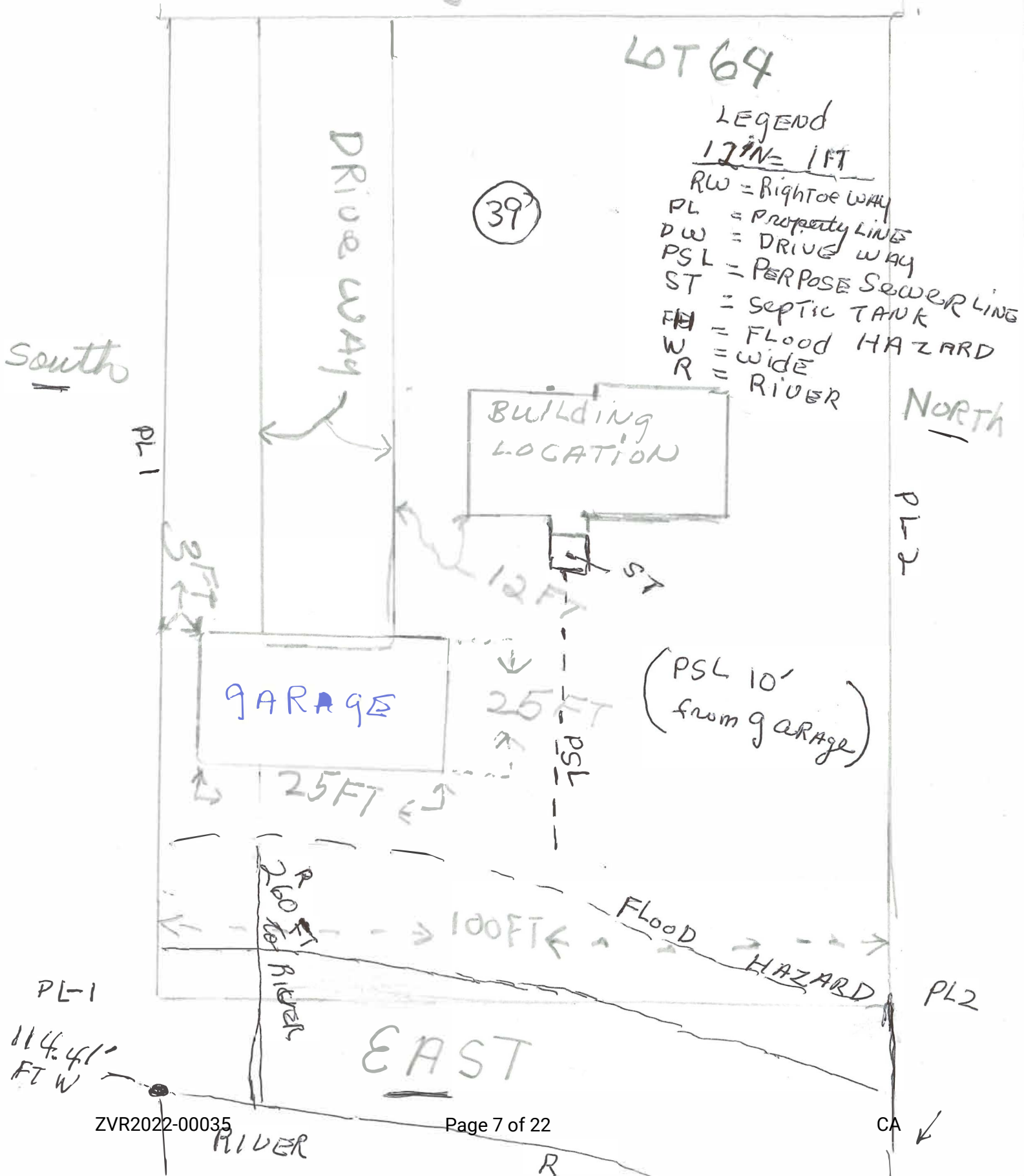
Exhibit B: Site Plan

[attached]

RECEIVED

3/25/2022

WEST 60' R/W
BENDING RIVER TRAIL Right of Way



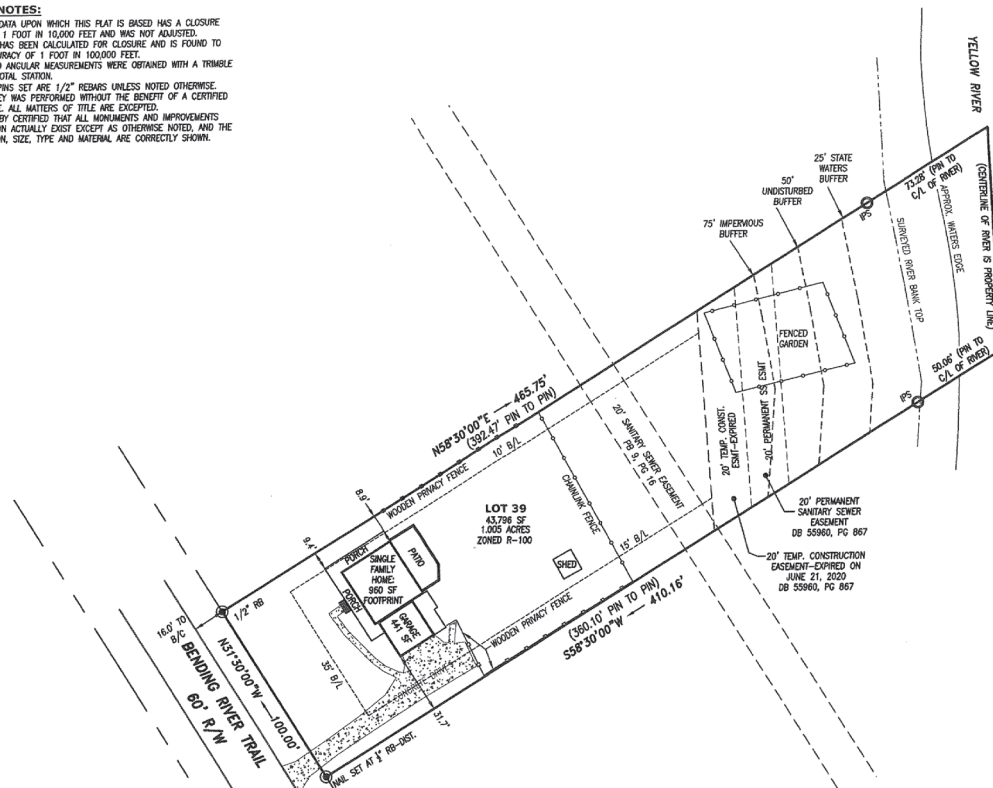
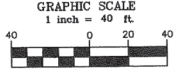
PLAT B: 00154 P: 00264
 Recorded: 03/19/2022 08:22 PM
 22L020698 Pages: 1 Fees: \$10.00
 Tiana P Garner
 Clerk of Superior Court, Gwinnett County, GA
 eFile Participant ID #: 5383572803

GWINNETT COUNTY
 PLANNING AND DEVELOPMENT
RECEIVED
 3/25/2022

SURVEY NOTES:
 1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 100,000 FEET AND WAS NOT ADJUSTED.
 2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO HAVE AN ACCURACY OF 1 FOOT IN 100,000 FEET.
 3. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED WITH A TRIMBLE SS ROTOCIC TOTAL STATION.
 4. ALL IRON PINS SET ARE 1/2" REBARS UNLESS NOTED OTHERWISE.
 5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CERTIFIED TITLE PACKAGE. ALL MATTERS OF TITLE ARE EXCEPTED.
 6. IT IS HEREBY CERTIFIED THAT ALL MONUMENTS AND IMPROVEMENTS SHOWN HEREON ACTUALLY EXIST EXCEPT AS OTHERWISE NOTED, AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

RECORD NORTH

RESERVED FOR COURT CLERK USE



ZONING NOTES:
 THIS PROPERTY IS ZONED R100
 BUILDING SETBACKS FOR THIS ZONING ARE AS FOLLOWS:
 FRONT: 35' FROM LOCAL STREET
 SIDE: 10' FOR ONE YARD AND 25' FOR 2 YARDS
 REAR: 40'

DEED AND PLAT REFERENCES:
 1. SPECIAL WARRANTY DEED FOR MONROE PICKARD AND DEBORAH PICKARD RECORDED IN DEED BOOK 51950, PG 26 OF GWINNETT COUNTY, GEORGIA LAND RECORDS.
 2. PERMANENT UTILITY EASEMENT TO BENEFIT OF GWINNETT COUNTY WATER AND SEWER AUTHORITY, RECORDED IN DEED BOOK 55960, PG 857.
 3. PLAT FOR BENDING RIVER TRAIL SW, LILBURN, GA 30047, RECORDED IN DEED BOOK 5, PAGE 16 OF GWINNETT COUNTY, GEORGIA LAND RECORDS.

SURVEYORS CERTIFICATION (III):
 This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THIS LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-4-67.
 ZACHARY B. GARRETT
 GEORGIA REGISTERED LAND SURVEYOR #3169
 DATE: 03/01/2022



LEGEND

R/W	RIGHT-OF-WAY	CMF/CS	CONCRETE MONUMENT FOUND
P/L	PROPERTY LINE	C	CENTER LINE
B/L	BUILDING LINE	DB	DEED BOOK
CTP	CRIMPED TOP PIPE	PB	PLAT BOOK
OTP	OPEN TOP PIPE	FFE	FINISHED FLOOR ELEVATION
IPF/IR	IRON PIN FOUND	EOP	EDGE OF PAVEMENT
IPF/S	IRON PIN SET	BC	BACK OF CURB
C	COMPUTED CORNER	RB	REBAR

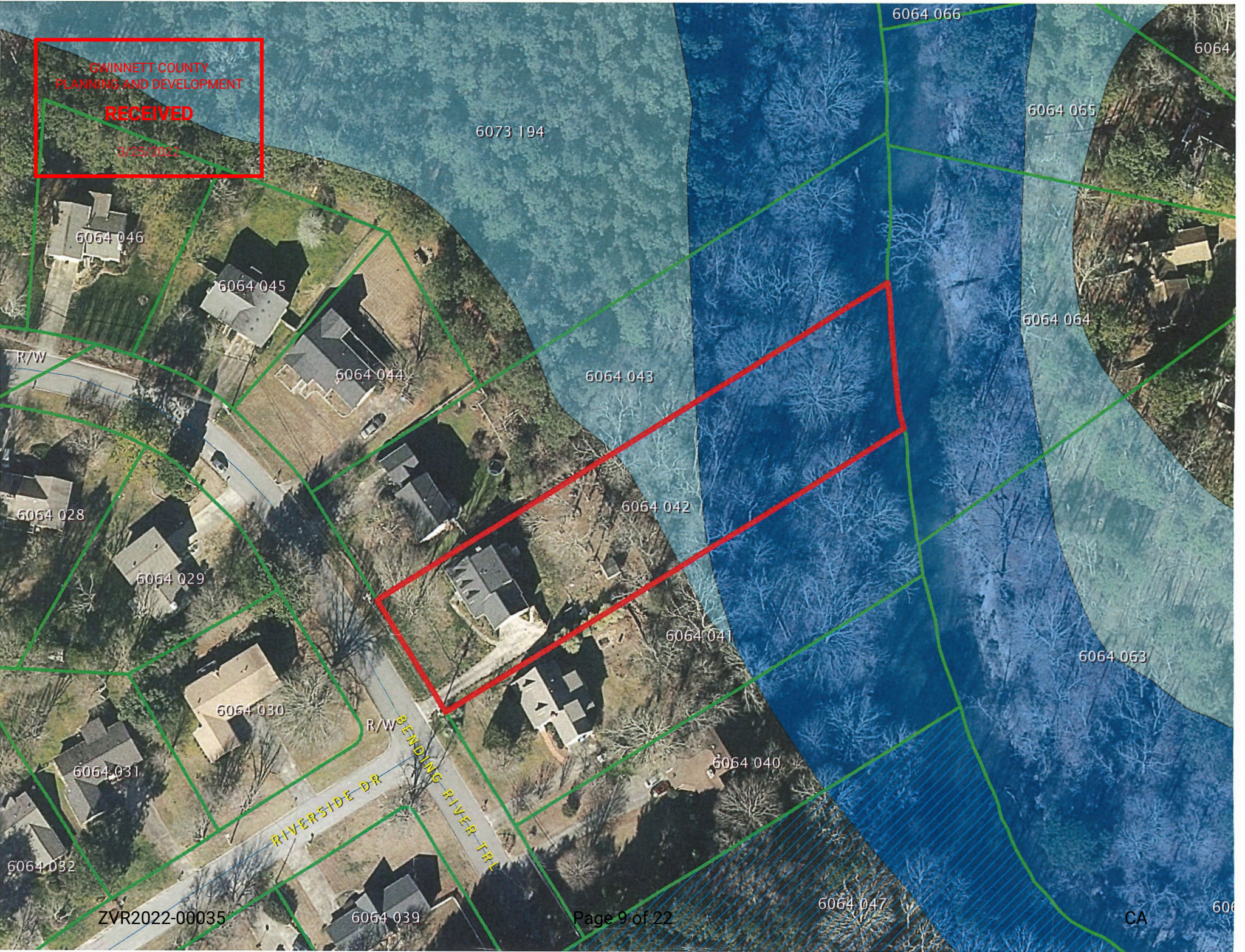
STATE: GEORGIA	REVISION INDEX:
COUNTY: GWINNETT	LANDLOT: 64
CITY: N/A	TAX ID: R6064 042
LAND DISTRICT: 6	DRAFTED BY: ZRG
DATE OF FIELD WORK: 03/01/2022	

RETRACEMENT SURVEY FOR:
OWNERS NAME: MONROE & DEBORAH PICKARD
 4275 BENDING RIVER TRAIL SW, LILBURN, GA 30047
 SHEET#
1 of 1

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

3/25/2022



6073 194

6064 066

6064

6064 065

6064 046

6064 045

6064 064

R/W

6064 044

6064 043

6064 028

6064 042

6064 029

6064 041

6064 063

6064 030

R/W

6064 040

RIVERSIDE DR
BENDING RIVER FRL

6064 031

6064 032

6064 047

6064 039

CA

606

Exhibit C: Septic Information

[attached]

RECEIVED

3/25/2022

SUITABILITY FOR SITE FOR SEWAGE DISPOSAL

DATE 7-23-79

NAME Industrial + Commercial PHONE 921-7401

PROPERTY LOCATION
Bent River M Lot 39-D

FINANCIAL ASSISTANCE
 FHA VA FARMERS HOME CONVENTIONAL CASE NO. _____

TYPE FACILITY - NEW EXISTING
 RESIDENCE CHURCH MOTEL RESTAURANT OTHER _____

NO. OF BEDROOMS 3 NO. OF GALLONS PER DAY _____

WATER SUPPLY - PUBLIC COMMUNITY INDIVIDUAL

LOT SIZE - WIDTH AVG. _____ DEPTH AVG. _____ BUILDING LINE _____

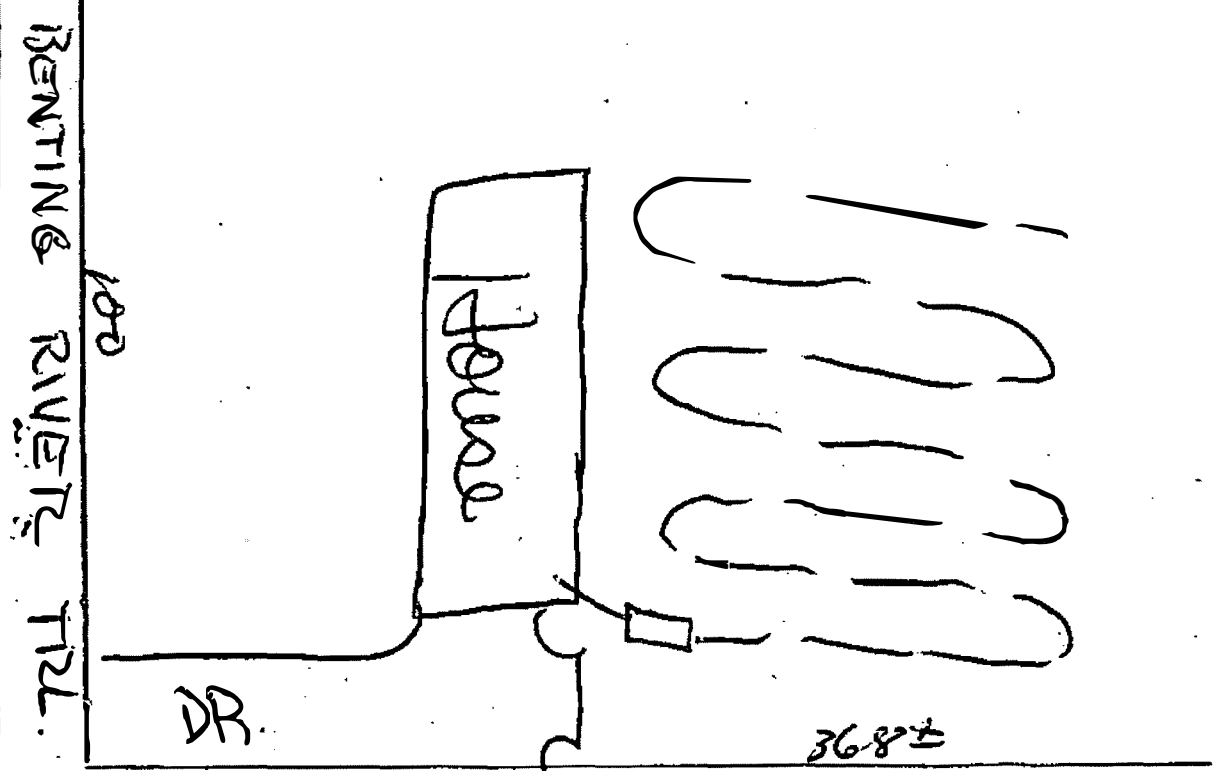
HOUSE DESIGN - GROUND LEVEL SPLIT LEVEL WITH BASEMENT

SEPTIC TANK 750 1,000 1,500 OTHER _____

NITRIFICATION FIELD AREA
TOTAL SQ. FT. 400 TOTAL LINEAR FT. 300 TRENCH WIDTH 36

NO. OF LINES 1 LENGTH OF EACH LINE 300

SITE APPROVED YES NO 368±



BY Don Crouch
FOR GWINNETT COUNTY HEALTH DEPARTMENT

Exhibit C: Final Plat

[attached]

Exhibit D: Letter of Intent and Standards for Granting Variances

[attached]

RECEIVED

3/25/2022

3/25/2022

I am requesting a variance to encroach 17 feet into the accessory building setback to building my 625 square-foot garage. I need the variance because of a sewer easement that runs through my property.

Sign
Monroe Buckel

RECEIVED

Standards for Granting Variances:

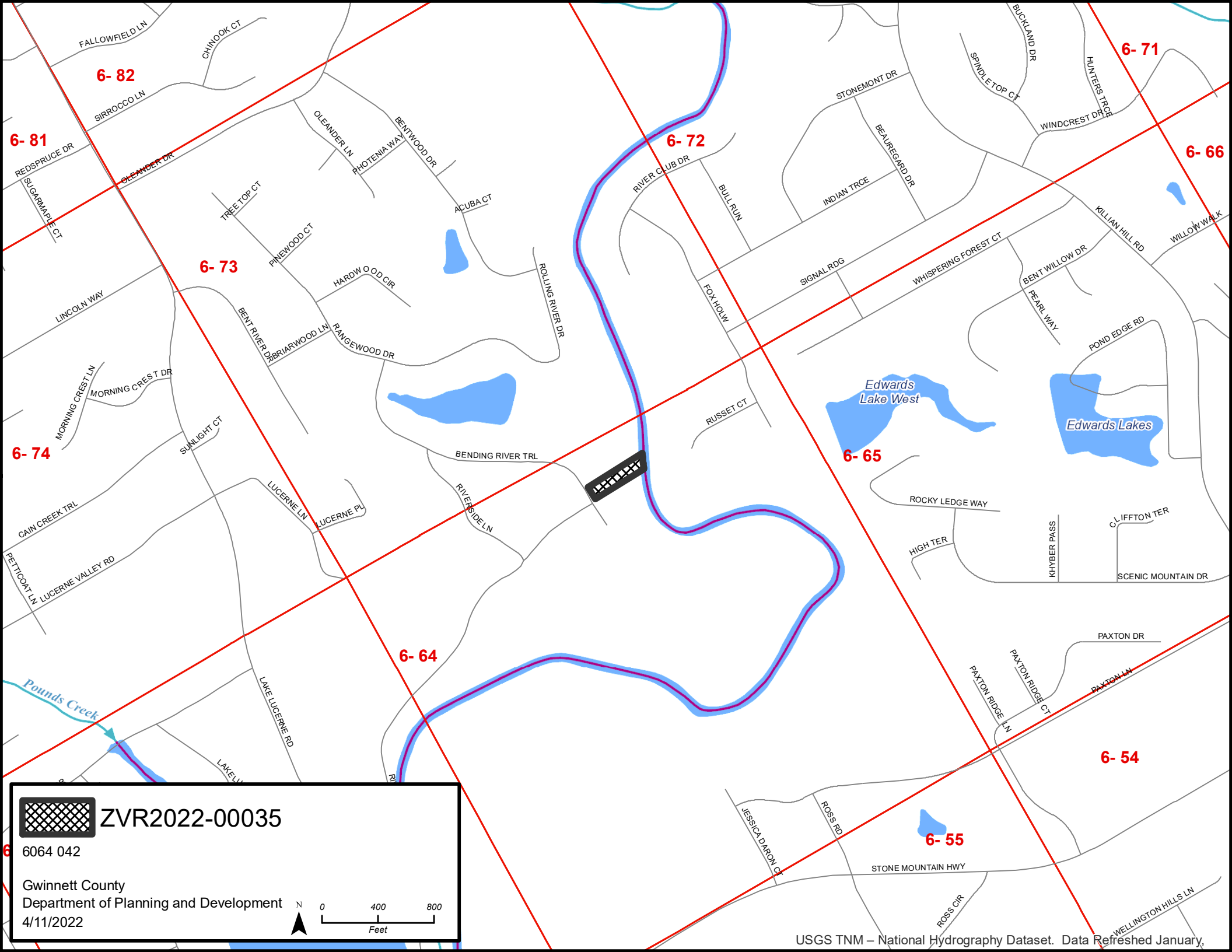
3/25/2022

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: yes, the sewer is in the purpose area. I am restricted in the location.
- 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: Physical surroundings, shape and specific property involved prevent me from building 25FT X 25FT without getting close to the sewer.
- 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 this condition is not ordinary. It requires special request. cant build the garage without building near the fence 3FT. The sewer prevent me from moving farther in the other direction.
- 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: YES
- 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, this on my property. just near my fence. I talked to my neighbors. They told me there was no problem.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: yes this will allow me to fit in the area without affecting the sewer.
- 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 i believe it does, and i can use my property for my purpose.

Exhibit E: Maps

[attached]



 **ZVR2022-00035**
6064 042
Gwinnett County
Department of Planning and Development
4/11/2022

N
0 400 800
Feet



HARDWOOD CIR

BENTWOOD DR

ROLLING RIVER DR

RIVER CLUB DR

INDIAN TRACE

SIGNAL RDG

CASTLERIDGE LN

WHISPERING FOREST CT

RANGEWOOD DR

FOX HOLM

RUSSET CT

BENDING RIVER TRL

ROCKY LEDGE WAY

LUCERNE PL

RIVERSIDE LN

Yellow River

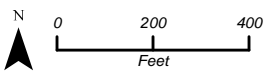
LUCERNE LN

RIVERSIDE DR

 ZVR2022-00035

6064 042

Gwinnett County
Department of Planning and Development
4/11/2022



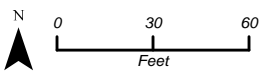
BENDING RIVER TRL

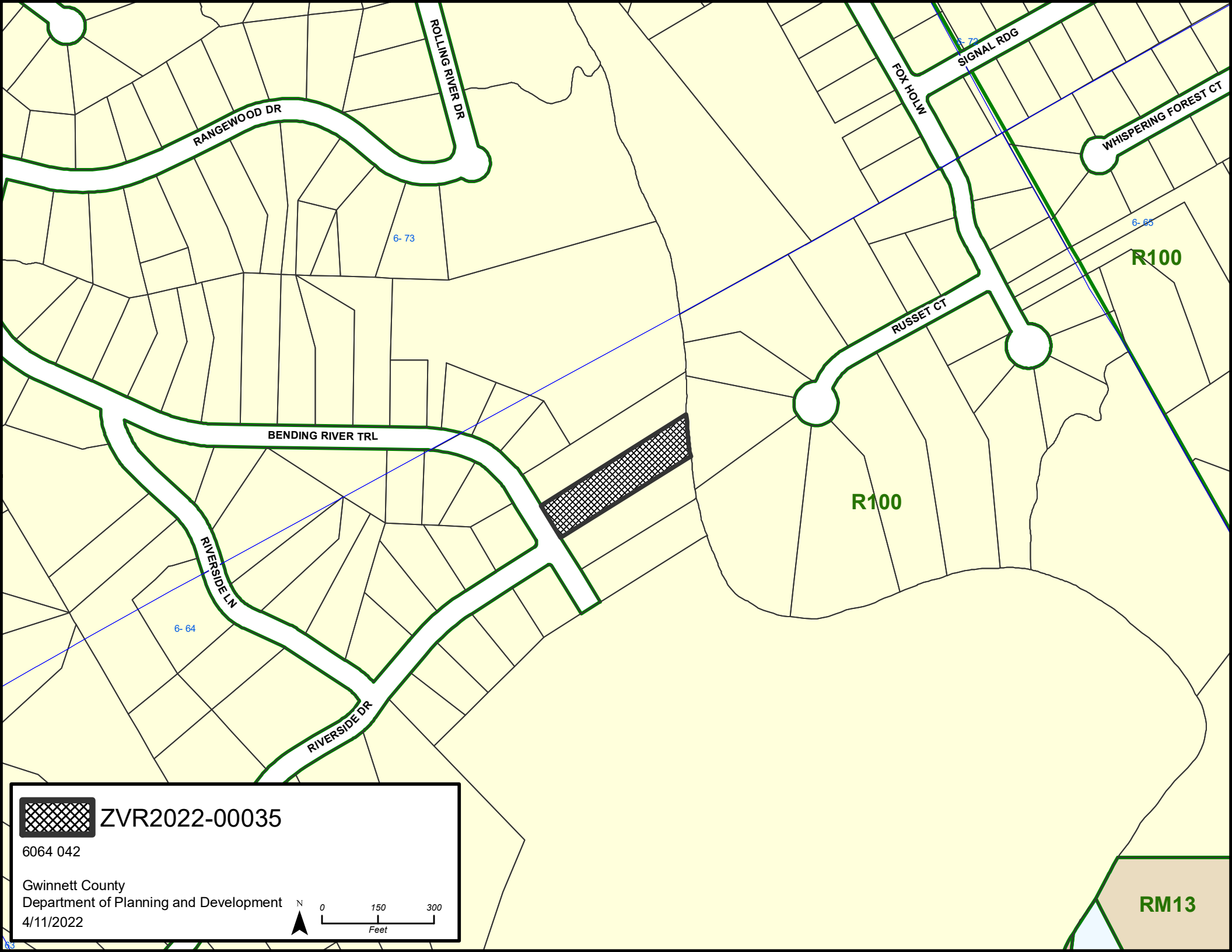


ZVR2022-00035

6064 042

Gwinnett County
Department of Planning and Development
4/11/2022

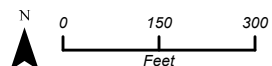




ZVR2022-00035

6064 042

Gwinnett County
Department of Planning and Development
4/11/2022



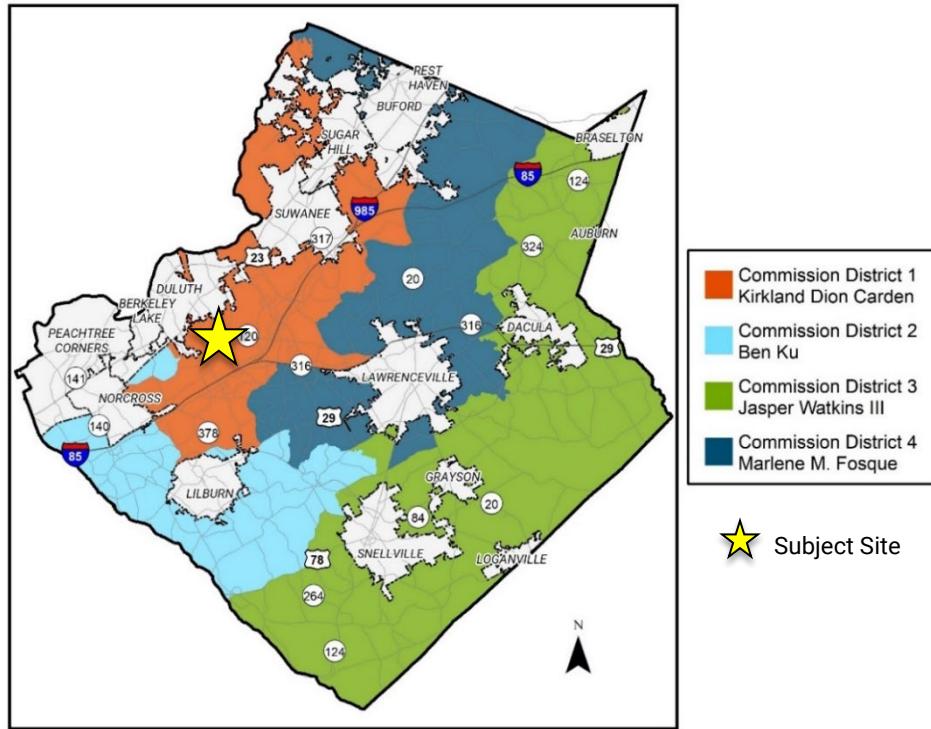
RM13



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2022-00036
Address: 3101 Cardinal Lake Drive
Map Number: R6234 117
Zoning: R-75 (Single-Family Residence District)
Site Area: 0.57 acre
Proposed Development: Attached Garage
Commission District: District 1 – Commissioner Carden
Request: Allow encroachment of an attached garage into the front yard setback

Case Number: ZVR2022-00039
Address: 3101 Cardinal Lake Drive
Map Number: R6234 117
Zoning: R-75 (Single-Family Residence District)
Site Area: 0.57 acre
Proposed Development: Accessory Dwelling Unit
Commission District: District 1 – Commissioner Carden
Request: Exceed maximum heated square footage for an accessory dwelling



Location Map

Applicant: Magdalena Bach
 9426 Indian Springs Drive
 Roswell, GA 30075

Owner: Galyna Yatsuk
 3101 Cardinal Lake Drive
 Duluth, GA 30096

Contact: Magdalena Bach

Contact Phone: 404.281.1258

Zoning History

The subject property is zoned R-75 (Single-Family Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject site is a 0.57-acre single-family residential lot (Block G, Lot 1) located at the intersection of Cardinal Lake Drive and Wren Avenue in the Cardinal Lake Estates subdivision. The site is within the Established Neighborhoods Character Area and is not within an Overlay District. The property is served by a septic system. There are no streams, wetlands, or special flood hazard areas present on the property. The property generally slopes down from north to south by approximately a 10-foot rise and with an average grade of 4 percent.

Surrounding Use and Zoning

The subject site is surrounded by residences on all sides. The following is a summary of surrounding uses and zoning:



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

Project Summary

The applicant is requesting variances for addition of an attached garage and accessory dwelling, including:

- An existing 1-story principal structure with approximately 1,367 gross square feet on a 0.57-acre lot zoned R-75 (Single-Family Residence District).
- Primary residence and accessory dwelling are served by septic system.
- The property is a corner lot which is considered to have two front yards abutting Cardinal Lake Drive and Wren Avenue.

- A proposed attached garage addition to encroach 16.6 feet into the 30-foot front yard setback. The garage will be approximately 525 square feet.
- Adaptation of an existing accessory building into an accessory dwelling unit. The building is 840.6 square feet, which exceeds the maximum allowable square footage of 800 square feet for accessory dwellings.
- Both primary and accessory dwellings have exterior walls finished with brick. Roofing materials, colors, and pitch of the accessory dwelling are commensurate with that of the primary building.

Variations Requested

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

1. **Variance from Section 230-10 Table 230.1.** to allow an attached garage to encroach 16.6 feet into the 30-foot front yard setback.
2. **Variance from Section 230-130.3. U. 3.** to allow an accessory dwelling to exceed maximum allowable square footage by 40.6 square feet.

Zoning and Development Standards

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

Section 230-10: Table 230.1 Dimensional Standards for Residential Zoning Districts			
Standard	Required	Proposed	Meets Standard
Front Yard Setback	30 feet	13.4 feet	NO

The applicant is requesting a variance to allow an attached garage addition to encroach 16.6 feet into the 30-foot front yard setback.

Section 230-130.3 U. 3.: Accessory Dwelling Requirements			
Standard	Required	Proposed	Meets Standard
Maximum Allowable Square Footage	400-800 square feet	840.6 square feet	NO

The applicant is requesting a variance to allow an accessory dwelling to exceed maximum allowable square footage by 40.6 square feet.

Staff Recommended Conditions

Should the Zoning Board of Appeals choose to approve these variance requests, staff recommends the following conditions:

1. Applicant is to obtain all required permits and inspections for conversion of the accessory dwelling, garage addition, and modification to the house.
2. The attached garage shall be located in general conformance with Exhibit B: Site Plan submitted April 19, 2022.
3. Parking for accessory dwelling to be provided on paved driveway.
4. Accessory dwelling to comply with all other applicable supplemental regulations.

Exhibits:

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

Exhibit A: Site Visit Photos



Photo Facing Front Façade of Primary Building



Photo Facing Northwest showing Carport



Photo Facing Eastern Façade of Accessory Building (from Wren Ave)



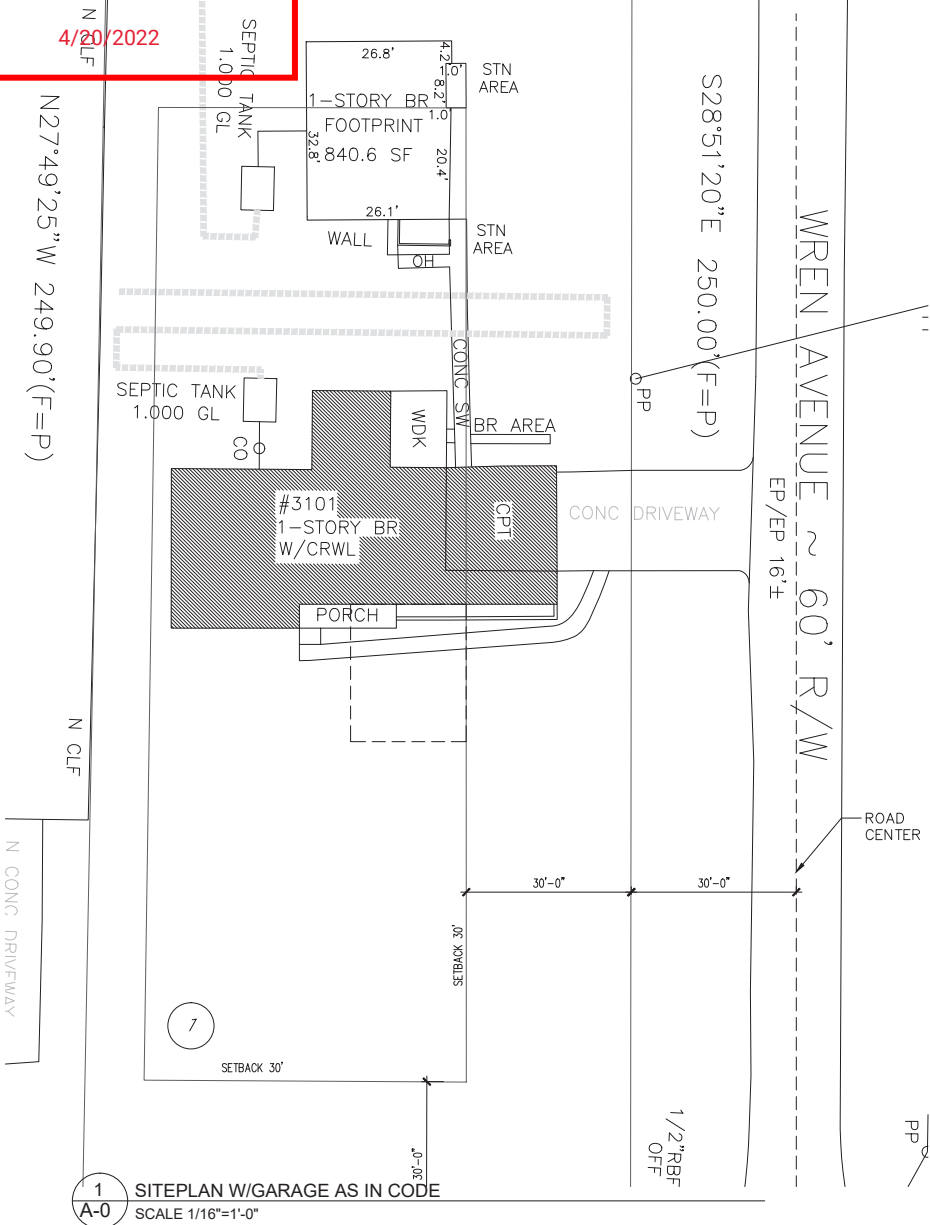
Photo Facing Western Façade of Accessory Building

Exhibit B: Site Plan and Elevations

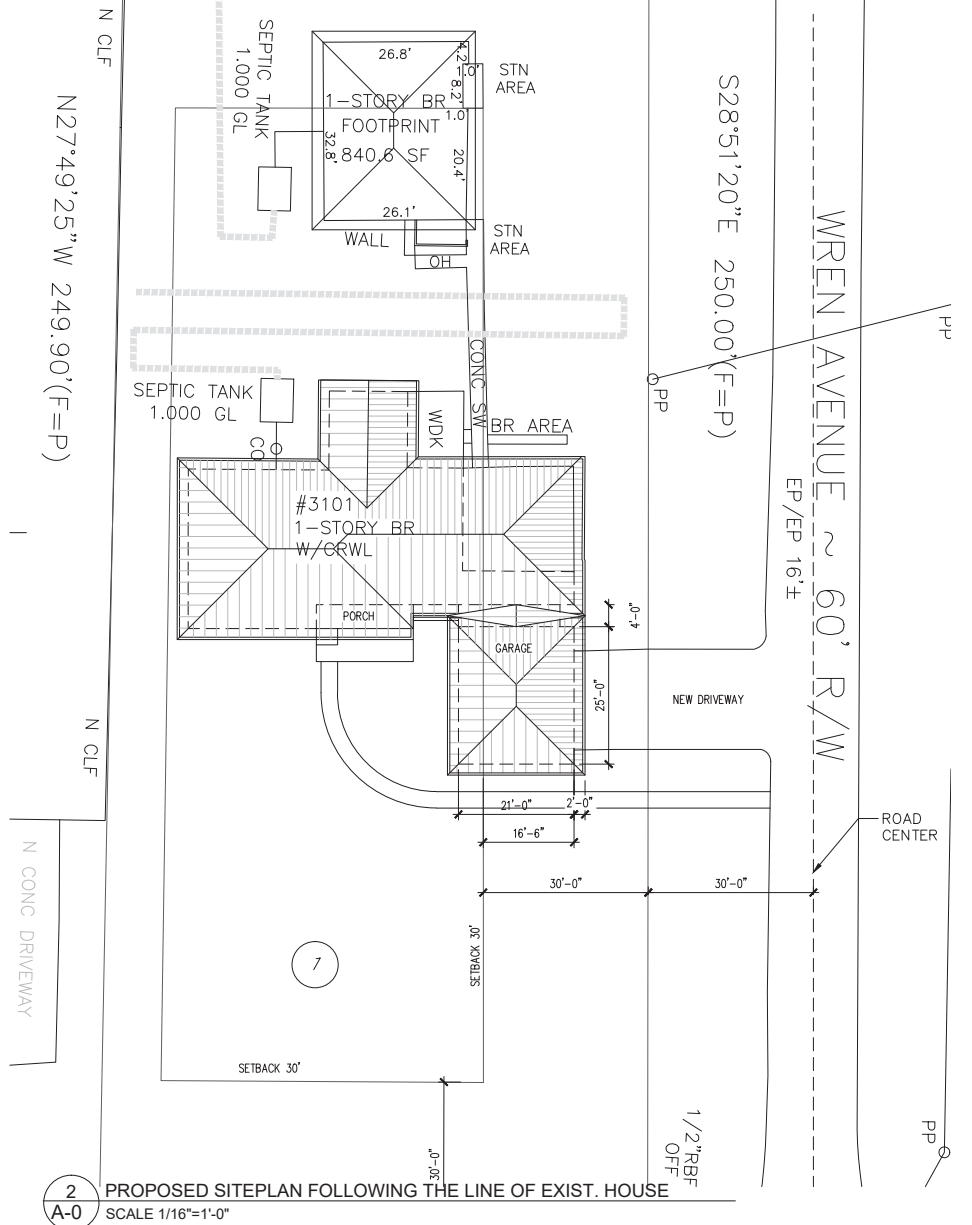
[attached]

RECEIVED

4/20/2022



1 SITEPLAN W/GARAGE AS IN CODE
A-0 SCALE 1/16"=1'-0"



2 PROPOSED SITEPLAN FOLLOWING THE LINE OF EXIST. HOUSE
A-0 SCALE 1/16"=1'-0"

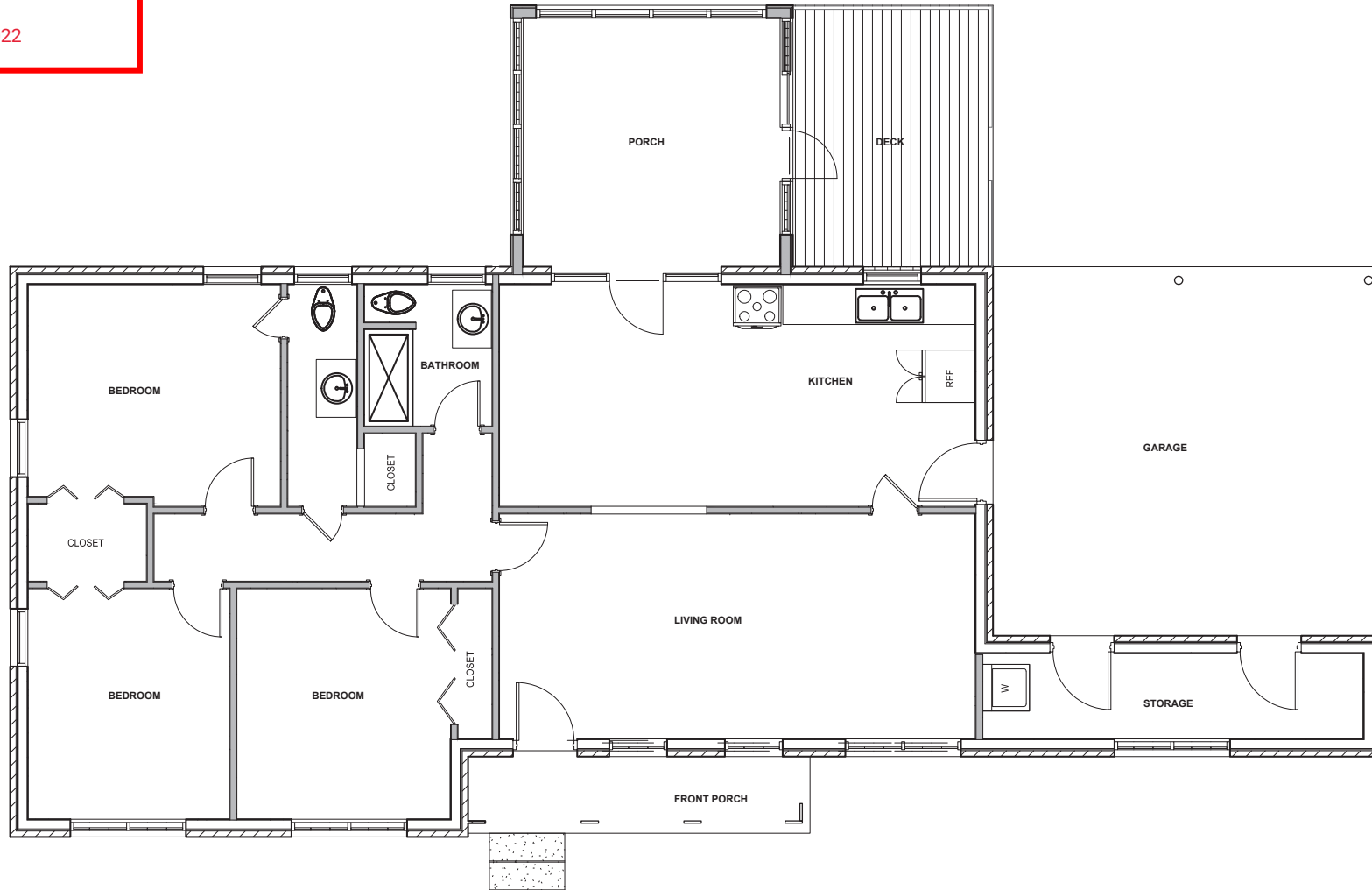
3101 CARDINAL LAKE DRIVE, DULUTH, GA 30096
REMODELING PROPOSAL FOR GALYNA YATSUK

BACH DESIGN STUDIO contact: Magdalena Bach cell: 404 281 1258 email: bachdesignstudio@gmail.com



RECEIVED

4/20/2022

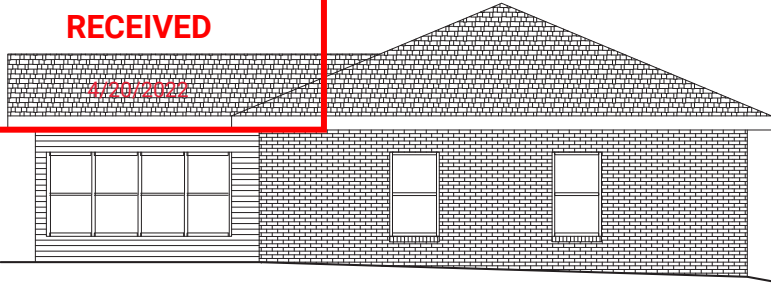


1 EXISTING FLOOR PLAN
A-1 SCALE 1/4"=1'-0"

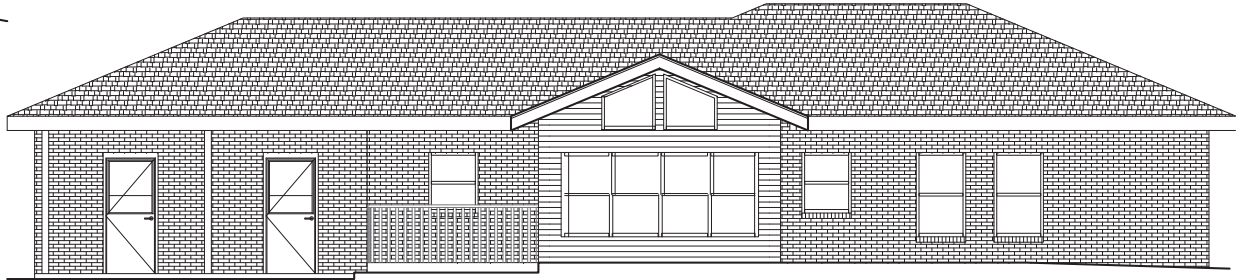
3101 CARDINAL LAKE DRIVE, DULUTH, GA 30096
REMODELING PROPOSAL FOR GALYNA YATSUK

RECEIVED

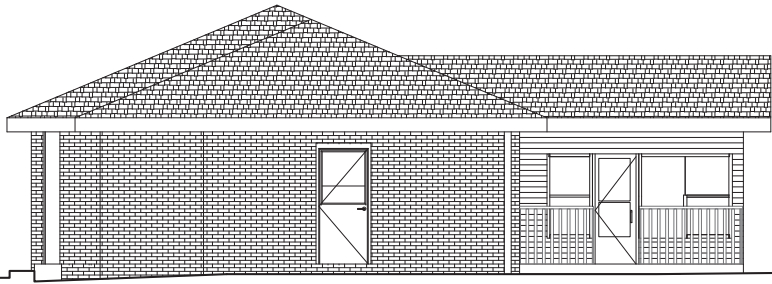
4/28/2022



4 EXISTING WEST ELEVATION
A-1.1 SCALE 3/16"=1'-0"



3 EXISTING BACK ELEVATION
A-1.1 SCALE 3/16"=1'-0"



2 EXISTING EAST ELEVATION
A-1.1 SCALE 3/16"=1'-0"

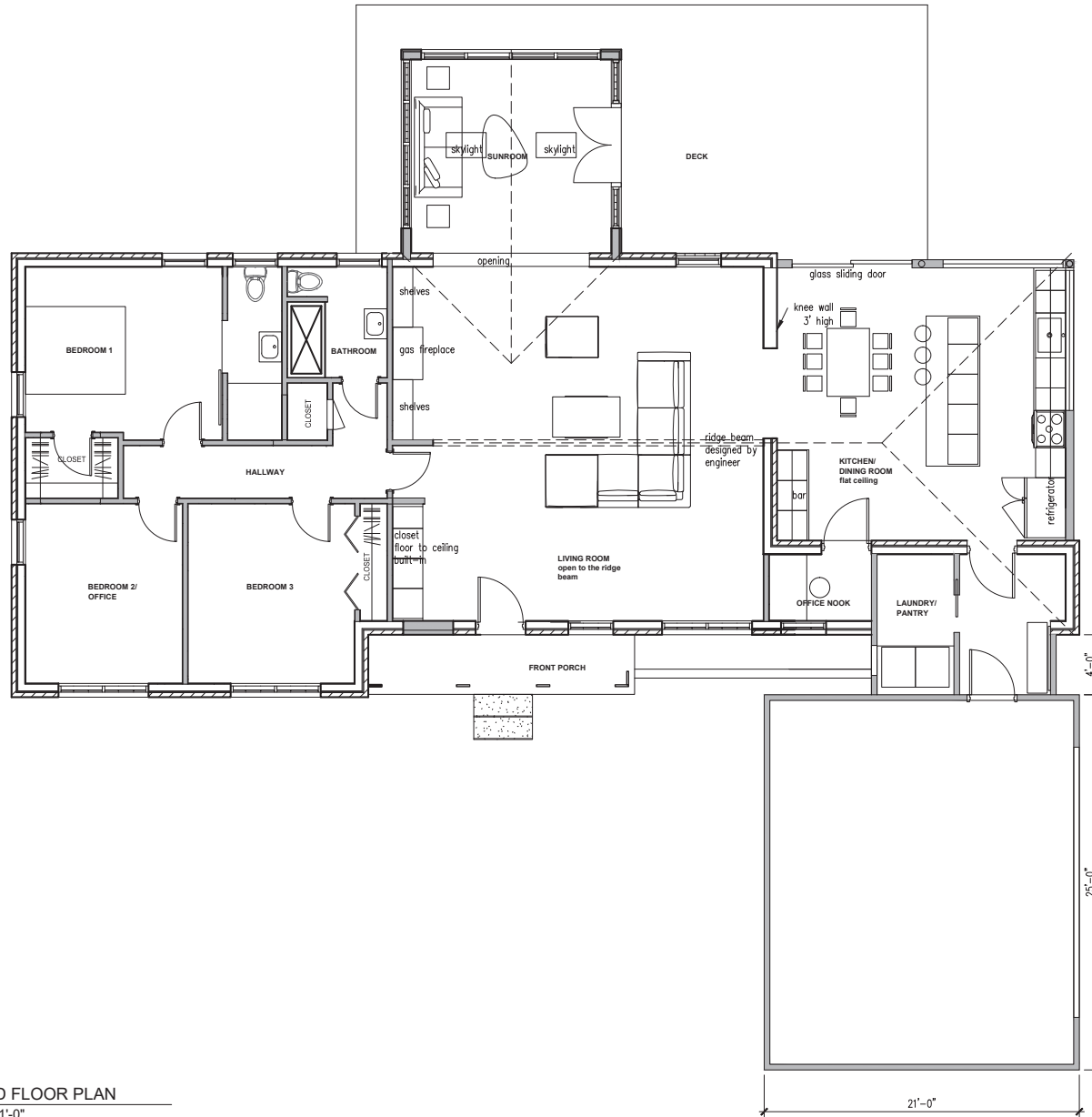


1 EXISTING FRONT ELEVATION
A-1.1 SCALE 3/16"=1'-0"

3101 CARDINAL LAKE DRIVE, DULUTH, GA 30096
REMODELING PROPOSAL FOR GALYNA YATSUK

RECEIVED

4/20/2022

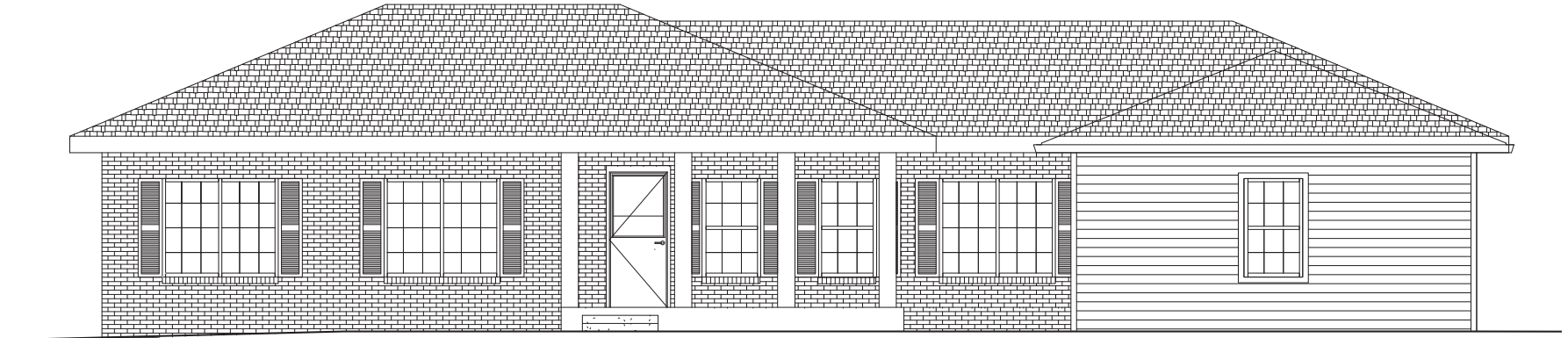


1 PROPOSED FLOOR PLAN
A-2 SCALE 3/16"=1'-0"

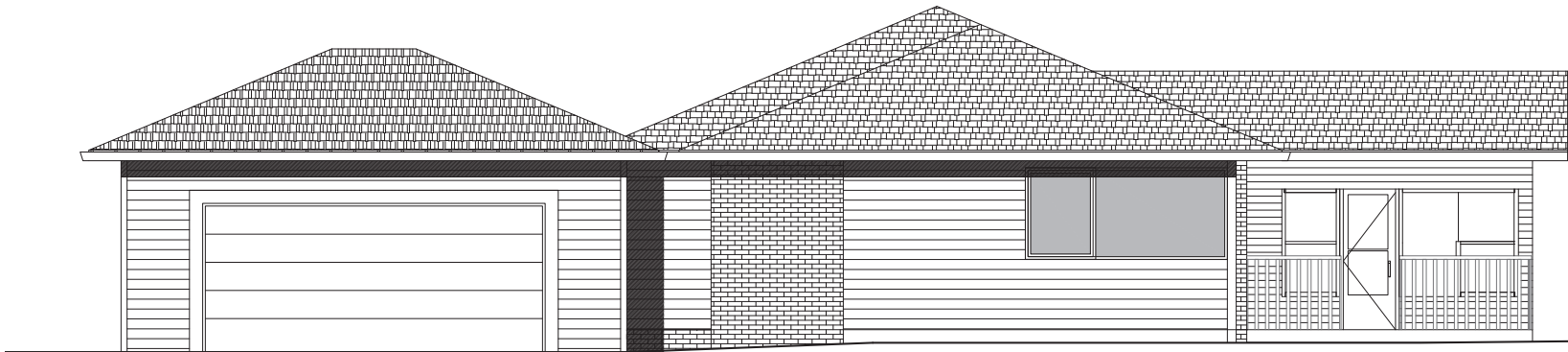
3101 CARDINAL LAKE DRIVE, DULUTH, GA 30096
REMODELING PROPOSAL FOR GALYNA YATSUK

RECEIVED

4/20/2022



1 PROPOSED SOUTH ELEVATION TOWARDS CARDINAL LAKE DR.
A-2.1 SCALE 1/4"=1'-0"

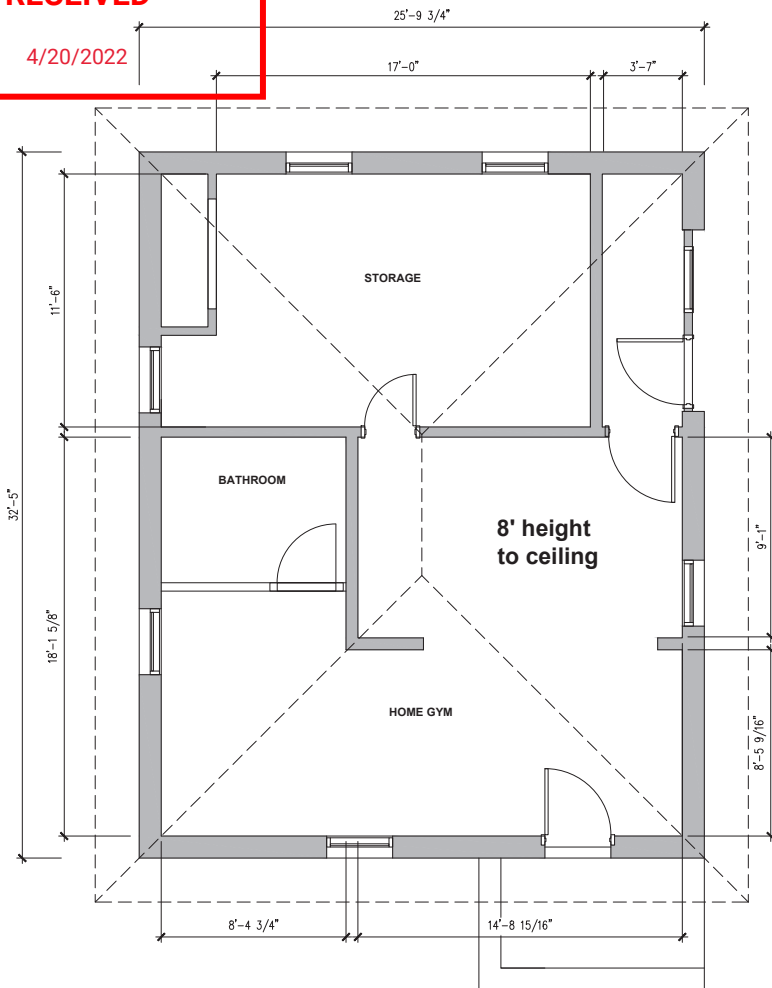


1 PROPOSED EAST ELEVATION TOWARDS WREN AVENUE
A-2.2 SCALE 1/4"=1'-0"

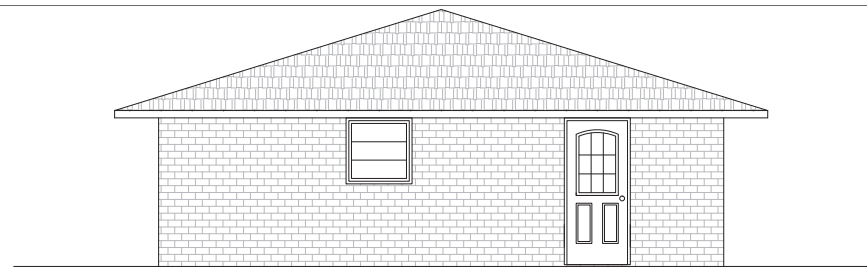
3101 CARDINAL LAKE DRIVE, DULUTH, GA 30096
REMODELING PROPOSAL FOR GALYNA YATSUK

RECEIVED

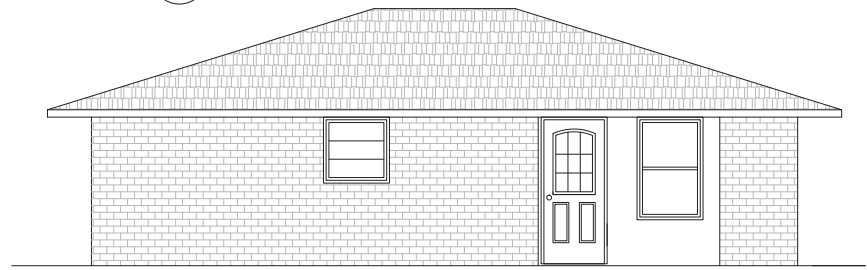
4/20/2022



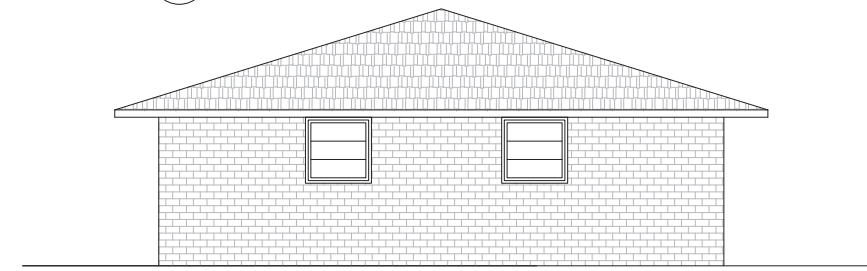
1 EXISTING PLAN OF ADDITIONAL DWELLING UNIT
A-2.2 SCALE 1/4"=1'-0"



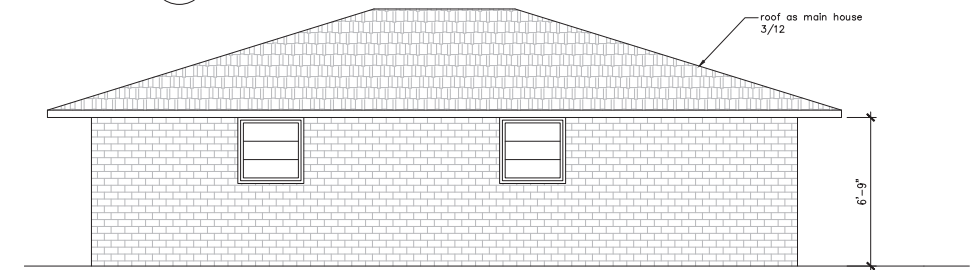
2 EXISTING SOUTH ELEVATION OF ADU
A-2.2 SCALE 1/4"=1'-0"



3 EXISTING EAST ELEVATION OF ADU
A-2.2 SCALE 1/4"=1'-0"



4 EXISTING WEST ELEVATION OF ADU
A-2.2 SCALE 1/4"=1'-0"



5 EXISTING NORTH ELEVATION OF ADU
A-2.2 SCALE 1/4"=1'-0"

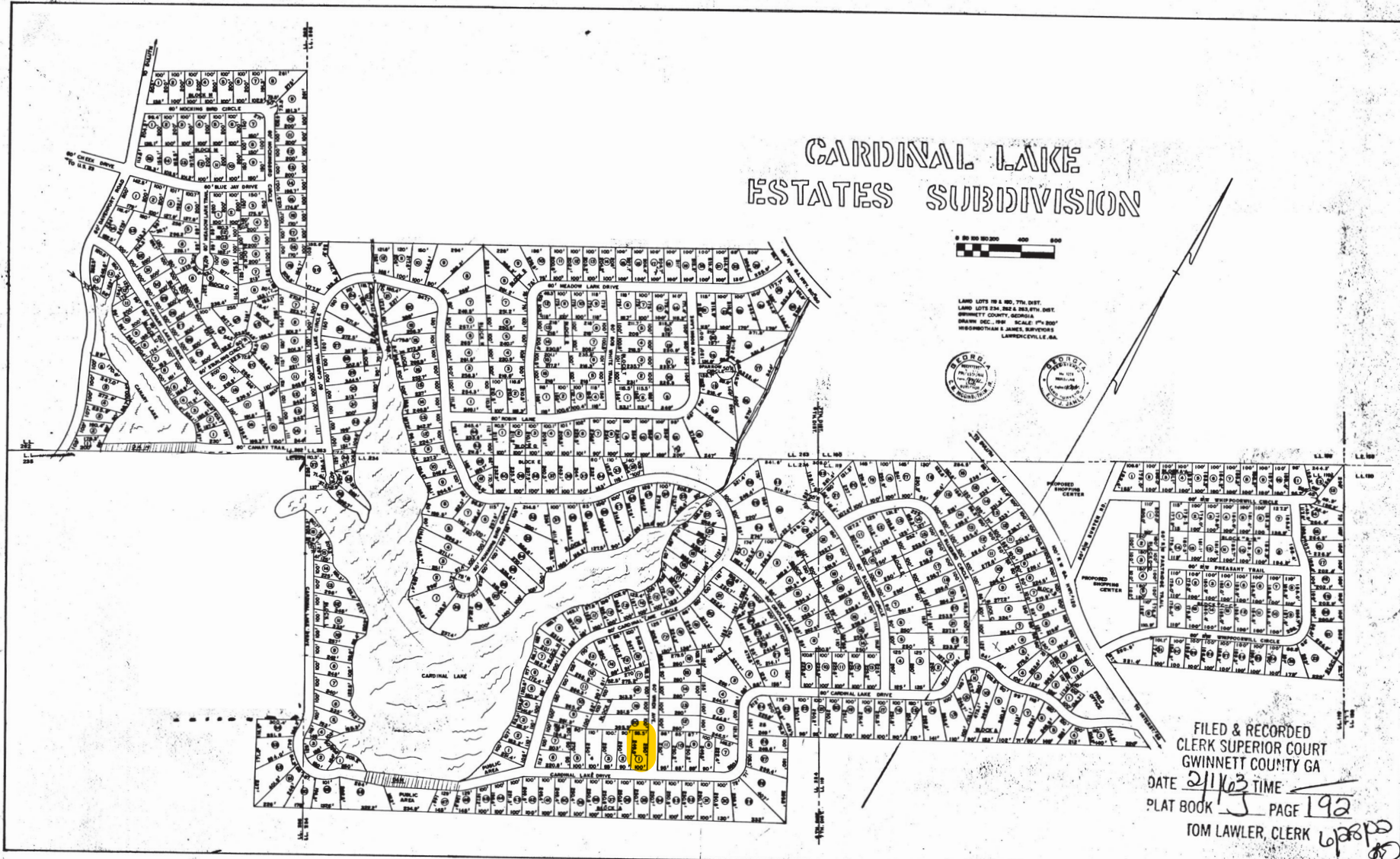
3101 CARDINAL LAKE DRIVE, DULUTH, GA 30096
REMODELING PROPOSAL FOR GALYNA YATSUK

Exhibit C: Final Plat

[attached]

Recorded Feb 11 1963

Omiland Vany, etc.



FILED & RECORDED
 CLERK SUPERIOR COURT
 GWINNETT COUNTY GA
 DATE 2/11/63 TIME
 PLAT BOOK 3 PAGE 192
 TOM LAWLER, CLERK

Exhibit D: Letter of Intent and Standards for Granting Variances

[attached]

Address:
9426 Indian Springs Drive
Roswell, GA 30075

Roswell, 2.22.2022

LETTER OF INTENT FOR REQUESTED TWO VARIANCES

for

1. A PROJECT OF A GARAGE ADDITION TO A SINGLE FAMILY RESIDENCE

and

2. AN EXISTING BUILDING/ADU OF 840,6 SF

3101 CARDINAL LAKE DRIVE, DULUTH, GA 30096

For Ms. GALYNA YATSUK

My client Ms. Galyna Yatsuk, employed me to draw a remodeling project of her ranch house from 1960-ties at 3102 Cardinal Lake Drive in Duluth. The main idea of the project was to incorporate the existing carport into the house to create a large kitchen and to add an attached garage to the house, approximately 525 sf.

After researching zoning requirements we found out that:

1. The existing carport is partly in the setback, so the new garage can't be aligned with the existing house.
2. Additionally the property is located on the corner of Cardinal Lake Drive and Wren Avenue, which means that it has two front setbacks along both streets. The setback is 30' from the right of way of the street.
3. The next obstacle is that the rear yard has a septic tank which doesn't leave space for building a garage
4. There is an old brick structure in the rear yard, 840 SF. The maximum allowed cumulative area for accessory structures for this lot is 500 sf or 1000 sf if the variance obtained, which leaves us with 180 sf – not enough for the garage.
5. In the effort to comply with the setback we located the garage in the buildable area, but since the property is not very wide, the garage blocked living room windows and came close to the entry door.

Our reason for requesting a variance is that the existing rules in Section 230-10 -Dimensional Standards of Zoning Districts are causing a hardship on my client and that we can't in any possible way accomplish the goal of building a garage and at the same time adhere to the rules.

The requested variance is consistent with the intent of UDO Title 2. We propose to build an attached garage aligned with the existing carport, in the same style as the existing building to keep the esthetics already present in the neighborhood. The added garage with the elevation of the kitchen will enhance the street view, it will not block the light from neighbors, since the street is wide and houses one story tall, either will it create a danger for traffic. The existing driveway will be removed and a new one build at the garage door, to avoid adding an impervious surface to the property.

As to the second variance for accepting an existing building/ADU of 840,6 sf on the property:

1. The building was constructed probably at the same time as the main house, the code must have been different at that time and allowed that size of building.
2. The structure is a one story brick house with a hip roof in the style of the main house. To comply with the code we would have to tear down a part of the building.
3. Since the main house is not large (2000 SF) my client would like within a few years to adapt it to a "Mother in Law Suite"
4. The house is well integrated into the neighborhood where other smaller structures are also visible.

Thank you very much for your consideration and help.

Best regards,
Magdalena Bach/architect
on behalf of Galyna Yatsuk



RECEIVED

Standards for Granting Variances:

Responses to the following criteria must be submitted for each variance requested (attach additional sheets as needed). ^{4/20/2022} 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 septic tank system and exist. additional structure in the rear yard is preventing building of a detached garage in the back. At Cardinal Lake Drive the front setback is creating a challenge for an attached garage, and if we build outside the setback, the garage will block main entry door and living room windows.
- 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: The septic tank system in the rear of the house is preventing building of a new garage there.
The existing additional structure (860 sf) in the back of house prevents us from building a detached garage.
The biggest hardship is that the garage, if built fully in the build-able area will block windows in the living room.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: We believe that the situation is special, because the property is located on the corner lot with two front yards, both with 30' front setback, if we had side setback, we could build the garage on the side within the requirements
The exist. house is partly within the setback and the restrictions of setback width must have come from the newer regulations, than the time the house was built.
- 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: Yes, the latest regulations were created after the house was built in 1960, which is why a part of the house is in the setback. If we'd like to build a garage to align with the existing carport, we encroach into the setback, but if we push the garage to a buildable area, it will block the living room windows and come close to the entry door
- 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: Granting the variance will not impair the existing conditions for neighbors. It will enhance the street view, the houses are build far apart so the new garage will not take any light from the neighboring houses. The garage will be in the same style and materials as the existing house.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: Yes, we ask for the minimum encroach into setback to the edge of the existing house,
We believe that this together with the style of the garage will blend best into the surrounding and will look as if always has been there.
It will also prevent the garage from blocking the natural light in the living room.
- 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, it does. The garage building is the necessary minimum structure to update the existing house and in the neighborhood with low density, as Cardinal Lake it will not negatively impact the surrounding.
We want to align the new garage with the existing house both for practical reasons (living room windows) and for a curb appeal.

RECEIVED

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: We're applying for a variance for an existing structure on the property 3101 Cardinal Lake Dr. The building is a one story brick with a hip roof as the main house, it is according to the measurements done by the surveyor 840,6 SF, but on the survey is stated 860,48 SF. The building has been built probably at the same time as the main house, when the rules about SF were different
- 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: The building, raised long before my client bought the property has larger area than allowed now, taken into consideration that it is a brick house all around it is difficult to cut a piece of it to adjust to the existing code. This is causing a hardship for my client.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: Usually the ADU is not an old structure, but new and adjustment to the code doesn't require to tear down a part of the building to adjust to the code. The area exceeding the code requirements is 40,6 SF (my calculations) or 60,48 SF as survey says. This is not a large area and as it is now, it doesn't look out of place
- 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 conditions were not created by my client, who bought the property not long ago. It is possible, that at the time the building was built, (1960?) the code was different and with recent rules the building's area become a problem.
- 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: Granting the variance will not impair the neighborhood conditions, the building has been there for many years, it's one story, standing alone and not in close distance to neighboring houses. The style fits well in Midcentury modern and many houses in the subdivision has additional structures in their backyard
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: Yes it is, we are not applying for extending the existing building, but to be able to keep it as it is and with the time to adapt it to ADU.
- 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: The existing structure will not negatively impact the area, there are many small structures, built as well many years ago, which contribute to the charm and style of this subdivision.

Exhibit E: Maps

[attached]



ROBIN LN

CARDINAL LAKE CIR

HUMMINGBIRD DR

ORIOLE LN

BLUEBIRD CIR

BOB WHITE DR

SEAGULL DR

WREN AVE

GAVIN PL

DEVON LEIGH WALK

OAKTREE LN

OAK HAMPTON CT

MCDANIEL RD

CARDINAL LAKE DR

OAK HAMPTON WAY

OAKTREE CT

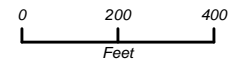
AMESBURY WAY



ZVR2022-00036 & ZVR2022-00039

6234 117


Gwinnett County
Department of Planning and Development
4/20/2022





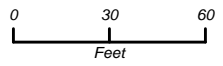
WREN AVE

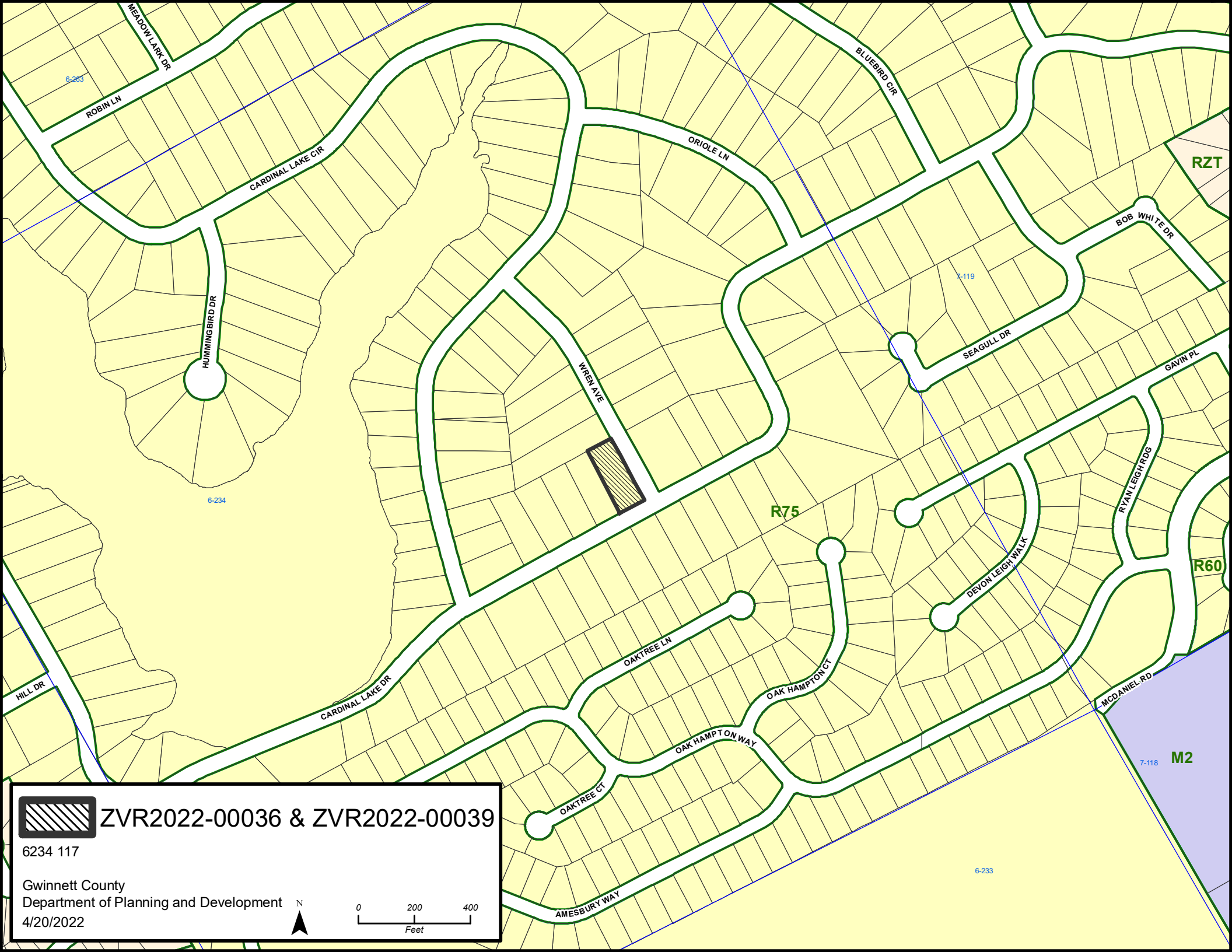
CARDINAL LAKE DR

 ZVR2022-00036 & ZVR2022-00039

6234 117

Gwinnett County
Department of Planning and Development
4/20/2022

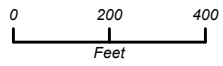




ZVR2022-00036 & ZVR2022-00039

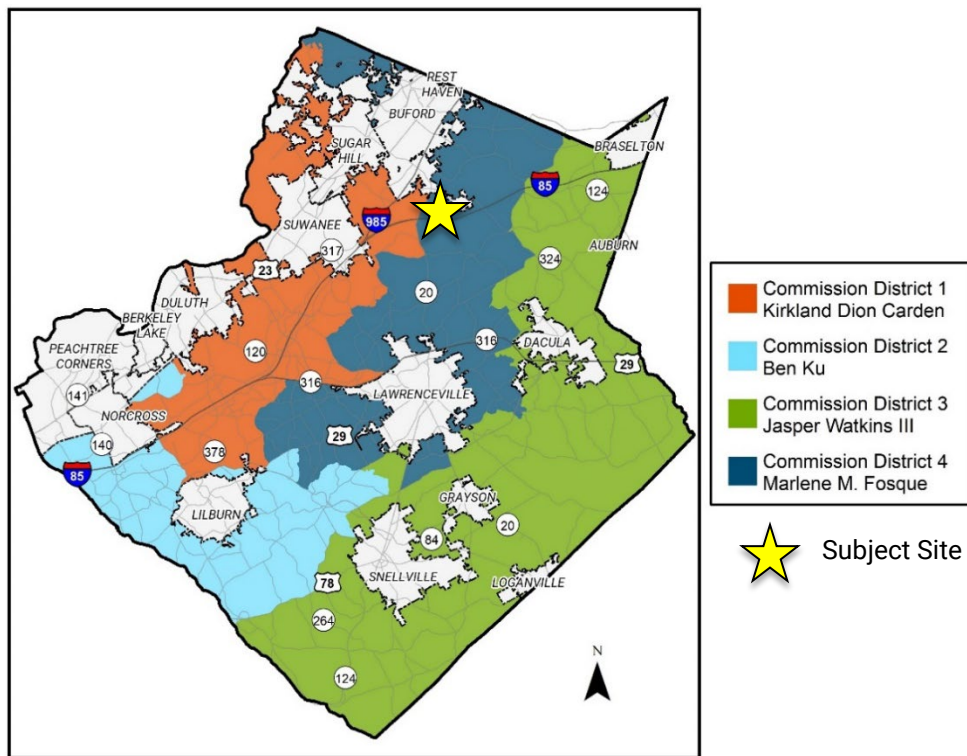
6234 117

Gwinnett County
Department of Planning and Development
4/20/2022



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2022-00037
Address: 2355 Mall of Georgia Boulevard
Map Number: R7176 060
Current Zoning: C-2 (General Business District)
Overlay District: Mall of Georgia Overlay District
Site Area: 1.64 acres
Current Development: Auto Repair Shop
Commission District: District 4 – Fosque
Request: Exceed maximum sign area for wall signage on one face of a building



Location Map

Applicant: Japanese Auto Repair
Alpha Sign Group
1025 Union Center Drive
Alpharetta, GA 30004

Owner: Rajesh Dugar
2355 Mall of Georgia Boulevard
Buford, GA 30519

Contact: Vanessa Jimenez

Contact Phone: 470.440.6414

Zoning Board of Appeals Advertised Public Hearing Date: 5/10/2022

Zoning History

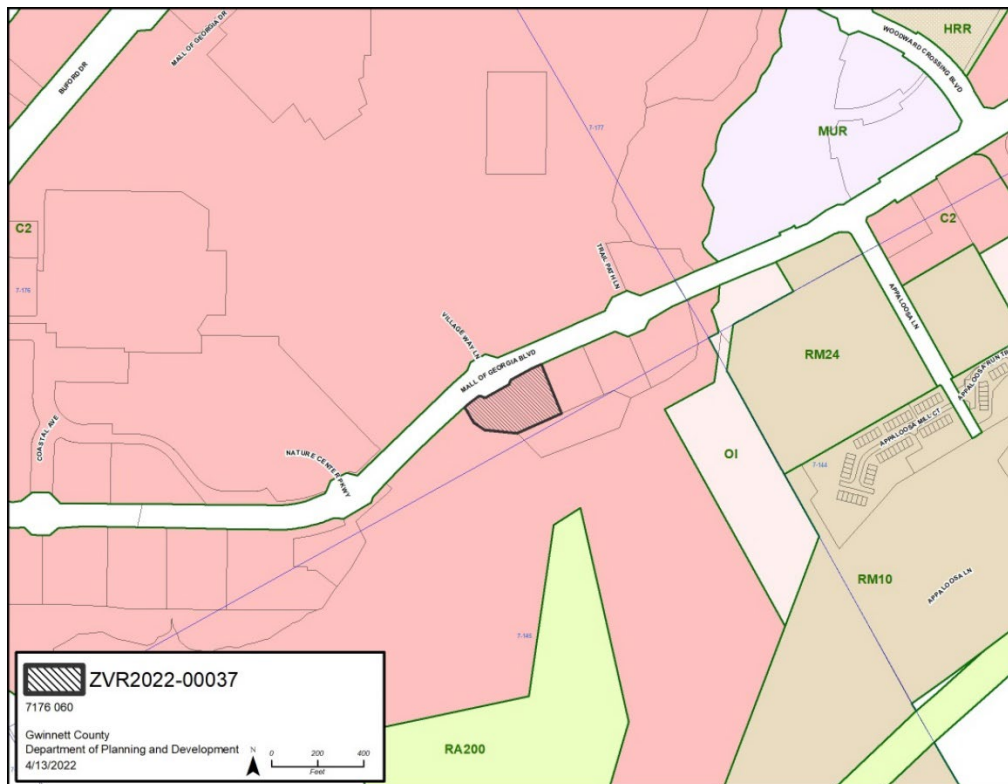
The subject property is zoned C-2 (General Business District) and developed with a single-occupancy retail building. In 1997, the property was rezoned from R-100 (Single-Family Residence District) to C-2 for the proposed use of a mall, pursuant to REZ1997-00013. In the same year, a Special Use Permit was approved with conditions for a building height increase, pursuant to SUP1997-00014. In 2020, another Special Use Permit was approved with conditions for an automobile repair shop.

Existing Site Conditions

The subject site is a 1.64-acre lot developed as a single-occupancy retail building along Mall of Georgia Boulevard. The site is within the Regional Activity Center Character Area and is within the Mall of Georgia Overlay District. The 11,744 gross square-foot building is located along the eastern property line. Parking surrounds the building to the north and west. There is one driveway accessing the subject property from Mall of Georgia Boulevard. Interparcel access is provided to the adjacent fast-food development to the east of the subject property. The existing building is being renovated; there is currently no signage on any building elevation.

Surrounding Use and Zoning

Commercial properties surround the subject site on all sides. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Commercial	C-2
North	Mall of Georgia	C-2
East	Fast-Food Restaurant	C-2
South	Stormwater/Recreation Area	C-2
West	Mall of Georgia	C-2

Project Summary

The applicant is requesting a variance to exceed maximum sign area for wall signage on one face of a building, including:

- The variance request is to increase the maximum sign area per elevation from 60 square feet to 98.3 square feet. The total wall sign area per elevation will be 164 percent of the permitted sign area per elevation.
- Three signs are proposed for the north elevation. The total proposed signage is 98.3 square feet, which meets the maximum allowable total sign area of 120 square feet.
- The signage is proposed on the north elevation for increased visibility from Mall of Georgia Boulevard.

Variance Requested

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

1. **Variance from Section 78-113.** to increase maximum sign area per elevation from 60 square feet to 98.3 square feet.

Zoning and Development Standards

The following is a summary of applicable development standards for variances from the Sign Ordinance, based on a proposed gross building elevation area of 11,744 square feet:

Section 78-113. A. Dimensional Standards Table			
Standard	Required	Proposed	Meets Standard
Maximum Sign Area per Elevation (gross building elevation area 2,501-15,000 square feet)	60 square feet	98.3 square feet	NO
Total Sign Area	120 square feet	98.3 square feet	YES

The applicant is requesting to increase the maximum sign area per elevation from 60 square feet to 98.3 square feet. The three proposed signs do not exceed the maximum allowable total sign area.

Recommended Staff Conditions

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

1. Signs shall be in conformance with Exhibit C: Sign Details submitted to Planning and Development, prepared by Alpha Sign Group, dated March 30, 2022.

Exhibits:

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

Exhibit A: Site Visit Photos



View of North Elevation



View of East Elevation



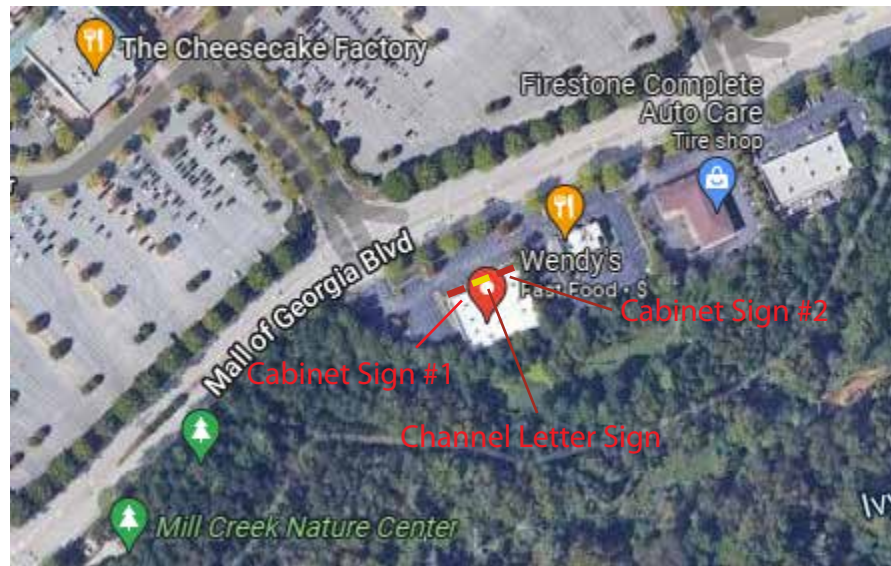
View of West Elevation

Exhibit B: Site Plan and Plat

[attached]

RECEIVED

3/30/2022



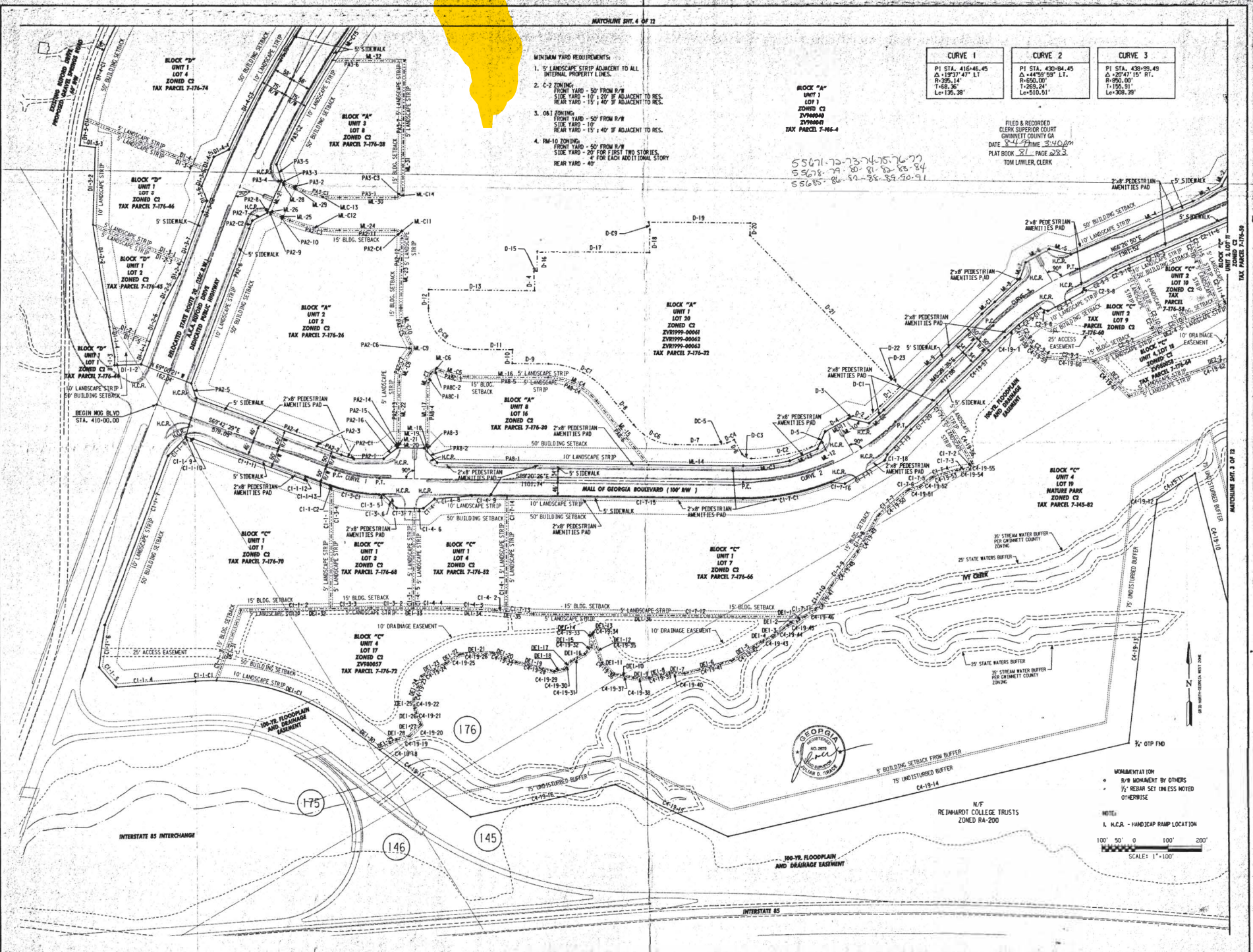
- MINIMUM YARD REQUIREMENTS:
- 5' LANDSCAPE STRIP ADJACENT TO ALL INTERNAL PROPERTY LINES.
 - C-2 ZONING:
FRONT YARD - 50' FROM R/W
SIDE YARD - 10' ± 20' IF ADJACENT TO RES.
REAR YARD - 15' ± 40' IF ADJACENT TO RES.
 - O-1 ZONING:
FRONT YARD - 50' FROM R/W
SIDE YARD - 15' ± 40' IF ADJACENT TO RES.
 - R-10 ZONING:
FRONT YARD - 50' FROM R/W
SIDE YARD - 20' FOR FIRST TWO STORIES
REAR YARD - 40' FOR EACH ADDITIONAL STORY

CURVE 1	CURVE 2	CURVE 3
PI STA. 416+46.45 Δ 119°37'47" LT R=262.14' T=68.36' L=175.28'	PI STA. 430+84.45 Δ 144°50'59" LT R=650.00' T=269.24' L=510.51'	PI STA. 438+99.49 Δ 20°27'15" RT R=650.00' T=150.91' L=385.39'

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY GA
DATE 04/19/2022 3:40 PM
PLAT BOOK 81 PAGE 283
TOM LAWLER, CLERK

BLOCK "A"
UNIT 1
LOT 1
ZONED C1
TAX PARCEL 7-176-4

55671-72-73-74-75-76-77
55678-79-80-81-82-83-84
55685-86-87-88-89-90-91



JOB NO. 2022-0037
DESIGNED BY: []
CHECKED BY: []
DATE: 04/19/2022
SCALE: 1"=100'

TASK: []

PROJECT: MALL OF GEORGIA GWINNETT COUNTY, GEORGIA

CLIENT: MALL OF GEORGIA L.L.C. 2075 BANCROFT DRIVE GWINNETT, GA 30246 (IN REAR CONTRACT, STATE 202008, 07/28/2017)

1075 NORTH DIXIE DRIVE ATLANTA, GA 30318 (404) 580-3427 FAX

18" X 24" NORTH DIXIE DRIVE ATLANTA, GA 30318 (404) 580-3427 FAX

SCALE: 1"=100'

1075 NORTH DIXIE DRIVE ATLANTA, GA 30318 (404) 580-3427 FAX

Exhibit C: Sign Details

[attached]

RECEIVED

3/30/2022



Japanese Auto Repair

Storefront channel letter &
cabinet sign

Julia Rodgers

INV-2805 1-4

Yes

No

Approved:

DATE: _____

NOTES:

Feel free to add changes/fix notes here. This is not limited to edits, you can also ask and add reminders or note any unique features concerning the sign.

PROPOSED SIGNAGE



Revision #	DATE
Revision 1	01/13/22
Revision 2	01/25/22
Revision 3	01/27/22
Revision 4	01/27/22
Revision 5	01/27/22
Revision 6	01/27/22
*	



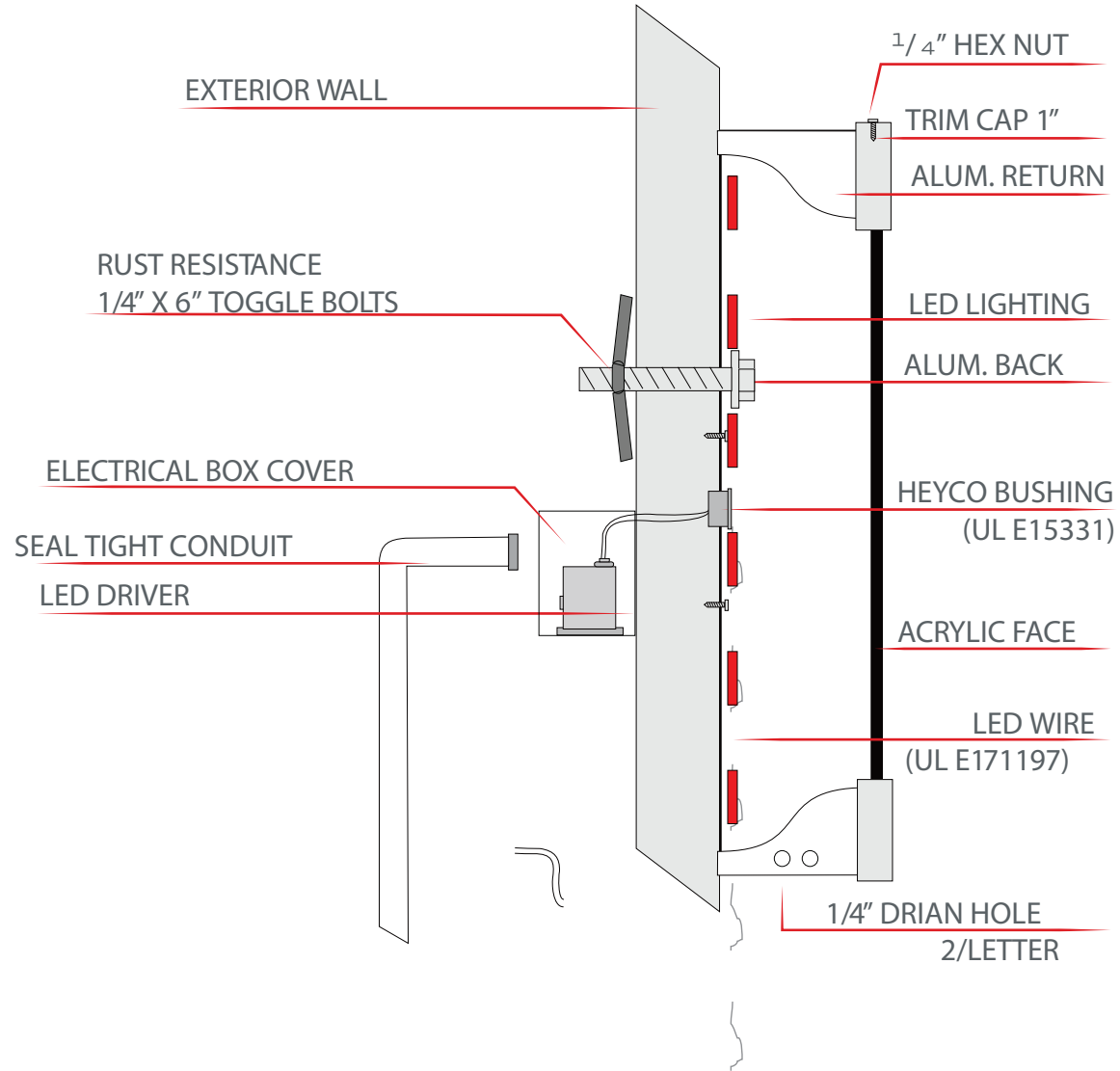
PLEASE EXAMINE PROOF CAREFULLY

By approving the proof you are verifying and confirming that all spelling, grammar, text, design layout, including but not limited to sizes and placement of graphics are correct. Once production has begun, customer assumes all responsibility for any inaccuracies and understands additional costs may be incurred to correct. Please note color may or may not be accurately represented on this proof.

COPYRIGHT NOTICE: All design, manufacturing, reproduction, use and sale of this document is strictly prohibited without the written consent of ALPHA SIGN GROUP. This document is submitted under a confidential understanding that the recipient of this document assumes custody and agrees that this document and any part of its content is not to be copied, reproduced (in whole or in part) or any of its contents be revealed (in whole or in part) to other parties except for which it is agreed upon by ALPHA SIGN GROUP and recipient, nor shall any design features unique to this document be incorporated in any other projects.

RECEIVED

3/30/2022



PROJECT PROOF FORM



Japanese Auto Repair

Two max metal signs

Julia Rodgers

INV-2805 2-4

Yes No

Approved: DATE: _____

NOTES:

We can go a little larger with the oval, just let me know if you would like to see a larger version. It may cost more.

WINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

3/30/2022



Revision #	DATE
Revision 1	01/12/22
Revision 2	01/13/22
Revision 3	01/13/22



Copyright © 2022 Alpha Sign Group, All rights reserved.

****PLEASE EXAMINE PROOF CAREFULLY****

By approving the proof you are verifying and confirming that all spelling, grammar, text, design layout, including but not limited to sizes and placement of graphics are correct. Once production has begun, customer assumes all responsibility for any discrepancies and understands additional costs may be incurred to correct. Please note color may vary and may not be accurately represented on this proof.

COPYRIGHT NOTICE: All design, manufacturing, reproduction, use and sale of this document is strictly prohibited without the written consent of ALPHA SIGN GROUP. This document is submitted under a confidential understanding that the recipient of this document assumes custody and agrees that this document and any part of its content is not to be copied, reproduced (in whole or in part) or any of its contents be revealed (in whole or in part) to other parties except for which it is agreed upon by ALPHA SIGN GROUP and recipient, nor shall any design features unique to this document be incorporated in any other projects.

ZVR2022-00037

Page 14 of 23

CA

Japanese Auto Repair

2355 Mall of Georgia Blvd ,
Buford, GEORGIA 30519 US

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

3/30/2022

Existing signage



Exhibit D: Letter of Intent and Standards for Granting Variances

[attached]

RECEIVED

3/30/2022

Letter of Intent

The variance Japanese Auto Repair is applying for is a sign variance for the allowed square footage (Section 78 113A) a building can have in zoning district C-2. Japanese Auto Repair will have three signs. One is an illuminated channel letter sign that is **14.5' w x 3.8' h** and two other illuminated cabinet signs that are **96" w x 32" h**. The sign square footage equals **98.3** sq ft. Total allowed square footage for this building in this zoning district is 120 sq ft which it meets but only 60 sq ft is allowed on each elevation. Japanese Auto Repair wants a variance to put up all three signs at the front due to the sides of the building being less visible from the streets. If the signs were to be put on the sides, they will not be as visible therefore Japanese Auto Repair will not get the full coverage they want for their signage. Moving all three signs will still keep intact Title 2 of the UDO, it will not harm or cause any disturbance in the area and will still keep intact the image and safety of Gwinnett County that the UDO places.

RECEIVED

3/30/2022

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: _____

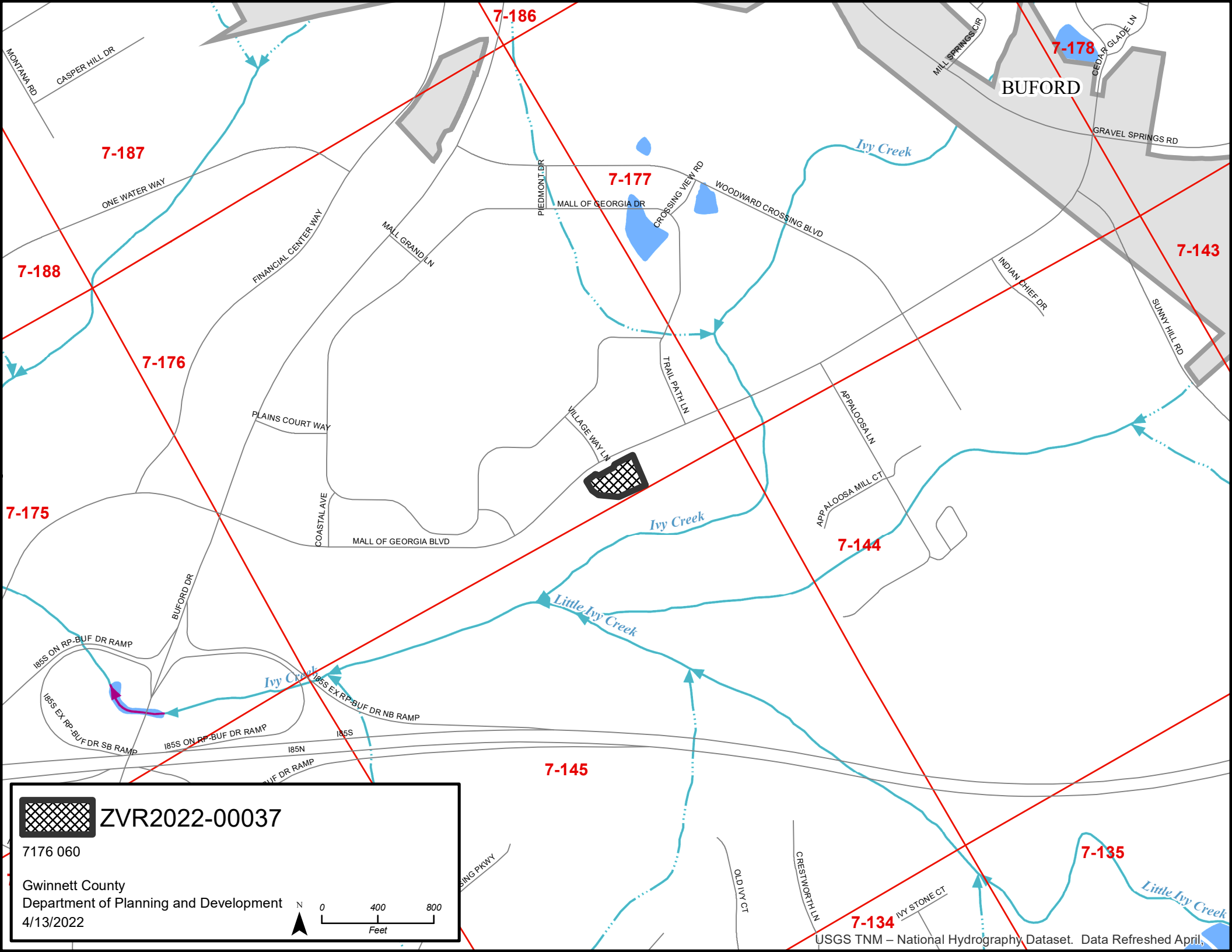
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create 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 E: Maps

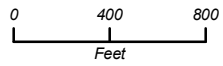
[attached]



ZVR2022-00037

7176 060

Gwinnett County
Department of Planning and Development
4/13/2022

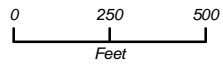




ZVR2022-00037

7176 060

Gwinnett County
Department of Planning and Development
4/13/2022



I85S

VILLAGE WAY LN

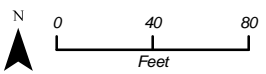
MALL OF GEORGIA BLVD

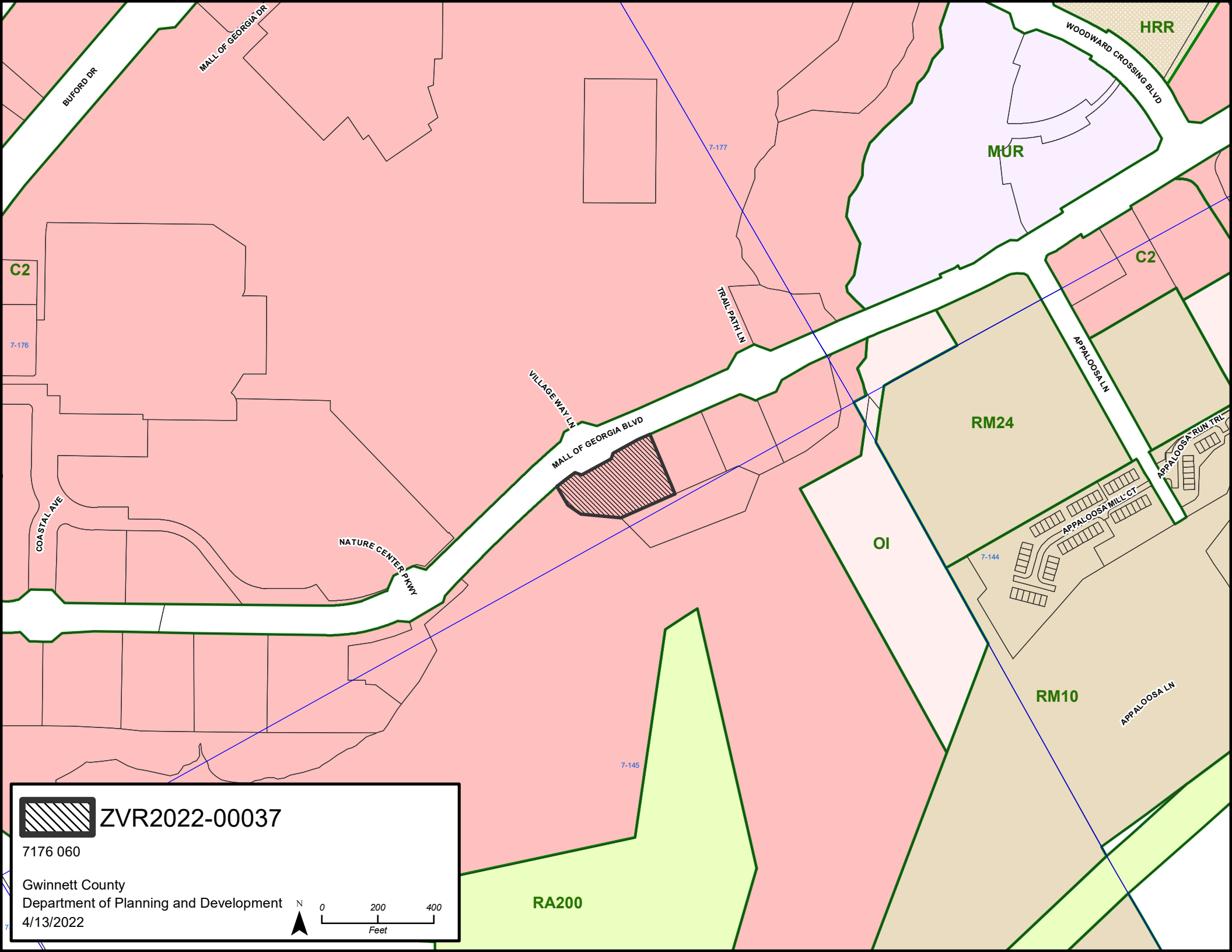


ZVR2022-00037

7176 060

Gwinnett County
Department of Planning and Development
4/13/2022

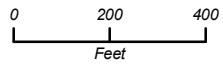




ZVR2022-00037

7176 060

Gwinnett County
Department of Planning and Development
4/13/2022



RA200