



**Zoning Board of Appeals**  
**Tuesday, February 10, 2026, at 7:00pm**  
Gwinnett Justice and Administration Center  
75 Langley Drive, Lawrenceville, GA 30046

**A. Call To Order, Pledge to Flag**

**B. Opening Remarks by Chairwoman and Rules of Order**

**C. Approval of Agenda**

**D. Approval of Minutes – January 13, 2026**

**E. Announcements**

**F. New Business**

- |    |                      |  |
|----|----------------------|--|
| 1. | Case Number:         | <b>VAR2026-00002</b>                   |
|    | Applicant:           | Highpoint Development                  |
|    | Owner:               | McGinnis Ferry II Apartment Owner, LLC |
|    | Contact:             | Mason Gaines                           |
|    | Phone Number:        | 404.438.1029                           |
|    | Zoning:              | RM-24                                  |
|    | Location:            | 2735 McGinnis Ferry Road               |
|    | Map Number:          | R7152 272                              |
|    | Variance Requested:  | Internally illuminated signage         |
|    | Commission District: | (4) Holtkamp                           |
|    |                      |  |
| 2. | Case Number:         | <b>VAR2026-00003</b>                   |
|    | Applicant:           | Brandon Le                             |
|    | Owner:               | Binh Nguyen                            |
|    | Contact:             | Brandon Le                             |
|    | Phone Number:        | 404.610.6481                           |
|    | Zoning:              | R-100MOD                               |
|    | Location:            | 1385 Creek Pointe Circle               |
|    | Map Number:          | R7055 274                              |
|    | Variance Requested:  | Exceed maximum lot coverage            |
|    | Commission District: | (4) Holtkamp                           |

**G. OTHER BUSINESS**

**H. ANNOUNCEMENTS**

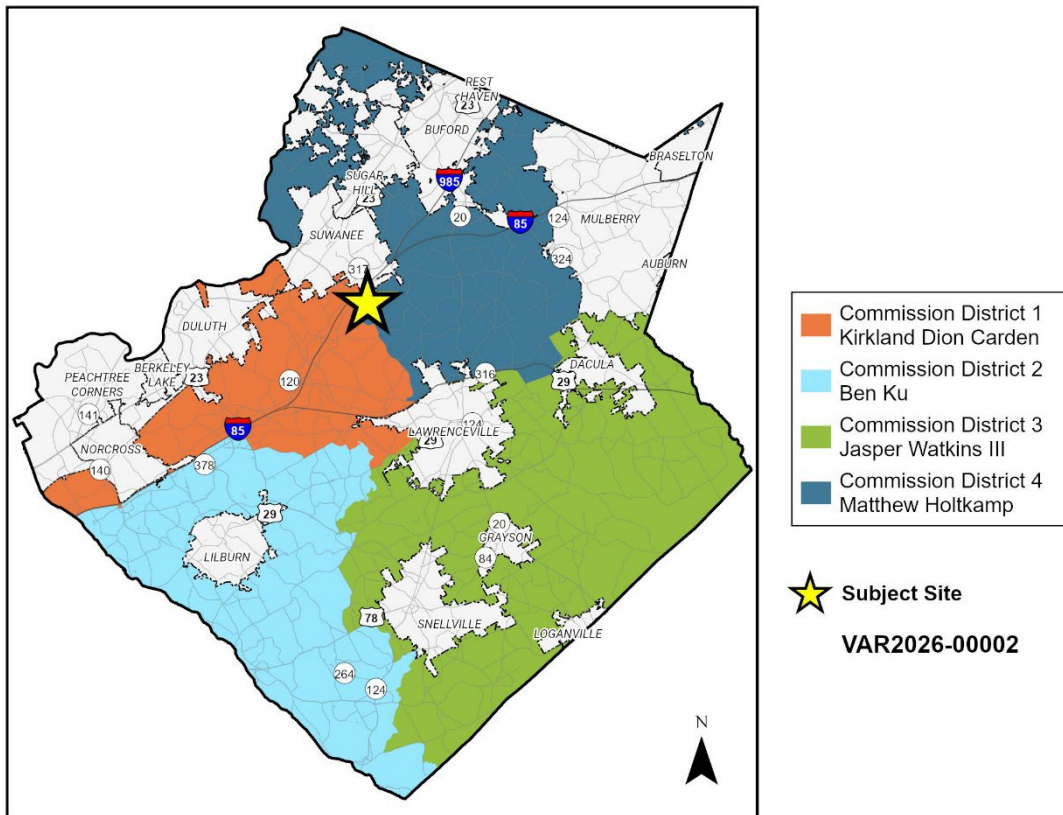
**I. ADJOURNMENT**



## ZONING BOARD OF APPEALS CASE REPORT

**Case Number:** VAR2026-00002  
**Variance Request:** Allow internally illuminated signage  
**Zoning District:** RM-24 (Multi-family Residence District)  
**Address:** 2735 McGinnis Ferry Road  
**Map Number:** R7152 272  
**Site Area:** 14.58 acres  
**Applicant:** Mason Gaines – Highpoint Development  
**Owner:** McGinnis Ferry II Apartment Owner, LLC  
**Commission District:** District 4 – Commissioner Holtkamp

**Staff Recommendation:** APPROVAL WITH CONDITIONS



## Existing Site Conditions

The subject site is a 14.58-acre property located along McGinnis Ferry Road, southeast of its intersection with Old Peachtree Road. A large multi-family residential development with 350 units is currently under construction.

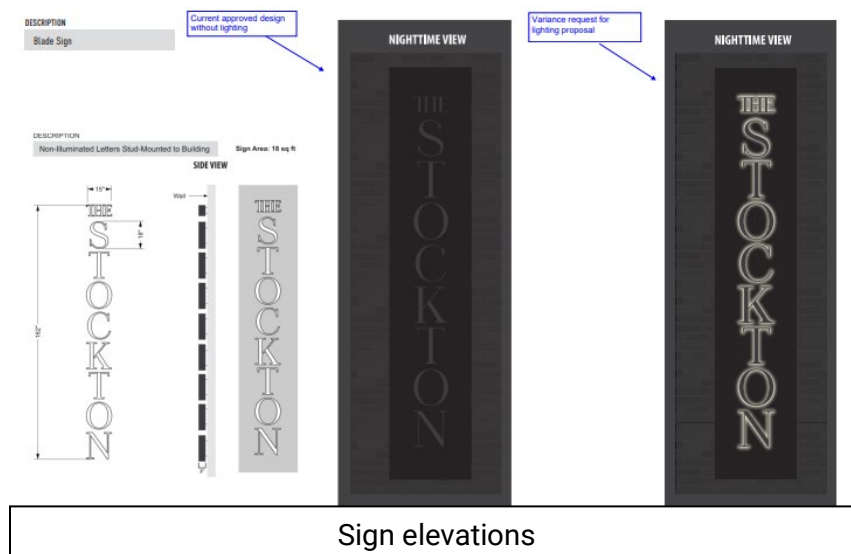


## Variance Request

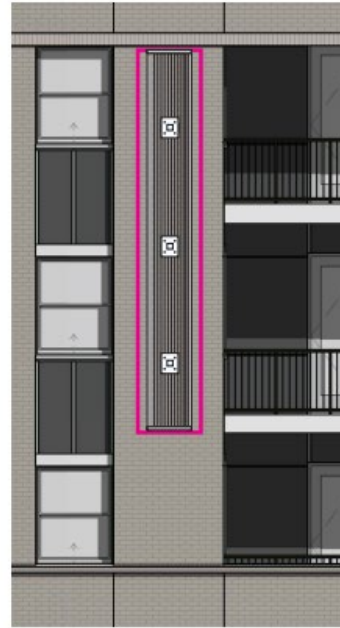
The applicant is seeking a variance from the following provision of Chapter 78 of the Gwinnett County Code of Ordinances:

**Section 78-112.E. Illumination of signs.** Signs located within any residential district may only be indirectly illuminated.

The applicant is requesting to allow internally illuminated signage in a residential zoning district.



DESCRIPTION  
Blocking Reference



Building façade where the sign is proposed to be located (outlined in pink)





Undeveloped property located across McGinnis Ferry Road



View from McGinnis Ferry Road



View from McGinnis Ferry Road

## Standards for Granting Variances

Section 270-90.7.A. of the Unified Development Ordinance (UDO) lists the following criteria for granting variances:

1. The strict adherence to a provision creates a hardship due to topographical or site conditions, or
2. The applicant proposes a solution which does not circumvent the purpose and intent of the UDO.

## Staff Analysis

The site is currently being developed as a 350-unit apartment complex and is surrounded by non-residential uses including a convenience store with fuel pumps, a place of worship, and a multi-tenant shopping center. The nearest residence is located approximately 380 feet away from the proposed internally illuminated sign and is separated by McGinnis Ferry Road and an undeveloped parcel containing dense tree coverage. The proposed back-lit wall sign utilizes halo illumination which prevents direct visibility of the light source from adjacent properties and roadways. Therefore, the light emitted from the proposed sign would not be visible from any residence. Approval of the requested variance would not circumvent the purpose or intent of the sign regulations.

## Staff Recommendation

Based upon the findings and conclusions herein, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the variance request, with the following conditions:

1. The proposed wall sign shall be located in general conformance with the site plan and building elevations dated received December 29, 2025.
2. The light source shall not be visible from adjacent properties or roadways and be in general conformance with the sign elevations dated received December 29, 2025.

## Exhibits:

- A. Application
- B. Maps

**Exhibit A: Application**

**[attached]**



## VARIANCE APPLICATION

See the Variance Application Submittal Instructions for general information and directions related to submitting this application.

### **Property Information:**

Property Address:\_\_\_\_\_ Property Parcel ID:\_\_\_\_\_

Variance(s) Requested:\_\_\_\_\_

Unified Development Ordinance (UDO) Code Section(s):\_\_\_\_\_

Sign Ordinance Code Section(s):\_\_\_\_\_

### **Applicant Information:**

Name:\_\_\_\_\_

Contact Person:\_\_\_\_\_

Mailing Address:\_\_\_\_\_

City, State, Zip Code:\_\_\_\_\_

Phone Number:\_\_\_\_\_ Email Address:\_\_\_\_\_

Applicant is (check, if applicable): ☐ Property Owner ☐ Owner's Agent



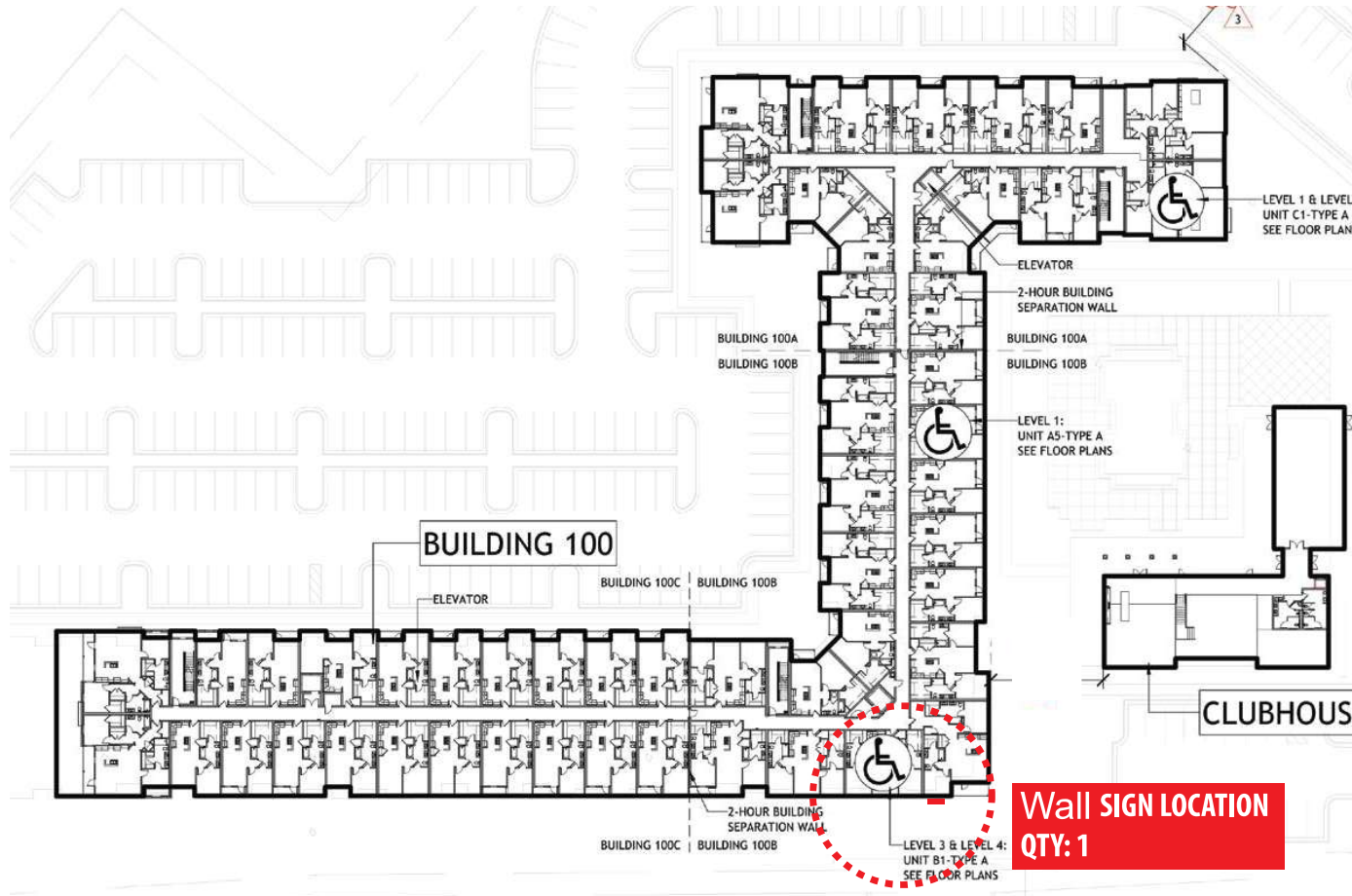
RECEIVED

12/29/2025

DESCRIPTION

Wall Sign

Intent for Variance is to be able to back light the building signage for traffic safety, accessibility and visibility at night



Job #

24201

Client

Highpoint

Project

The Stockton Suwanee

Date

9.30.25



7.1

VAR2026-00002

HH

FILL MATERIAL SHALL BE SPREAD EVENLY IN HORIZONTAL LAYERS. LATERAL SPREAD SHALL BE LIMITED TO 1/2" PER 1' OF VERTICAL. ALL MATERIAL SHALL BE COMPACTED TO 90% MAXIMUM DENSITY OF THE MATERIAL. ALL CONSTRUCTION MATERIALS AND PROCEDURES SHALL CONFORM TO THE APPLICABLE COUNTY, N.C. & GEORGIA SD 1 STANDARD.

ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPLACED AT THE CONTRACTOR AT HIS RISK.

NOTIFY OHMNETT COUNTY INSPECTOR 24 HOURS BEFORE THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN ACCESS TO ALL STREETS, DRIVEWAYS, CATCH BASINS, ETC. FOR ALL LOW VOLTAGE UTILITIES DURING CONSTRUCTION.

EXISTING STRUCTURES FOUND ON PROPERTY SHALL BE REMOVED AT THE CONTRACTOR'S RISK IN ACCORDANCE WITH OHMNETT COUNTY STANDARDS.

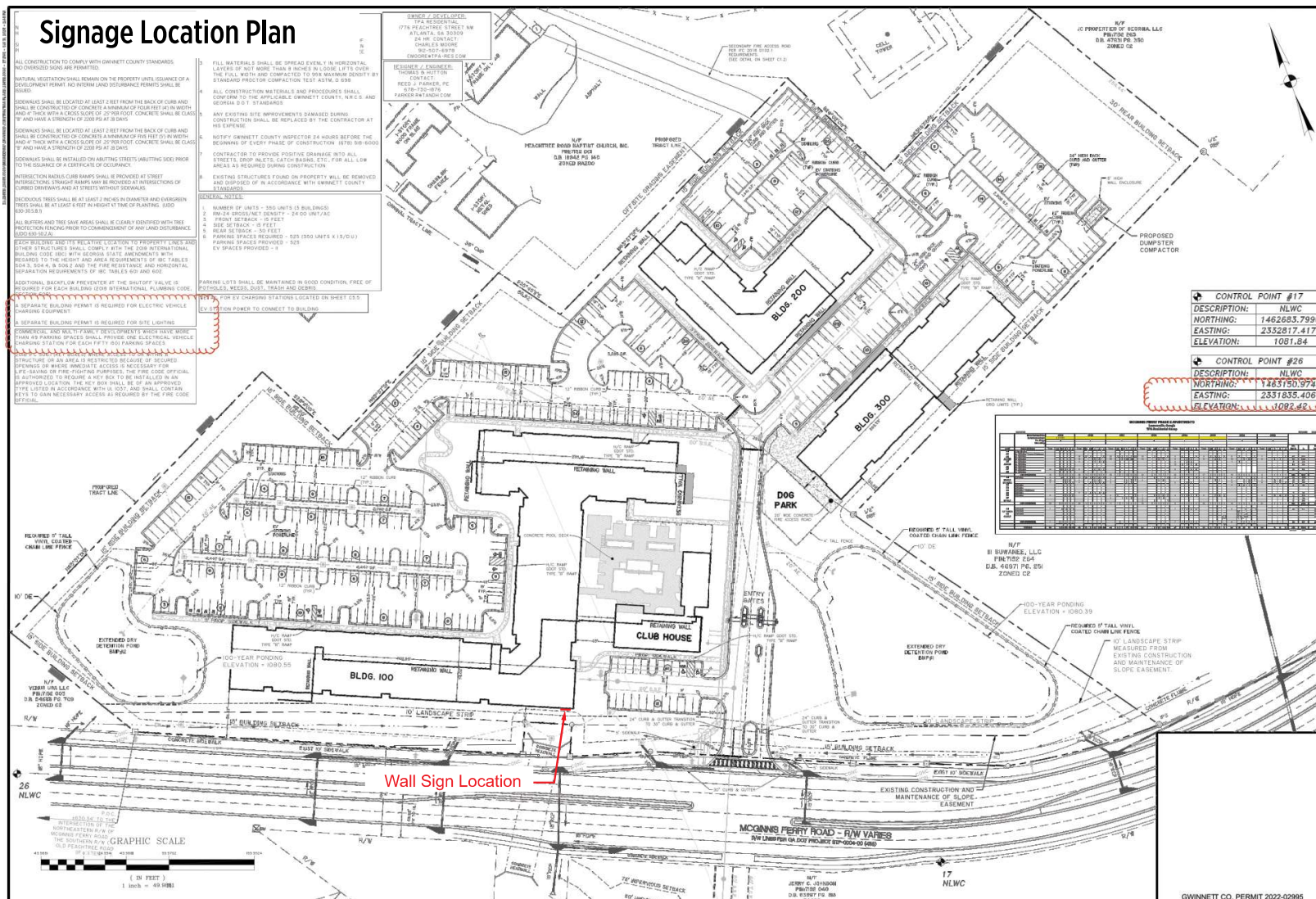
**GENERAL NOTES:**

- 1. MINIMUM LOT WIDTH - 330 UNITS (1 BUILDING)
- 2. MIN. 24' SIDESET BACK - 24' 00" UNIT
- 3. MIN. 10' FRONT SETBACK - 10' 00" UNIT
- 4. MIN. 10' REAR SETBACK - 10' 00" UNIT
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PAVING LOT SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF POTHOLES, DEEPS, GULLIES, TRASH AND RUBBISH.

FOR FURTHER DETAILS, SEE DRAWING SHEET 1055.

FOR FURTHER DETAILS, SEE DRAWING SHEET 1055.



GWINNETT CO. PERMIT 2022-02995

**THOMAS & HUTTON**  
1074 Bristol Industrial Way • Suite  
Bulford, GA 30318 • 770-271-2866

TPA RESIDENTIAL  
WINNETT COUNTY, ILL.  
WOODLEY AT MCGINNIS  
SITE PLAN

JOB NO: J-20000.0000  
DATE: 10/13/24  
DRAWN: N.M.  
DESIGNED: R.P.  
REVIEWED: R.P.  
APPROVED: R.P.  
SCALE: 1" = 40'-00"

C1.1

1.0

HH

DESCRIPTION

Blade Sign

WINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED

12/29/2025

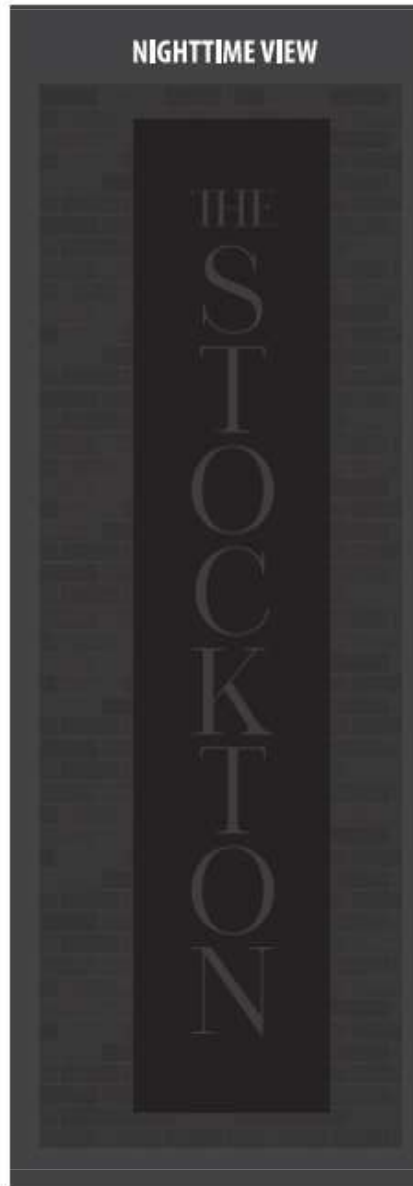
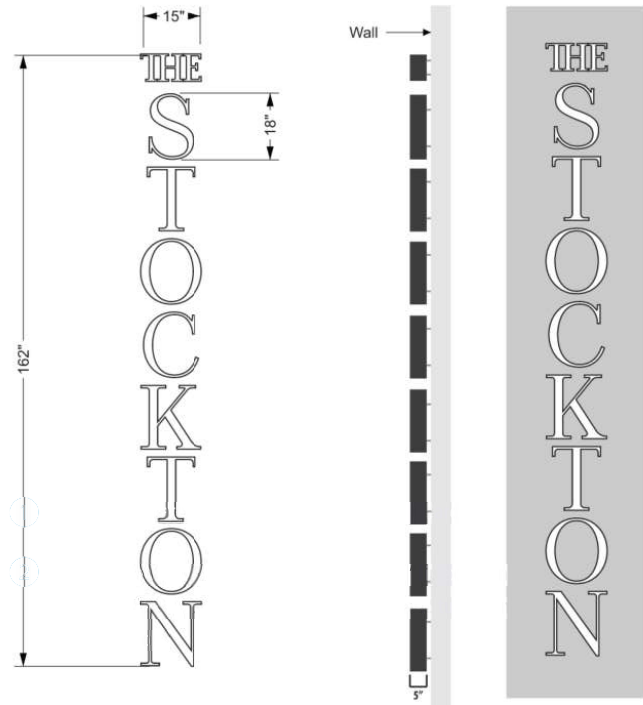
Current approved design  
without lighting

DESCRIPTION

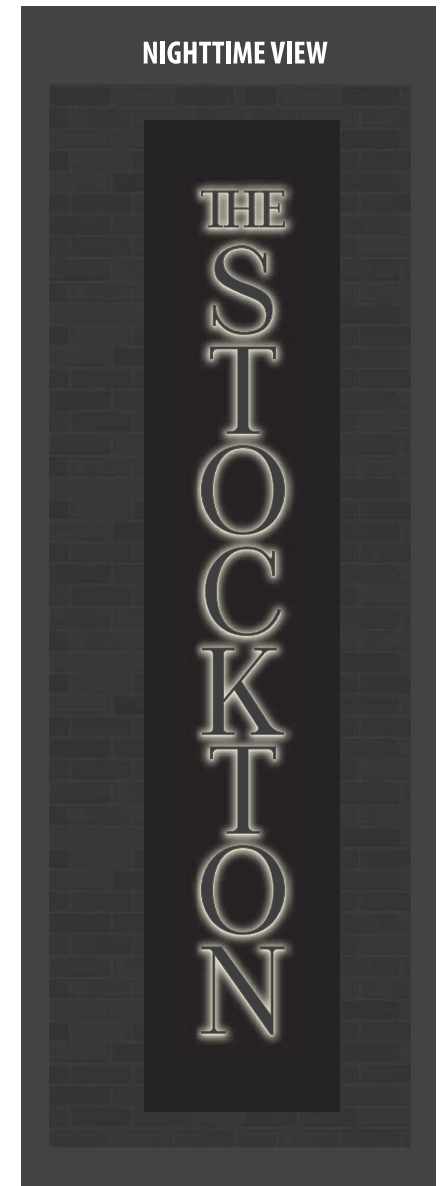
Non-Illuminated Letters Stud-Mounted to Building

Sign Area: 18 sq ft

SIDE VIEW



Variance request for  
lighting proposal



Job #

24201

Client

Highpoint

Project

The Stockton Suwanee

Date

9.30.25



colorsphere  
GRAPHICS

7.0

VAR2026-00002

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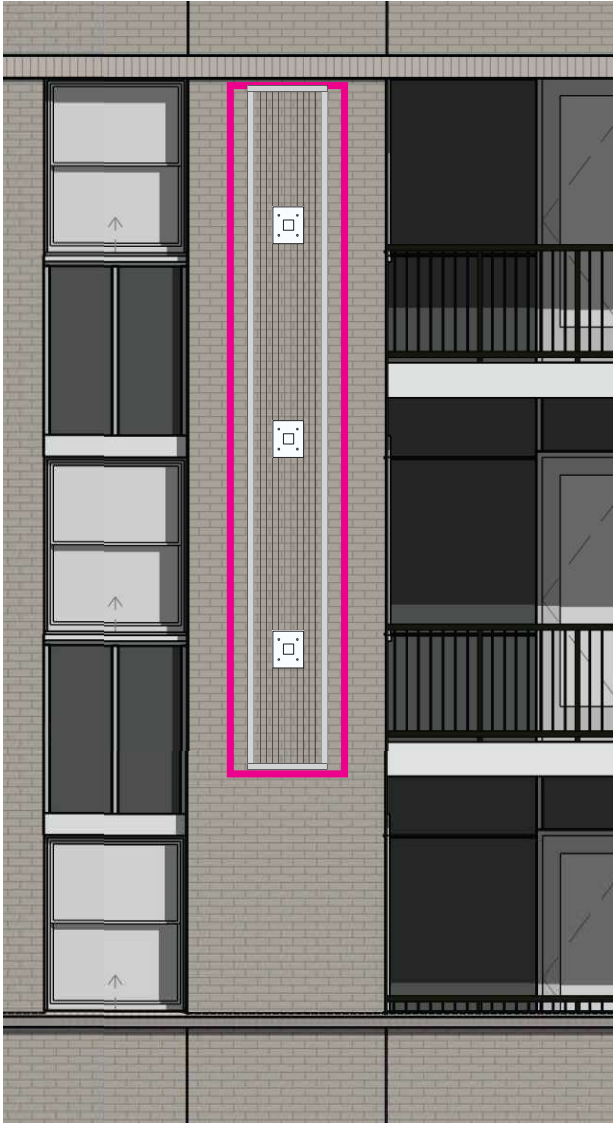
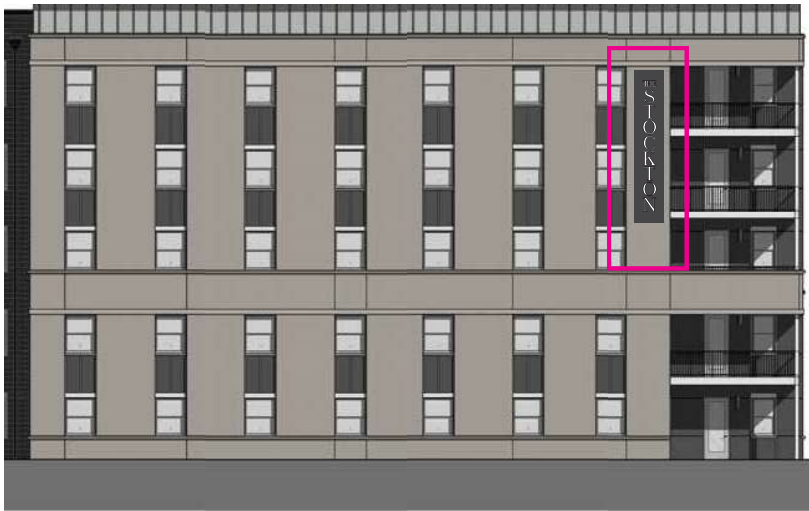
DESCRIPTION

Blocking Reference

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED

12/29/2025





## **Proposed Revision of Wall Sign Illumination – Stockton Project**

Highpoint Developers respectfully submits this request for a variance to allow internal illumination for the proposed wall sign at the Stockton project. Section 78-112-e of the Gwinnett County Code of Ordinances specifies that wall signs must utilize external illumination rather than internal illumination. We request approval of a variance to permit a *halo-illuminated* sign, which we believe is consistent with the County’s goals and represents a reasonable, minimal, and context-appropriate deviation from the ordinance. Our justification is as follows:

### **1. Least Intrusive Lighting Option**

The proposed halo-illumination method is the least intrusive way to illuminate the sign. Halo lighting creates a subtle glow behind the letters rather than bright, forward-facing illumination or external spotlight illumination, which tends to look uneven with brighter/darker areas. This method produces less overall light output and is widely regarded as more refined and aesthetically pleasing than traditional face-lit signage. It meets functional needs while maintaining a subdued visual presence.

### **2. Improved Traffic Safety**

Allowing the sign to be softly illuminated enhances visibility for drivers, enabling them to more easily identify the entrance and make timely lane changes or turning decisions. This contributes to safer traffic flow along adjacent streets, particularly during evening and early-morning hours when non-illuminated lettering may be difficult to read.

### **3. Consistency with the Intent of the Ordinance**

The current restriction on internal illumination appears primarily intended for single-family residential settings or neighborhoods with small-scale homes where bright commercial lighting would be inappropriate. While the subject property carries a residential zoning classification, the Stockton project is a substantial, high-end multifamily development with amenities such as a clubhouse, pool, and fitness center—features more comparable to mixed-use or commercial-style communities that customarily utilize refined, internally illuminated signage. The proposed lighting aligns with the character and scale of the development.

### **4. Hardship Due to Size Limitations**

Because the property is zoned residential, the ordinance restricts the wall sign to a maximum of 18 square feet. Highpoint Developers fully complies with this size limitation and is not seeking an increase in sign size. However, the relatively small allowable size reduces visibility. The requested halo illumination enhances readability and ensures the

sign effectively serves its purpose without enlarging its footprint or increasing its impact on the surrounding area.

---

We sincerely appreciate your review and consideration of this request. Highpoint Developers is committed to ensuring the Stockton project is a positive addition to the community and a “good neighbor” as Gwinnett County continues to support thoughtful, strategic residential development.

**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:**

1. Does the strict adherence to a provision create hardship due to topographical or site conditions?

Yes.

*The property currently has a hardship that impacts traffic safety. Due to current sign codes, the building sign is relatively small, non-illuminated and located a relatively long distance from McGinnis Ferry Rd, our request will make the sign easier to read from long-distances particularly for cars traveling approx. 40-45 mph, so that drivers' cars can identify the property as soon as possible and turn into the entrance safely as needed.*

*The hardship is not something that is a result of the owner's or developer's actions that could be remedied through some other means.*

2. Does the applicant propose a solution that does not circumvent the purpose and intent of this UDO?

Yes.

*The requested variance will be similar to what other similar multifamily projects have done, we are not asking for anything excessive or out of the ordinary.*

*The requested variance will not adversely impact the neighborhood or surrounding areas.*

*The requested variance feels appropriate since the current code section 78-112 E appears to be more reflective of limiting single family homes from directly illuminating signage. Our backlit letters will provide less illumination than directly lighting them will as well.*



The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon in less than six (6) months from the date of last action by the Board of Commissioners.

## Property Owner

Name: McGinnis Ferry II Apartment Owner LLC

Signature: [Handwritten Signature]

Date: 12/29/25

## Notary Public

Name: Hannah Hurley

Signature: [Handwritten Signature]

Date: 12/29/2025



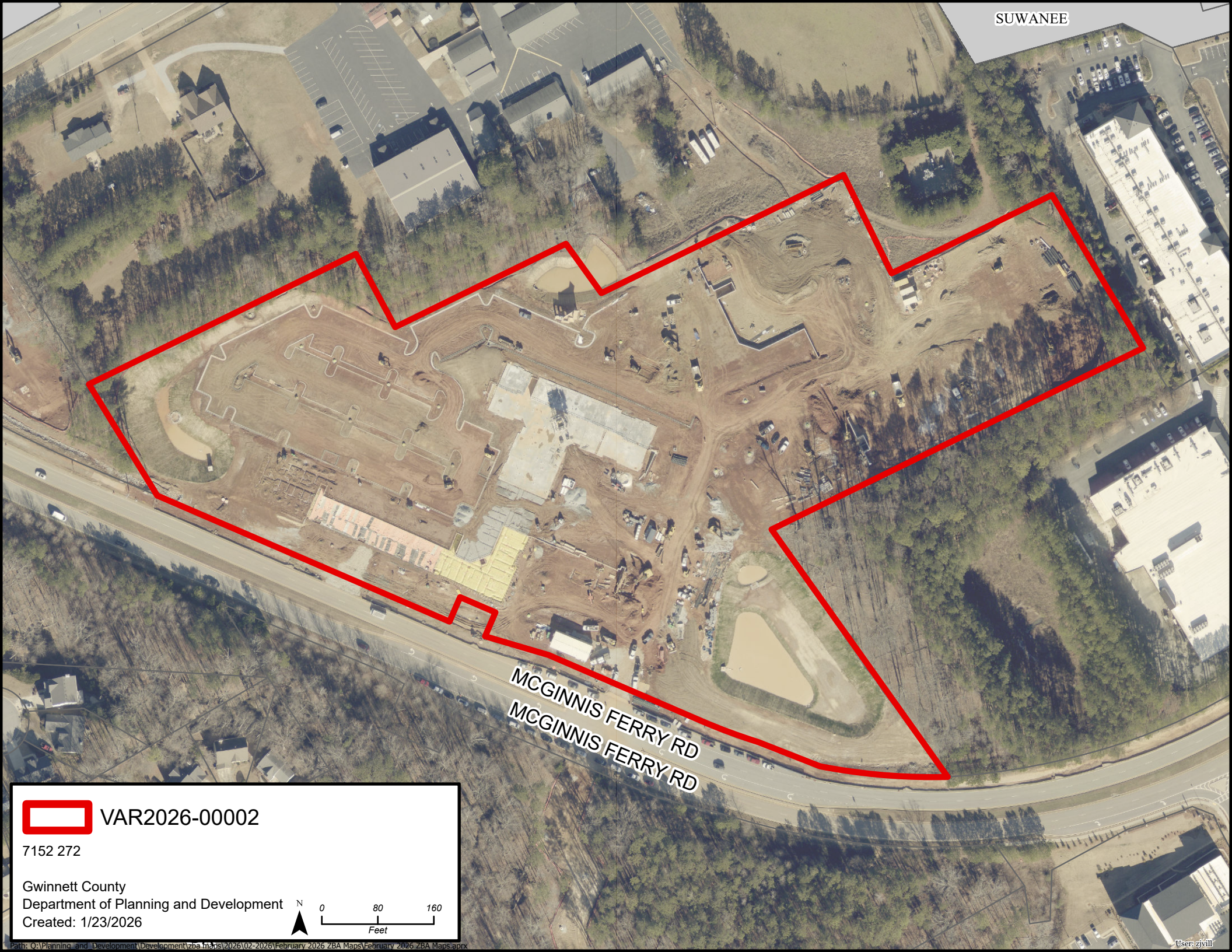
Notary Seal



**Exhibit B: Maps**

**[attached]**





MCGINNIS FERRY RD  
MCGINNIS FERRY RD



VAR2026-00002

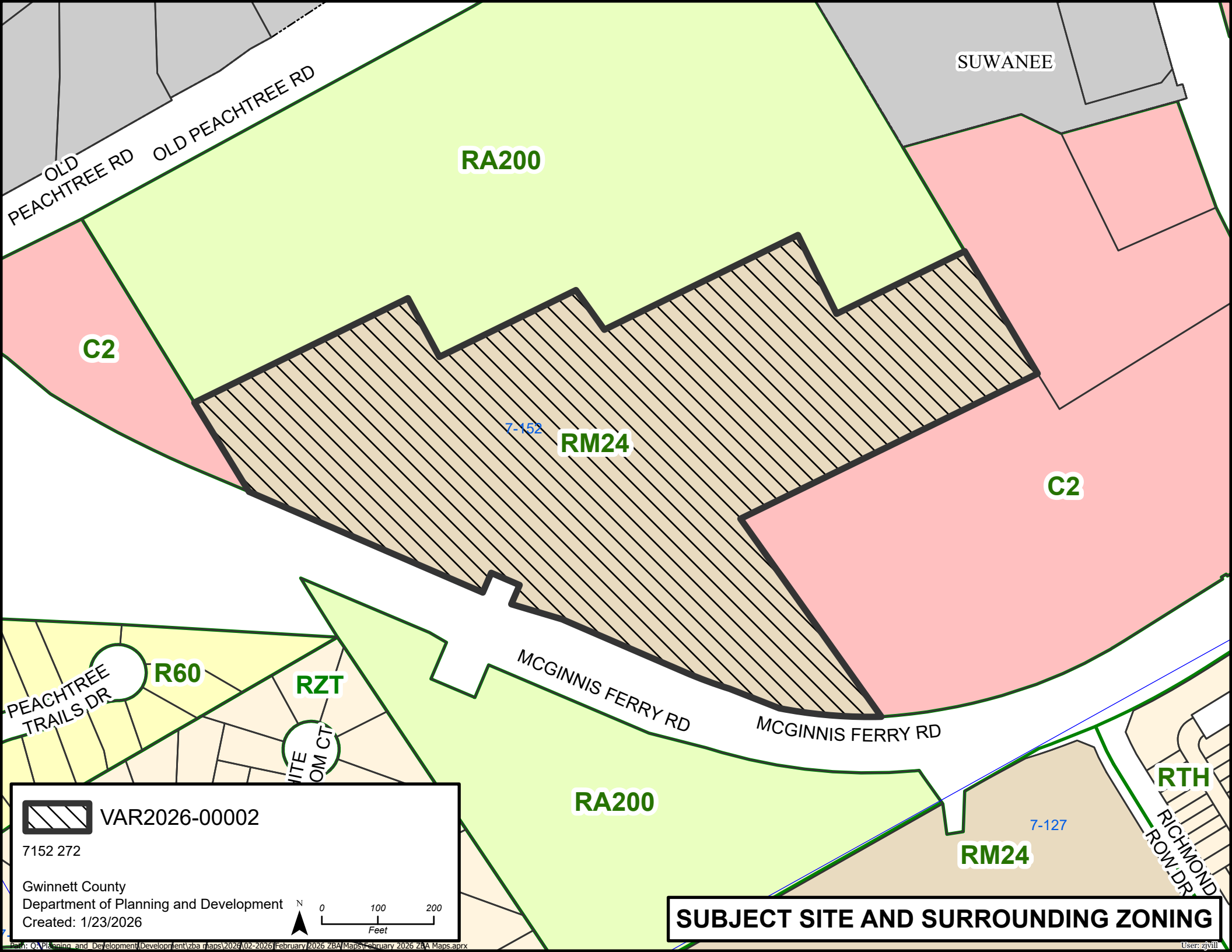
7152 272

Gwinnett County  
Department of Planning and Development  
Created: 1/23/2026



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Feet





SUWANEE

RA200

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RM24

C2

R60

RZT

RA200

RM24

RTH

VAR2026-00002

7152 272

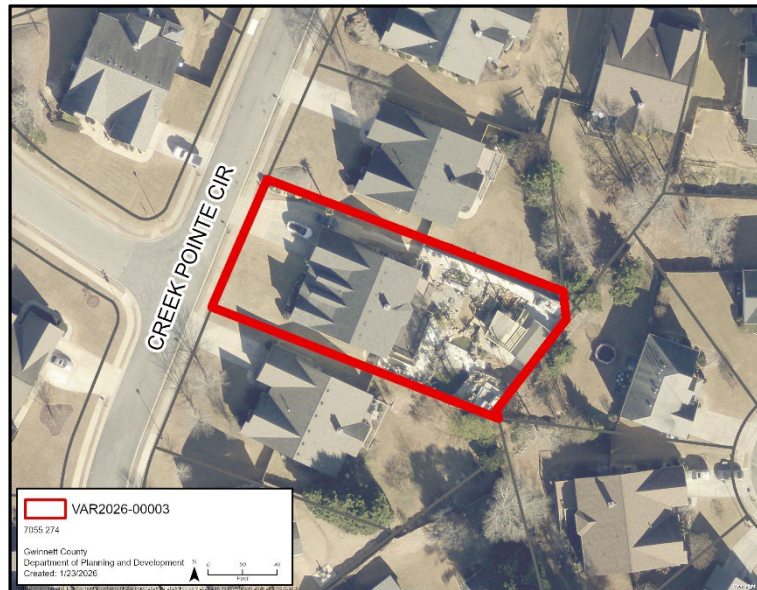
Gwinnett County  
Department of Planning and Development  
Created: 1/23/2026

SUBJECT SITE AND SURROUNDING ZONING



## Existing Site Conditions

The subject property is a 0.33-acre property located at the intersection of Prospect Creek Drive and Creek Pointe Circle within the Prospect Creek subdivision. The property contains a single-family residence, two-story detached deck, koi pond, and waterfall in the rear yard and is surrounded by other single-family residences.

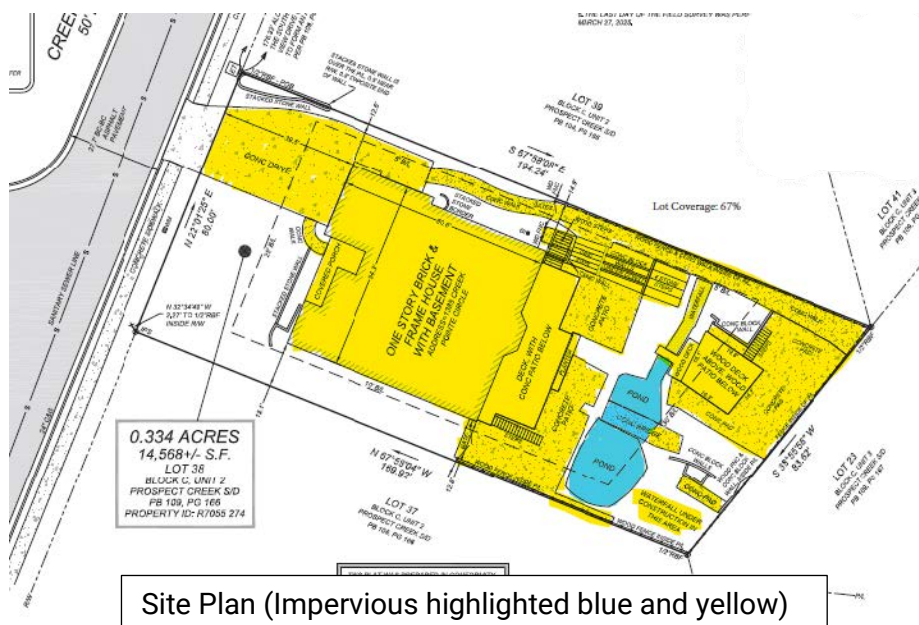


## Variance Request

The applicant is seeking a variance from the following provision of the UDO:

**Section 210-120. Dimensional Standards.** Lots within the R-100 zoning district have a maximum lot coverage of 45%.

The applicant is requesting to exceed the maximum allowable lot coverage area by 22% resulting in 67% of the lot being covered by impervious surfaces. Permits were not obtained prior to the construction of the impervious areas in the rear yard. A Stop Work Order was issued in March 2025.



Site Plan (Impervious highlighted blue and yellow)





View of residence facing north



Two-story deck





Koi pond and waterfall



Tiered retaining walls with stacked stone





### Standards for Granting Variances

Section 270-90.7.A. of the Unified Development Ordinance (UDO) lists the following criteria for granting variances:

1. The strict adherence to a provision creates a hardship due to topographical or site conditions, or
2. The applicant proposes a solution which does not circumvent the purpose and intent of the UDO.

### Staff Analysis

The property is undergoing construction in the rear yard for a two-story deck, koi pond, concrete patios, waterfall, and several tiered retaining walls. The lot coverage maximum regulation is intended to limit the amount of impervious surface for single-family properties. Exceeding the maximum lot coverage could result in excessive stormwater runoff and potential drainage issues for neighboring properties. The property does not contain unique site conditions or topography. Approval of the variance would circumvent the purpose and intent of the UDO.

### Staff Recommendation

Based upon the findings and conclusions herein, the Department of Planning and Development recommends **DENIAL** of the variance request.

## **Staff Recommended Conditions**

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

1. The property shall be developed in general conformance with the site plan dated received December 11, 2025, with revisions required by the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. No additional impervious surface shall be allowed on the property.
3. The applicant shall apply for a land disturbance permit within 60 days of variance approval.
4. The applicant shall apply for a building permit for the two-story detached deck within 30 days of variance approval.

### **Exhibits:**

- A. Application
- B. Maps

**Exhibit A: Application**

**[attached]**



## VARIANCE APPLICATION

See the Variance Application Submittal Instructions for general information and directions related to submitting this application.

### **Property Information:**

Property Address: 1385 Creek Pointe Circle Property Parcel ID: 7055 274

Variance(s) Requested: Exceed maximum lot coverage

Unified Development Ordinance (UDO) Code Section(s): 210-120.

Sign Ordinance Code Section(s): N/A

### **Applicant Information:**

Name: Brandon Le

Contact Person: Brandon Le

Mailing Address: 688 Cashiers Road

City, State, Zip Code: Dacula, GA 30019

Phone Number: 404.610.6481 Email Address: brandonle2007@gmail.com

Applicant is (check, if applicable): ☐ Property Owner ☒ Owner's Agent



[illegible]

A location map showing the site location relative to Prospect Church Rd, Prospect Creek Dr, and Creek Pointe Dr. The map includes a north arrow and the word 'MAGNETIC'.

**0.334 ACRES**  
**14,568+/- S.F.**  
 LOT 38  
 BLOCK C, UNIT 2  
 PROSPECT CREEK S/D  
 PB 109, PG 166  
 PROPERTY ID: R7055 274

THIS PLAT WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

DATE: APRIL 2, 2025		ISSUE		
SCALE: 1" = 20'		NO.	DESCRIPTION	DATE
ACREAGE: 0.334 ACRES		R-1	REMOVE SHED FROM PROPERTY	6-25-2025
LAND LOT: 55				
DISTRICT: 7th				
CITY: N/A				
COUNTY: GWINNETT		STATE: GEORGIA		
SURVEYED: GP		DRAWN: MJS/KRM		
CHECKED: CAM		APPROVED: CAM		
PROJECT #: 25-153				

**SHEET**  
**1**  
**OF**  
**1**

~~MM~~

VAR2026-00003

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**RECEIVED**

12/29/2025

**Binh Nguyen**  
1385 Creek Pointe Circle  
Lawrenceville, GA 30043  
**Phone:** 678-800-5253  
**Email:** baohienaden@gmail.com

**12/11/2025**

**Gwinnett County Planning and Development Department**  
70 S. Clayton Street  
P.O. Box 2200  
Lawrenceville, GA 30046

**Re: Letter of Intent for Residential Variances – 1385 Creek Pointe Circle, Lawrenceville, GA 30043**

**Parcel Number: R7055 274**

**210-120 (Maximum Lot Coverage – R-100)**

To the Gwinnett County Zoning Board:

I am submitting this Letter of Intent in support of my application for a residential variance for my property located at **1385 Creek Pointe Circle, Lawrenceville, GA 30043 (Parcel R7055 274)**. This variance relates to the maximum allowable lot coverage for properties zoned R-100.

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## **Requested Variances**

### **1. Variance to Section 210-120 – Maximum Lot Coverage**

Section 210-120 limits total lot coverage in the R-100 zoning district to **45%**.

Construction of the proposed accessory structure will likely cause the lot coverage to **exceed the maximum allowed**, and I am requesting a variance to permit this increase to 67%.

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## **Justification / Hardship**

The area in my backyard experiences **persistent mud and standing water after rainfall** due to concentrated runoff and limited natural drainage. These conditions create unsafe and unsanitary conditions, including slippery surfaces, soil erosion, and tracking mud into the home, which cannot be adequately resolved through landscaping or gravel.

Installing concrete under the deck and surrounding area is the **minimum necessary solution** to control drainage, prevent erosion, and provide a safe, usable surface without expanding the structure or its footprint. The hardship results from existing site conditions rather than a self-

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created issue, and the improvement will not negatively impact neighboring properties or alter the character of the area.

## Neighborhood & Community Impact

The requested variances will **not** negatively impact neighboring properties or the surrounding community. The proposed structure will be placed to maintain neighborhood consistency and will be designed to complement the architectural style of the existing home.

Additionally:

- The structure will not obstruct views or disrupt privacy.
- It will not interfere with drainage, utilities, or easements.
- Landscaping, fencing, or natural screening will help mitigate visual impact.

The improvement will enhance the property's organization, safety, and appearance.

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## Commitment to Compliance

I am committed to complying with all City of Lawrenceville building codes, inspections, and any conditions the Zoning Board may deem appropriate. I intend to complete this project responsibly and in alignment with community standards.

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Thank you for your time and consideration. I respectfully request approval of these variance applications and welcome the opportunity to provide additional documentation such as surveys, site plans, drawings, or photographs as needed.

Sincerely,  
**Binh Nguyen**



**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:**

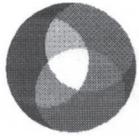
1. Does the strict adherence to a provision create hardship due to topographical or site conditions?

Yes.

*The need for these variances is due to the retaining wall for the waterfall already concreted in the foundation.*

2. Does the applicant propose a solution that does not circumvent the purpose and intent of this UDO?

No.



Gwinnett

WINNETT COUNTY  
PLANNING AND DEVELOPMENT  
PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon in less than six (6) months from the date of last action by the Board of Commissioners.

Property Owner

Name: Binh Nguyen

Signature: [Handwritten Signature]

Date: 12-27-2025

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Notary Public

Name: Frankie Pompey

Signature: [Handwritten Signature]

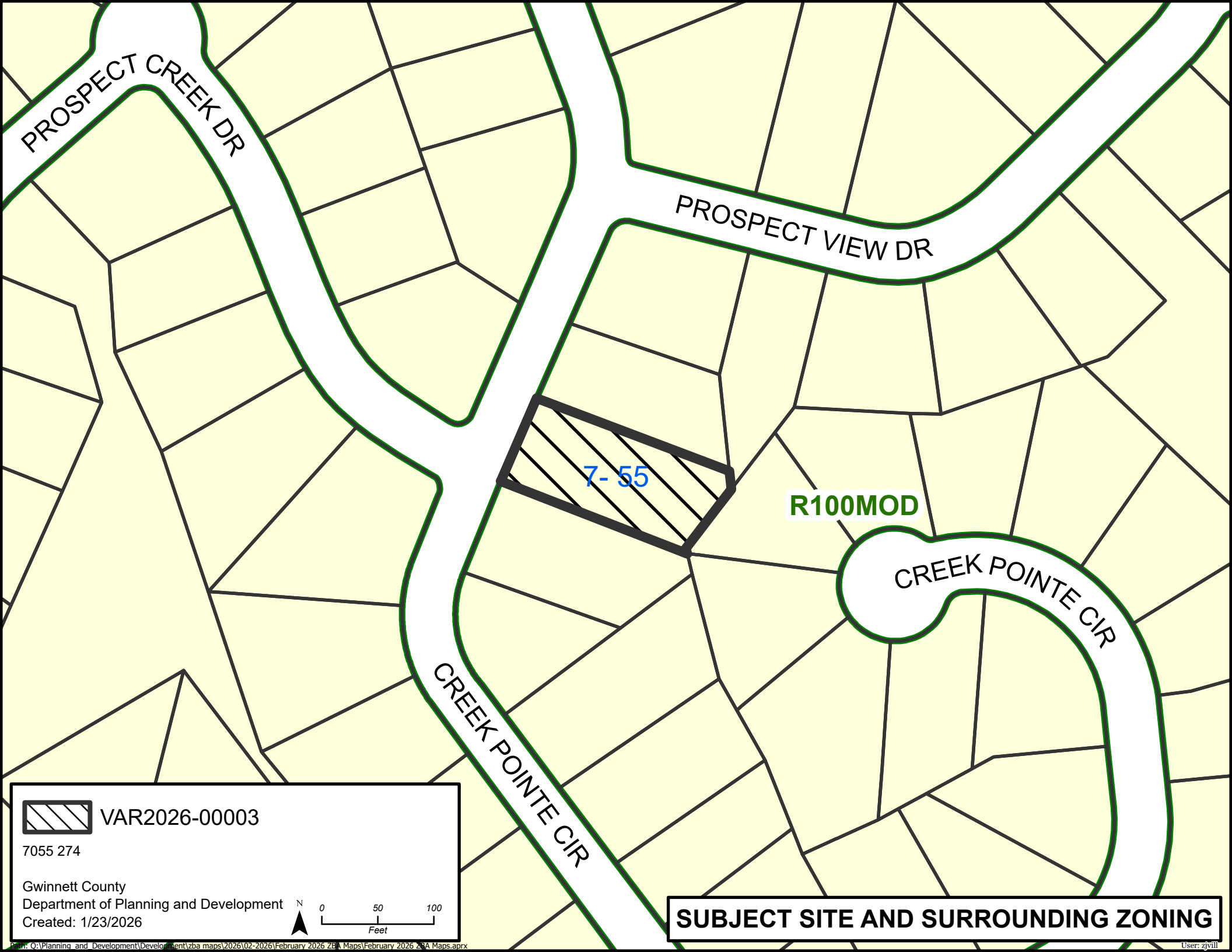
Date: 12/27/2025





**Exhibit B: Maps**

**[attached]**



PROSPECT CREEK DR

PROSPECT VIEW DR

CREEK POINTE CIR

CREEK POINTE CIR

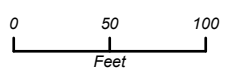
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R100MOD

 VAR2026-00003

7055 274

Gwinnett County  
Department of Planning and Development  
Created: 1/23/2026



**SUBJECT SITE AND SURROUNDING ZONING**



CREEK POINTE CIR



VAR2026-00003

7055 274

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Created: 1/23/2026

