



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:

Applicant:

Owner:

Contact:

Phone Number:

Zoning:

Location:

Map Number:

Variance Requested:

Commission District:

VAR2026-00002

Highpoint Development

McGinnis Ferry II Apartment Owner, LLC

Mason Gaines

404.438.1029

RM-24

2735 McGinnis Ferry Road

R7152 272

Internally illuminated signage

(4) Holtkamp

2. Case Number:

Applicant:

Owner:

Contact:

Phone Number:

Zoning:

Location:

Map Number:

Variance Requested:

Commission District:

VAR2026-00003

Brandon Le

Binh Nguyen

Brandon Le

404.610.6481

R-100MOD

1385 Creek Pointe Circle

R7055 274

Exceed maximum lot coverage

(4) Holtkamp

G. OTHER BUSINESS

H. ANNOUNCEMENTS

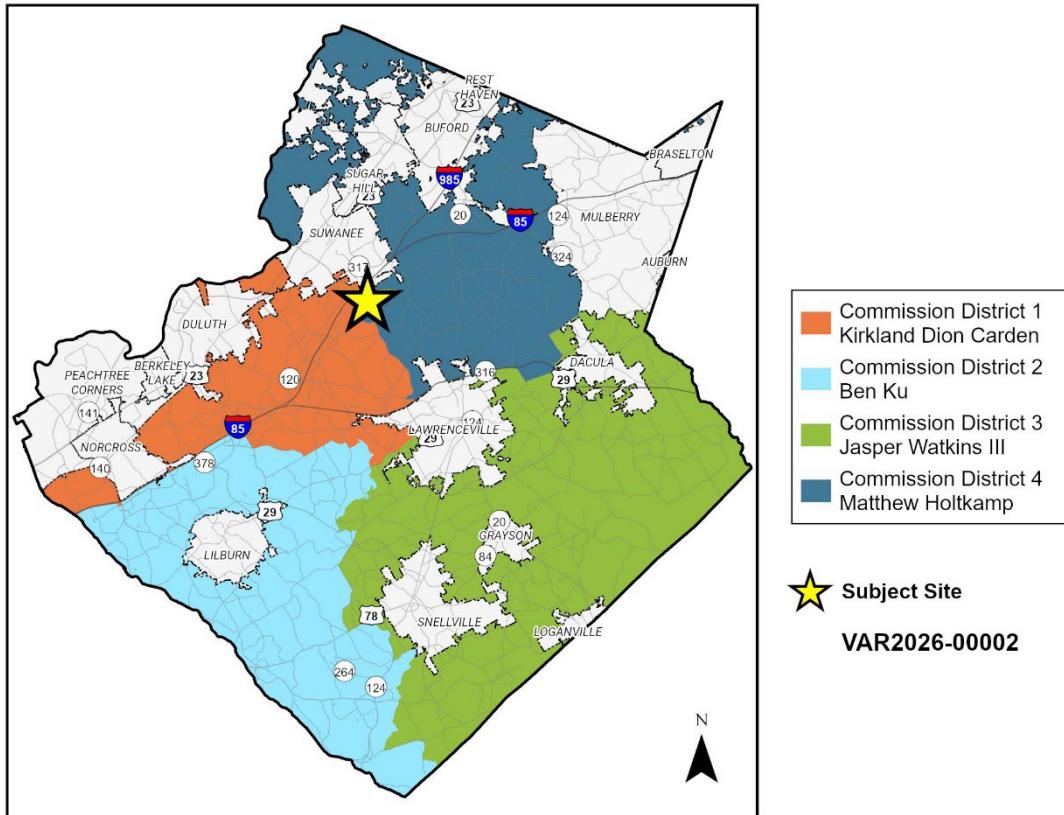
I. ADJOURNMENT



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.

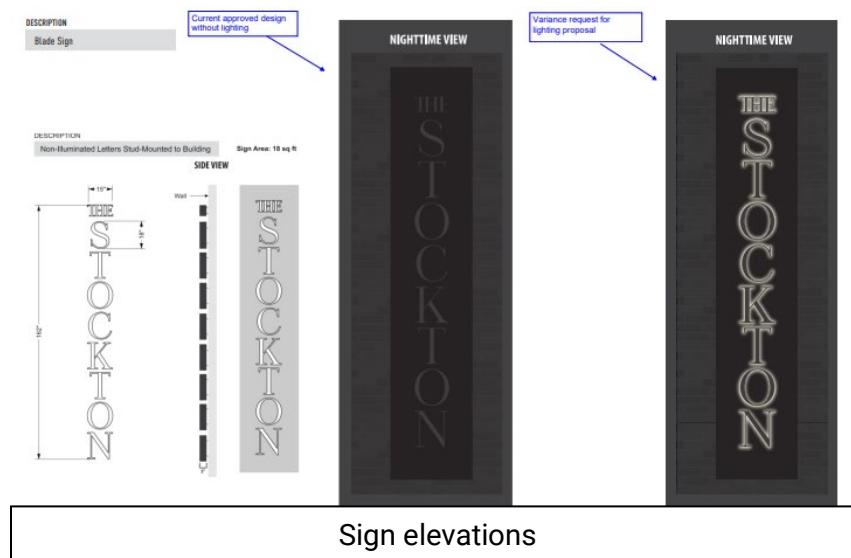


Variance Request

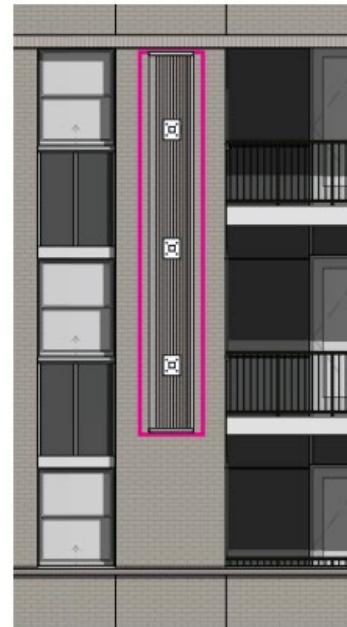
The applicant is seeking a variance from the following provision of Chapter 78 of the Gwinnett County Code of Ordinances:

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



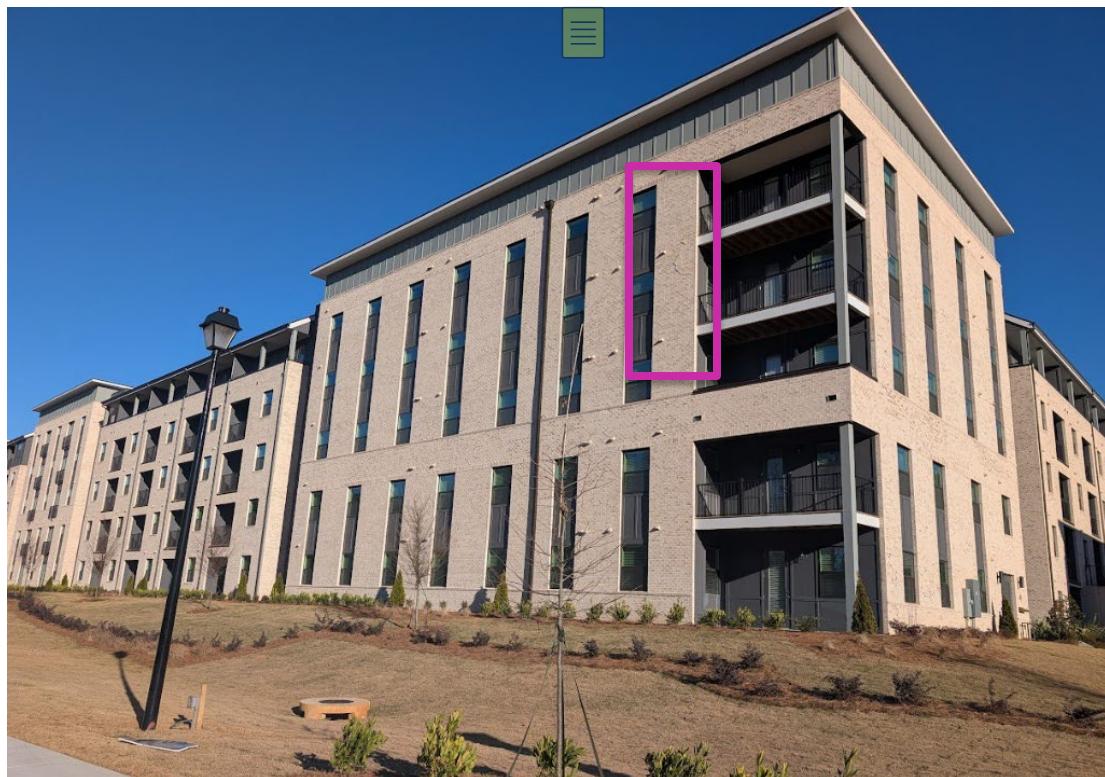
Job #
24201

Client

Sign elevations

 colorsphere
graphic

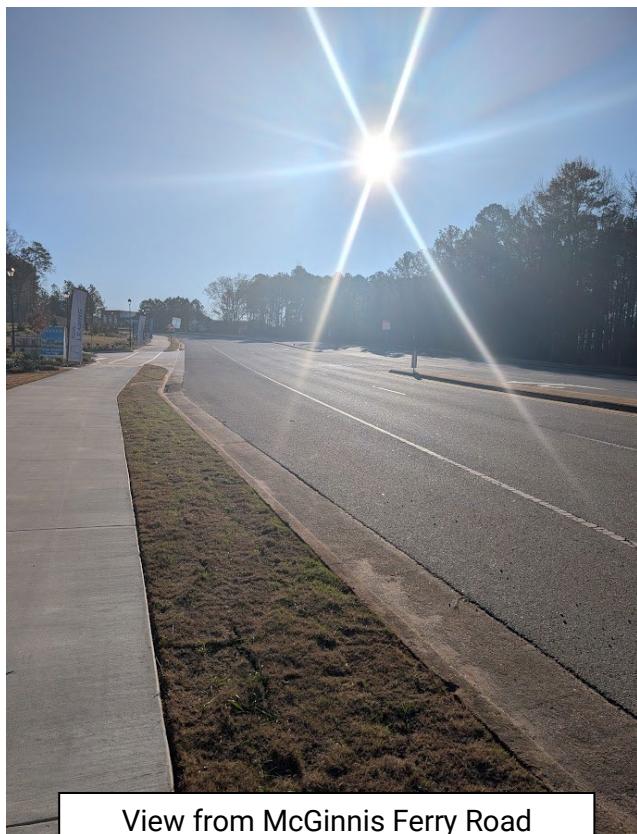
9.0



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

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

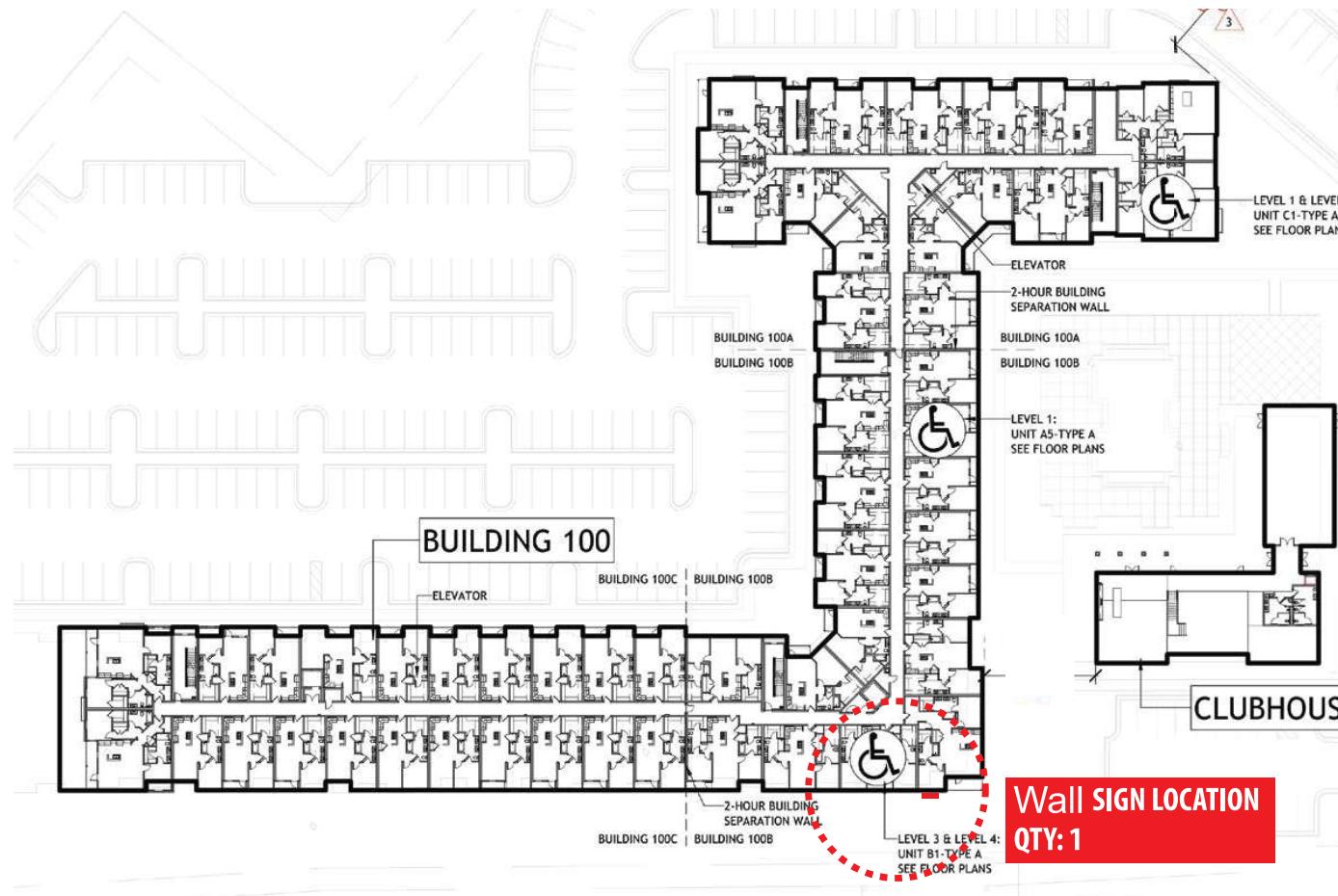
RECEIVED

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

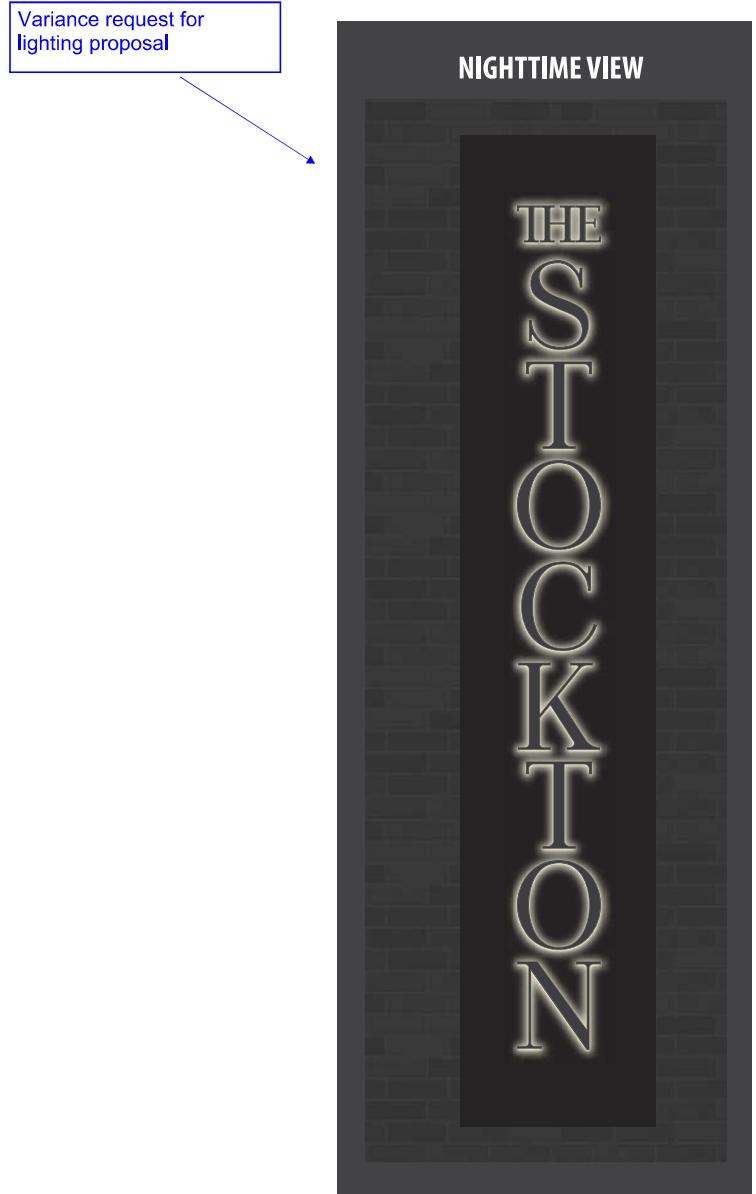
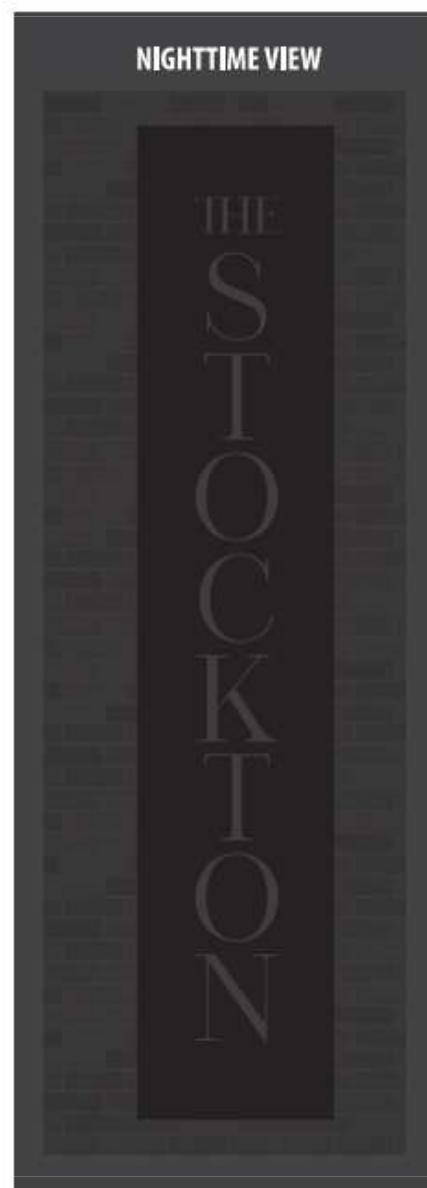
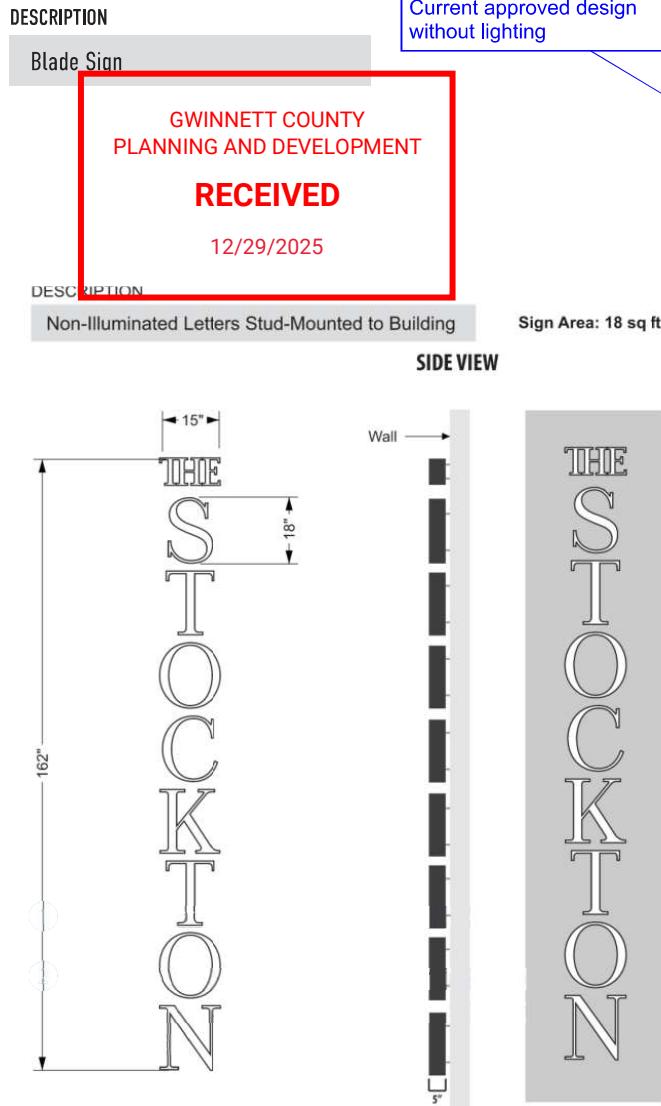
9.30.25

 colorsphere
GRAPHICS

7.1

VAR2026-00002

HH



Job #

24201

Client

Highpoint

Project

The Stockton Suwanee

Date

9.30.25



colorsphere
GRAPHICS

7.0

VAR2026-00002

HH

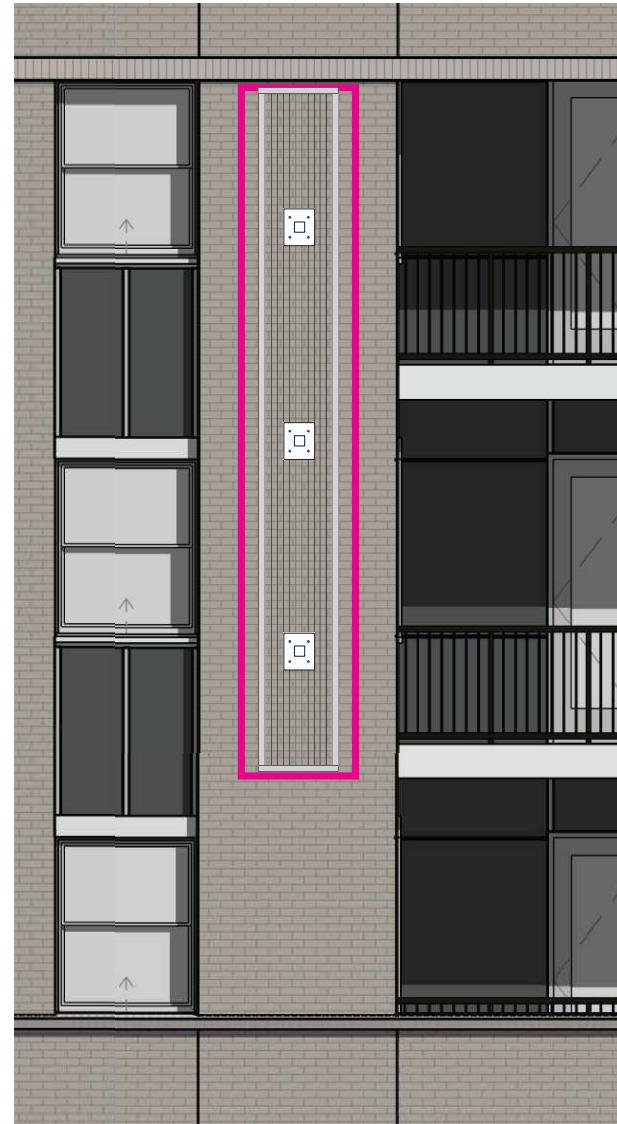
GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

12/29/2025

DESCRIPTION

Blocking Reference



Job #

24201

Client

Highpoint

Project

The Stockton Suwanee

Date

7.9.25



colorsphere
graphics

9.0

VAR2026-00002

HH

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.



GWINNETT COUNTY
PLANNING AND DEVELOPMENT | PLANNING DIVISION
RESPONSES TO 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:

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.



GWINNETT COUNT
PLANNING AND DEVELOPMEN
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:

Signature: 

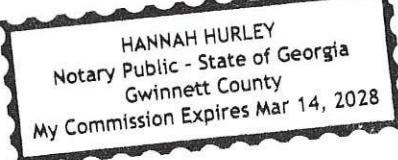
Date:

Notary Public

Name:

Signature: 

Date:



Notary Seal

Exhibit B: Maps

[attached]

SUWANEE



 VAR2026-00002

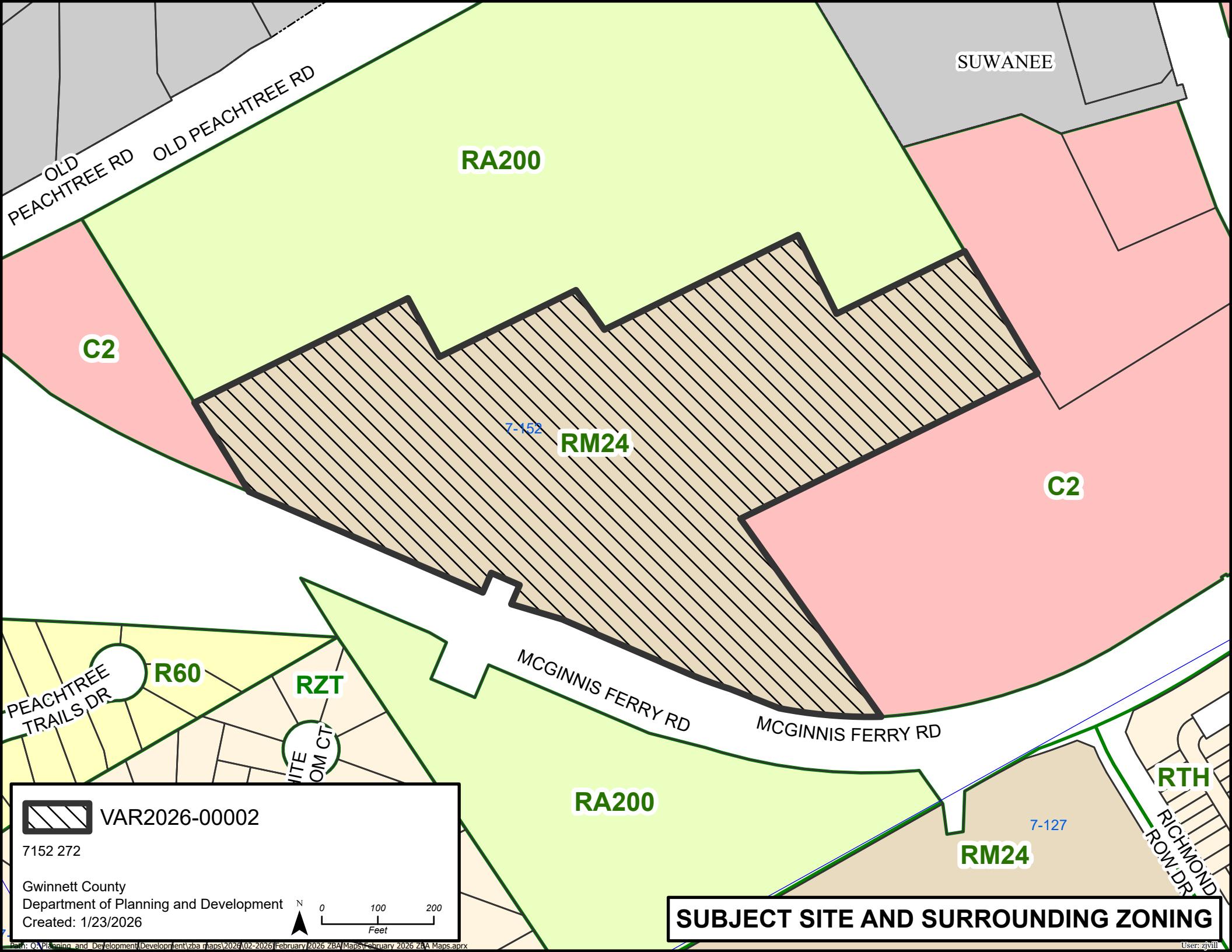
7152 272

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



N 0 80 160
Feet

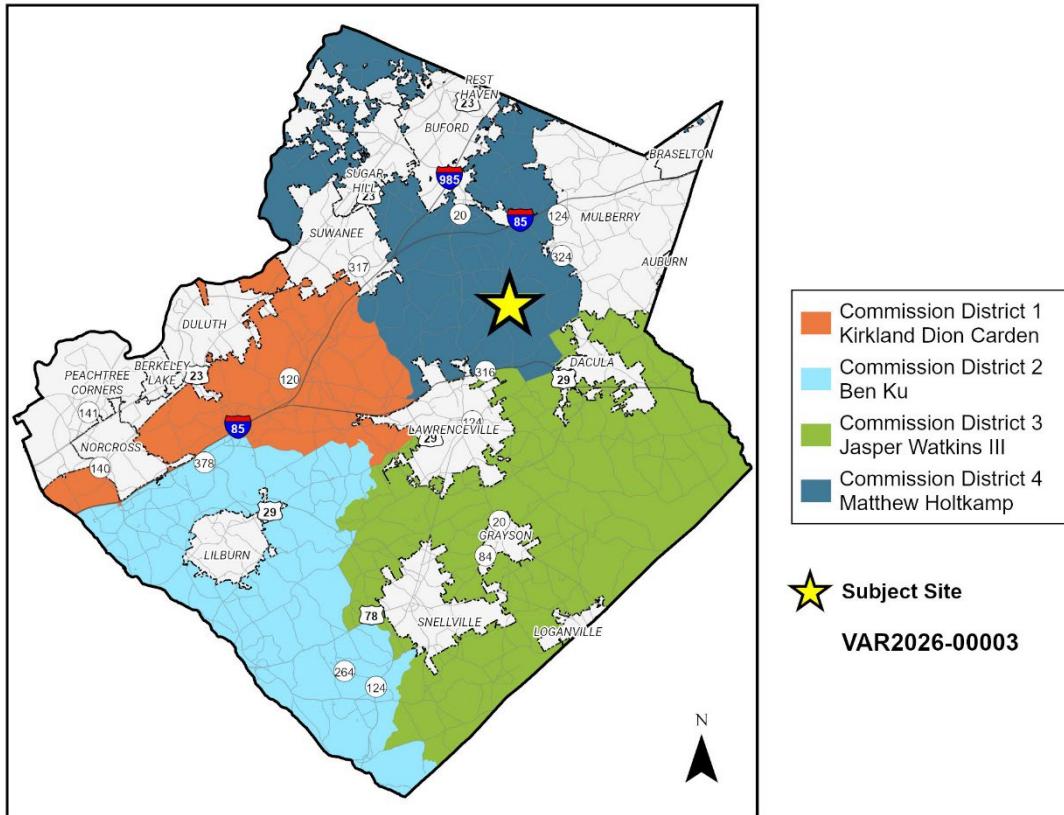
User: zjvill





ZONING BOARD OF APPEALS CASE REPORT

Case Number:	VAR2026-00003
Variance Request:	Exceed maximum lot coverage
Zoning District:	R-100 MOD (Modified Single-Family Residence District)
Address:	1385 Creek Pointe Circle
Map Number:	R7055 274
Site Area:	0.33 acres
Applicant:	Brandon Le
Owner:	Binh Nguyen
Commission District:	District 4 – Commissioner Holtkamp
Staff Recommendation:	DENIAL



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.

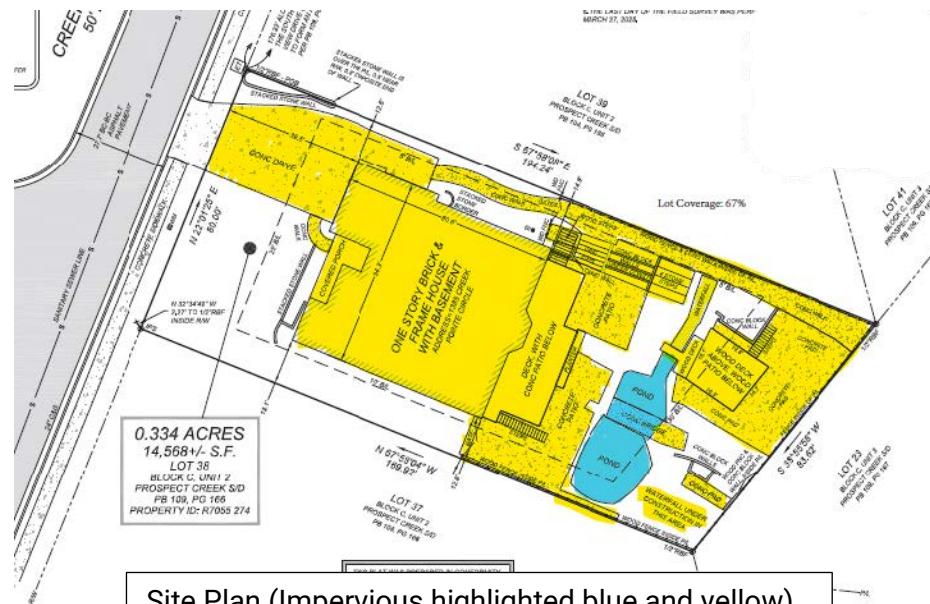


Variance Request

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.









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

LEGEND

DRAWN STRUCTURES		ABBREVIATIONS	
SWCB	SINGLE WING CATCH BASIN	BC	BACK OF CURB
DWCB	DOUBLE WING CATCH BASIN	BH	BUILDING HEIGHT
JB	JUNCTION BOX	BL	BACK TO BACK LINE
GRATE	GRATE INLET	BTM	BOTTOM OF WALL
YI	YARD INLET	CAB	CABINET
DR	DRIVE INLET	CMF	CONCRETE MONUMENT FOUND
HW	HEAD WALL	CON	CONCRETE
WCB	WING CATCH BASIN	CPD	CONCRETE PIPE FOUND
SSCB	SANITARY SEWER CLEANOUT	DB/PG	DEED BOOK / PAGE
GT	GREASE TRAP	DC	DRUM
EDS	ENDED END SECTION	DIP	DUCTILE IRON PIPE
		DYCB	DOUBLE YELLOW LINE STRIPE
		EP	EDGEPAC
		FIRM	FEDERAL INSURANCE RATE MAP
		HOPE	HOPE
		HW	HEADWALL
		IPS	1/2" REBAR PIN SET W/CAP
		LL	LAND LOT LINE
		LLL	LAND LOT LINE
		MAP	MAP
		N/F	NOW OR FORMERLY
		N/T	NOT TO SCALE
		NTS	NOT TO SCALE
		ODS	OUTSIDE DIMENSION
		ODS	OUTSIDE DIMENSION
		OSB	OSB
		POB	POINT OF BEGINNING
		POL	POLYLINE
		POC	POINT OF COMMENCEMENT
		POLY	POLYLINE
		PVC	PVC
		RCP	REINFORCED CONCRETE PIPE
		RF	REINFORCED
		S.F.	SQUARE FEET
		SHF	SHED FOUND
		SS	SANITARY SEWER
		SSB	SANITARY SEWER EASMENT
		TEM	TEMPORARY
		TSB	TEMPORARY BENCH MARK
		TSR	TEMPORARY SETBACK
		TSY	TEMPORARY
		TYP	Typical
		W	WATER
		WIL	WATER LINE
		WIL	WATER INLET
		WLF	WIRE FENCE (LF)
		WF	WIRE FENCE
		WF	WOODEN FENCE
		○	HARDWOOD
		○	PINE/CONIFER

CREEK POINTE CIRCLE
50' RIGHT OF WAY
PB 109, PG 166

NOTES:
1. REFERENCE FOR THE BOUNDARY INFORMATION SHOWN HEREON IS MADE TO DEED BOOK 59203, PAGE 556 AND PLAT BOOK 109, PAGE 166 OF GWINNETT COUNTY RECORDS.

2. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON FIRM SURFACE PANEL NO. 13135C0047 G, DATED APRIL 1, 2024.

3. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE-GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.

4. NO ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF TITLE SEARCHES WERE SUPPLIED TO THE SURVEYOR. THERE MAY BE OTHER MATTERS OF RECORD THAT AFFECT THIS PROPERTY.

5. BUILDING SETBACK INFORMATION SHOWN HEREON IS PER THE FINAL PLAT FOR PROSPECT CREEK UNIT 2 SUBDIVISION. ACCORDING TO GWINNETT COUNTY ZONING INFORMATION, THIS PROPERTY IS ZONED R100MOD. SETBACKS ARE AS FOLLOWS:
FRONT SETBACK = 20 FEET
SIDE SETBACK = 5 FEET (COMBINED SIDES = 15 FEET)
REAR SETBACK = 30 FEET

6. THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON MARCH 27, 2025.



LOCATION MAP
(NOT TO SCALE)

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED
12/11/2025

PROSPECT
CREEK
DRIVE
50' RIGHT OF WAY
PB 109, PG 166

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

ONE STORY BRICK &
FRAME HOUSE
WITH BASEMENT
ADDRESS: 1385 CREEK
POINTE CIRCLE

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 IS SET FORTH IN THE
GEORGIA PLAT ACT O.C.G.A. 15-6-67.

GRAPHIC SCALE
1" = 20'

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			

HOUSE AND LOT SURVEY FOR:

1385 CREEK POINTE CIRCLE

LOT 38, BLOCK C, UNIT 2 OF PROSPECT CREEK S/D
LAND LOT 55, 7th DISTRICT, GWINNETT COUNTY, GEORGIA
PROPERTY ID: R7055 274



GA
LAND SURVEYOR
404-384-9577
GA LAND SURVEYOR, LLC
3355 ANNANDALE LANE, STE 1
SUWANEE, GA 30024
LSF: 1101

SHEET
1
OF
1

VAR2026 00003

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MM

CLOSURE STATEMENT
FIELD INFORMATION FOR THIS SURVEY WAS
OBTAINED WITH A TRIMBLE 3-6 ROBOTIC
TOTAL STATION.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR
CLOSURES AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 107,069 FEET.
THE FIELD DATA UPON WHICH THIS MAP IS BASED
INCLUDES A TOTAL OF 107,069 FEET OF LINEAR
DISTANCE AND AN ANGULAR ERROR OF
2 SECOND PER ANGLE POINT AND WAS
ADJUSTED USING COMPASS RULE.

PL

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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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.

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%**.

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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12/29/2025

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.

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.

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



GWINNETT COUNTY
PLANNING AND DEVELOPMENT | PLANNING DIVISION
RESPONSES TO 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:

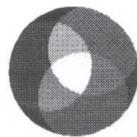
1. Does the strict adherence to a provision create hardship due to topographical or site conditions?

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

GWINNETT 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: Bink Nguyen

Signature: Mrs

Date: 12-27-2025

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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12/30/2025

Notary Public

Name: Frankie Pompey

Signature: Frankie Pompey

Date: 12/27/2025

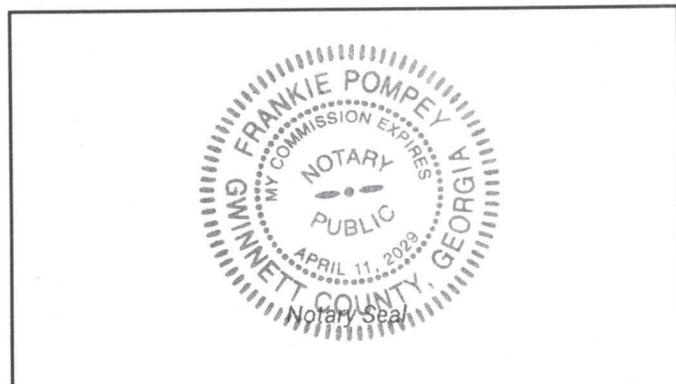
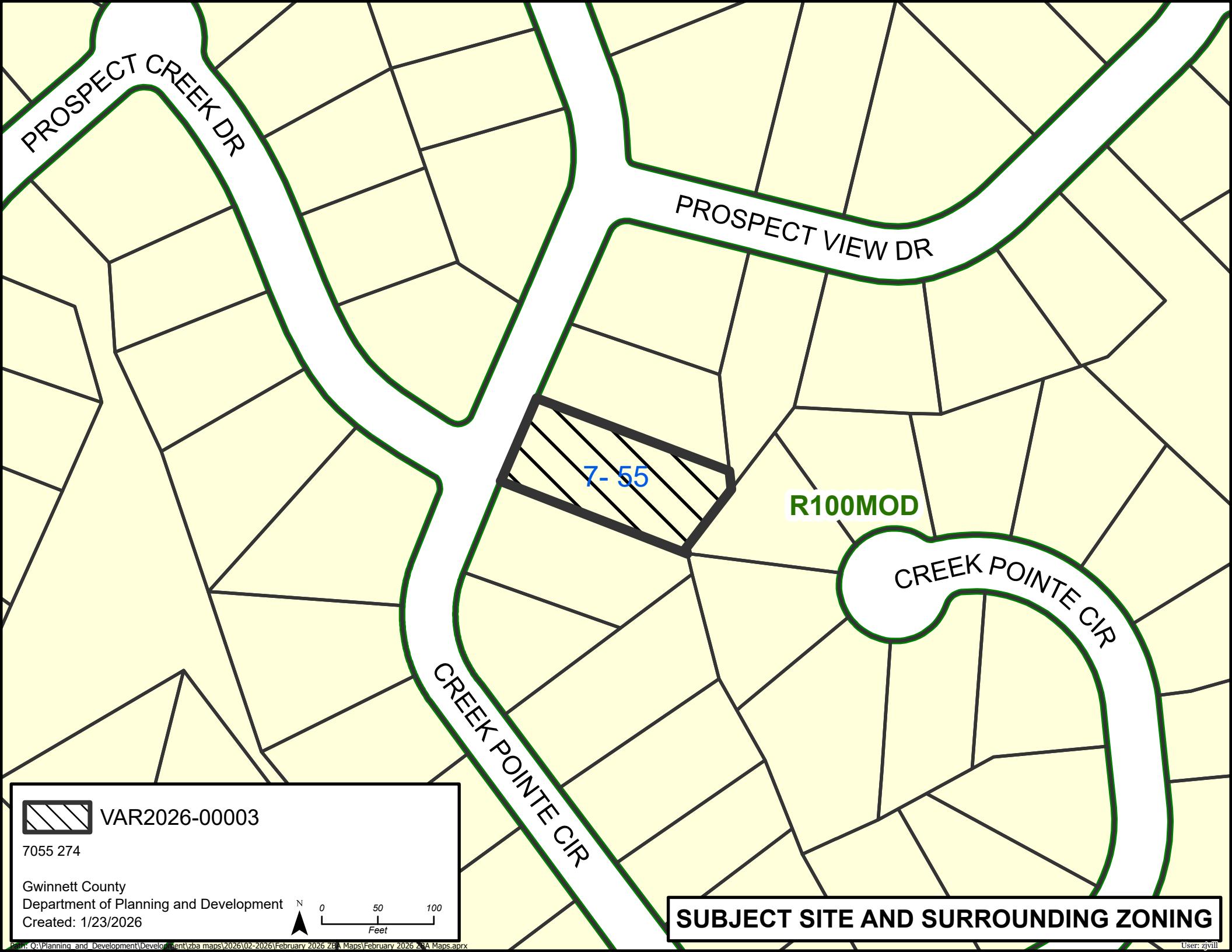


Exhibit B: Maps

[attached]





CREEK POINTE CIR

 VAR2026-00003

7055 274

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



0
20
40
Feet