



**Zoning Board of Appeals**  
**Tuesday, January 9, 2024, 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 – December 13, 2023**
- E. Announcements**
- F. New Business**
  - 1. Case Number: **ZVR2023-00163**  
Applicant/Owner/Contact: James Badalian  
Phone Number: 770.865.9449  
Zoning: R-100  
Location: 841 Forest Park Lane  
Map Number: R7111 175  
Variance Requested: Accessory building with different exterior materials from the primary residence  
Commission District: (1) Carden
  - 2. Case Number: **ZVR2024-00001 – Administratively Withdrawn**
  - 3. Case Number: **ZVR2024-00002 – Administratively Held**
  - 4. Case Number: **ZVR2024-00003**  
Applicant/Owner/Contact: Nicholas Skinner  
Phone Number: 601.985.9939  
Zoning: R-100  
Location: 3795 Jones Creek Drive  
Map Number: R1004 201  
Variance Requested: Swimming pool in front yard  
Commission District: (4) Holtkamp

5. Case Number: **ZVR2024-00004**  
Applicant: Traton, LLC c/o Mahaffey Pickens Tucker, LLP  
Owner: William C. Piston, Jr.  
Buford Dr. Development, LLC  
Contact: Shane Lanham  
Phone Number: 770.232.0000  
Zoning: R-TH  
Location: 1080 Buford Drive  
Map Number: R7028 010  
Variance Requested: Single detached townhouse  
Commission District: (4) Holtkamp
6. Case Number: **ZVR2024-00005**  
Applicant/Owner/Contact: Jose A. Ferrufino  
Phone Number: 678.534.9193  
Zoning: R-75  
Location: 2846 Castle Drive  
Map Number: R5014 065  
Variance Requested: Accessory building in front yard  
Commission District: (2) Ku
7. Case Number: **ZVR2024-00006**  
Applicant/Owner/Contact: James Davis  
Phone Number: 770.354.1517  
Zoning: R-100  
Location: 4517 Robie Road  
Map Number: R6056 182  
Variance Requested: Accessory building setback encroachment  
Commission District: (2) Ku

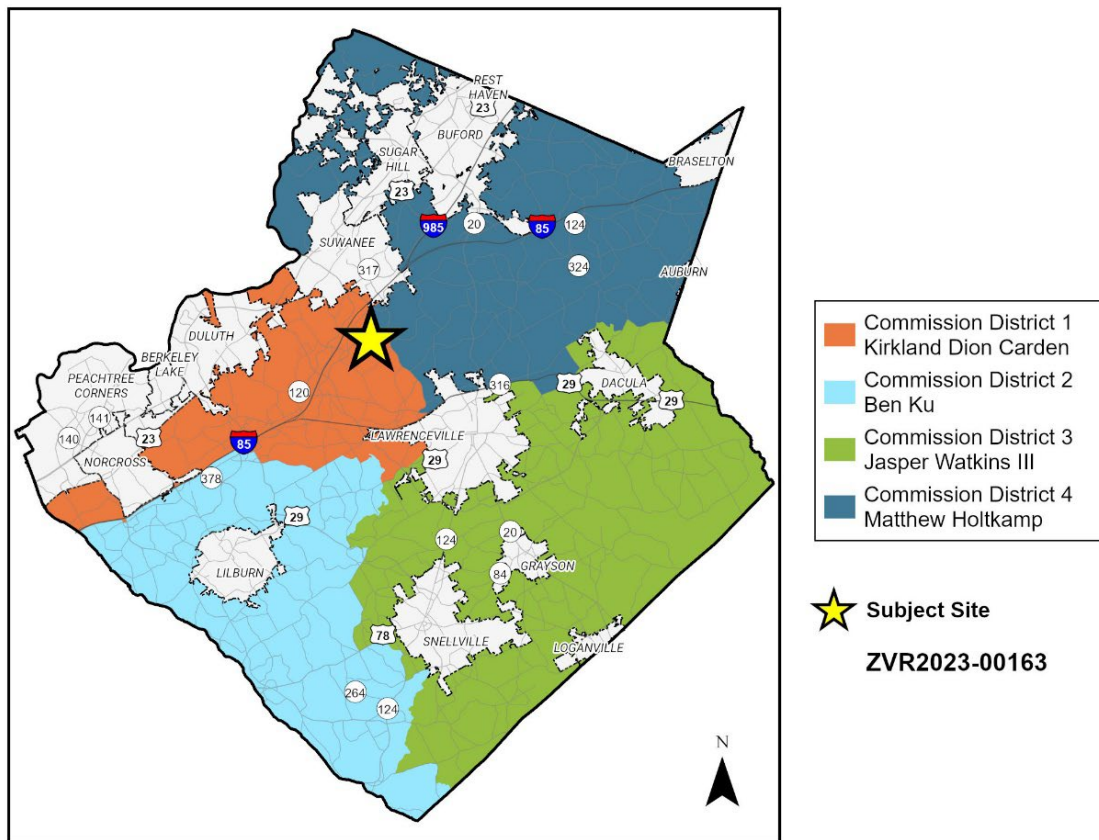
**G. OTHER BUSINESS**

**H. ANNOUNCEMENTS**

**I. ADJOURNMENT**

## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** ZVR2023-00163  
**Request:** Variance from the accessory building materials standard  
**Address:** 841 Forest Park Lane  
**Map Number:** R7111 175  
**Zoning:** R-100 (Single-Family Residential District)  
**Site Area:** 1.97 acres  
**Proposed Development:** Accessory Building  
**Commission District:** District 1 – Commissioner Carden/Walthour  
**Character Area:** Established Neighborhoods



**Applicant:** James Badalian  
841 Forest Park Lane  
Suwanee, GA 30024

**Owners:** James Badalian  
841 Forest Park Lane  
Suwanee, GA 30024

**Contact:** James Badalian

**Contact Phone:** 770.865.9449

### Zoning History

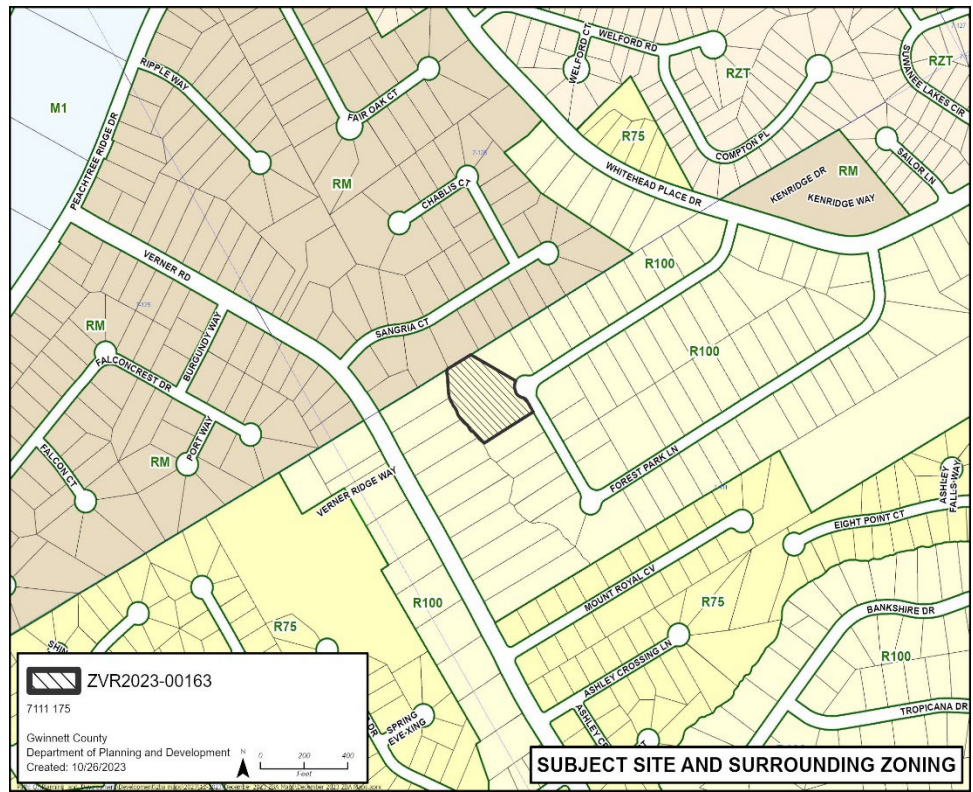
The subject property is zoned R-100 (Single-Family Residence District). There are no prior zoning cases on record for this property.

### Existing Site Condition

The subject site is a 1.97-acre parcel located along Forest Park Lane. The site is developed with a two-story single-family detached residence with exterior materials of siding, constructed in 1987. Most of the property has been cleared. However, the rear of the lot has tree cover. A stream traverses the property from north to south in the rear yard. The property slopes downward towards the creek from west to east by approximately 20 feet.

### Surrounding Use and Zoning

The subject site is surrounded by single-family residences within established subdivisions. The property is located within the Park Place Forest North subdivision. The following is a summary of the surrounding uses and zoning:



Surrounding Zoning

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

### Project Summary

The applicant requests a variance for an accessory building, including:

- A 750 square foot work shed to be constructed of wood panels not matching the principal structure, which is vinyl siding.
- A notice of violation, CEU2022-02896, was issued by code enforcement in March 2023, for property maintenance related to debris on the site. The violation was later expanded for the unpermitted structure on site.

### Zoning and Development Standards and Variance Request

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

**230-30.12.A.1** Exterior walls shall be finished with brick or stone or with materials and colors similar to that of the principal building.

- The applicant requests a variance to allow an accessory building to be constructed of different materials from the primary residence.

### Staff Recommended Conditions

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

1. The site shall be developed in general conformance with Exhibit B: Site Plan, dated received October 20, 2023.
2. This accessory building shall be used for personal use only, commercial activity is prohibited.

**Exhibits:**

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

**Exhibit A: Site Visit Photos**



View of front of property



View of structure



Second view of structure



View of property facing east from the structure



**Exhibit B: Site Plan**

**[attached]**

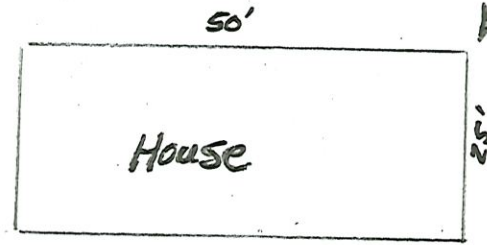
RECEIVED  
Back of property  
10/20/2023

← Creek →

PL Left

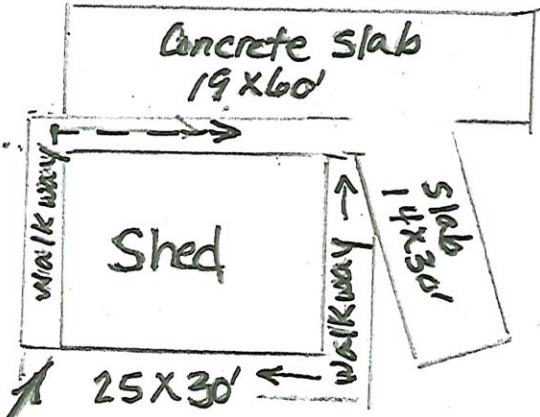


Driveway



91'

37' → PL



← 50' →  
Approx



PL Right

Lot size  
1.97  
acres

**Exhibit C: Renderings**

**[attached]**

Rendering #1

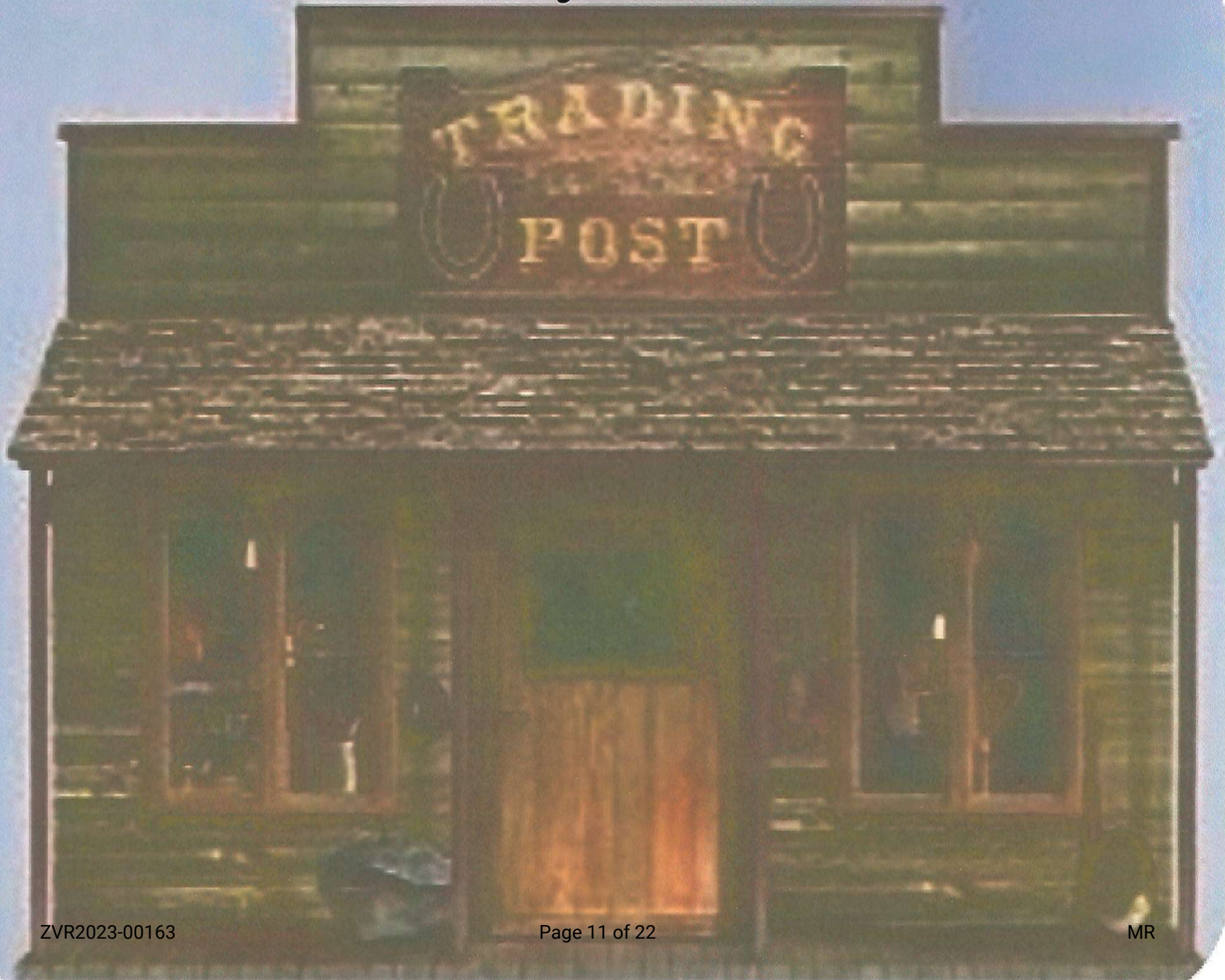


4  
NO PARKING  
8:00 AM TO 5:00 PM

OFFICE  
OPEN

Agency

Rendering #2



**Exhibit D: Letter of Intent and Standards for Granting Variance**

**[attached]**

**RECEIVED**

10/20/2023

James Badalian

841 Forest Park Ln.

Suwanee, Ga 30024

Ph (770) 865-9449

Em: [jimsspeedshop@yahoo.com](mailto:jimsspeedshop@yahoo.com)

Re: City Variance

To Whom It May Concern;

Despite the city variance under Gwinnett County ordinance, I James Badalian am in accordance with the city/county guidelines. Our intent for the proposed shed is to extend much needed space that our garage can't support, due to the lack of space, the "rainy" weather, and our belongings. We also plan to use our garage to park our vehicles, to which this leaves little or not much space for basic garage storage. Our vehicles have been subject to the harsh wet weather, thus ruining the condition of our vehicles. We have also experienced weather damage to previous vehicles and a lot of belongings have been subject to moisture damage. The shed will provide the extra needed space and ensure protection over our vehicles and such belongings. The property lot size is 1.97 acres, and the shed has a layout of 750 sq/ft and is well situated within the 10' county property limit. Our understanding is that due to the additional 100 sq/ft, we have become subject to the said "variance". I have included some photos of the site and the existing shed, in addition to our neighbor's steel garage, as to its size, proportion and geometrical layout, in relation to our shed & property. All supporting documents have been provided to the county building & planning dept of Gwinnet County (Lawrenceville, Ga).

Regards,



Jim Badalian

Dated: 10/18/23

RECEIVED

10/20/2023

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: I'm constructing a storage shed. An extension of our garage.
- 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: It's all due to limited space.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: Again, it's a storage shed.
- 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: N/A
- 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: It would improve the property, however significantly satisfy our need for more storage space.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: We did not call for any variance. This is all brought on by the city, due to it's size, is our under standing. We're just trying to receive a permit.
- 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: That's not something for us to know anything about. Considering our appointment on 10/12/23, we should be good to go! This has nothing to do with our neighbors!



**Exhibit E: Code Enforcement Report**

**[attached]**

**CASE NUMBER : CEU2022-02896**

<b>PRIMARY ADDRESS:</b>	841 FOREST PARK LN, SUWANEE, GA 30024
<b>PARCEL:</b>	7111 175
<b>RECEIVED DATE:</b>	3/30/2022
<b>APPLICATION STATUS:</b>	RINSP
<b>DESCRIPTION:</b>	Building a garage with underground electrical work.

OWNER NAME	ADDRESS	CITY/STATE/ZIP
BADALIAN JAMES	841 FOREST PARK LN	SUWANEE, GA, 30024-2586

Phone:

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP

Phone:

**COMMENTS**

View ID	COMMENTS	DATE
BEPINT	CITATION FOR TREE DEBRIS HAS BEEN WRITTEN....CITATION TO BE SERVED BY THE SHERRIFFS OFFICE PER SUPERVISOR FRANKLIN....SUBJECT HAS BEEN VERY DIFFICULT IN THE PAST.....COURT DATE OF 9/7/22....WRITTEN TO JAMES EDWARD BADALIAN....DOB 6-20-61.....DL # 057845242	7/27/2022
JSCARTER	CITATIONS CE00490-3 SENT TO GCSO FOR SERVICE.	7/28/2022
BEPINT	CITATIONS HAVE BEEN RETURNED....SHERRIFS OFFICE TRIED THREE TIMES TO SERVE THE CITATIONS ON 8/1, 8/5 AND 8/10 AND COULD NOT GET SERVICE ON ANY OF THE DATES	8/18/2022
NITUCKER	Good Morning, Mr. Badalian was in our office today to obtain his Special Use Permit for his shed he is building. I advised him I was going to send you an email. He did not start the process yet just got information. His best contact number is 770-865-9449. I see yall have reached citation phase but I did not advise him of this just that someone who be reaching out to him. Please let me know if need any further information.  He is upset about his case.  Erica Brannen   Plan Review Technician II, Planning and Development   Gwinnett County Government 678.518.6015   446 West Crogan Street, Suite 300, Lawrenceville, GA 30046   GwinnettCounty.com Find us on @GwinnettGov and sign up for email newsletters!	10/28/2022
NITUCKER	Do not have a February court date (no court dates in January) as of this date to have citations issued	11/9/2022
NITUCKER	Citations placed in J. Carter's box to be served by GCSO	11/18/2022
JSCARTER	CITATION CE01424-5 TO SHEILYA FOR SERVICE BY GCSO	11/28/2022
SHUDSON	SENT DEPUTIZED & CITATION SERVICES INTERDEPT. TO GCSO. CE01424-25	11/29/2022
TDNEFF	Received unsuccessful citation service. Packet returned to Sup. Carter.	1/6/2023
JSCARTER	SERVICE OF CITATION REC'D NOT SERVED, CE01424-5.....TO OFCR TUCKER	1/6/2023
NITUCKER	CITATION CE01746-7 TO SHEILYA FOR SERVICE BY GCSO	2/13/2023
SHUDSON	Sent deputized form & citations Interdept. to GCSO. CE 01746-47	2/14/2023

**CASE NUMBER : CEU2022-02896**

SHUDSON	Citation served. GCSO CE01746-47	3/15/2023
NITUCKER	Citations and court packet dropped off at court this date, staff advised a new court date was set up prior to my arrival this AM.	3/15/2023
MDMARTINEZ	770.865.9449 Mr. Baddalian called wants to meet with officer. Called stated he started process with building was requested a plan	8/9/2023
MDMARTINEZ	Received a call from Rosengart, Marc (planning division) stating that applicant did submit application but due to administrator issues its being administratively held till Jan, application and required document were submitted just being administratively held	11/6/2023

**INSPECTIONS**

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	10/30/2023	11/23/2023	11/22/2023	Extension Granted	Melanie Martinez	ZVR2023-00163- hearing will be held in Jan. See comments
Re-Inspection	10/16/2023	10/31/2023	10/30/2023	Extension Granted	Melanie Martinez	ZVR2023-00163 no hearing date per Mr. Baldwin hearing will be in December
Re-Inspection	9/29/2023	10/16/2023	10/16/2023	Extension Granted	Melanie Martinez	Spoke to property owner, he had his meeting was informed variance approval will be in December- no in system
Re-Inspection	9/13/2023	9/29/2023	9/29/2023	Extension Granted	Melanie Martinez	Have received chain email that property owner has forwarded to officer between Stephanie Miles  Administrative Support Associate III . Will be setting date and time for pre app meeting
Re-Inspection	8/11/2023	8/24/2023	9/12/2023	Extension Granted	Melanie Martinez	Met with property owner who explained why he hasn't applied for permit- he was waiting on rainy season to finish. He started this shed project however encountered a few problems on the way covid started- he understands he must obtain a permit immediately as this case has been opened a very long time. Property owner has application for permit and will be doing his drawing to apply for his permit. Will email documents.
Re-Inspection	6/22/2023	7/10/2023	7/10/2023	Extension Granted	Melanie Martinez	Brown tarp over structure being built, tree debris. Sup Tucker seeking the assistance of building dept for a stop work order
Re-Inspection	6/1/2023	6/15/2023	6/15/2023	Not Complied-Citation Pending	Melanie Martinez	No changes to property, Will get with sup Tucker request bld dept get involve as property owners refuse to speak with code enforcement officers
Re-Inspection	5/2/2023	5/23/2023	6/1/2023	Not Complied-Citation Pending	Nicole Tucker	Tree debris pile on right side not removed. Structure on right side, no permit has been pulled will need to have citation issued.
Re-Inspection	4/24/2023	4/28/2023	5/2/2023	Not Complied-Citation Pending	Melanie Martinez	No attempt to obtain a permit, Tree debris remains rear of yard.
Court Inspection	3/16/2023	4/19/2023	4/24/2023	Not Complied	Melanie Martinez	Citations were Nolle Prosequi, due to citation packet being turned in 15 minutes after 8:30 on original court date. Return service form was turned in morning of court. Will need to reissue out new set of citations.
Court Inspection	2/9/2023	3/15/2023	3/16/2023	Not Complied	Melanie Martinez	No changes to property, citations were issued to property owner. Return service came in 03/15. SUP Tucker expedited file to court date was reset.
Re-Inspection	1/27/2023	2/3/2023	2/3/2023	Not Complied-Citation Pending	Melanie Martinez	No change to property, tree logs, structure being put up no permit obtained
Re-Inspection	1/18/2023	1/27/2023	1/27/2023	Not Complied-Citation Pending	Melanie Martinez	Will try issue citations via s.o
Re-Inspection	1/9/2023	1/17/2023	1/18/2023	Not Complied-Citation Pending	Melanie Martinez	Structure being built appears to be in the same condition as previous inspection. Logs not removed.

**CASE NUMBER : CEU2022-02896**

Sworn Citation Service	12/20/2022	1/11/2023	12/30/2022	Attempt - No Contact	Nicole Tucker	Citation put in J. Carters Box to be served by GCSO
Sworn Citation Service	12/20/2022	1/11/2023	12/30/2022	Attempt - No Contact	Nicole Tucker	Citations unserved returned from GCSO, unable to get answer
Re-Inspection	11/14/2022	11/15/2022	11/15/2022	Not Complied-Citation Pending	Nicole Tucker	Tree debris not removed, structure on right hand side still needs a building permit
Re-Inspection	10/25/2022	10/27/2022	10/28/2022	Not Complied-Citation Pending	Nicole Tucker	PROPERTY STILL IN VIOLATION, TREE LOGS ON RIGHT SIDE NOT REMOVED, NOW APPEARS TO BE BUILDING A STRUCTURE ON RIGHT HAND SIDE, WILL SEND CITATIONS OUT AGAIN TO BE SERVED
Re-Inspection	9/30/2022	10/6/2022	10/7/2022	Not Complied-Citation Pending	Nicole Tucker	TREE DEBRIS PILE LOGS SEEN ON RIGHT SIDE, WILL NEED TO SEND OUT CITATION TO PROPERTY OWNER , AGAIN
Re-Inspection	8/29/2022	9/8/2022	8/29/2022	Extension Granted	Crystal Parris	Went to property just to follow up, I wanted to know if OP has complied. Violations still exist.
Re-Inspection	8/23/2022	8/30/2022	8/29/2022	Citation Issued	Crystal Parris	PO is still not in compliance. Tree debris still remain on the property. will resubmit the citations, was not able to speak to anyone,
Re-Inspection	8/18/2022	8/31/2022	8/23/2022	Not Complied-Citation Pending	Melanie Martinez	CITATIONS WERE RETURNED... -NO SERVICE...
Re-Inspection	7/27/2022	7/28/2022	7/27/2022	Not Complied-Citation Pending	Melanie Martinez	TREE DEBRIS HAS NOT BEEN.. REMOVED.. WILL HAVE S.O SERVE CITATIONS.
Re-Inspection	6/27/2022	7/6/2022	7/6/2022	Extension Granted	Melanie Martinez	TREE DEBRIS NOT REMOVED CITATION TO BE SERVED BY SO.
Re-Inspection	6/7/2022	6/14/2022	6/14/2022	Extension Granted	Melanie Martinez	SOME LOGS HAVE BEEN REMOVED...
Re-Inspection	5/16/2022	5/26/2022	6/7/2022	Extension Granted	Melanie Martinez	concrete pads were removed from rear yard, tree debris remains.. Cannot see any construction going on rear of home..
Re-Inspection	5/3/2022	5/11/2022	5/16/2022	Not Complied-Citation Pending	Melanie Martinez	MAILED FINAL NOV.
Re-Inspection	3/31/2022	4/14/2022	4/18/2022	Extension Granted	Melanie Martinez	3-4 STACKS OF CYLINDER BLOCKS RIGHT SIDE.. TREE DEBRIS RIGHT SIDE..
Initial Inspection	3/30/2022	3/31/2022	3/31/2022	Field Official Notice	Melanie Martinez	knocked on door, no answer... heard some yelling... saw cylinder locks right side, tree debris... will mail out nov... Did not see building of any kind, or electrical work being done.
Sworn Citation Service	12/5/2022	12/20/2022		Rescheduled	Nicole Tucker	Citation put in J. Carters Box to be served by GCSO
Sworn Citation Service	11/18/2022	12/5/2022		Rescheduled	Nicole Tucker	Citation put in J. Carters Box to be served by GCSO

**WORKFLOW HISTORY**

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	3/30/2022	3/30/2022	7/25/2023	Mailed Official Notice	Melanie Martinez	Please apply for building permit for structure rear of property Remove tree debris side of property

**CASE NUMBER : CEU2022-02896**

Enforcement	3/30/2022	3/30/2022	5/12/2022	Mailed Official Notice	Melanie Martinez	-Outdoor storage of concrete blocks must be removed or stored inside a fully enclosed building unless you have an open and active building permit. -The tree debris "logs" must be removed, or cut in length not longer then 3 ft. in neatly stacked in the side or rear yard.
Enforcement	3/30/2022	3/30/2022	4/18/2022	Mailed Official Notice	Melanie Martinez	*** Second Notice***  Please obtain proper building permits for additional structures, enclosures, etc. to property. Remove tree debris from rear yard. Remove cylinder blocks, building material, trash debris from front, sides, and rear of home. Please call or text 4705342352 for any questions or concerns.  Thank you.
Enforcement	3/30/2022	3/30/2022	3/31/2022	Mailed Official Notice	Melanie Martinez	Please obtain building permit if adding structure is greater then 120 sq ft, electrical, or plumbing work being done. Please remove tree debris, if wood is cut into lengths of 3 feet can be stored or side yard. Please remove cylinder blocks from right side.
Enforcement Intake	3/30/2022	3/30/2022	3/30/2022	Complaint Accepted	Patricia Vazquez	

**VIOLATIONS**

ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
Property Maintenance	14-289 OPEN OR OUTDOOR STORAGE	03/31/2022	05/26/2022	Met
Property Maintenance	14-290(C) TREE DEBRIS	03/31/2022	08/09/2023	Not Met
Construction Code	106.1 BUILDING PERMIT REQUIRED	10/28/2022	10/28/2022	Not Met

**CITATIONS**

ORDINANCE	CODE SECTION	DATE OF CITATION	CITATION NUMBER	COURT DATE
Construction Code	106.1 BUILDING PERMIT REQUIRED	02/03/2023	CE01746	03/15/2023
Property Maintenance	14-290(C) TREE DEBRIS	02/03/2023	CE01747	03/15/2023

**DOCUMENTS**

DOCUMENT NAME	FILE NAME	DESCRIPTION	UPLOADED BY	UPLOADED ON
1648734057825.jpg	1648734057825.jpg	left	MDMARTINEZ	3/31/2022 9:41:19 AM
1648734084712.jpg	1648734084712.jpg	front	MDMARTINEZ	3/31/2022 9:41:52 AM
1648734116949.jpg	1648734116949.jpg	right- tree debris, o/s	MDMARTINEZ	3/31/2022 9:42:21 AM
/Enforcement_Mailed_Notice_Of_Violation_20220331_095143.pdf	/Enforcement_Mailed_Notice_Of_Violation_20220331_095143.pdf		MDMARTINEZ	3/31/2022 9:51:44 AM

**Exhibit F: Maps**

**[attached]**

SANGRIA CT

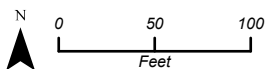
FOREST PARK LN

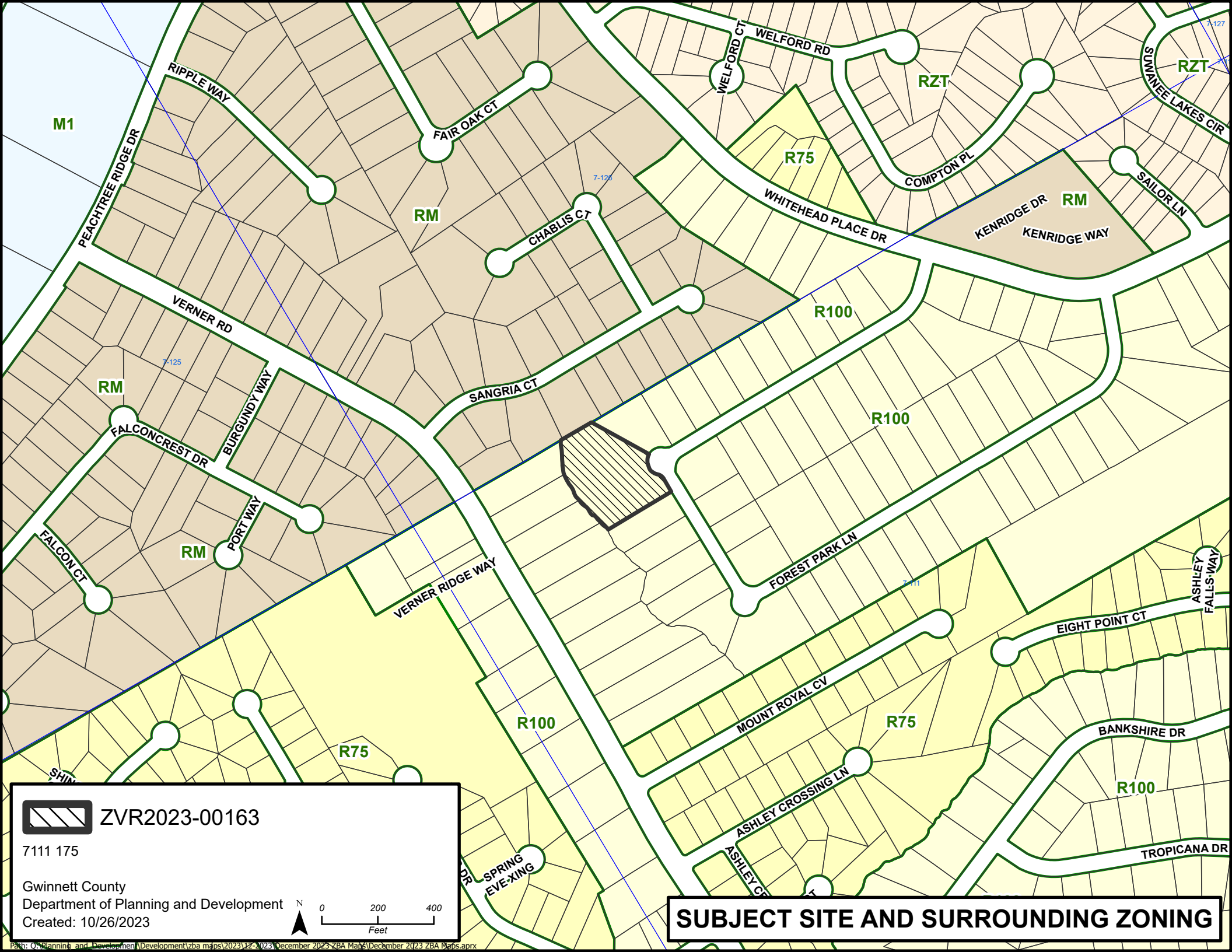
VERNER P

 ZVR2023-00163

7111 175

Gwinnett County  
Department of Planning and Development  
Created: 10/26/2023

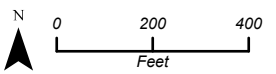




ZVR2023-00163

7111 175

Gwinnett County  
 Department of Planning and Development  
 Created: 10/26/2023

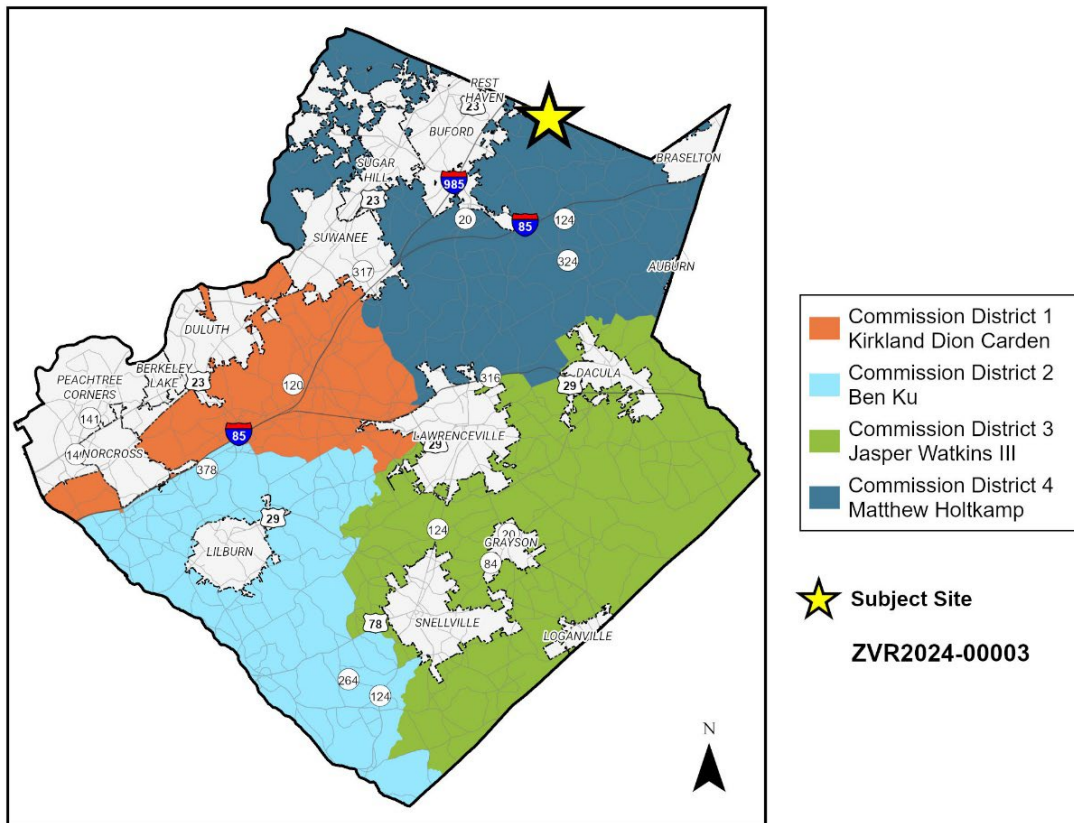


**SUBJECT SITE AND SURROUNDING ZONING**



## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** ZVR2024-00003  
**Request:** Variance from the accessory structure location requirement  
**Address:** 3795 Jones Creek Drive  
**Map Number:** R1004 201  
**Zoning:** R-100 (Single-Family Residence District)  
**Site Area:** 0.59 acres  
**Proposed Development:** Swimming Pool  
**Commission District:** District 4 – Commissioner Holtkamp/Rumbaugh  
**Character Area:** Emerging Suburban



**Applicant:** Nicholas Skinner  
3795 Jones Creek Drive  
Buford, GA 30519

**Owners:** Nicholas Skinner  
3795 Jones Creek Drive  
Buford, GA 30519

**Contact:** Nicholas Skinner

**Contact Phone:** 601.985.9939

### Zoning History

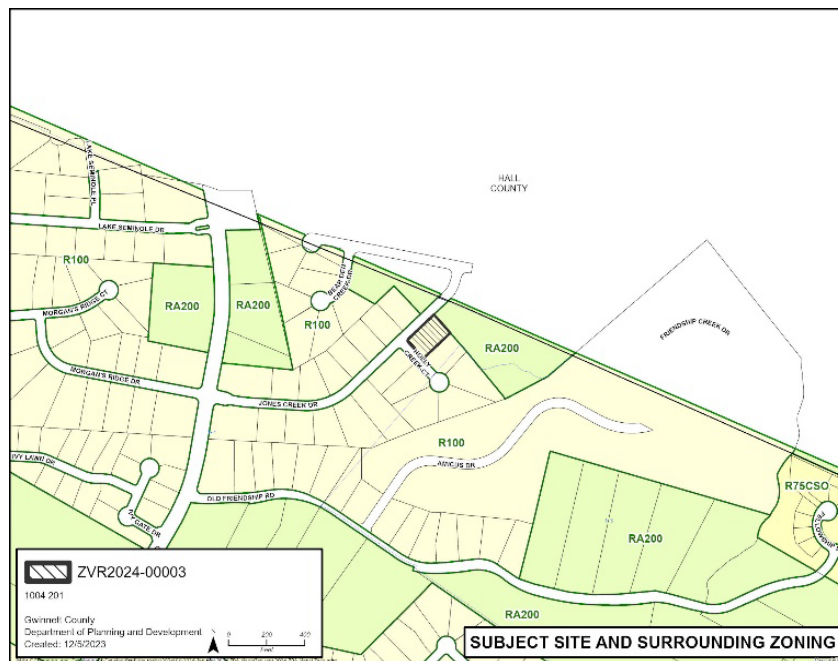
The subject property is zoned R-100 (Single-Family Residence District). The site was rezoned in 1998 from RA-200 to R-100 pursuant to RZ-98-089.

### Existing Site Condition

The subject site is a 0.59-acre parcel located on the southeast corner of the Jones Creek Drive and Holly Creek Court intersection. The site contains a two-story single-family residence constructed in 2000. Most of the site has been cleared and contains very little shrubbery or tree cover. A portion of the rear yard is under construction, with a partially constructed pool alongside deck renovations. The property slopes downward from west to east by approximately 20 feet. The yard facing Jones Creek Drive has a retaining wall. Both frontages have sidewalks.

### Surrounding Use and Zoning

The subject site is surrounded by single-family residences within established subdivisions. The property is located within the Jones Creek subdivision. The following is a summary of the surrounding uses and zoning:



Surrounding Zoning

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

## Project Summary

The applicant requests a variance for a pool in the front yard, including:

- A 21'x34' in-ground swimming pool.
- The property is a corner lot which is considered to have two front yards. The pool is located to the east of the house and is closer to Jones Creek Drive than the front plane of the house.
- Permit RESBLD2023-03308 for the swimming pool was issued in error on September 21, 2023. The error was discovered during review of permit RESDECK2023-00300 for a proposed wooden deck attached to the house.

## Zoning and Development Standards and Variance Request

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

**230-120.7** All accessory buildings or structures shall be located in the rear yard unless explicitly stated otherwise in this section.

- The applicant requests a variance to allow a swimming pool in the front yard.

## Staff Recommended Conditions

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

1. The site shall be developed in general conformance with Exhibit B: Site Plan, dated received November 15, 2023.

**Exhibits:**

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

**Exhibit A: Site Visit Photos**



View of property facing north from Holly Creek Court



View of rear yard facing east from Jones Creek Drive



View of accessory structure



View of accessory structure facing northwest towards Jones Creek Drive

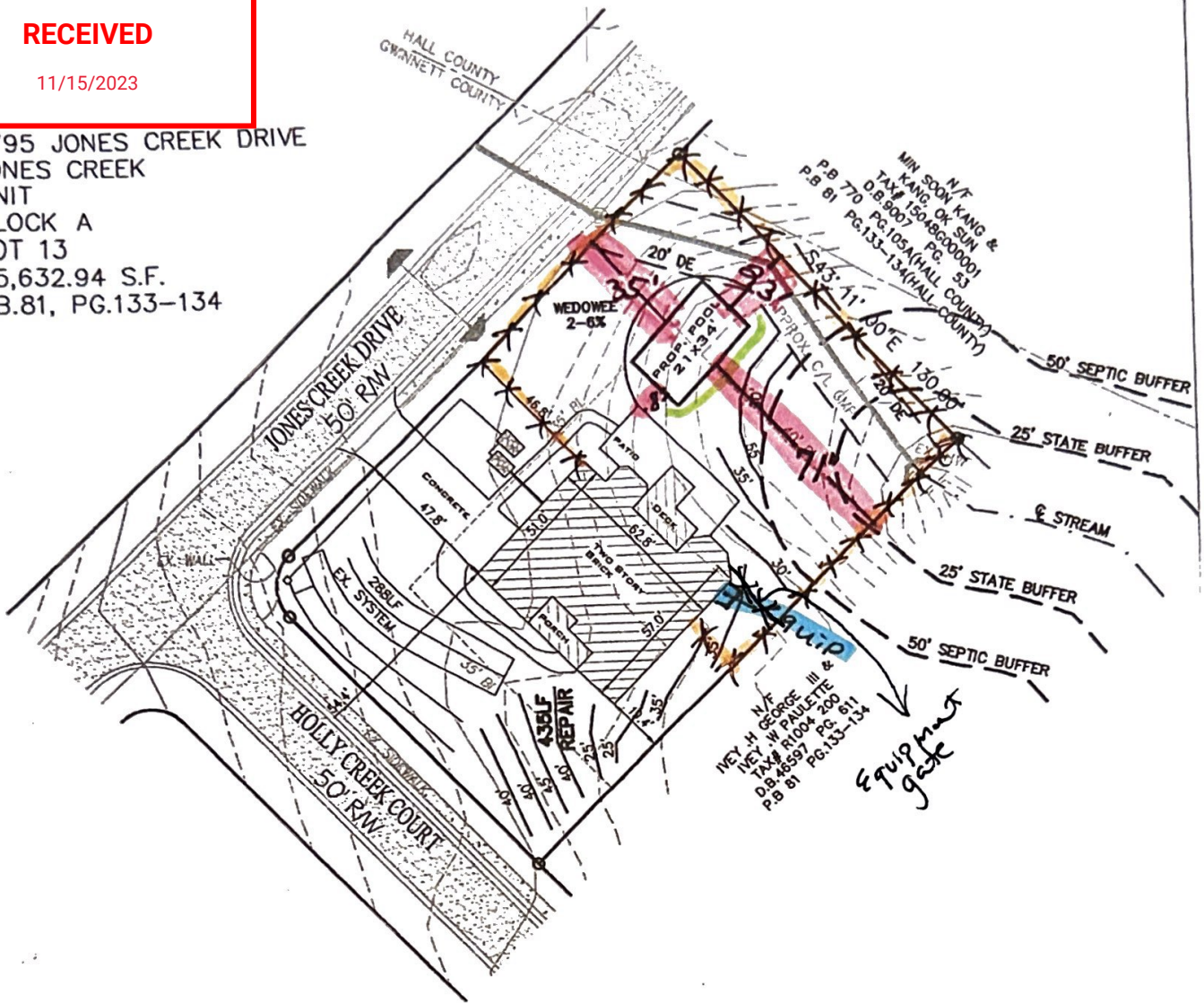
**Exhibit B: Site Plan**

**[attached]**

RECEIVED

11/15/2023

3795 JONES CREEK DRIVE  
JONES CREEK  
UNIT  
BLOCK A  
LOT 13  
25,632.94 S.F.  
PB.81, PG.133-134



Scale - 1=50  
Setbacks  
Equipment  
Silt fence

yard fence - x x

"CERTIFY THIS ON-SITE MANAGEMENT SYSTEM MEETS THE MINIMUM DESIGN REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OF PUBLIC HEALTH. I HAVE MADE A SITE VISIT TO VERIFY THE SYSTEM CAN BE INSTALLED AS DESIGNED IN ACCORDANCE WITH THESE REGULATIONS."

SEPTIC SITE PLAN FOR:  
**3795 JONES CREEK DR**

302 WEST MAY STREET  
WINDYR, GA 30080  
PHONE: (678) 687-6219  
MATT@SULLINSENGINEERING.COM

**S Sullins Engineering, LLC**  
CIVIL ENGINEERS - LAND PLANNERS  
SULLINSENGINEERING.COM

COUNTY	GWINNETT
SCALE	1"=40'
GMD	
DATE	8/23/2023
CITY	
PARCEL	
JOB #	#2824



**Exhibit C: Letter of Intent and Standards for Granting Variance**

**[attached]**

**RECEIVED**

11/19/2023

**Gwinnett County Planning & Development**

446 W. Crogan St. #150

Lawrenceville, GA 30046

Letter of Intent  
Variance Application

To whom it may concern,

I am requesting a variance to the Unified Development Ordinance code **Section 230-120.7** as instructed by Mr. Marc Rosengart in the Planning and Development department.

We submitted the application for the pool permit to the county which clearly shows the pool approximately 35 ft from the street. The permit was approved without issue on September 21.

Construction started on September 29 and the pool construction is currently ~95% complete. I was informed by Mr. Rosengart on November 14 that we would need a variance because we are on a corner lot and therefore have two front yards. Since we have two front yards, the pool should have been located 48 ft from the street.

I am requesting the variance because we built the pool based on approved plans and permits. Approximately \$150,000 has been spent on the pool construction so far. Any change to the plan at this stage, additional construction costs, and inconvenience to neighbors would cause significant hardship.

According to the code, a variance will be required to allow for this pool to be located within the front yard of the property and within 48 feet of the street. Our house is on a corner lot and our house faces Holly Creek Ct. There is a clear delineation between the front of our house and the back of our house. Additionally, the pool is located approximately 13 ft below street level as a two-tiered retaining wall system lies between the street level and the backyard.

I have included the approved permit and site plan for your convenience.

Sincerely,



Nicholas Skinner  
3795 Jones Creek Drive  
Buford, GA 30519

**RECEIVED**

11/15/2023

**Standards for Granting Variances:**

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

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: The pool was built based on the approved permit we received in September. We are now requesting a variance because the pool has already been constructed approximately 40 ft from the street and 13 ft down into our backyard.
- 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: We have spent close to \$150,000 on the construction of the pool based on the approved permit we received. Altering the plan at this stage will certainly create hardship for the homeowner.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: I don't believe this situation arises very often. No, I wouldn't expect that this condition is ordinarily found.
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: The request is a result of the pool construction that was based on the approved plan and permit. No action on the part of the home owner caused this condition.
- 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: Not at all. The pool is barely visible from the street as it is approximately 13 ft below street level in our back yard (though code says front yard). This project will only improve our home's value and that of the neighborhood.
- 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 built the pool according to the approved plan and issued permit. This is the minimum variance for reasonable use.
- 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 to the best of my knowledge.

**Exhibit D: Maps**

**[attached]**

Hall  
County

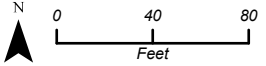
JONES CREEK DR

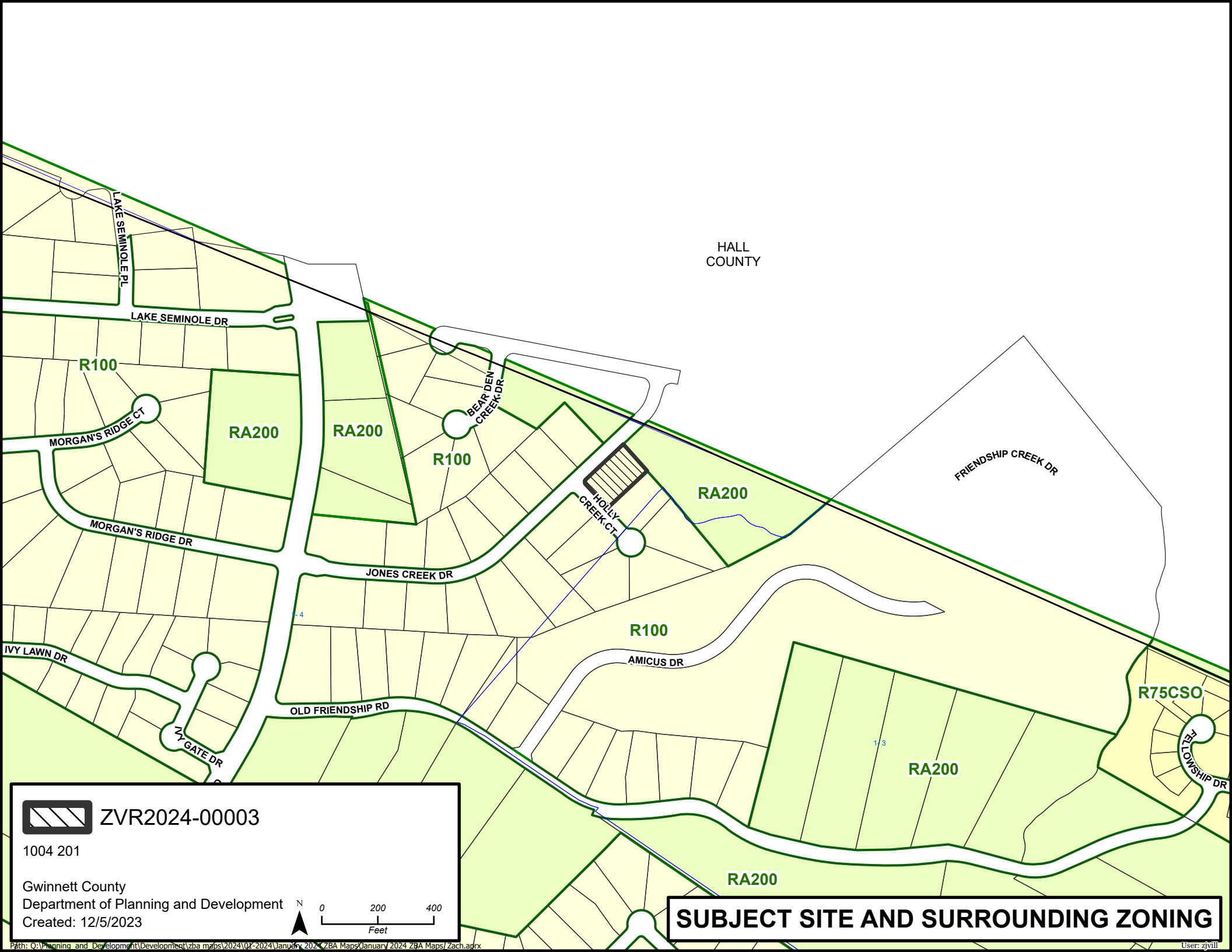
HOLLY CREEK CT

 ZVR2024-00003

1004 201

Gwinnett County  
Department of Planning and Development  
Created: 12/5/2023





HALL COUNTY

 ZVR2024-00003

1004 201

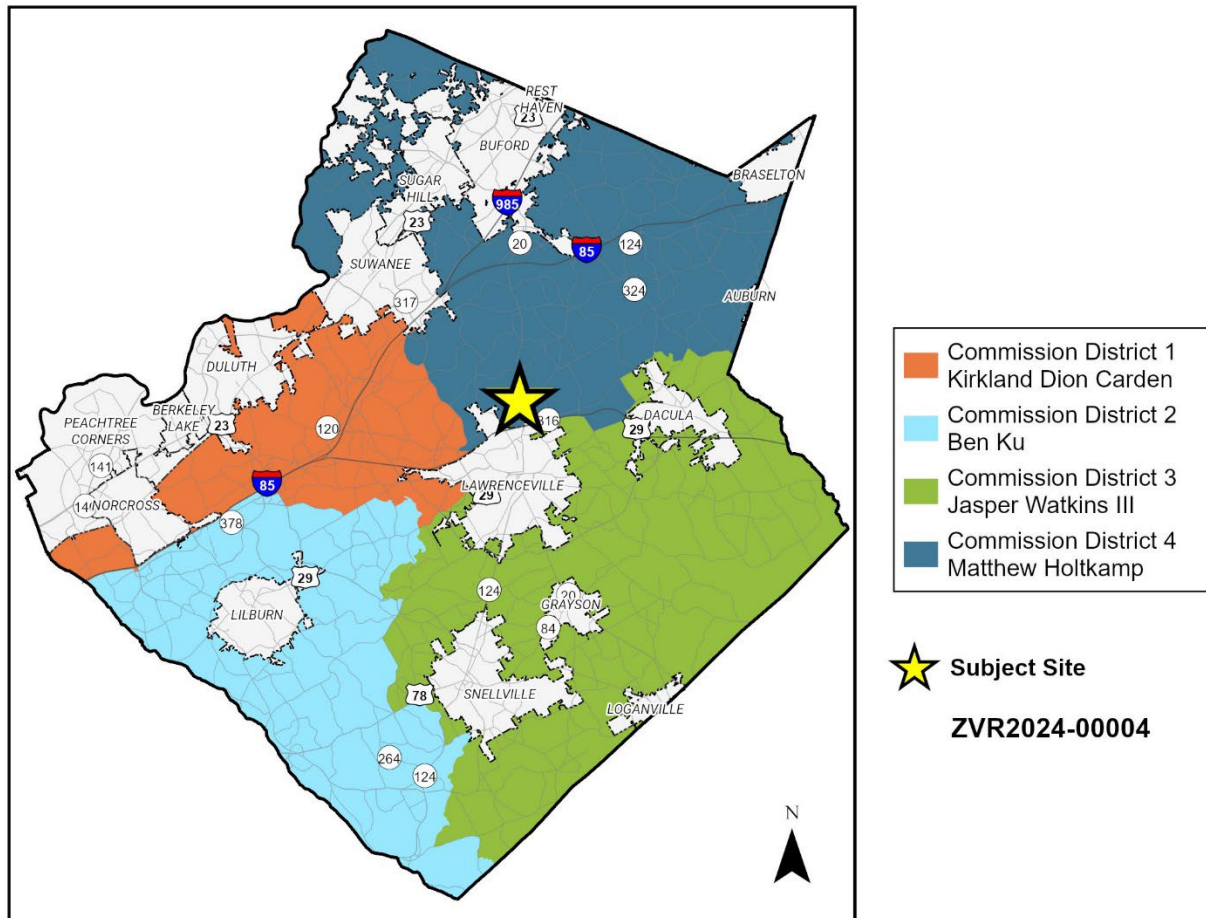
Gwinnett County  
Department of Planning and Development  
Created: 12/5/2023

**SUBJECT SITE AND SURROUNDING ZONING**

## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** ZVR2024-00004  
**Request:** Variance from the minimum unit townhouse standard  
**Address:** 1080 Buford Highway  
**Map Number:** R7028 010  
**Zoning:** R-TH (Single-Family Residence Townhouse District)  
**Site Area:** 6.01 acres  
**Proposed Development:** Townhouse  
**Commission District:** District 4 – Commissioner Holtkamp/Rumbaugh  
**Character Area:** Vibrant Communities



**Applicant:** Traton, LLC  
c/o Mahaffey Pickens Tucker, LLP  
1550 North Brown Road, Suite 125  
Lawrenceville, GA 30044

**Owners:** Traton, LLC  
c/o Mahaffey Pickens Tucker, LLP  
1550 North Brown Road, Suite 125  
Lawrenceville, GA 30044

**Contact:** Shane Lanham

**Contact Phone:** 770.232.0000

### Zoning History

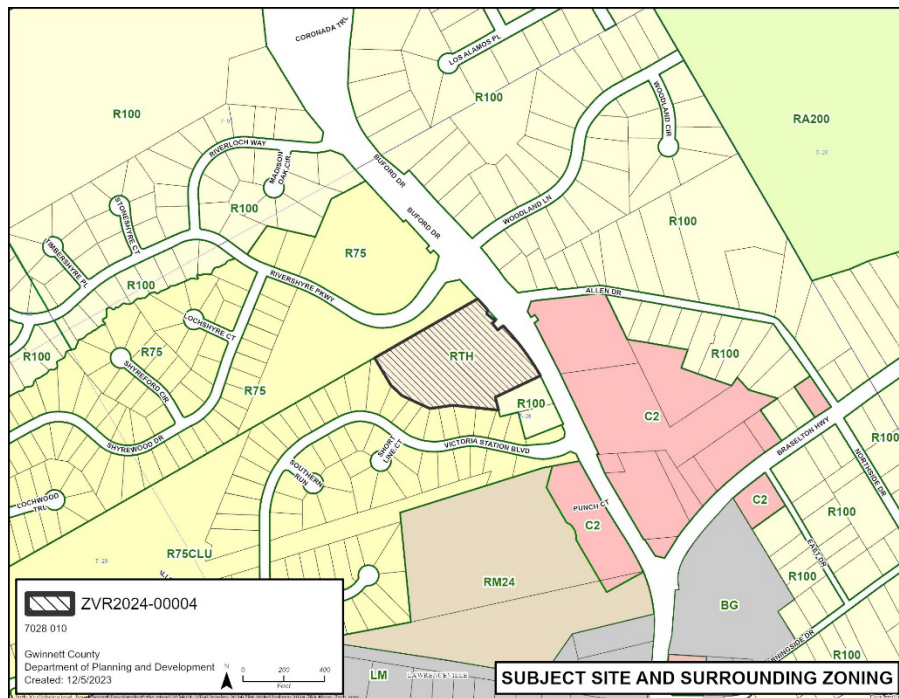
The subject property is zoned R-TH (Single-Family Residence Townhouse District). In 2019, the property was rezoned from R-100 (Single-Family Residence District) and MH (Manufactured Housing District) to R-TH, pursuant to RZM2020-00019. The site is within the Mall of Georgia Overlay District.

### Existing Site Condition

The subject site is a 6.01-acre parcel located on Buford Drive at its intersection with Allen Drive. The site is currently under development for a 40-unit townhouse development. The development contains public streets, and all of the townhouses are front loaded. The site is surrounded by a 30-foot-wide undisturbed buffer and accessed by a single driveway from Buford Drive.

### Surrounding Use and Zoning

The subject site is surrounded by single-family residences on large lots and within established subdivisions. The following is a summary of the surrounding uses and zoning:





Location	Land Use	Zoning
Subject Property	Townhouses	R-TH
North	Single-Family Residential	R-75
East	Single-Family Residential	C-2
South	Single-Family Residential	R-100
	Single-Family Residential	R-75
West	Single-Family Residential	R-75

## Project Summary

The applicant requests a variance from the minimum townhouse unit standard, including:

- A single townhouse unit located at the rear of the site within a 40-unit townhouse development.
- The site is currently under construction and consists of attached townhouse units ranging from eight units to one unit within seven buildings.
- Permit RESDEV2022-00042 was issued in error in November 2022. The error was discovered during the review for a revision to the authorized plan set.

## Zoning and Development Standards and Variance Request

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

**Section 210-100.6.A.14** A minimum of three and maximum of eight, dwelling units shall be allowed in each row of townhouses.

- The applicant requests a variance to allow a single townhouse.

## Staff Recommended Condition

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

1. The site shall be developed in general conformance with Exhibit B: Site Plan dated received November 15, 2023.

**Exhibits:**

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

**Exhibit A: Site Visit Photos**



**View of subject property under development from Buford Drive**



**View of subject property under development from Buford Drive**

**Exhibit B: Site Plan**

**[attached]**

- NOTES:**
1. EACH BUILDING AND ITS RELATIVE LOCATION TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2024 INTERNATIONAL BUILDING CODE (IBC) WITH GEORGIA STATE AMENDMENTS WITH REGARDS TO THE HEIGHT AND AREA REQUIREMENTS OF IBC TABLE 603.3-2, TABLE 603.3-2.5, AND THE FIRE RESISTANCE AND HORIZONTAL SEPARATION REQUIREMENTS OF IBC TABLE 601 AND 602.
  2. INDICATE ON THE SITE PLAN THE REQUIRED FIRE-RESISTANCE RATING OF ALL EXTERIOR WALLS DUE TO LOCATION AND DISTANCE FROM ADJACENT PROPERTY LINES AND OTHER BUILDINGS IBC TABLE 601 AND SECTION 703.5.1.
  3. IF NO CURB AND GUTTER EXISTS ON EXISTING ROADWAY, THE SIDEWALKS MUST BE FURTHER SETBACK FROM THE EDGE OF PAVEMENT LOCATION TO BE APPROVED BY DEPARTMENT OF TRANSPORTATION.
  4. DEVELOPERS SHALL INSTALL SIDEWALKS ON ABUTTING EXTERNAL STREETS, "PASSIVE" RECREATION AREA LOTS, AND OPEN SPACE/COMMON AREAS PRIOR TO FINAL FLAT APPROVAL.
  5. THE LOT BUILDER SHALL INSTALL SIDEWALKS AND INTERSECTION RADIUS CURB RAMP AT NEW STREET INTERSECTIONS, "EYEBROW" TURNAROUNDS AND CUL-DE-SACS, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR EACH LOT.
  6. SIDEWALKS SHALL BE LOCATED AT LEAST 2 FEET FROM THE BACK OF CURB AND SHALL BE CONSTRUCTED OF CONCRETE A MINIMUM OF FOUR FEET (4') IN WIDTH AND 4" THICK WITH A CROSS SLOPE OF .25' PER FOOT. CONCRETE SHALL BE CLASS "B" AND HAVE A STRENGTH OF 2500 PSI AT 28 DAYS.
  7. SIDEWALKS SHALL BE LOCATED AT LEAST 2 FEET FROM THE BACK OF CURB AND SHALL BE CONSTRUCTED OF CONCRETE A MINIMUM OF FOUR FEET (4') IN WIDTH AND 4" THICKNESS WITH A CROSS SLOPE OF .25' PER FOOT. CONCRETE SHALL BE CLASS "B" AND HAVE A STRENGTH OF 2500 PSI AT 28 DAYS.
  8. SIDEWALKS SHALL BE LOCATED 2 FEET FROM BACK OF CURB, BRIDGES EXCEPTED. THE AREA BETWEEN THE CURB AND THE SIDEWALK SHALL CONSIST OF GRASS OR LANDSCAPING WHERE NO CURB EXISTS OR IF ROAD IMPROVEMENTS ARE PROVIDED BY THE COUNTY. SIDEWALKS INCLUDING APPROPRIATE DRAINAGE FACILITIES, SHALL BE CONSTRUCTED IN A LOCATION ACCEPTABLE TO THE DOT.
  9. SIDEWALKS AREA REQUIRED ALONG BOTH SIDES OF THE INTERNAL STREETS INCLUDING "EYEBROW" TURNAROUNDS AND CUL-DE-SACS; SIDEWALKS SHALL BE AT LEAST 2 FEET FROM THE BACK OF CURB AND SHALL BE CONSTRUCTED OF CONCRETE A MINIMUM OF FOUR FEET (4') IN BOTH AND FOUR INCHES (4") THICK WITH A CROSS SLOPE OF .25 PER FOOT. CONCRETE SHALL BE CLASS "B" AND HAVE A STRENGTH OF 2500 PSI AT 28 DAYS.
  10. SIDEWALKS ON "ACTIVE" RECREATION AREA LOTS SHALL BE INSTALLED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR SHALL BE INSTALLED BY THE DEVELOPER PRIOR TO RECEIVING OF THE SUBDIVISION MAINTENANCE AGREEMENT, WHICHEVER IS EARLIER.
  11. DEVELOPERS SHALL INSTALL SIDEWALKS ON ALL VACANT LOTS REMAINING BETWEEN DEVELOPED LOTS (i.e., DWELLING UNDER CONSTRUCTION OR COMPLETED) PRIOR TO RELEASE OF THE SUBDIVISION MAINTENANCE AGREEMENT.
  12. HOMEOWNERS SHALL INSTALL SIDEWALKS, AND CURB RAMP NOT REQUIRED TO BE INSTALLED BY DEVELOPERS, ON BUILDING LOTS PRIOR TO RECEIVING OF THE CERTIFICATE OF OCCUPANCY.
  13. INTERSECTION RADIUS CURB RAMP SHALL BE PROVIDED AT STREET INTERSECTIONS, STRAIGHT RAMP MAY BE PROVIDED AT INTERSECTIONS OF CURBED DRIVEWAYS AND AT STREETS WITHOUT SIDEWALKS.
  14. DUMPSTERS WILL NOT BE LOCATED IN THE DEVELOPMENT.
  15. ALL EXTERIOR WALLS OF A DWELLING UNIT WITHIN 4' OF A PROPERTY LINE ARE TO HAVE MINIMUM ONE HOUR FIRE RATING. FIRE RATING TO EXTEND FROM FOUNDATION TO UNDERDECK OF ROOF DECK UNINTERRUPTED. ROOF DECK TO HAVE MINIMUM OF HALF HOUR RATING WITHIN FOUR FEET OF PROPERTY LINE.

**PARKING REQUIREMENTS:**

MIN. PARKING SPACES REQUIRED: 120 SPACES (3SP/DWELLING UNIT)

MAX. PARKING SPACES REQUIRED: 240 SPACES (6SP/DWELLING UNIT)

2 CAR GARAGE UNIT PARKING PROVIDED: 160 SPACES (2 GARAGE + 2 DRIVEWAY SP.)

GUEST PARKING PROVIDED: 8 SPACES

TOTAL PARKING SPACES PROVIDED: 168 SPACES (4.25P/DWELLING UNIT)

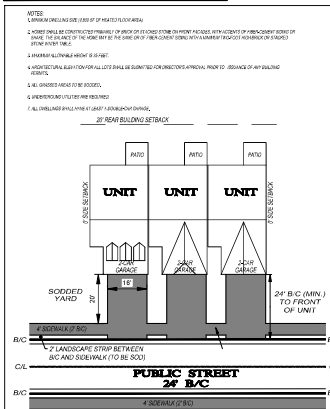
**DEVELOPMENT STANDARDS**

TOTAL TOWNHOMES PROVIDED: 40 UNITS

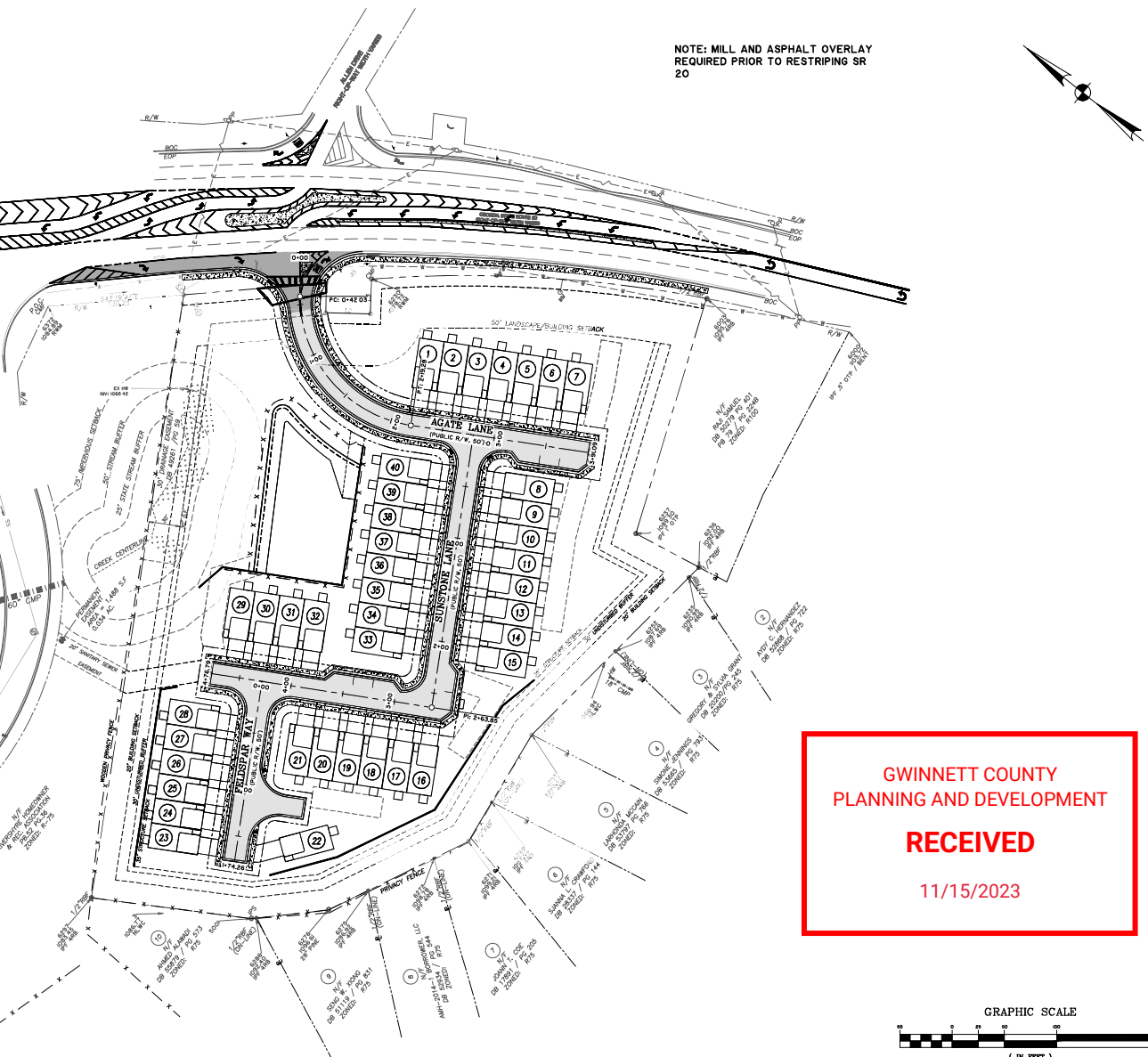
TOTAL SITE DENSITY PROVIDED: 6.66 UPA

NET SITE DENSITY PROVIDED: 6.66 UPA

MAX. NET SITE DENSITY ALLOWED: 10.0 UPA



NOT TO SCALE



**GWINNETT COUNTY**  
**PLANNING AND DEVELOPMENT**  
  
**RECEIVED**  
  
 11/15/2023

	DATE
	BY
	REVISIONS
	NO.

**THOMAS HUTTON**

5555 Peachtree Road • Suite 175  
Chamblee, GA 30341 • 470.892.1700  
email: [www.thomasconsultants.com](http://www.thomasconsultants.com) info: [info@thomasconsultants.com](mailto:info@thomasconsultants.com)

**INTEGRITY CONSTRUCTION MANAGEMENT**

1050 BUFFORD STREET, SUITE 100, KENNESAW, GA 30144

RIVER WALK PLACE

**OVERALL SITE PLAN**

2023  
THIS DRAWING IS A DESIGN DEVELOPMENT AND HAS BEEN FOUND TO BE IN ACCORDANCE WITH THE SUBDIVISION MAINTENANCE AGREEMENT.

JOB NO: 23-0001-0004

DATE: 09/20/2023

DRAWN: ECF

DESIGNED: ECF

REVISED: JMS

APPROVED: JMS

SCALE: 1" = 60'

**Exhibit C: Letter of Intent and Standards for Granting Variance**

**[attached]**

RECEIVED

11/15/2023

Matthew P. Benson  
Catherine W. Davidson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Rebecca B. Gober  
Christopher D. Holbrook  
Jessica P. Kelly  
Shane M. Lanham  
Julia A. Maxwell



Jeffrey R. Mahaffey  
Steven A. Pickens  
Jack M. Ryan  
Gabrielle H. Schaller  
S. Tess Shaeen  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

### LETTER OF INTENT FOR VARIANCE APPLICATION

Mahaffey Pickens Tucker, LLP submits the attached variance application (the “Application”) on behalf of the Property Owner and Applicant, Traton, LLC, relating to a proposed development of an approximately 6.0-acre tract of land (the “Property”) located along Buford Drive (State Route 20) just north of its intersection with Braselton Highway (State Route 124). The Property is zoned R-TH pursuant to RZM2020-00019 (the “Current Zoning”).

The proposed redevelopment would include 40 attractive single-family residences constructed primarily as townhomes in buildings with multiple units. Due to the Property’s odd shape and severe topography, as well as challenges regarding access to State Route 20, the Applicant is proposing to construct one of the proposed units a standalone detached unit. R-TH is a relatively permissive zoning classification and allows a variety of housing types. The land uses of “Dormitory,” “Duplex Dwelling,” “Single-Family Detached Dwelling,” “Townhouse Dwelling,” “Villa Dwelling,” and “Zero Lot Line Dwelling” are all permitted by right in R-TH. The proposed standalone unit would fall within the definition of a “Single-Family Detached Dwelling” and is permitted by right in R-TH. Condition 1(A) of the Current Zoning provides “To restrict the use of the property as follows: Single-family attached townhomes and accessory uses,

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11/15/2023

not to exceed a maximum of 40 units.” The Current Zoning provides a limitation on the number of attached townhomes, but does not explicitly prohibit any dwelling types which are otherwise permitted in the R-TH zoning classification pursuant to the UDO. However, out of an abundance of caution, the Applicant requests a variance from UDO §210-100.6(A)(14) in order to permit the development of the Property as depicted on the site plan submitted with the Application.

The request arises from conditions that are unique and peculiar to the land, structures, and buildings involved. The Property’s odd shape, severe topography, and vehicular access points dictated by GDOT and the Gwinnett County Fire Marshall, force the layout depicted on the submitted site plan. The request is necessary because the particular physical surroundings, size, shape, and topographical condition of the Property create an unnecessary hardship for the owner if the provisions of Title 2 of the UDO are literally enforced. The conditions requiring the requested relief are not ordinarily found in properties of the same zoning district as the subject property. The request is the 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. Granting the requested variance would not impair or injure other property or improvements in the neighborhood in which the Property is located, 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. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures. Approval of the requested variance would further the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan (the “2040 Plan”).



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11/15/2023

The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Planning and Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

This 16th day of November, 2023.

Respectfully Submitted,  
MAHAFFEY PICKENS TUCKER, LLP

*Shane Lanham*

Shane M. Lanham  
*Attorneys for the Applicant*

**Exhibit D: Maps**

**[attached]**

RIVERSHYRE PKWY

ALLEN DR

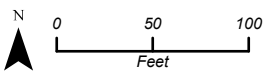
BUFORD DR

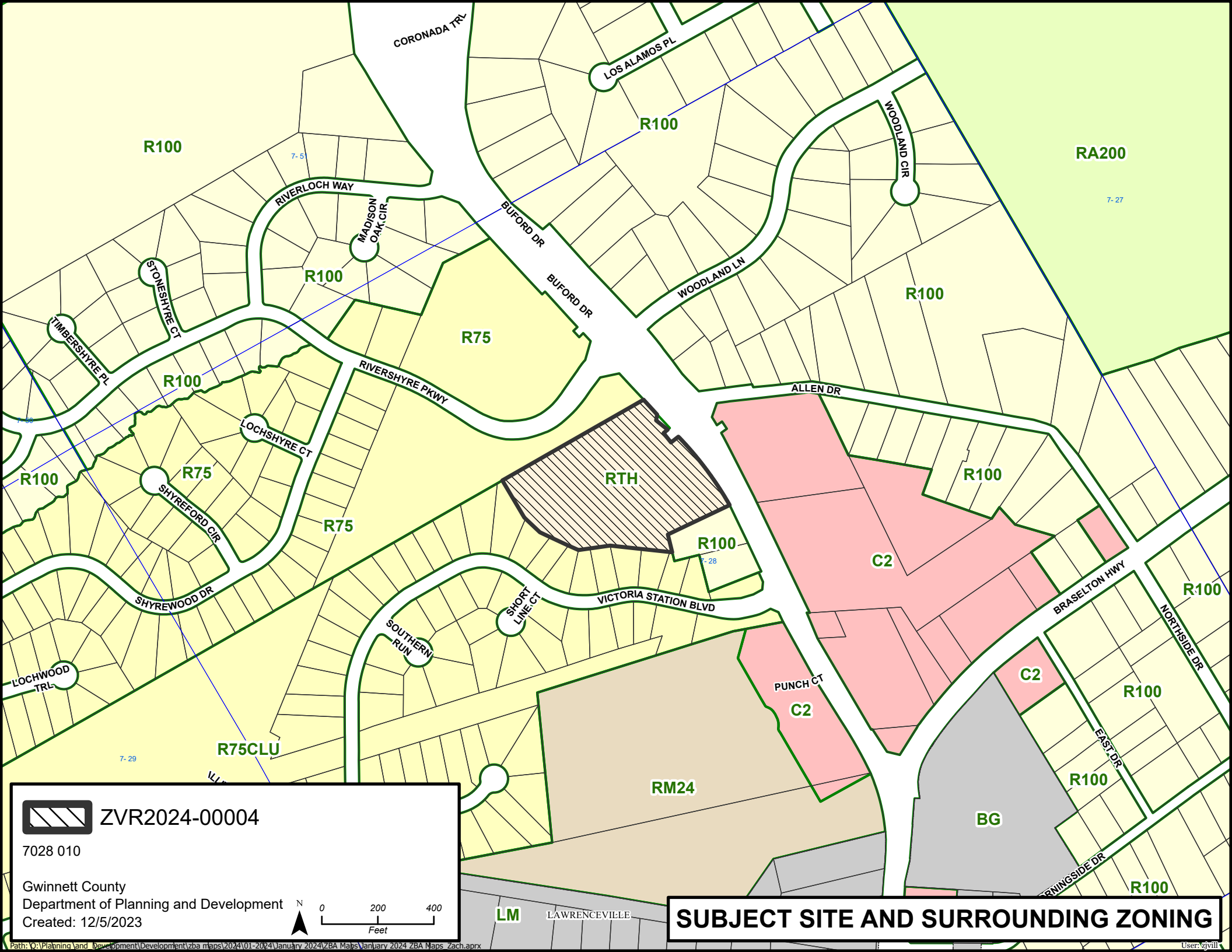



 ZVR2024-00004

7028 010

Gwinnett County  
Department of Planning and Development  
Created: 12/5/2023





 ZVR2024-00004

7028 010

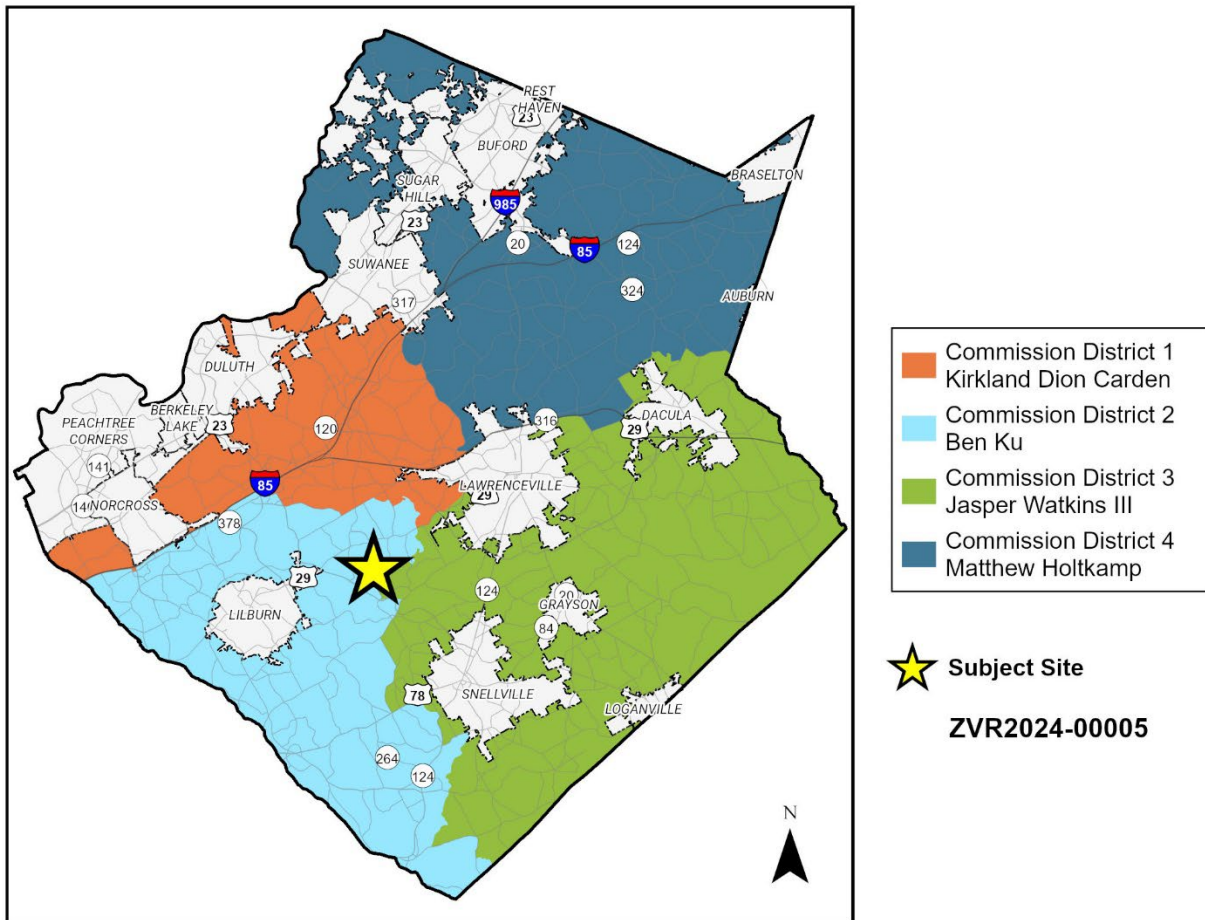
Gwinnett County  
 Department of Planning and Development  
 Created: 12/5/2023

N  
 0 200 400  
 Feet

**SUBJECT SITE AND SURROUNDING ZONING**

## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** ZVR2024-00005  
**Request:** Variance from the accessory structure location standard  
**Address:** 2846 Castle Drive  
**Map Number:** R5014 065  
**Zoning:** R-75 (Single-Family Residence District)  
**Site Area:** 0.46 acres  
**Proposed Development:** Accessory Structure  
**Commission District:** District 2 – Commissioner Ku/Graham  
**Character Area:** Established Neighborhoods



**Applicant:** Jose A. Ferrufino  
2846 Castle Drive  
Lawrenceville, GA 30044

**Owners:** Jose A. Ferrufino  
2846 Castle Drive  
Lawrenceville, GA 30044

**Contact:** Jose A. Ferrufino

**Contact Phone:** 678.534.9193

### Zoning History

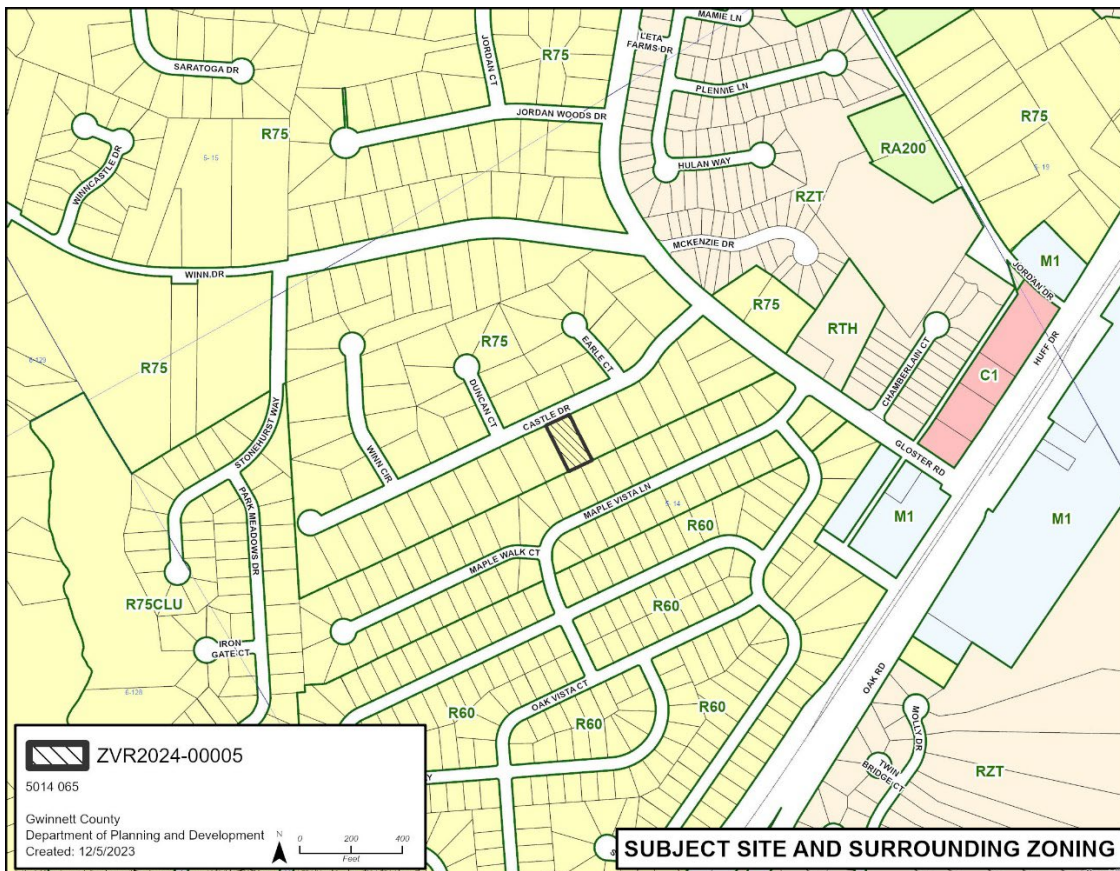
The subject property is zoned R-75 (Single-Family Residence District). There are no prior zoning cases on record for the property.

### Existing Site Condition

The subject site is a 0.46-acre parcel located on Castle Drive within the Aberdon Forest subdivision. The site is developed with a one-story, single-family detached residence made of lap siding and brick, built in 1973. The site gradually decreases in slope from west to east. There is a 20-foot drainage easement on the east side of the property, ten feet of which is within the subject property's boundaries. There are no streams or floodplain associated on the lot.

### Surrounding Use and Zoning

The subject site is surrounded by single-family residences within established subdivisions. The following is a summary of the 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 requests a variance from the accessory structure location standard, including:

- A 360 square foot carport, comprised of metal with similar colors to that of the home, located in the front yard.

### Zoning and Development Standards and Variance Request

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

**Section 230-30.7** All accessory buildings or structures shall be located in the rear or side yard unless explicitly stated otherwise in this section.

- The applicant requests a variance to allow an accessory structure in the front yard.

### Staff Recommended Conditions

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

1. The site shall be developed in general conformance with Exhibit B: Site Plan dated received November 16, 2023.

**Exhibits:**

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



**Exhibit A: Site Visit Photos**



**View of the Principal Building**



**View of the accessory structure**

**Exhibit B: Site Plan**

**[attached]**

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Subdivision 10/10/2023

Aberdon Forest

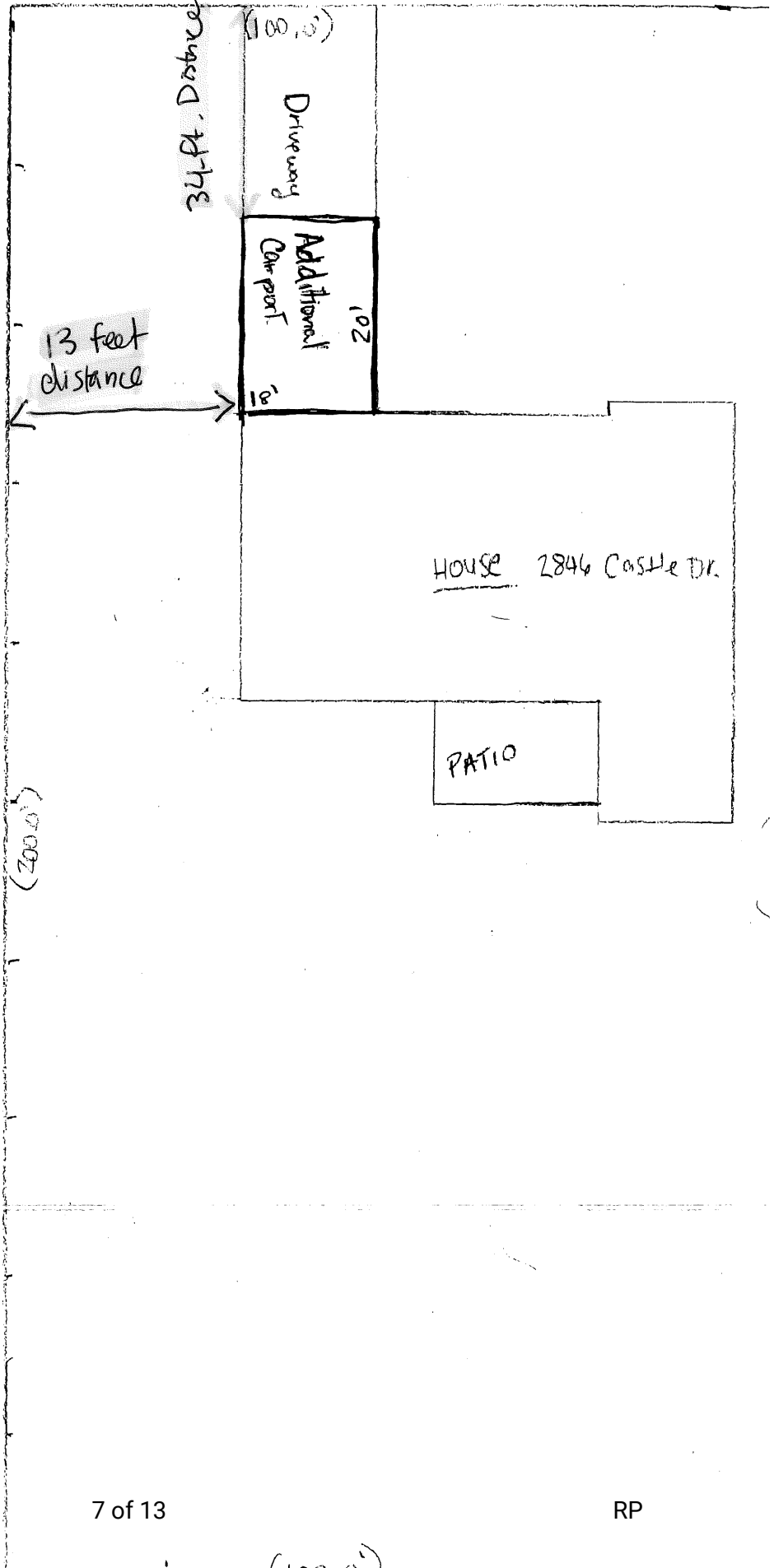
Lot: 9 Block: A

sq FT	Lot (sq ft)
1,887	20,038

Septic  
R-75

2846 Castle Dr.  
Lawrenceville, GA 30044

1"=20'  
2846  
CASTLE DR.



APPROVED  
 GWINNETT COUNTY ENVIRONMENTAL HEALTH  
 DATE 10/20/23  
 [Signature]

**Exhibit C: Letter of Intent and Standards for Granting Variance**

**[attached]**

**RECEIVED**

11/22/2023

Letter of Intent:

- A. Request to allow Carport (18x21) in front of driveway on property

2846 Castle Dr Lawrenceville, Ga 30044.

230-30.7 All accessory buildings or structures shall be located in the rear or side yard unless explicitly stated otherwise in this section

- B. When completing everyday tasks, like grocery shopping, or doctors visits, and we encounter bad weather or rain, or sometimes snow, carport makes it easier. Sometimes during Hot summer days carport can provide shade.
- C. The requested Variance is consistent with the intent of the UDO Title 2 (230-30.7)
- D. Due to special conditions, it is determined that the strict application of the UDO would impose on a landowner exceptional and undue hardship, when encountering bad weather, windstorms.

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11/16/2023

**Standards for Granting Variances:**

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

a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: NO.

b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: NO.

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:

If will not impair other property's, nor will not create congestion to the Public Street, due to the carport is in my home Driveway, away from the public street.

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: Maps**

**[attached]**



DUNCAN CT

CASTLE DR

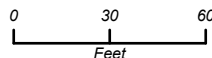
MAPLE VISTA LN



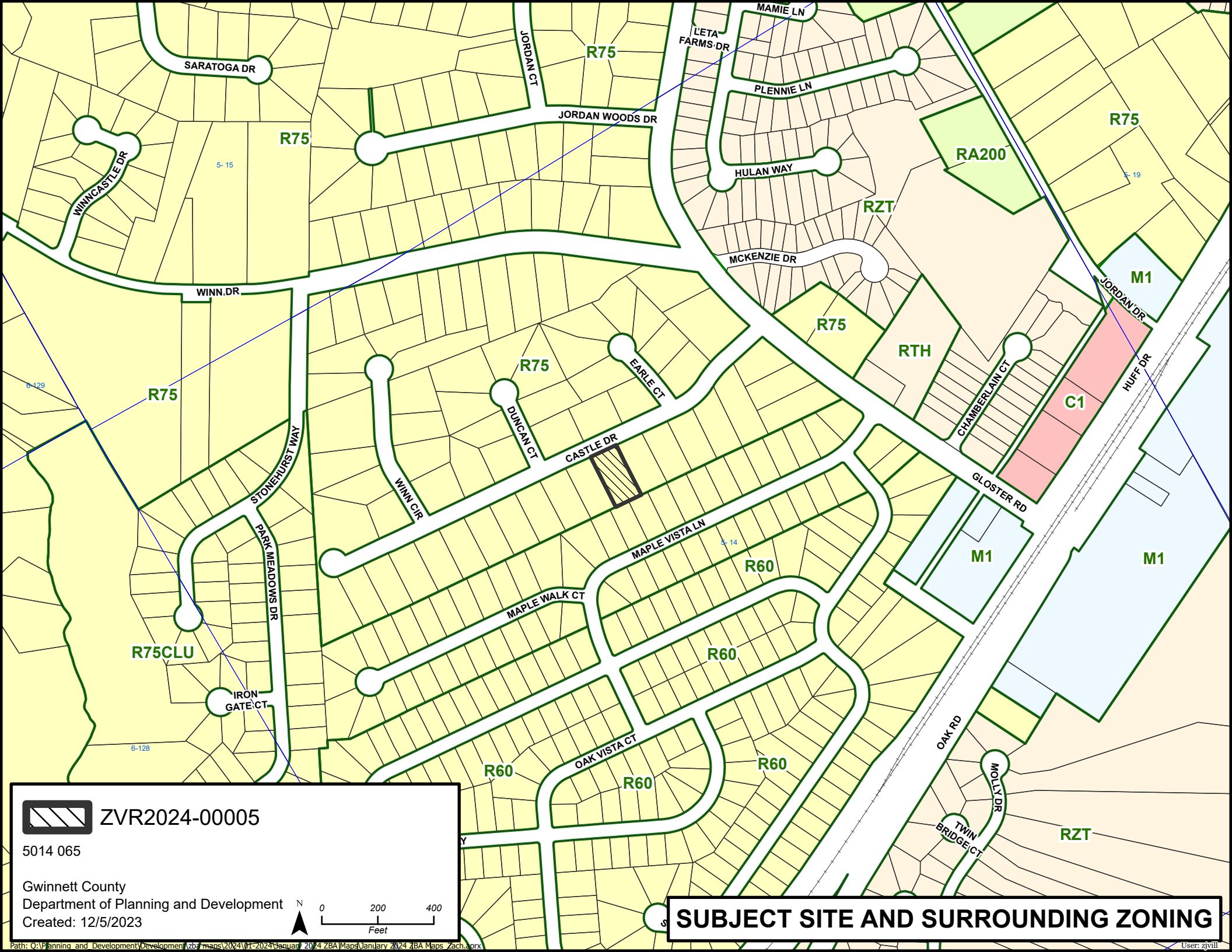
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Gwinnett County  
Department of Planning and Development  
Created: 12/5/2023



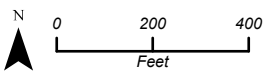




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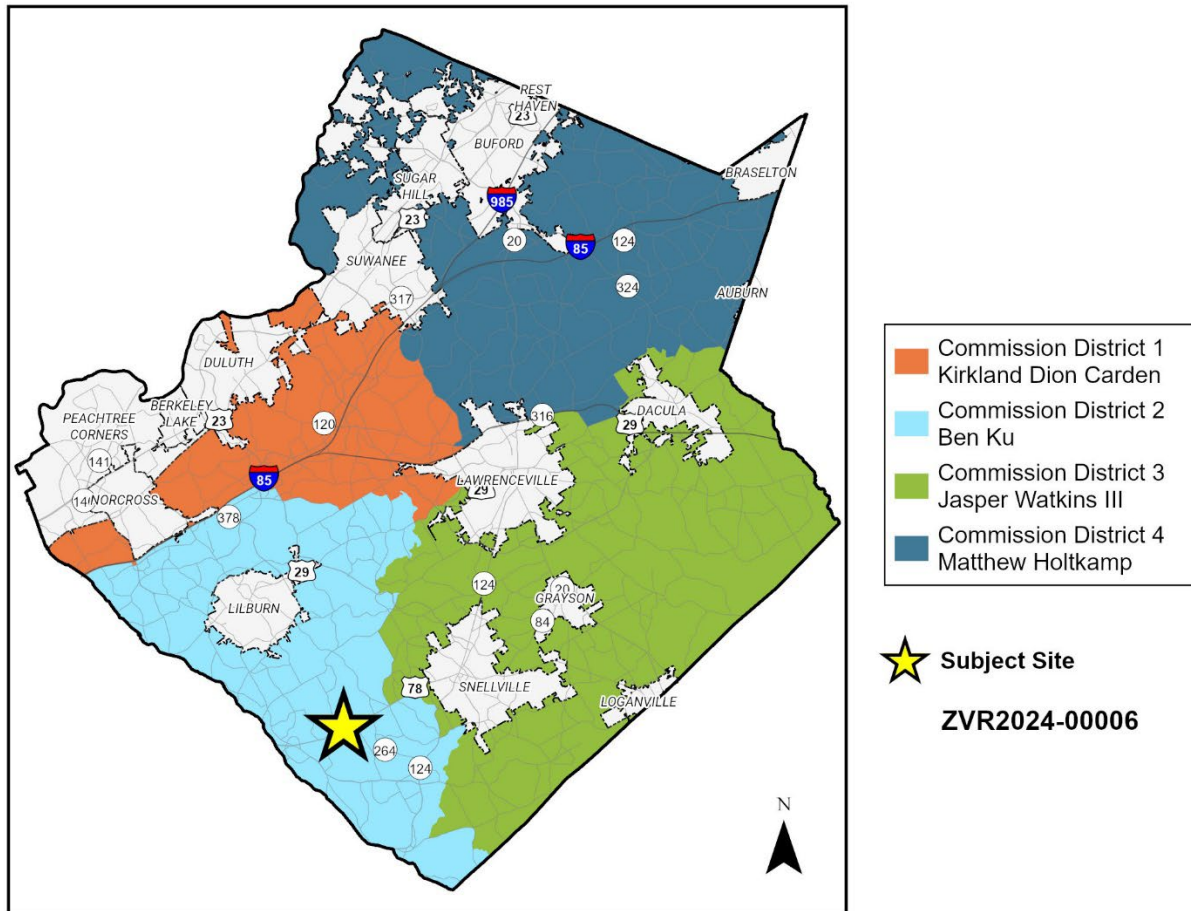
Gwinnett County  
 Department of Planning and Development  
 Created: 12/5/2023



**SUBJECT SITE AND SURROUNDING ZONING**

## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** ZVR2024-00006  
**Request:** Variance from the accessory building setback standard  
**Address:** 4517 Robie Road  
**Map Number:** R6056 182  
**Zoning:** R-100 (Single-Family Residence District)  
**Site Area:** 0.52 acres  
**Proposed Development:** Accessory Building  
**Commission District:** District 2 – Commissioner Ku/Graham  
**Character Area:** Vibrant Communities



**Applicant:** James Davis  
4517 Robie Road  
Lilburn, GA 30047

**Owner:** James Davis  
4517 Robie Road  
Lilburn, GA 30047

**Contact:** James Davis

**Contact Phone:** 770.354.1517

## Zoning History

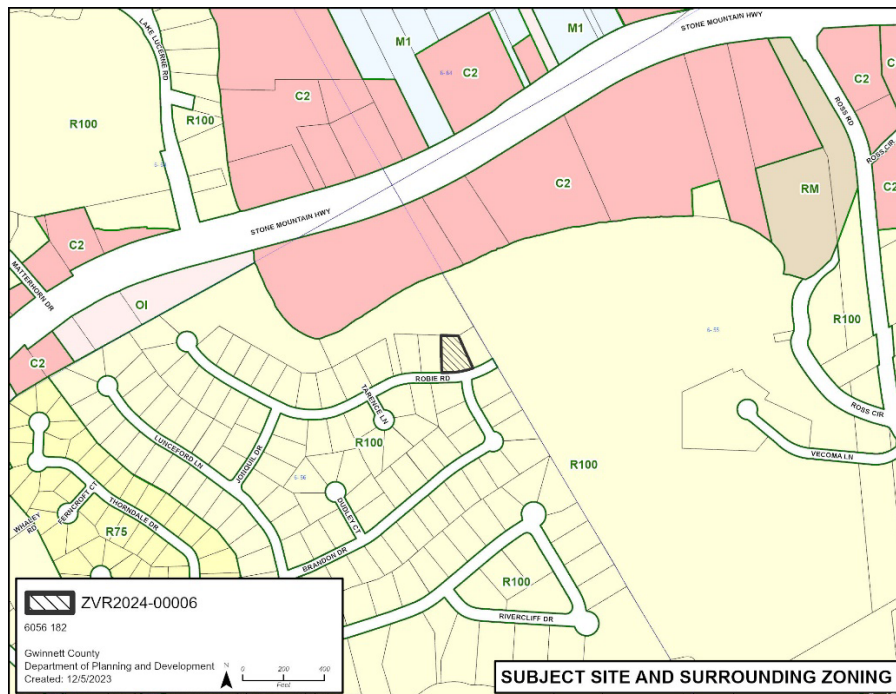
The subject property is zoned R-100 (Single-Family Residence District). There are no prior zoning cases on record for the property.

## Existing Site Condition

The subject site is a 0.52-acre developed single-family lot located on Robie Road at its intersection with Brandon Drive. Mature trees are located in the eastern portion of the front yard, screening the view of the rear from the right-of-way. There is also a 6-foot-tall wood fence with a sliding gate on the lot, further screening the rear yard. The site is accessed by a single driveway. The property has a two-story single-family detached residence made of siding and brick, constructed in 1983. The slope of the lot decreases towards the rear of the lot approximately 12 feet. The subject property abuts Gwinnett County owned property to the north. A 20-foot-wide drainage easement is present on the property with 10 feet of that easement within the subject lot. There is a floodplain located in the northwest corner of the lot, but no streams.

## Surrounding Use and Zoning

The subject site is surrounded by single-family residences within the Rivercliff subdivision. The following is a summary of the surrounding uses and zoning:



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

### Project Summary

The applicant requests a variance from the accessory building setback standard, including:

- A 1,188 square foot accessory building, located in the rear yard on a paved surface.
- Exterior building materials consisting of siding and shingles, matching the exterior materials of the home.
- The existing building is 4.3 feet away from the rear property line and 11.8 feet away from the side property line.
- One Building complaint is on record:
  - A Building Construction complaint for the accessory building was recorded on June 27, 2023, pursuant to COM2023-00220.

### Zoning and Development Standards and Variance Request

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

**Table 230.1** Accessory buildings over 500 square feet in area shall meet a minimum setback requirement distance of 20 feet from all adjacent property lines.

- The applicant requests a variance to locate the accessory building 4.3 feet from the rear property line and 11.8 feet away from the side property line.

### Staff Recommended Conditions

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

1. The site shall be developed in general conformance with Exhibit B: Site Plan dated received November 16, 2023.
2. Exterior walls facing property lines shall comply with the 2018 International Residential Code (IRC), Table R302.1(1).

**Exhibits:**

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

**Exhibit A: Site Visit Photos**



**View of the Principal Building**



**View of Encroaching Accessory Building**

**Exhibit B: Site Plan**

**[attached]**

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

#4517 ROBIE ROAD  
LOT 2 - BLOCK B

RIVERCLIFF MANOR SUBDIVISION  
UNIT TWO

11/16/2023

Septic System  
approx. location  
in green

CURRENT ZONING  
R-100 PER GWINNETT GIS

SETBACKS  
FRONT - 35'  
REAR - 40'  
SIDE 10' 1 SIDE  
25' 2 SIDES

LAND LOT 56, 6TH DISTRICT  
GWINNETT COUNTY, GEORGIA

SCALE 1" = 20'

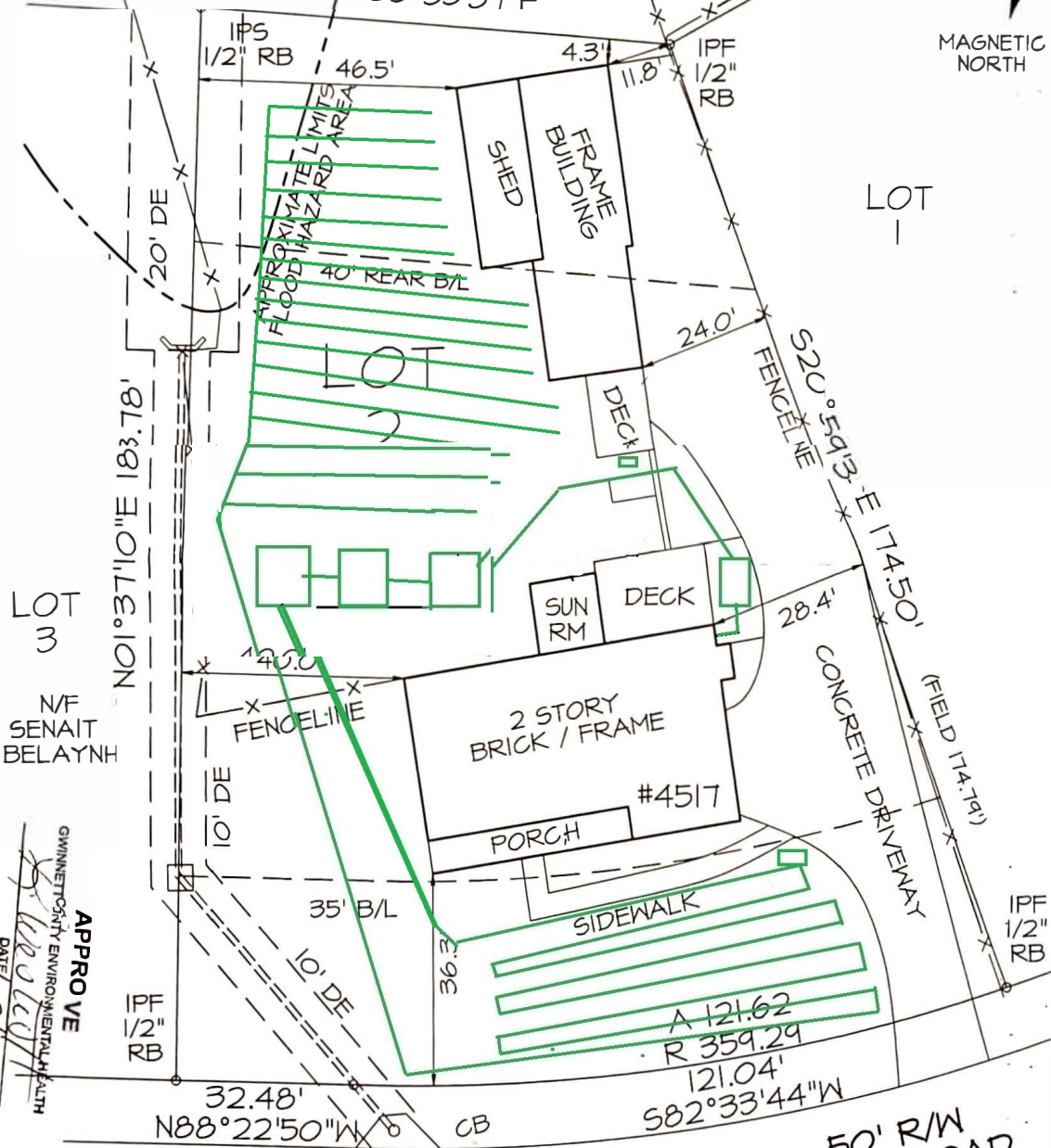
OCTOBER 30, 2021

N/F  
GWINNETT COUNTY



MAGNETIC  
NORTH

LOT  
1

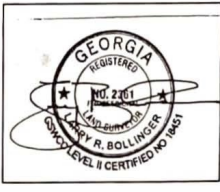


REFERENCE  
PB 24, PG 241

THIS PLAT HAS BEEN PREPARED WITHOUT THE EXISTENCE OF A TITLE SEARCH PROVIDED TO THIS SURVEYOR. ANY EASEMENTS OF RECORD NOT SHOWN IS NOT THE RESPONSIBILITY OF THIS SURVEYOR.

NOTE: ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS, LANDMAN INC. HAS NOT RESEARCHED UNDERGROUND UTILITY LOCATIONS. INFORMATION SHOWN HEREON REGARDING THE EXISTENCE, SIZE, TYPE AND LOCATION OF UNDERGROUND UTILITIES IS BASED ON MARKINGS IN THE FIELD AND INFORMATION FURNISHED BY OTHERS. LANDMAN INC. IS UNABLE TO CERTIFY TO THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. LOCATION SHOULD BE CONFIRMED IN THE FIELD WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION.

ACCORDING TO GWINNETT COUNTY GEORGIA FIRM 13135C0127, THIS PROPERTY IS PARTIALLY LOCATED WITHIN A FLOOD HAZARD AREA.



PREPARED BY  
**BOLLINGER & SON SURVEYING LLC**  
2455 BASIN COURT  
GAINESVILLE, GA. 30506  
678.898-0408

GRAPHIC SCALE 1" = 20'



SCALE: 1" = 20'  
DATE SURVEYED: 10-30-21  
DATE DRAFTED: 11-1-21  
SURVEYED BY: RB, AB  
DRAWN BY: LRB  
JOB NUMBER: ROBIE RD



**Exhibit C: Letter of Intent and Standards for Granting Variance**

**[attached]**

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James Davis

11/16/2023

4517 Robie Rd

Lilburn, GA 30047

11/11/2023

Gwinnett County Zoning Board of Appeals

446 West Crogan St. Ste. 300

Lawrenceville, GA 30046

Dear Members of the Gwinnett County Zoning Board of Appeals,

I am writing to formally request a variance from Table 230.1 of the Gwinnett County Zoning Ordinance, which stipulates that the setback distance from the back property line for sheds must be a minimum of 10 feet. The reason for this variance request is the existing structure on my property, a shed, was constructed in 2010 and has been in place for almost 14 years.

The shed was erected in good faith by a contractor hired in 2010 and I was misinformed by him about regulations in place at the time of its construction. Since then, the shed has served its intended purpose without causing any adverse effects on my property or the neighboring properties. Since the shed's installation, I have diligently maintained the structure and adhered to the highest standards of safety and aesthetic maintenance.

I am now in the process of seeking compliance with the Gwinnett County Building Permit Office to ensure that my property aligns with current zoning regulations. In doing so, I have encountered a discrepancy between the current zoning requirements and the specifications of our existing shed. The current code per table 230.1 states the shed will be 10 feet from the property line. As illustrated in the survey, the shed is within the 10 feet from the neighbor's property line to the side of the building. The variance requested is to the rear of the property that is adjacent to Gwinnett County owned property.

Given the unique circumstances surrounding the construction date of my shed and its extended period of compliance with earlier zoning regulations, I kindly request that the Gwinnett County Zoning Board consider granting a variance to Table 230.1. I believe that my situation warrants an exception due to the shed's long-standing presence and its limited impact on the surrounding area.

In seeking a variance for an existing shed that has been in place since 2010, the hardship imposed by the Unified Development Ordinance of Gwinnett County becomes evident. The current setback requirement of 10 feet from the property line poses a unique challenge for me, the property owner, as the shed exceeds this limit by 5 feet. The variance is crucial to address the practical difficulty encountered due to the existing shed's placement. The structure has been an integral part of the property for over a decade, serving essential purposes such for storage and utility. Demanding compliance with the setback

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11/16/2023

regulation would result in the undue burden of relocating or altering the shed, imposing financial strain and logistical challenges on me, the property owner. Granting a variance in this scenario acknowledges the preexisting conditions and mitigates the adverse impact on me, the property owner, ensuring a fair and equitable resolution within the framework of the Unified Development Ordinance.

To further support my variance request, I am willing to provide any additional information or documentation necessary to facilitate this request and to ensure compliance and the continued requirements set forth by the Unified Development Ordinance.

Granting this variance would not only allow me to maintain my existing shed but also enable me to work in full compliance with the County's current regulations, contributing to the overall safety and aesthetics of the neighborhood.

I respectfully ask the Gwinnett County Zoning Board to review my request favorably and grant the variance from Table 230.1 as described. I am fully committed to cooperating with any conditions or requirements that may accompany this variance.

Thank you for considering my request. I appreciate your time and attention to this matter. If you require any additional information or have any questions, please do not hesitate to contact me at 770-354-1517.

Sincerely,

*James A. Davis*

James Davis

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11/16/2023

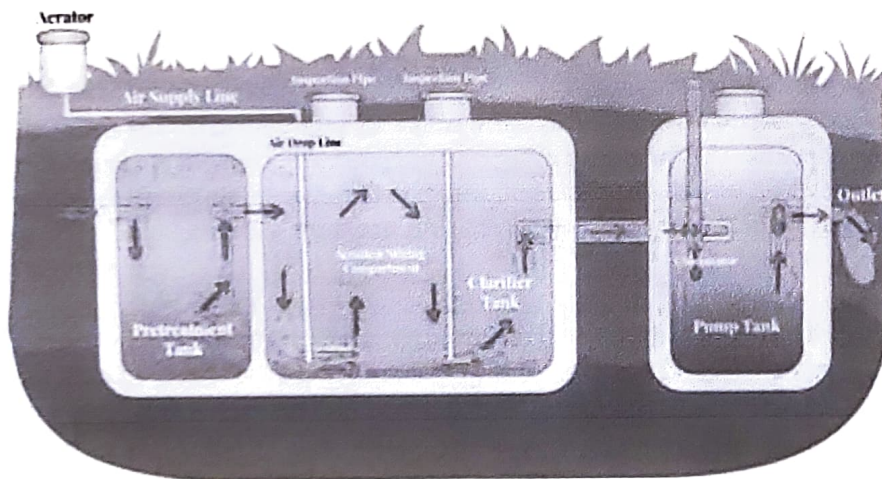
### Standards for Granting Variances:

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

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

The request stems from the distinctive layout resulting from mandated septic tank upgrades by the Gwinnett County Environmental Department. The directive was to install an Aerobic Treatment Unit System because the county records inaccurately specified the tank's location. After having a company come and mark the location of the tank and drain field, this confirmation of my testament as to the location of the septic system was not sufficient for the Gwinnett Environmental. After lengthy interactions with Gwinnett Environmental, the solution from them was to have me install the Aerobic Treatment Unit System. Please see below for a detailed description of the ATU system and attached is the system on my property.

According to the EPA: "Aerobic Treatment Units (ATUs) use many of the same processes as a municipal sewage plant, but on a smaller scale. An aerobic system injects oxygen into the treatment tank. The additional oxygen increases natural bacterial activity within the system that then provides additional treatment for nutrients in the effluent. Some aerobic systems may also have a pretreatment tank and a final treatment tank including disinfection to further reduce pathogen levels."



- 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 necessity of the request arises from the intricate layout of the septic system, which consists of three large tanks, an aerator pump, a drain field, and a secondary pumping station, collectively occupying the entire yard. Consequently, relocating the building is rendered unfeasible. The shed currently occupies the

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11/16/2023

on the entire space on the entire lot.

- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: The variance requested is necessary in order to maintain the location of the storage shed.

This peculiarity is exclusive to our property, as the septic system extends across the entirety of both the front and back yards. In contrast, other lots of comparable size in the neighborhood have built storage sheds without the septic system encroaching upon the entire expanse of both front and back yards. There are at approximately 14 homes in my small neighborhood that have sheds / outbuildings and this peculiar situation seems to be unique to my property.

- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: The request is necessary as stated in title 2 of the UDO for

The request stems from the conditions outlined in Title 2 of the UDO regulations. According to Gwinnett Environmental, the septic system was obligated to undergo an upgrade to the latest and most costly system to align with the prevailing regulations. Consequently, I incurred expenses of approximately \$50,000 for the installation of the new system, the replacement of the damaged irrigation system, the removal and reinstallation of the drainage system, and the necessary grading following the system upgrade. This financial burden is directly attributable to the adherence to UDO regulations enforced and mandated by Gwinnett Environmental.

- 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 adverse effects have occurred since the construction of the shed nor are any anticipated; the requested variance along the rear property line, adjacent to Gwinnett County property, has not and is not expected to compromise or harm surrounding properties or improvements. There will be no heightened congestion on public streets, no increased risk of fire, no threat to air navigation, and no compromise to public safety. Importantly, the variance will not adversely affect property values within the neighborhood.

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

The variance requested is the absolute minimum in order to be in compliance with the UDO zoning rules and regulations. I am only requesting the minimum distance from Gwinnett County property to the rear of the property line.

- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and

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Does the Gwinnett County Unified Plan? Please explain:

The variance requested does meet the general spirit and intent of Title 2 of the UDO and the intent of the Gwinnett County Unified Plan as it seeks to address the unique conditions on the property that have necessitated the installation of the ATU septic system while preventing conflict with the broader goals of promoting public welfare and appropriate land use. I am requesting this variance so that I can comply with all interested departments for land and planning in Gwinnett County while addressing the intent of Title 2 of the UDO which includes promoting the public health, safety, and the general welfare of the present and future inhabitants of Gwinnett County.

**Exhibit D: Maps**

**[attached]**



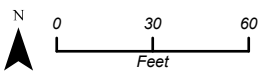
ROBIE RD

BRANDON DR

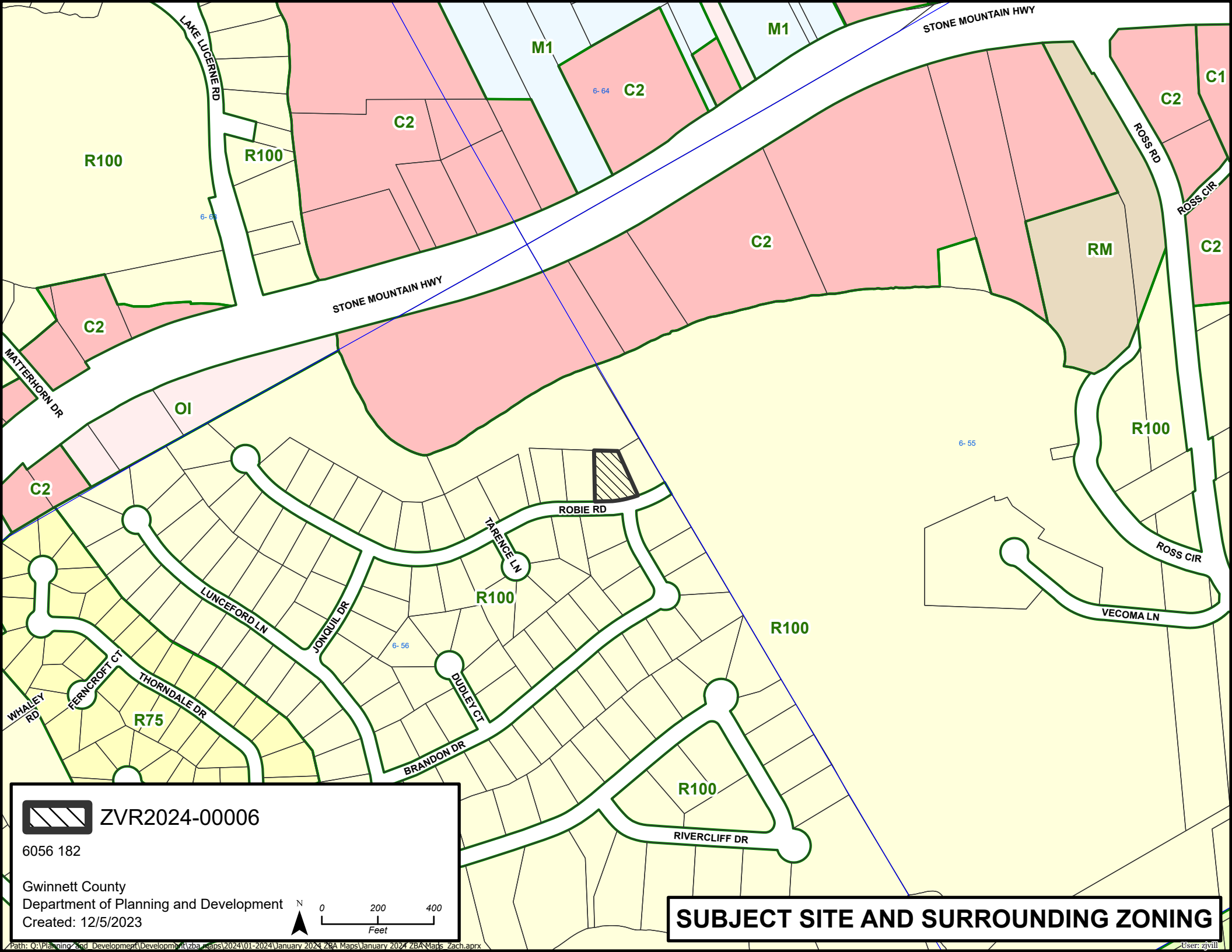
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Gwinnett County  
Department of Planning and Development  
Created: 12/5/2023







 ZVR2024-00006

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Gwinnett County  
 Department of Planning and Development  
 Created: 12/5/2023

**SUBJECT SITE AND SURROUNDING ZONING**