



Zoning Board of Appeals
Tuesday, March 12, 2024, at 6:30pm
Gwinnett Justice and Administration Center
75 Langley Drive, Lawrenceville, GA 30046

- A. Call To Order, Pledge to Flag**
- B. Other Business – Election of Officers**
- C. Opening Remarks by Chairman and Rules of Order**
- D. Approval of Agenda**
- E. Approval of Minutes – February 13, 2024**
- F. Announcements**
- G. New Business**
 - 1. Case Number: **ZVR2024-00007**
Applicant: ADC Scenic, LLC
Owner: VS Holding Company LLC
Contact: Justin Abernathy
Phone Number: 678.858.0415
Zoning: C-2
Location: 1160 Scenic Highway
Map Number: R5086 700
Variance Requested: Allow a second primary ground sign
Commission District: (3) Watkins
 - 2. Case Number: **ZVR2024-00008**
Applicant: ADC Scenic, LLC
Owner: VS Holding Company LLC
Contact: Justin Abernathy
Phone Number: 678.858.0415
Zoning: C-2
Location: 1160 Scenic Highway
Map Number: R5086 700
Variance Requested: Wall sign to exceed maximum square footage
Commission District: (3) Watkins

3. Case Number: **ZVR2024-00015**
Applicant: ADC Scenic, LLC
Owner: VS Holding Company LLC
Contact: Justin Abernathy
Phone Number: 678.858.0415
Zoning: C-2
Location: 1160 Scenic Highway
Map Number: R5086 700
Variance Requested: Decrease stacking space requirement for drive-through
Commission District: (3) Watkins
4. Case Number: **ZVR2024-00013**
Applicant/Owner/Contact: Elizabeth Galvin
Phone Number: 678.858.0415
Zoning: R-100
Location: 2044 Poplar Ridge
Map Number: R7004 053
Variance Requested: Side yard setback encroachment
Commission District: (3) Watkins
5. Case Number: **ZVR2024-00014**
Applicant: Cherokee Growth, LLC
c/o Mahaffey Pickens Tucker, LLP
Owner: Multiple
Contact: Shane Lanham
Phone Number: 770.232.0000
Zoning: C-2
Location: 3466 and 3476 Fence Road
704 and 751 Auburn Road
Map Number: R2002 190, 136, 144, 040, and 036
Variance Requested: Exceed maximum parking
Commission District: (4) Holtkamp

H. OTHER BUSINESS

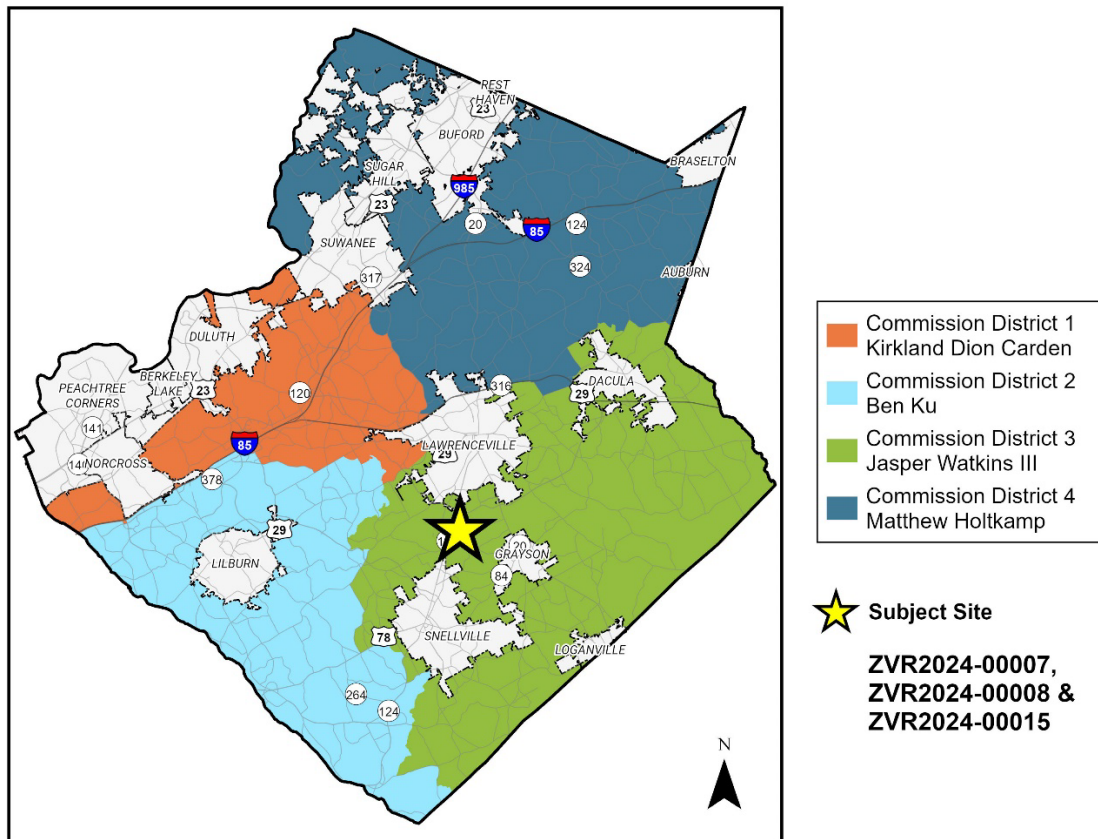
I. ANNOUNCEMENTS

J. ADJOURNMENT

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2024-00007
Request: Variance to exceed the maximum number of ground signs
Case Number: ZVR2024-00008
Request: Variance to exceed the maximum size of wall signage
Case Number: ZVR2024-00015
Request: Variance from drive-through lane stacking space standard

Address: 1160 Scenic Highway
Map Number: R5086 700
Zoning: C-2 (General Business District)
Site Area: 1.18 acres
Proposed Development: Restaurant with drive-through
Commission District: District 3 – Commissioner Watkins/Timler
Character Area: Community Node



Applicant: ADC Scenic, LLC
1505 Lakes Parkway, suite 190
Lawrenceville, Georgia 30043

Owners: VS Holding Company, LLC
1160 Scenic Highway
Lawrenceville, Georgia 30045

Contact: Justin Abernathy

Contact Phone: 678.858.0415

Zoning History

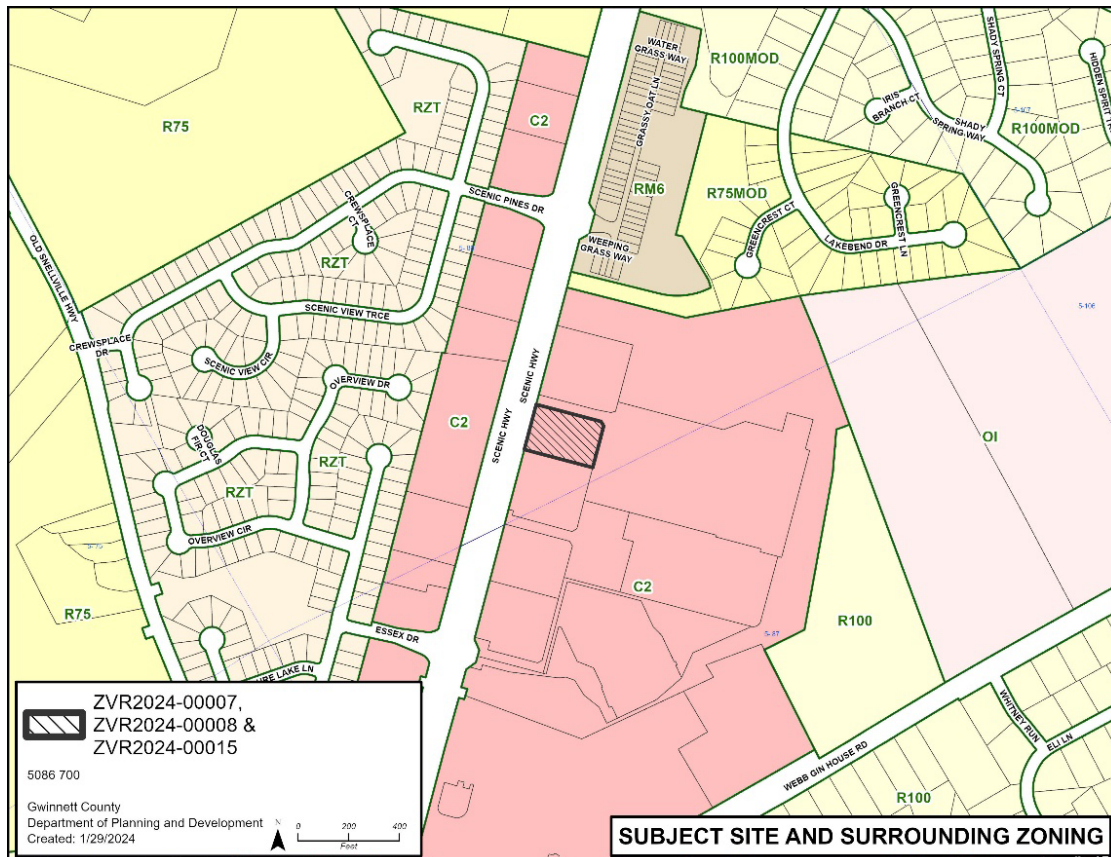
The subject property is zoned C-2 (General Business District). The property was rezoned from R-100 (Single-Family Residence District) to C-2 in 2007, pursuant to RZC-07-044.

Existing Site Condition

The subject site is a 1.18-acre property located on Scenic Highway, north of its intersection with Webb Gin House Road. The property is an outparcel of the Snellville Exchange shopping center. The site is accessed by an internal shared driveway from Scenic Highway. There is a landscape strip and sidewalk located along the Scenic Highway frontage.

Surrounding Use and Zoning

The subject site is surrounded by commercial uses. There is a furniture store to the north, a restaurant to the south, and a movie theater to the east of the property. Across Scenic Highway to the west is a fitness center. The following is a summary of the surrounding uses and zoning:



Location	Land Use	Zoning
Subject Property	Commercial	C-2
North	Commercial	C-2
East	Commercial	C-2
South	Commercial	C-2
West	Commercial	C-2

Project Summary

The applicant is proposing a restaurant with a drive-through, including:

- A 5,039 square foot restaurant with 34 parking spaces.
- A 68.27 square-foot second primary ground sign, interior to the development, on the east side of the building.
- A total of 1,086 cumulative square feet of wall signage, including three signs on the north of the building, one on the east, one on the west, and building wrap graphics on the west and south sides of the building.
- Two stacking lanes for the drive-through with four stacking spaces provided in one lane and five stacking spaces in the other lane.

Zoning and Development Standards, and Variances Requests

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

1. **Section 78-113A.1.** The quantity permitted for primary ground signs for an individual establishment on an individual non-residential lot is one sign structure per road frontage.
 - The applicant requests a variance to allow a second primary ground sign interior to the development.
2. **Section 78-113A.1.** Walls signs for an individual establishment on an individual non-residential lot with Gross Building Elevation Area: 2,501 – 15,000 square feet: 120 square feet
 - The applicant requests a variance to allow five wall signs and building wrap with graphics for a cumulative square footage of 1,086 square feet of wall signage.
3. **Section 240-80.2A.** Each drive-through lane shall provide adequate stacking space for a minimum of five cars per lane outside of the required through-lane providing circulation around the building or service facility.
 - The applicant requests a variance to allow four stacking spaces in one of the two drive-through lanes. The other stacking lane provides five stacking spaces.

Staff Recommended Condition

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

1. The location and size of the signs shall be in general conformance with Exhibit B: Site Plan and Exhibit C: Sign Elevations, dated received January 26, 2024.

Exhibits:

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

Exhibit A: Site Visit Photos



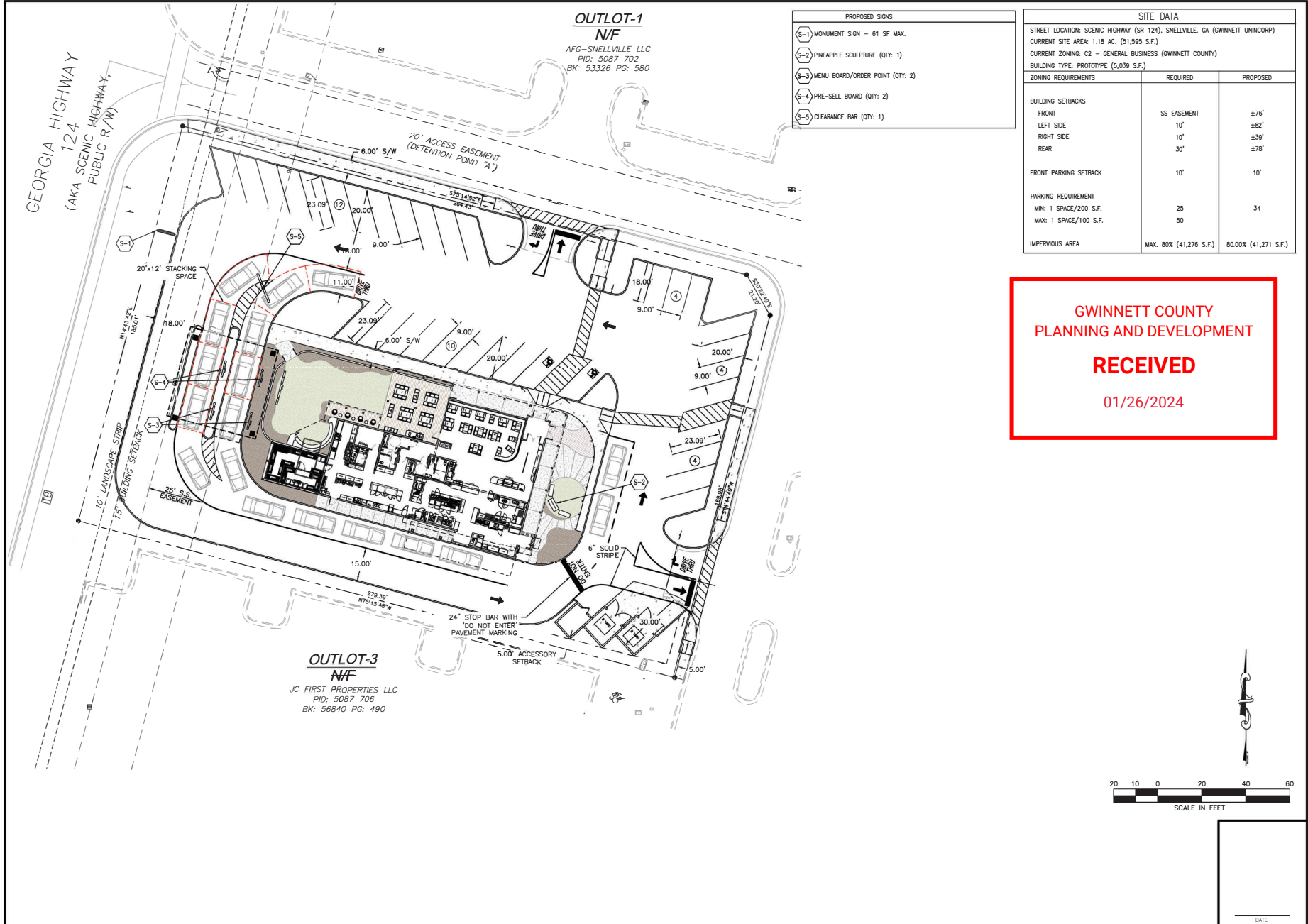
View of property from Scenic Highway



North view of property

Exhibit B: Site Plan

[attached]



**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

RECEIVED

 01/26/2024

--	--	--	--

NO.	DATE	DESCRIPTION

AXIS
INFRASTRUCTURE

70 DANIELLE LN., SUITE 200
SNELLVILLE, GA 30076
PHONE: 678.395.8920

SITE INTERIOR SIGNAGE PLAN

PROJECT NAME: HELLO HILO
1100 SCENIC HIGHWAY, SNELLVILLE, GA 30045

SCALE: IFG

PROJECT NO.: AVI02300274	PROJ. MGR:
DATE: 1/25/24	DRWN. BY: -
SCALE: AS NOTED	CHKD. BY: -
DRAWING SERIES: SITE	
SHEET NO. SIGN 1	

Exhibit C: Sign Elevations

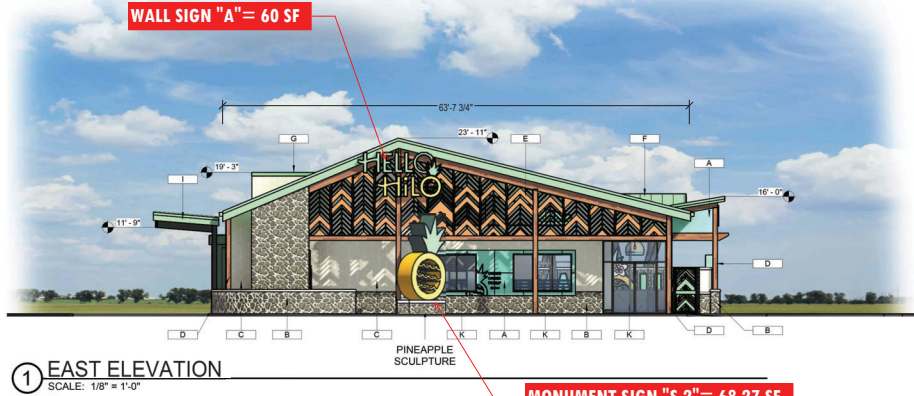
[attached]

RECEIVED

01/26/2024

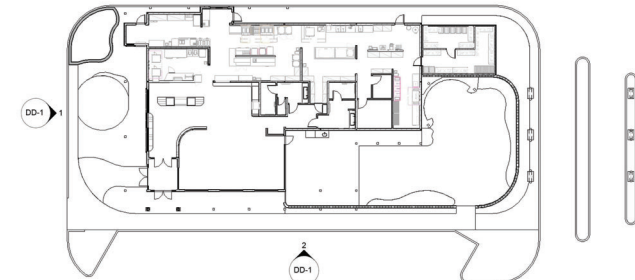


EXHIBIT "B"



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

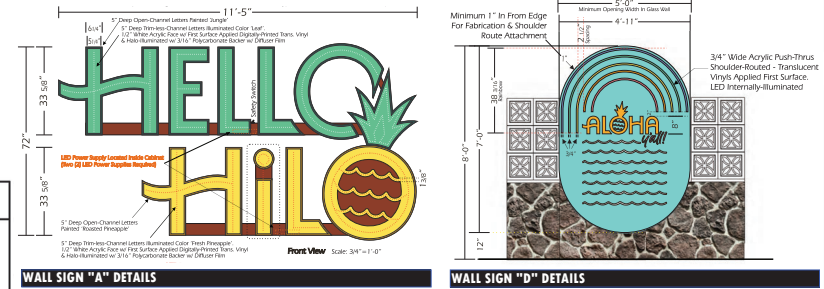
MONUMENT SIGN "S-2" = 68.27 SF
(PINEAPPLE SCULPTURE)
SEE SITE SIGNAGE SHEET



3 KEY PLAN
SCALE: 1" = 20'-0"

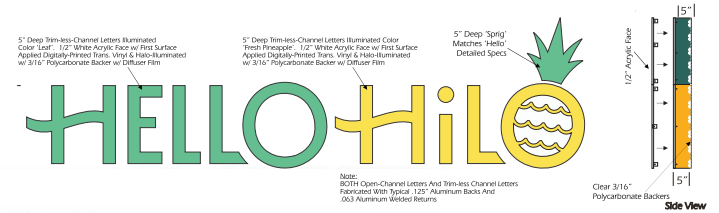
MATERIAL TAG	
A:	EIFS - SMOOTH FINISH PAINTED 'OCEAN'
B:	STONE - DARK GRAY FLAG STONE WITH BUFF MORTAR
C:	EIFS - STO CAST FINISH WITH HEX PATTERN PAINTED 'WHITE DUCK'
D:	WOOD - STAINED CEDAR POSTS AND BEAMS
E:	METAL PANEL - LASER CUT TO MATCH CEDAR; PAINTED TO MATCH WOOD FINISH
F:	STANDING SEAM - PATINA GREEN

KEY NOTES	
G:	BUILDING WRAP WITH GRAPHICS
H:	SCREEN WALL - STAINED CEDAR POSTS AND SLATS
I:	CANOPY - PREFABRICATED METAL CANOPY BY VENDOR
J:	BREEZE BLOCK PAINTED 'WHITE DUCK'
K:	ALUMINUM STOREFRONT - MATTE BLACK
L:	GLASS SKYLIGHTS
M:	METAL COPING - PATINA GREEN



WALL SIGN "A" DETAILS

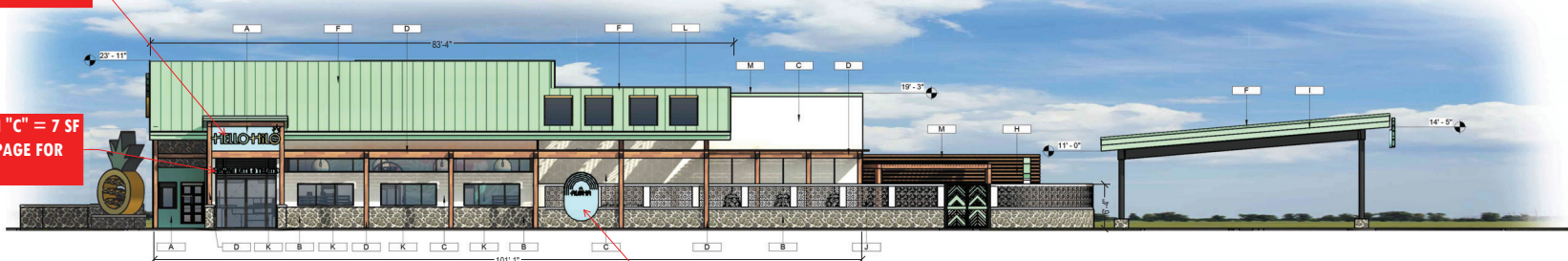
WALL SIGN "D" DETAILS



WALL SIGN "B" DETAILS

WALL SIGN "B" = 18 SF

WALL SIGN "C" = 7 SF
SEE NEXT PAGE FOR
DETAILS



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

WALL SIGN "D" = 30 SF

HELLO HILO RESTAURANT

LOCATION: 1160 SCENIC HIGHWAY N. LAWRENCEVILLE, GA 30045

PAGE TITLE:

SCALE: As indicated

DRAWN BY: MA

DATE: 12/4/2023

SHEET #: DD-1

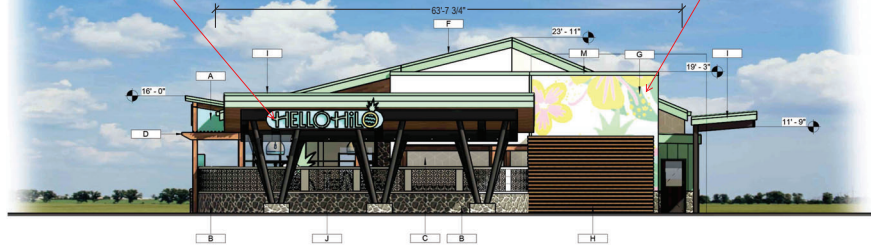
RECEIVED

01/26/2024

EXHIBIT "B"

WALL SIGN "E" = 35 SF

BUILDING WRAP GRAPHICS =
132 SF THIS ELEVATION



1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

MATERIAL TAG

- A: EIFS - SMOOTH FINISH PAINTED 'OCEAN'
- B: STONE - DARK GRAY FLAG STONE WITH BUFF MORTAR
- C: EIFS - STO CAST FINISH WITH HEX PATTERN PAINTED 'WHITE DUCK'
- D: WOOD - STAINED CEDAR POSTS AND BEAMS
- E: METAL PANEL - LASER CUT TO MATCH CEDAR; PAINTED TO MATCH WOOD FINISH
- F: STANDING SEAM - PATINA GREEN

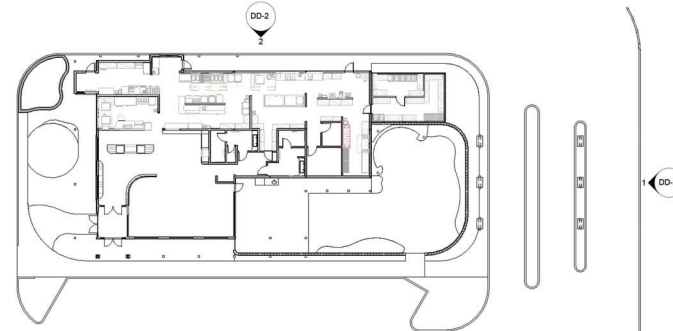
KEY NOTES

- G: BUILDING WRAP WITH GRAPHICS
- H: SCREEN WALL - STAINED CEDAR POSTS AND SLATS
- I: CANOPY - PREFABRICATED METAL CANOPY BY VENDOR
- J: BREEZE BLOCK PAINTED 'WHITE DUCK'
- K: ALUMINUM STOREFRONT - MATTE BLACK
- L: GLASS SKYLIGHTS
- M: METAL COPING - PATINA GREEN

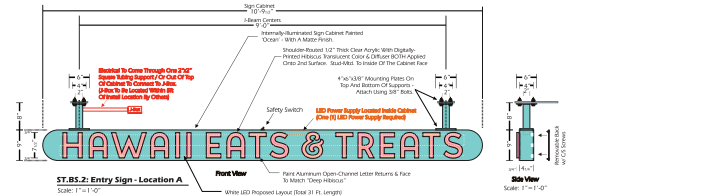
BUILDING WRAP GRAPHICS =
804 SF THIS ELEVATION
936 SF TOTAL AREA



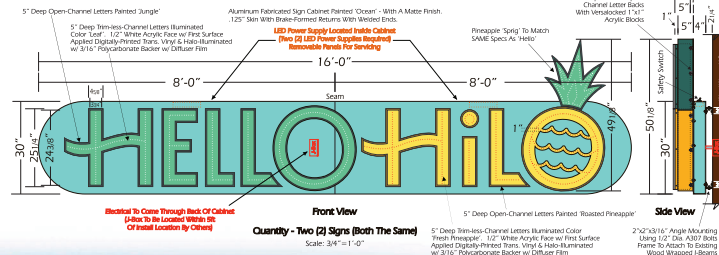
2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 KEY PLAN
SCALE: 1" = 20'-0"



WALL SIGN "C" DETAILS



WALL SIGN "E" DETAILS



HELLO HILO RESTAURANT

1160 SCENIC HIGHWAY N. LAWRENCEVILLE, GA 30045

PAGE TITLE:

SCALE: As indicated

DRAWN BY: MA

DATE: 12/4/2023

SHEET #: DD-2

Exhibit D: Letter of Intent and Standards for Granting Variances

[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

01/26/2024

LETTER OF INTENT FOR VARIANCE APPLICATION OF SNELLVILLE EXCHANGE SHOPPING CENTER

The Applicant, ADC Scenic, LLC, submits the attached Variance Application for the purpose of requesting a variance to the requirements of the Gwinnett County Sign Ordinance and Unified Development Ordinance (the “UDO”). The requested variances relate to the proposed number of Primary Ground Signs, maximum sign area for wall signs, and to the minimum stacking space for a drive-thru for a Hello Hilo restaurant to be located at 1160 Scenic Highway Lawrenceville, GA 30045 further identified as Outlot 2 on the attached subdivision plat (the “Property”). The Property is currently zoned C2. Specifically, the Applicant requests the approval of the following variances:

- *In reference to Section 78-113 of the Gwinnett County Sign Ordinance, Applicant requests a variance to allow for two (2) Primary Ground Signs, as well as to increase the maximum sign area for a wall sign.*
- *In reference to Section 240.80-2(A) of the Gwinnett County UDO, Applicant requests a variance to allow for a drive-thru lane that provides stacking space for a minimum of four (4) cars per lane.*

The Applicant respectfully requests: (i) the ability to implement a second Primary Ground Sign, in accordance with the plan and elevation attached hereto as Exhibit “A” (the “Site Plan”), on the interior of the development, (ii) to increase the maximum sign area of 120 square feet for a wall sign to 1,086 square feet in accordance with the elevations attached hereto as Exhibit “B”, and (iii) to design the site in general accordance with the Site Plan, with a drive-thru lane that provides adequate stacking space for a minimum of four (4) cars per lane. The Applicant requests such variances in order that Hello Hilo may design and implement the necessary branding elements synonymous to the Hello Hilo restaurant. Further, relief from Section 240.80-2(A) and the ability to provide stacking spaces for a minimum of four (4) cars, rather than five (5) cars, for the outside drive-thru lane allows the site to be developed in a safe manner where patrons can successfully maneuver around the drive-thru lanes using the bypass lane.

The Applicant and Hello Hilo intend to develop a 5,000+/- square foot Hawaiian themed restaurant with Hawaii-inspired cuisine and hospitality. As part of the development and branding of Hello Hilo, the walls will incorporate images and artistry showcasing the spirit of Hawaii, which conveys the spirit of Aloha and

makes guests feel welcome and part of the Ohana, or family. Additionally, the lit pineapple art feature, that is the subject of the variance for a second Primary Ground Sign will not be visible from Scenic Highway, will welcome and guide customers to the entrance.

The Hello Hilo Aloha spirit is the inspiration behind the Hello Hilo brand. Should the Applicant be limited in their ability to incorporate the signage as requested herein or design the site in general accordance with the Site Plan, the Applicant and Hello Hilo would suffer undue hardship in the inability to incorporate the necessary Hello Hilo branding elements or provide a safe and accessible drive-thru experience, which would be detrimental to the development of a Hello Hilo restaurant. To satisfy the requirements of Georgia law, the Applicant notes that the denial of the application or approval with conditions not approved by the Applicant would violate the Applicant and Owner's constitutional rights protected by the U.S. and Georgia Constitutions. The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or the Variance Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 25th day of January 2024.

ADC SCENIC, LLC



Justin Abernathy, Applicant



RECEIVED

01/26/2024

Standards for Granting Variances:

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

a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: Yes. Due to the size shape of the property the Applicant and user could not develop the site with the user's signage or branding without the requested variances.

b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: Yes. Due to the existing conditions and surrounding developments, the Applicant and user would suffer an undue hardship that would be detrimental to the user if they could not implement their signage which is a branding element unique to the user in its operation.

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. The surrounding operators have previously developed and implemented their design and established branding elements. Should the Applicant not be granted such relief, they would suffer an undue hardship that would be detrimental to their ability to operate.

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 existing Gwinnett County Sign Ordinance which would create an undue hardship that would be detrimental to the Applicant and the proposed operation as it would prohibit the branding element synonymous to the proposed use.

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. Granting the variance would not impair or injure other properties or improvements within the commercial development.

f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: Yes. The requested variance is the minimum variance the Applicant and user would need to implement their branding element which is necessary for the development.


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. The variance desired meets the intent of the Gwinnett County Sign Ordinance which is intended to govern the design, shape, and size of signs which are to be complimentary to surrounding developments.

Exhibit E: Maps

[attached]



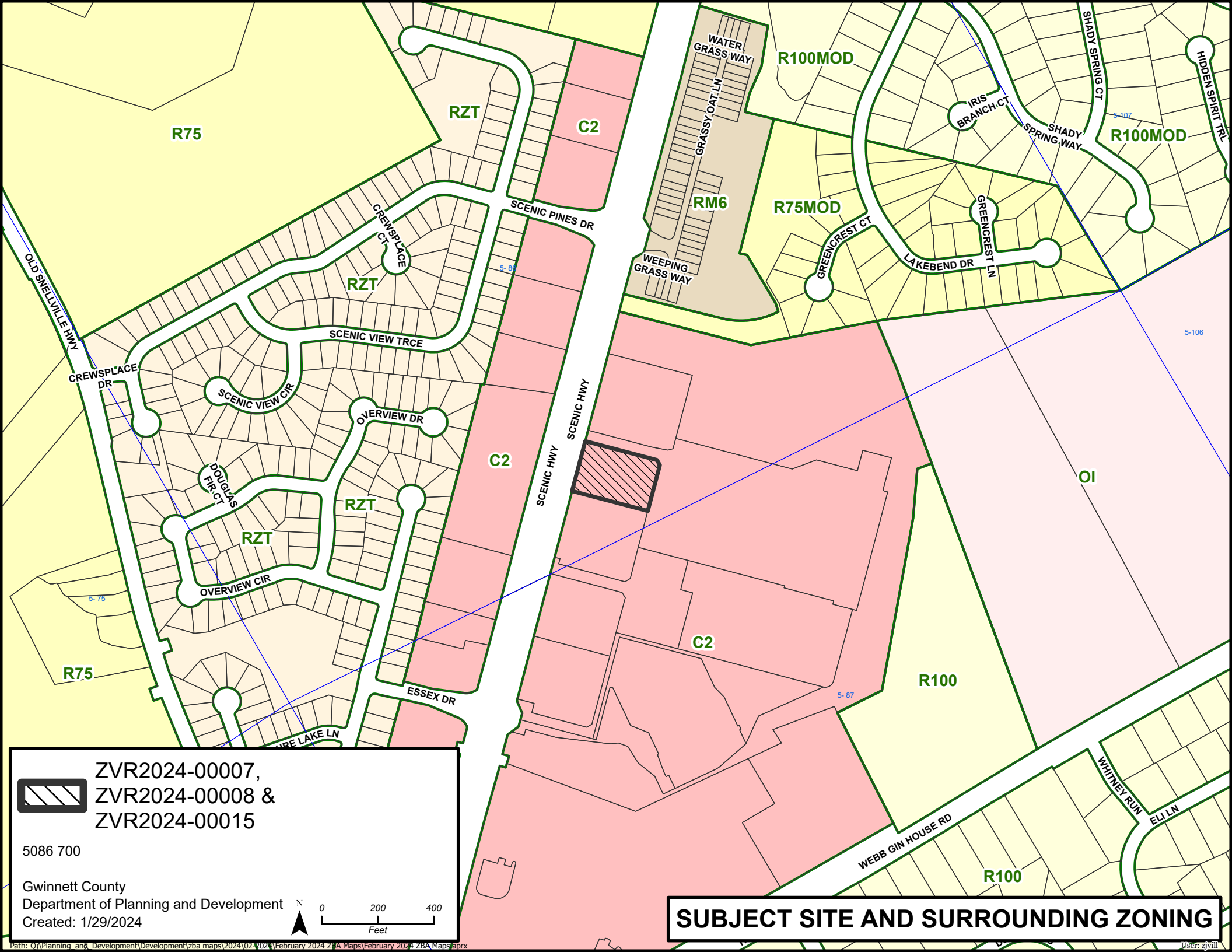
SCENIC HWY
SCENIC HWY


 ZVR2024-00007,
ZVR2024-00008 &
ZVR2024-00015

5086 700

Gwinnett County
Department of Planning and Development
Created: 1/29/2024


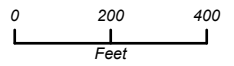
N
0 50 100
Feet




**ZVR2024-00007,
 ZVR2024-00008 &
 ZVR2024-00015**

5086 700

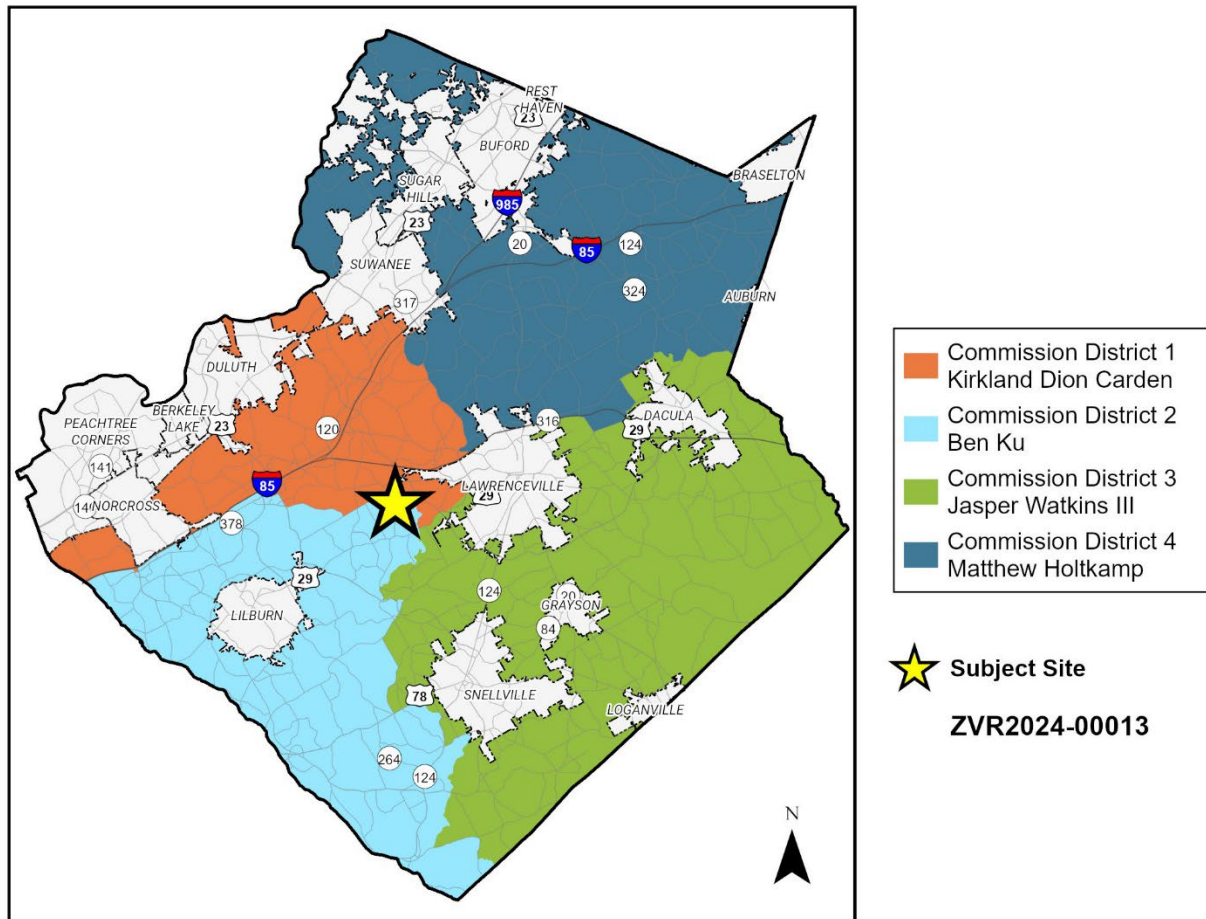
Gwinnett County
 Department of Planning and Development
 Created: 1/29/2024

SUBJECT SITE AND SURROUNDING ZONING

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2024-00013
Request: Variance to encroach into the side yard setback
Address: 2044 Poplar Ridge
Map Number: R7004 053
Zoning: R-100 (Single-Family Residence District)
Site Area: 0.41 acres
Proposed Development: Carport
Commission District: District 1 – Commissioner Carden/Walthour
Character Area: Established Neighborhoods



Applicant: Elizabeth Galvin
2044 Poplar Ridge
Lawrenceville, Georgia 30044

Owner: Elizabeth Galvin
2044 Poplar Ridge
Lawrenceville, Georgia 30044

Contact: Elizabeth Galvin

Contact Phone: 770.265.1259

Zoning History

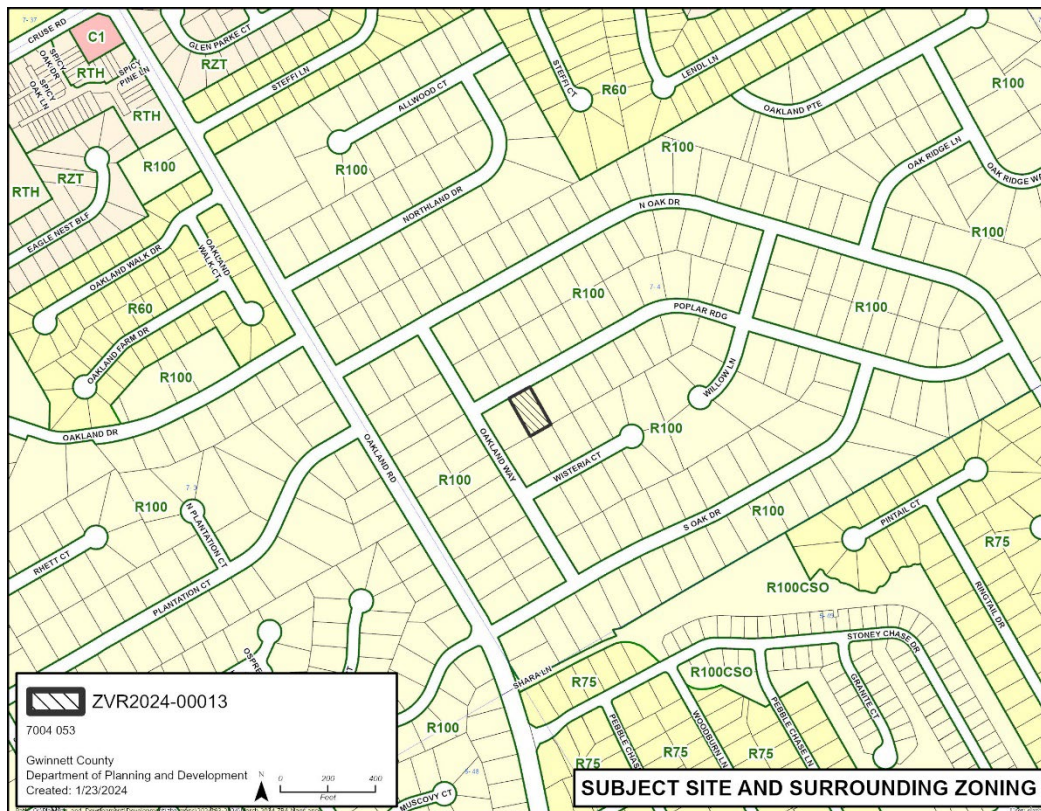
The subject property is zoned R-100 (Single-Family Residence District). There are no prior zoning requests on record for this property.

Existing Site Condition

The subject site is a 0.41-acre property located on Poplar Ridge, east of its intersection with Oakland Way in the Oakland North subdivision. The property contains a one-story residence constructed in 1972, with an accessory structure located in the rear yard. The site is accessed by a concrete driveway. There is a 10-foot-wide drainage easement along the rear property line and there are no sidewalks along Poplar Ridge.

Surrounding Use and Zoning

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



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

Project Summary

The applicant proposes a carport including:

- A wooden 10'x 30' carport extending off of the western side of the residence.
- Roof material to match existing residence.
- A wooden 6-foot-tall privacy gate to enclose the carport.
- A notice of violation was issued by Code Enforcement in July 2023, for work done without a permit (COM2023-00116).

Zoning and Development Standards, and Variance Request

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

1. **Section 210-120:** Dimensional Standards for Base Residential Zoning Districts. R-100 minimum side setback is 10 feet.
 - The applicant requests a variance to allow an 8-foot encroachment into the side yard setback.

Staff Recommended Condition

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

1. The roof addition/carport shall be in general conformance with Exhibit B: Site Plan dated received February 28, 2024.
2. The carport shall be greater than 2 feet from the property line.

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 residence from Poplar Ridge



View of carport/roof addition

Exhibit B: Site Plan

[attached]

RECEIVED

2/28/2024

POPLAR RIDGE



1" = 20'

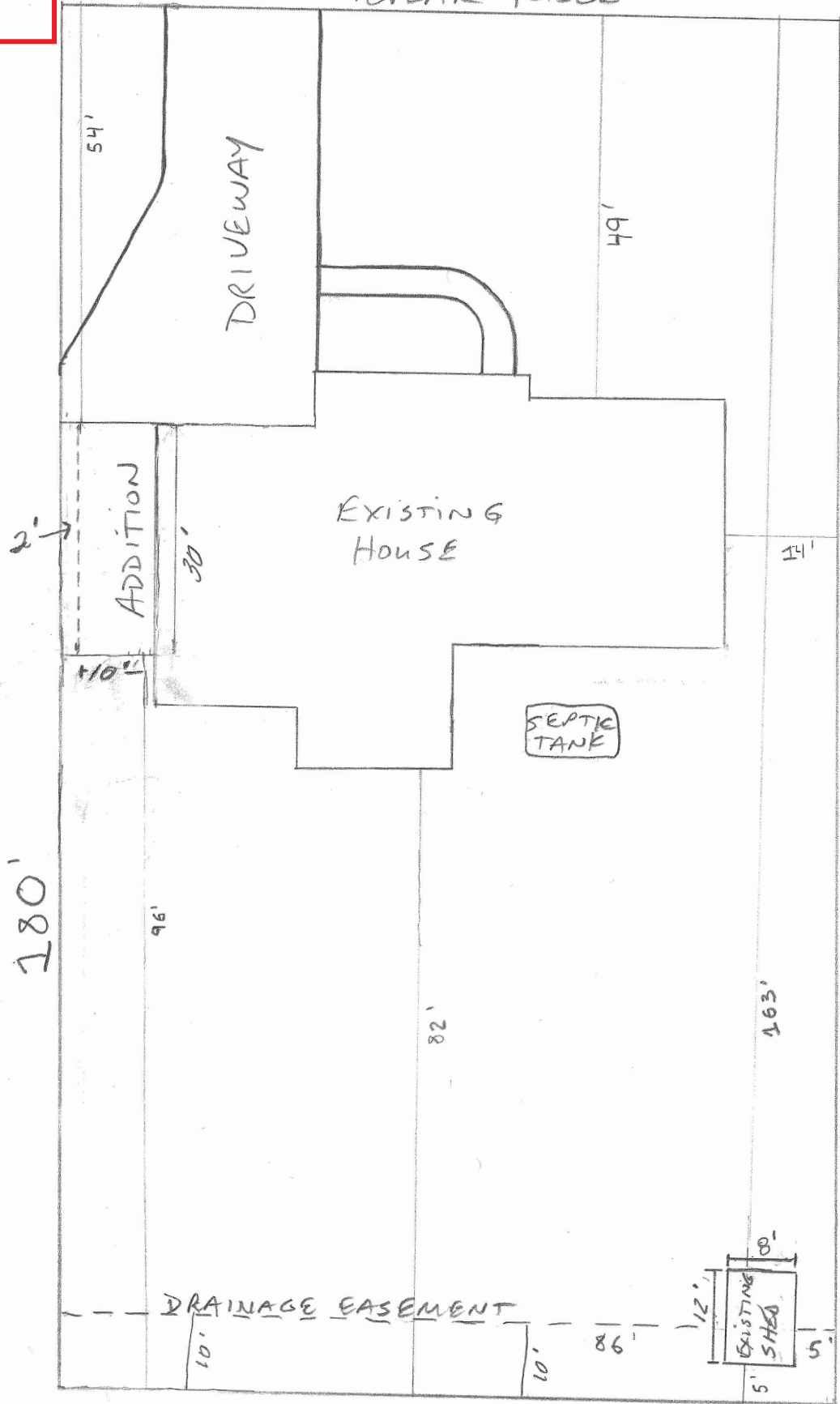


Exhibit C: Letter of Intent and Standards for Granting Variances

[attached]

RECEIVED

1/18/2024

January 5, 2024

Letter of Intent

To whom it may concern:

I live in and own 2044 Poplar Ridge, Lawrenceville GA 30044. I wish to add a covered carport on the side of my house. It will encroach into the side yard setback and will require a side yard setback variance.

The structure will match the existing roof line and be open air with no walls excluding the existing house. The structure will be constructed with 6x6 posts attached to a concrete parking pad. It will have white gutters and be painted the existing color of the house. The roof will be shingles. The carport will not protrude past the existing front yard building line.

There is one large oak tree on my property and one large oak tree in my neighbors yard in the area the variance is being requested. The intent of the carport is to offer protection from the oak tree limbs, leaves, acorns, sap and weather for one of my vehicles. There is an existing privacy fence/gate facing the street side.

The variance request is within the general spirit appearance of the neighborhood. It will not affect any daylight or visibility to my neighbor. The distance between my neighbors house and the newly constructed carport will be 28 feet. There is an existing privacy fence between the two properties where the requested carport is to be constructed.

Thank you for your time and consideration on this project.

Regards,



Libby Galvin

770-265-1259

Dogdolphincat@yahoo.com

RECEIVED

1/18/2024

Standards for Granting Variances:

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

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: yes, encroachment on side setbacks
- 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: I have large oak trees in backyard & one in my neighbor's yard
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: common request
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: yes, UDO requires accessory building setback & I am encroaching
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: no
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: yes 375' sq/ft addition on a 18,000 sq/ft parcel. Will match existing exterior & colors.
- 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]



POPLAR RDG

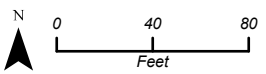
OAKLAND WAY

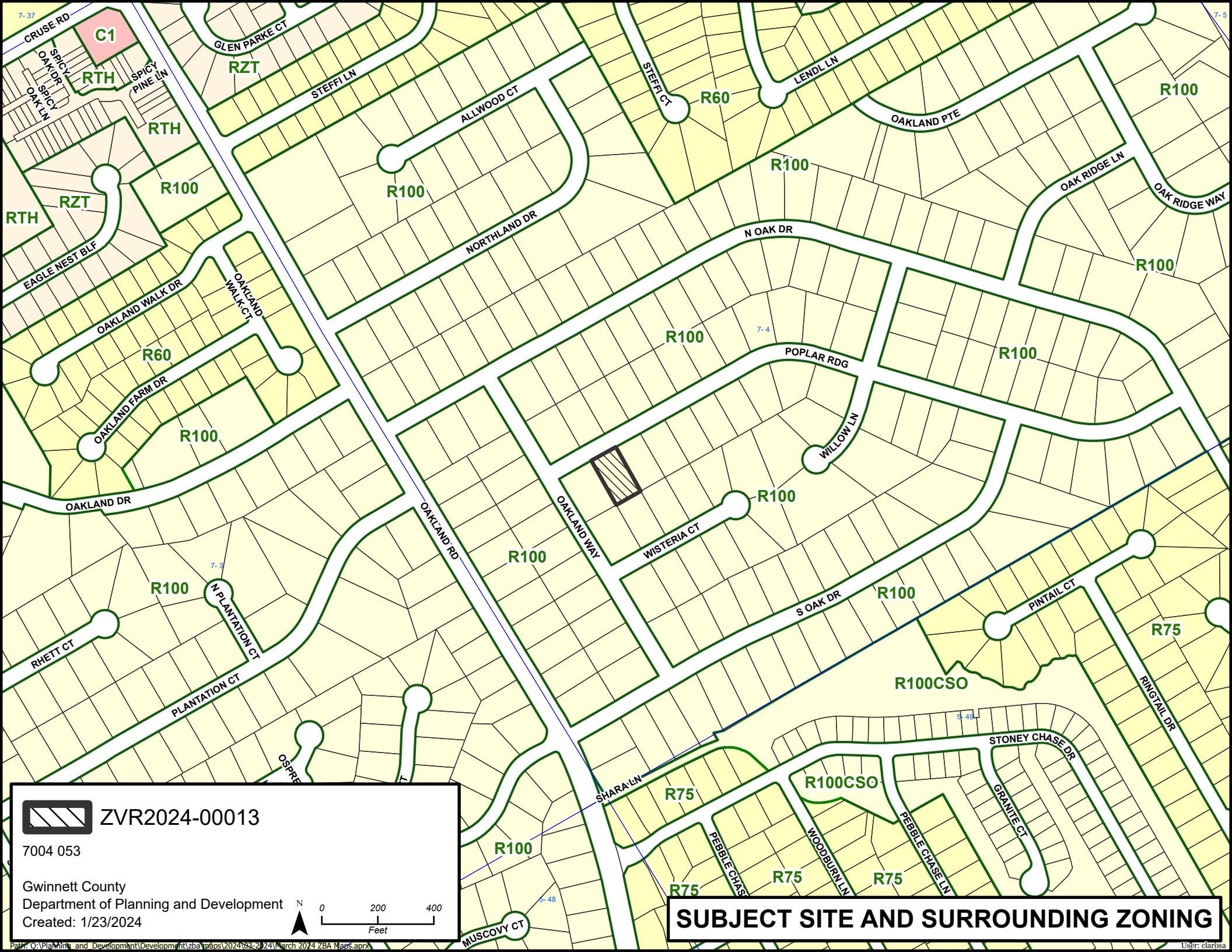
WISTERIA CT

 ZVR2024-00013

7004 053

Gwinnett County
Department of Planning and Development
Created: 1/23/2024

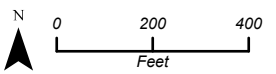




ZVR2024-00013

7004 053

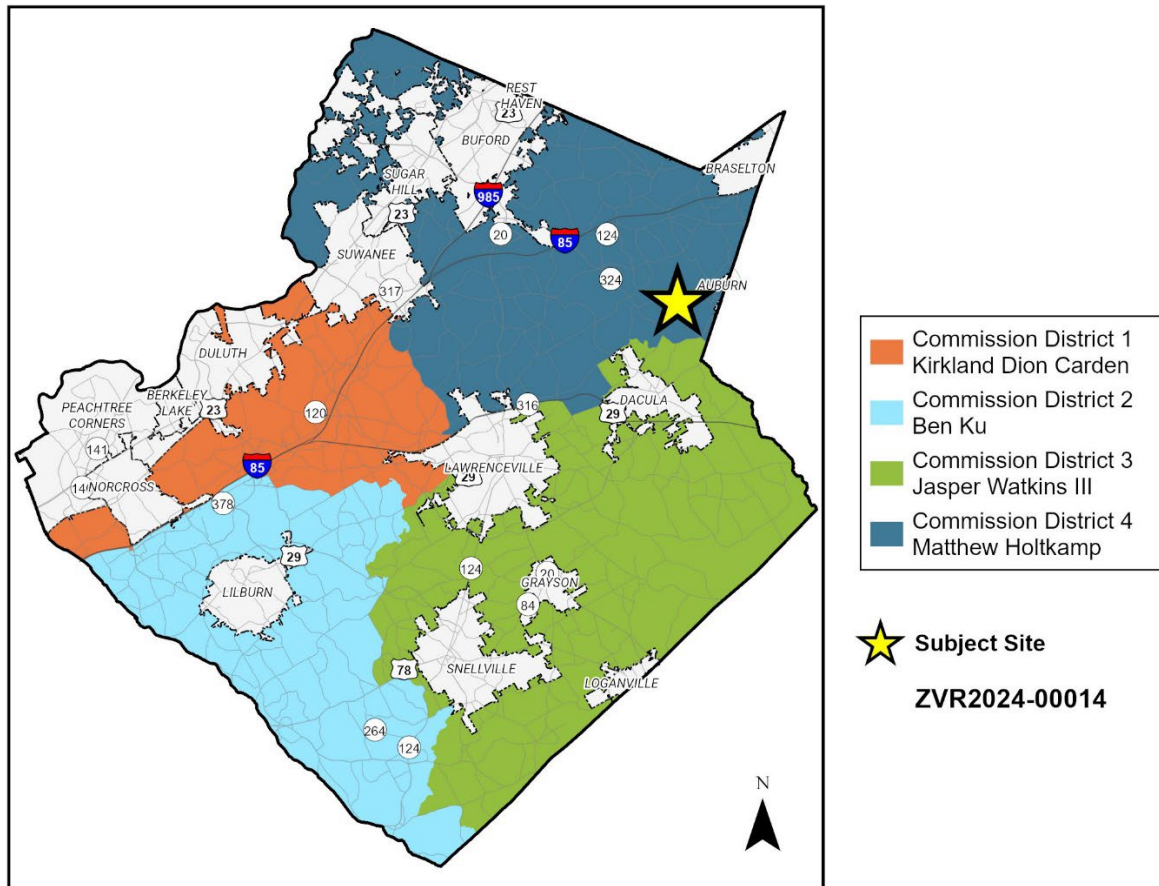
Gwinnett County
 Department of Planning and Development
 Created: 1/23/2024



SUBJECT SITE AND SURROUNDING ZONING

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2024-00014
Request: Variance to exceed the maximum number of parking spaces
Addresses: 3466 and 3476 Fence Road, 704 and 751 Auburn Road
Map Numbers: R2002 036, 040, 136, 144, and 190
Zoning: C-2 (General Business District)
Site Area: 4.16 acres
Proposed Development: Medical Office
Commission District: District 4 – Holtkamp/Rumbaugh
Character Area: Emerging Suburban



Applicant: Cherokee Growth, LLC
c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, GA 30097

Owners: Huang Su-Tzu
2822 Salem Oak Way
Duluth, GA 30096

Margie C. Maddox and Brittanni Bostick
3466 Fence Road
Dacula, GA 30019

Contact: Shane Lanham

Contact 770.232.0000
Phone:

Zoning History

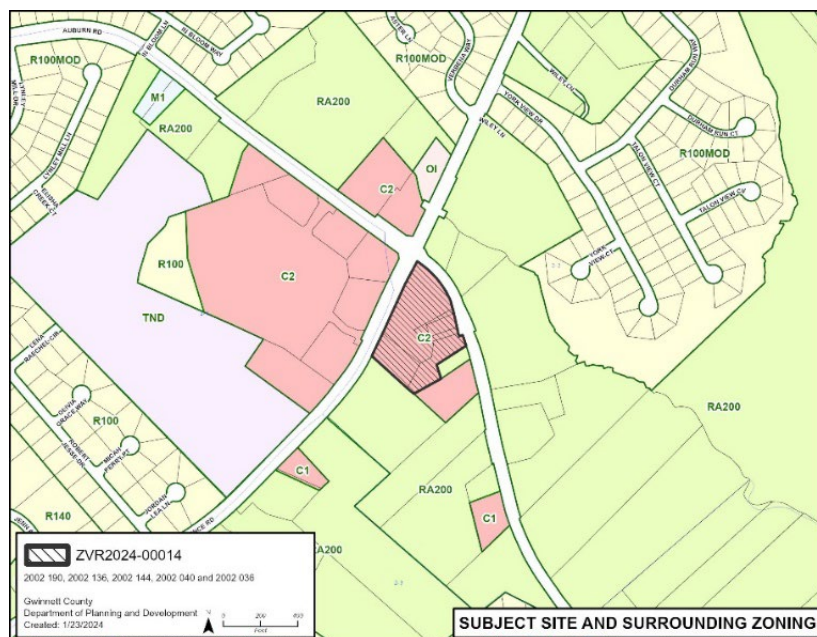
The subject property is zoned C-2 (General Business District). The property was rezoned from RA-200 (Agriculture-Residence District) to C-2 in 2007, pursuant to RZC-07-038. The property is located within the Highway 124/324/Hamilton Mill Road Overlay District.

Existing Site Condition

The subject site is a 4.16-acre assemblage of five parcels located at the intersection of Fence Road and Auburn Road. The site is currently vacant. A single-family residence was recently demolished. There are two existing driveway entrances, one on Fence Road and one on Auburn Road. No sidewalks exist on either Auburn Road or Fence Road. There are no streams or floodplain on the property.

Surrounding Use and Zoning

The subject site is surrounded by commercial and single-family uses. Across the intersection to the north are undeveloped parcels. There is a single-family residence across Auburn Road and to the south of the site. Across Fence Road to the west is a multi-tenant shopping center with retail uses and a convenience store with fuel pumps. The following is a summary of the surrounding uses and zoning:



Location	Land Use	Zoning
Subject Property	Office	C-2
North	Undeveloped	C-2
East	Single-Family Residential	RA-200
South	Single-Family Residential	RA-200
West	Commercial	C-2

Project Summary

The applicant proposes an office development, including:

- A 14,000-square-foot medical office with 24 exam rooms.
- A total of 93 parking spaces for 35 employees and approximately 60 patients.
- Access driveways on both Fence Road and Auburn Road.
- Replacing the assemblage into three parcels.

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 240.1: Minimum and Maximum Parking Requirements. Office (medical) minimum number of parking spaces shall be 1 space per 500 square feet and the maximum shall be 1 space per 250 square feet.

- The applicant requests a variance to allow an increase of 37 parking spaces from the maximum allowed number of parking spaces (56).

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 January 23, 2024.
2. This variance will only pertain to Outparcel A as shown on Exhibit B: Site Plan, dated received January 23, 2024.

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 existing driveway on Fence Road



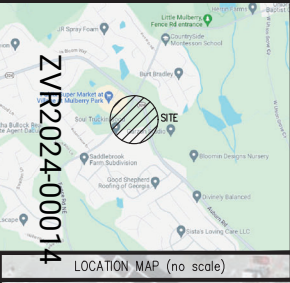
View of property from the intersection of Fence Road and Auburn Road



View of existing driveway on Auburn Road

Exhibit B: Site Plan

[attached]



GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
01/23/2024

SITE DATA:

LAND LOT 79
5TH DISTRICT OF GWINNETT COUNTY
ADDRESS: 3468 FENCE ROAD
DUBLIN, GEORGIA 30099

SITE ADDRESS: 4.159 AC (181,84 S.F.)

ZONING: C-2 (HAMILTON MILL OVERLAY DISTRICT)

SETBACKS:
FRONT: 15'
SIDE: 10'
REAR: 30'

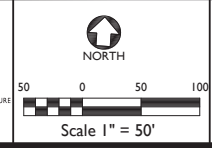
PROPOSED USES:
TRACT A: 1.77 AC
MEDICAL OFFICE BUILDING
14,000 S.F.

PROPOSED PARKING: 83 SPACES (1-150 S.F.) VARIANCE REQUESTED

OUTPARCEL B: 0.76 AC.
OUTPARCEL C: 1.33 AC.



8 of 15



PRELIMINARY SITE PLAN

FENCE ROAD MEDICAL

GWINNETT COUNTY, GEORGIA

PROJECT INFORMATION	
PROJECT NO:	23-4977.00
DATE:	JANUARY 19, 2024
SCALE:	1" = 50'
FILE NAME:	23-4977P02.dwg
DESIGN/DRAWN:	SLR/slr

Exhibit C: Letter of Intent and Standards for Granting Variance

[attached]

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



Julia A. Maxwell
Jeffrey R. Mahaffey
Steven A. Pickens
Jack M. Ryan
Gabrielle H. Schaller
S. Tess Shaheen
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 Cherokee Growth, LLC (the “Applicant”), relating to a proposed development of an approximately 4.16-acre assemblage of land (the “Property”) located along Fence Road at its intersection with Auburn Road (State Route 324). The Property is zoned C-2 and is located in the Highway 124/324/Hamilton Mill Road Overlay District.

The proposed development would include an approximately 14,000 square foot medical office building with access driveways on both Fence Road and Auburn Road. In order to accommodate the proposed development, the Applicant is requesting a variance from the requirements of the Gwinnett County Unified Development Ordinance (the “UDO”). Specifically, the Applicant is requesting the following variance:

1. UDO §240-20.1 (Table 240.1): a variance to increase the maximum number of parking spaces allowed for a Medical Office from 1 space per 250 square feet of building area to 1 space per 150 square feet of building area. Based on the proposed building area of 14,000 square feet, the UDO would allow a maximum of 56 parking spaces. The requested variance would permit a maximum of 93 parking spaces. As a note, the previous version of the UDO, provided a maximum of 1 parking space per 150 square feet of building area.

The nature of the proposed medical office use demands higher parking counts than are allowed by the UDO. Based on the proposed building’s area of 14,000 square feet, the Applicant

RECEIVED

01/23/2024

anticipates a total of 24 exam rooms in addition to office, administrative, and other operational space. The proposed medical office use would operate at full capacity with 35 employees and approximately 60 patients. Specifically, the operation would include 8 medical providers/doctors, 16 medical assistants, 7 office staff, 2 lab technicians, an X-ray technician, and an office manager. The facility would accommodate 60 patients with 1 patient in each exam room and 36 patients in the lobby or receiving X-rays or lab work. Based on the anticipated number of employees and patients, the Applicant must seek the requested variance in order to provide necessary parking spaces. In essence, a strict interpretation of the UDO would require the Applicant to increase the size of the proposed building by nearly 10,000 square feet in order to provide 93 parking spaces. That is, if the proposed building were 23,250 square feet, then 93 parking spaces would be permitted by the UDO. This additional building area is unnecessary and inefficient. Prudent and thoughtful design, based on actual occupancy dictates that the proposed building should be 14,000 square feet. Additionally, medical offices are often frequented by individuals who are, naturally, seeking medical care and such facilities strive to provide safe, convenient, and efficient parking areas so that patients can easily access the care they need. Unnecessarily restricting the number of parking spaces decreases accessibility to medical care and decreases safety of patients accessing the Property.

The requested variance arises from conditions that are unique and peculiar to the land, structures, and buildings involved. The request is 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. The conditions requiring the requested relief are not ordinarily found in properties of the same zoning district as

RECEIVED

01/23/2024

the subject property. The requests are 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 variances would not impair or injure other property or improvements in the neighborhood in which the subject 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 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 Application filed herewith. The Applicant respectfully requests your approval of the Application.

This 19th day of January, 2024.

Respectfully Submitted,
MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham
Attorneys for the Applicant

Exhibit D: Maps

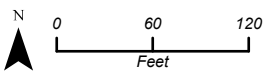
[attached]

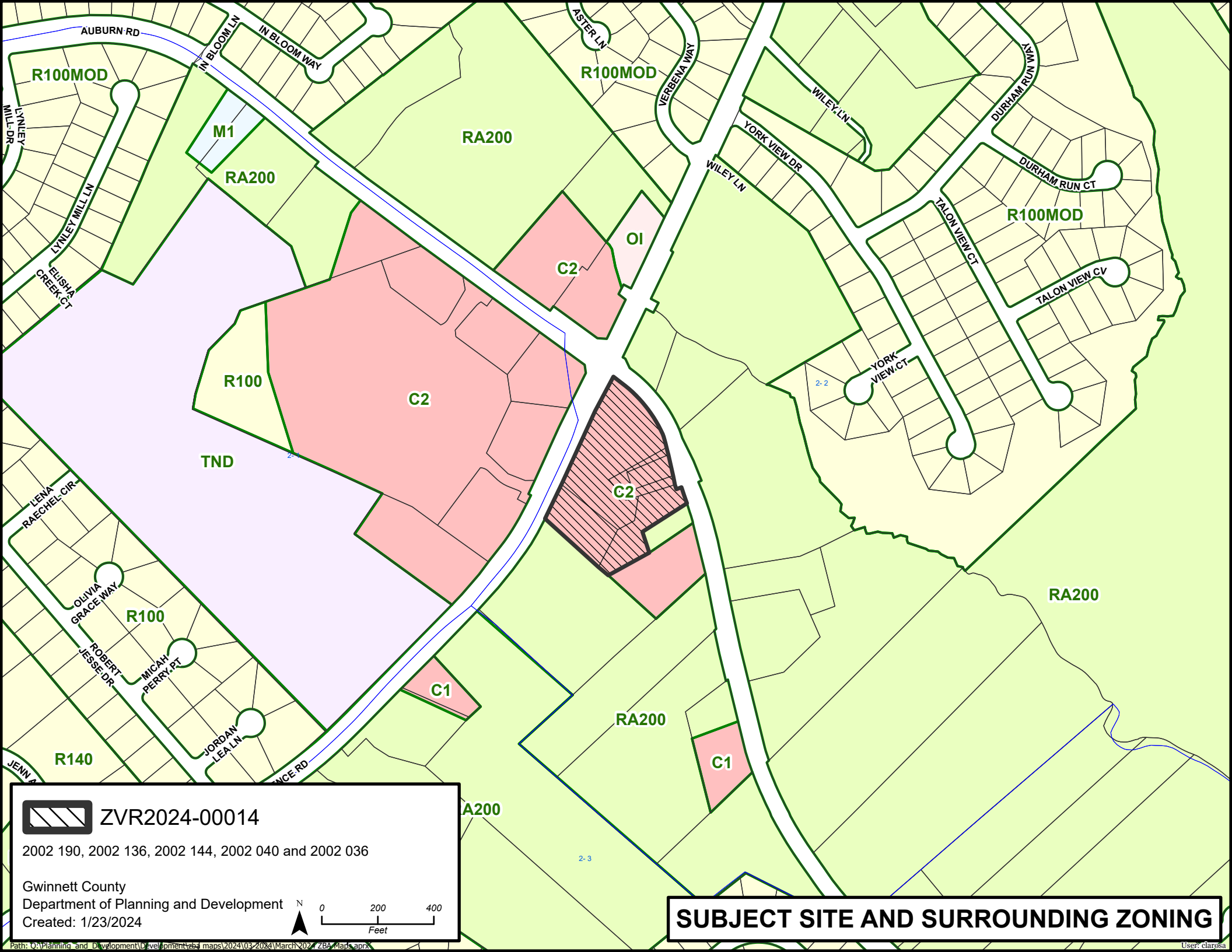



 ZVR2024-00014

2002 190, 2002 136, 2002 144, 2002 040 and 2002 036

Gwinnett County
Department of Planning and Development
Created: 1/23/2024





 ZVR2024-00014

2002 190, 2002 136, 2002 144, 2002 040 and 2002 036

Gwinnett County
 Department of Planning and Development
 Created: 1/23/2024

0 200 400
 Feet

SUBJECT SITE AND SURROUNDING ZONING