



Zoning Board of Appeals
Wednesday, April 10, 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 – March 12, 2024

E. Announcements

F. Old Business

1. Case Number: **ZVR2024-00013 (Public Hearing Held 3/12/2024/Action Tabled to April 10, 2024)**
Applicant/Owner/Contact: Elizabeth Galvin
Phone Number: 678.858.0415
Zoning: R-100
Location: 2044 Poplar Ridge
Map Number: R7004 053
Variance Requested: Side setback encroachment
Commission District: (1) Carden

G. New Business

1. Case Number: **ZVR2024-00016**
Applicant: Satellite Commercial Properties, Inc.
c/o Andersen Tate & Carr
Owner: Satellite Commercial Properties, Inc.
Contact: Melody A. Glouton
Phone Number: 770.822.0900
Zoning: C-2
Location: 2140 Satellite Boulevard
Map Number: R7116 057
Variance Requested: Activity Center Overlay District design requirements
Commission District: (1) Carden

- 2. Case Number: **ZVR2024-00017**
Applicant/Owner/Contact: Perry-Nicholas Isch
Phone Number: 386.523.4325
Zoning: R-100
Location: 1946 High Terrace
Map Number: R6065 174
Variance Requested: Accessory building in the front yard
Commission District: (2) Ku

- 3. Case Number: **ZVR2024-00019**
Applicant/Owner/Contact: Perry-Nicholas Isch
Phone Number: 386.523.4325
Zoning: R-100
Location: 1946 High Terrace
Map Number: R6065 174
Variance Requested: Accessory building with different exterior materials and colors from the primary residence
Commission District: (2) Ku

- 4. Case Number: **ZVR2024-00018**
Applicant/Owner/Contact: Vasyi Soropulov
Phone Number: 404.542.7465
Zoning: R-75
Location: 5116 Falconwood Court
Map Number: R6226 145
Variance Requested: Accessory structure in the front yard
Commission District: (1) Carden

H. OTHER BUSINESS

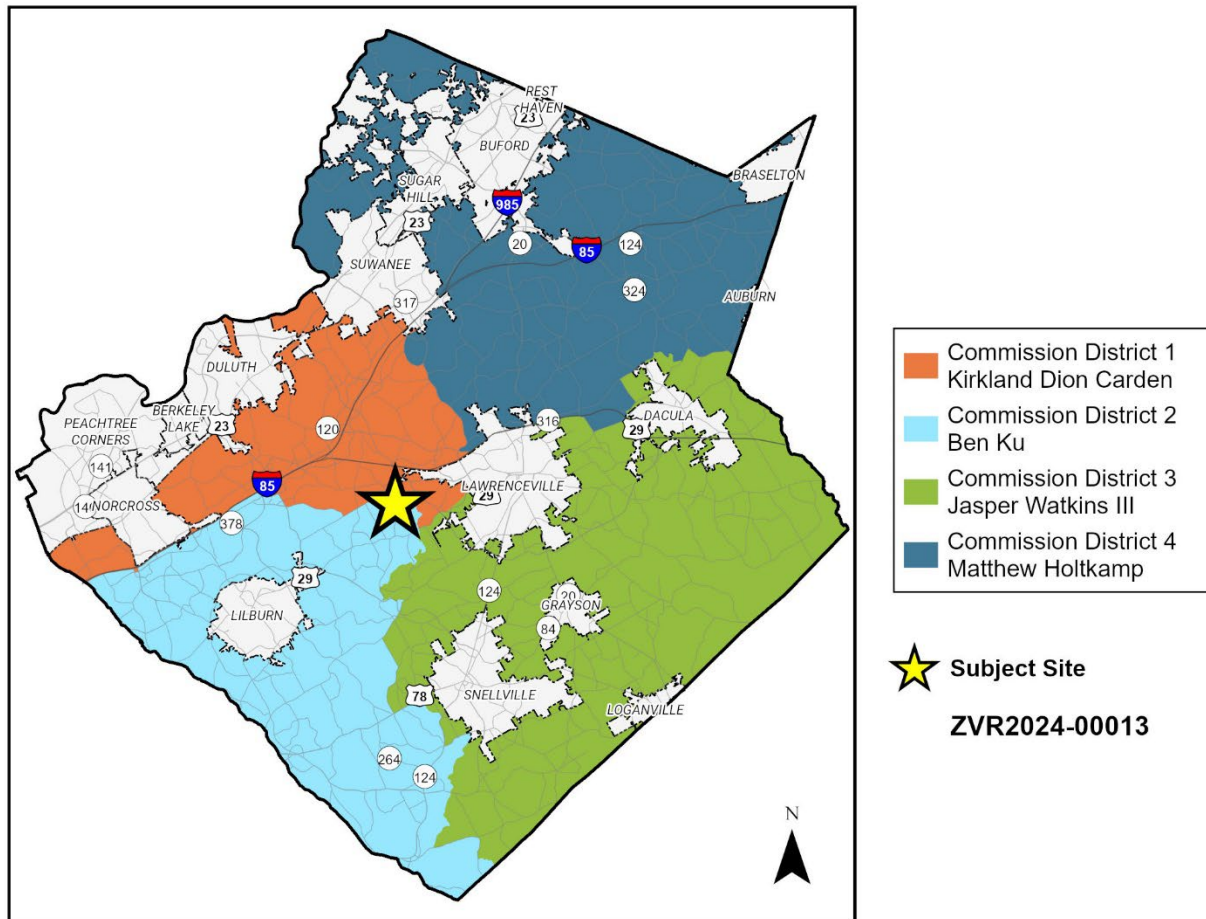
Nomination to Development Advisory Committee

I. ANNOUNCEMENTS

J. ADJOURNMENT

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



Zoning Board of Appeals Advertised Public Hearing Date: 3/12/2024 (Public Hearing Held/Action Tabled to 4/10/2024)

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

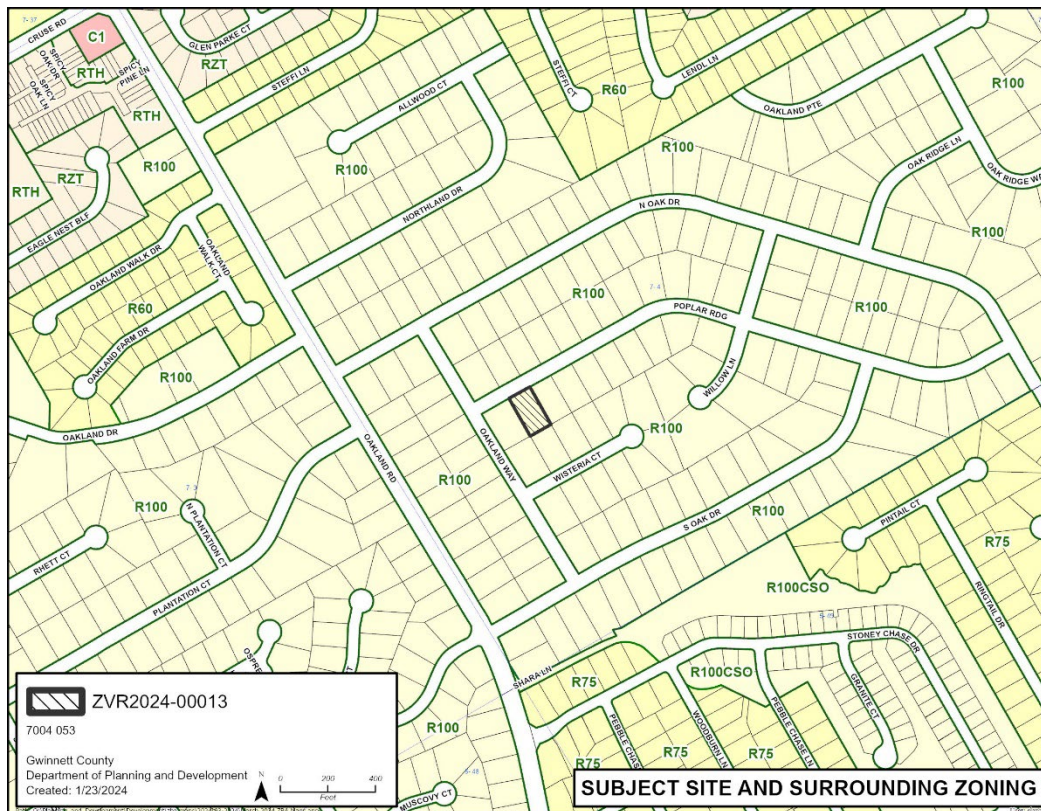
The subject property is zoned R-100 (Single-Family Residence District). There are no prior zoning requests on record for this property.

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'

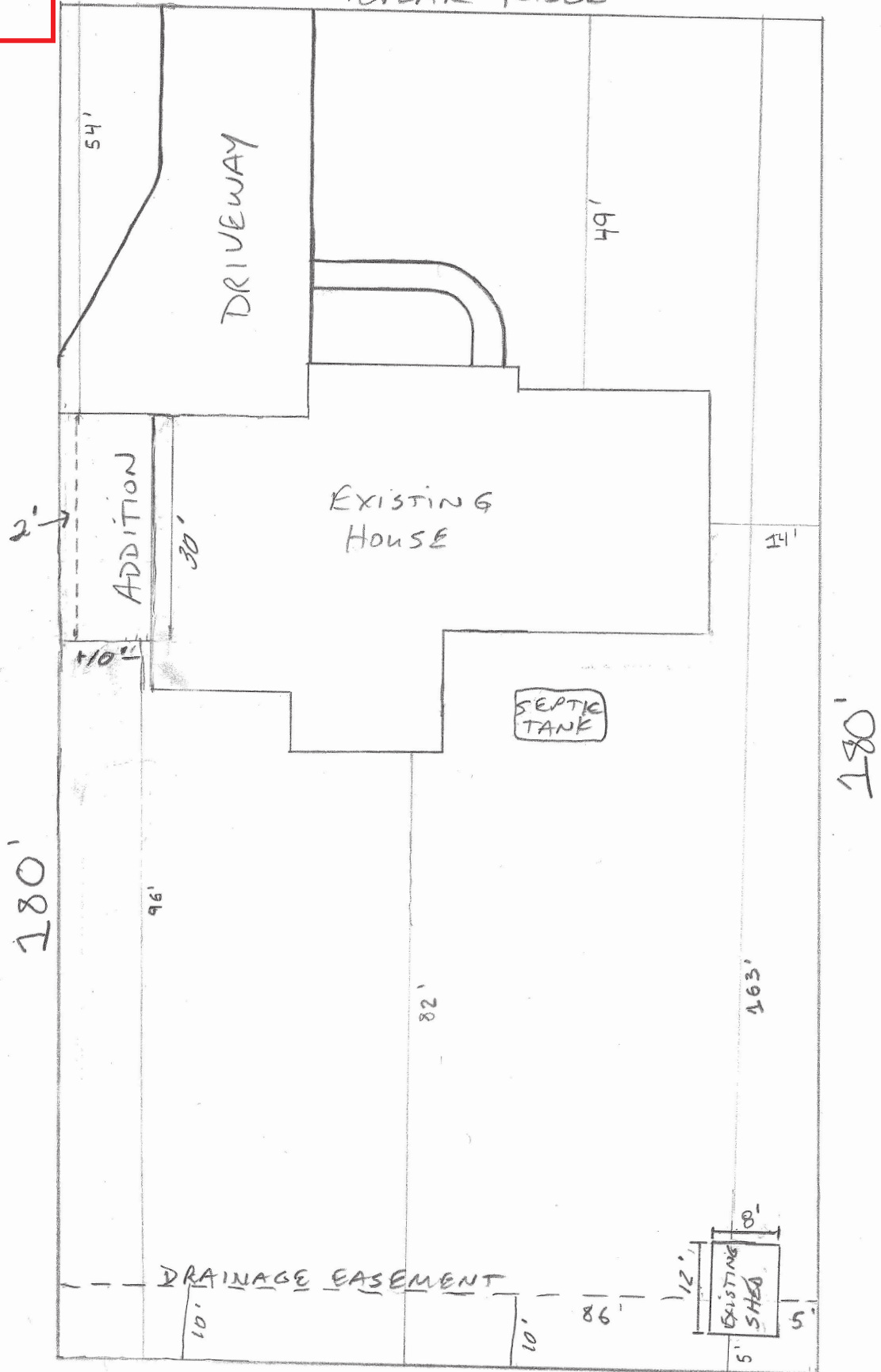


Exhibit C: Letter of Intent and Standards for Granting Variances

[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

Dogdolphinscat@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

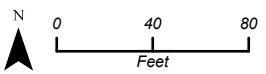
OAKLAND WAY

WISTERIA CT

 ZVR2024-00013

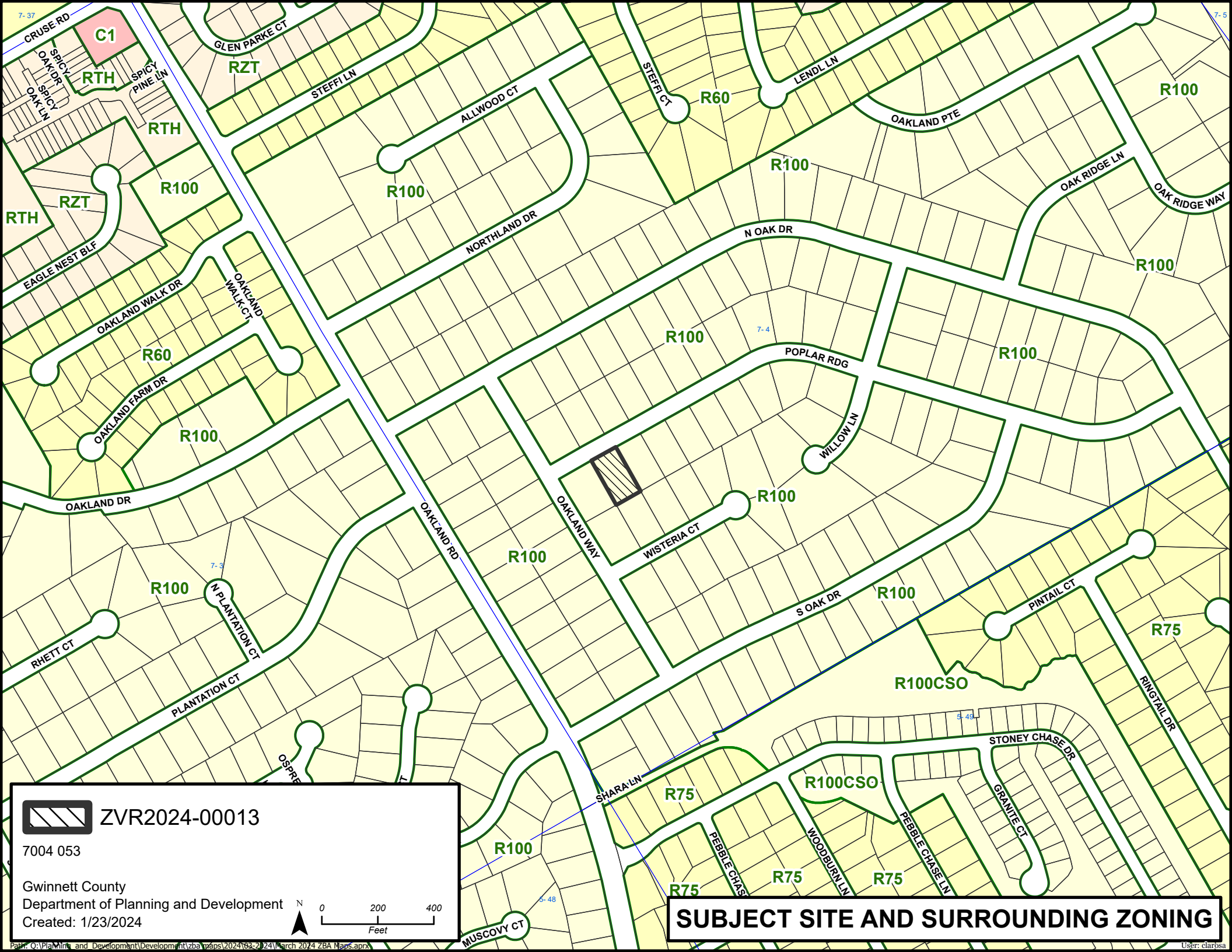
7004 053

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



Gwinnett County GIS

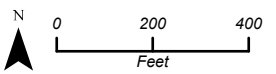
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ZVR2024-00013

7004 053

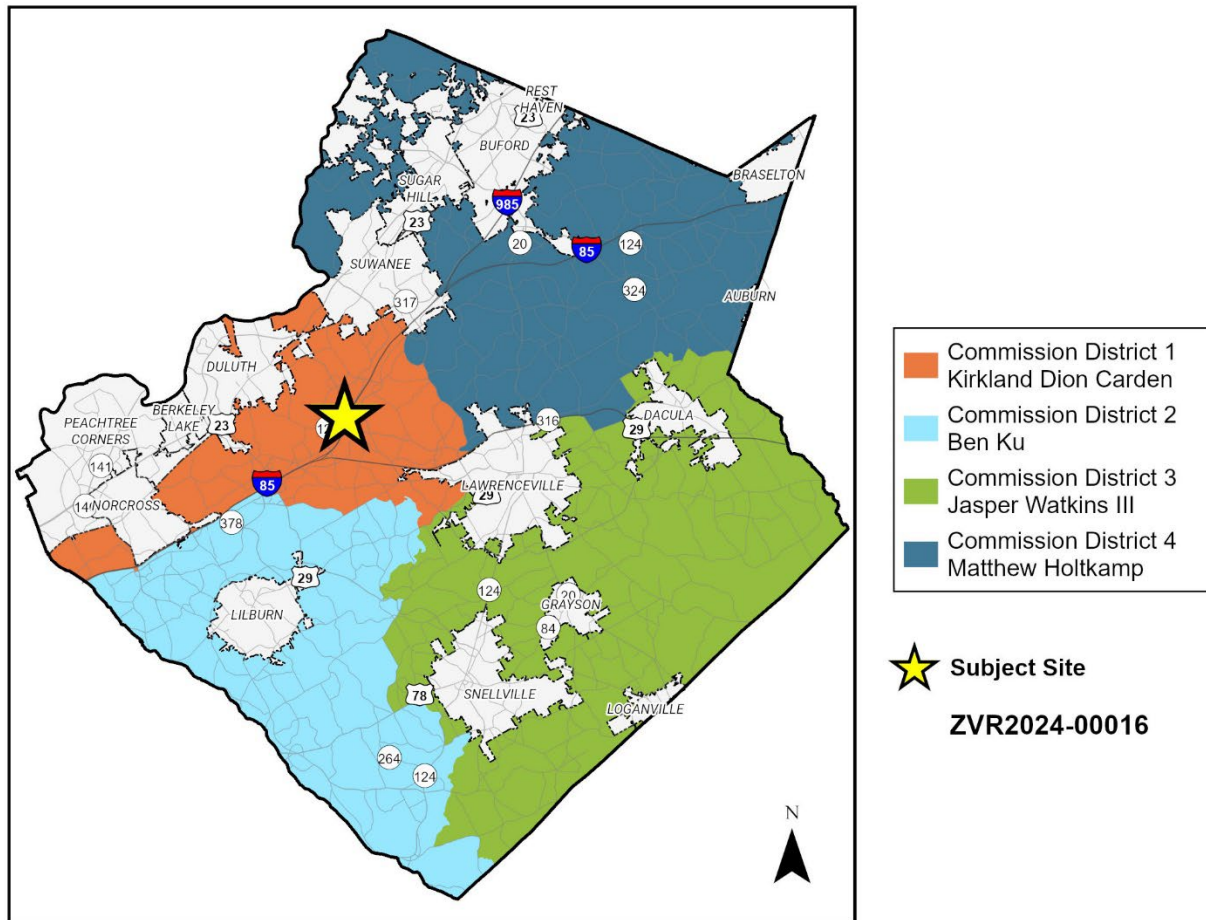
Gwinnett County
 Department of Planning and Development
 Created: 1/23/2024



SUBJECT SITE AND SURROUNDING ZONING

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2024-00016
Request: Variance from the Activity Center Overlay
Address: District 2140 Satellite Boulevard
Map Number: R7116 057
Zoning: C-2 (General Business District)
Site Area: 2.28 acres
Proposed Development: Hotel
Commission District: District 1 – Carden/Walthour



Applicant: Satellite Commercial Properties, Inc.
c/o Andersen Tate & Carr
1960 Satellite Blvd, Ste 4000
Duluth, GA 30097

Owner: Satellite Commercial Properties Inc.
2140 Satellite Blvd
Duluth, GA 30097

Contact: Melody Glouton

Contact Phone: 770.822.0900

Zoning History

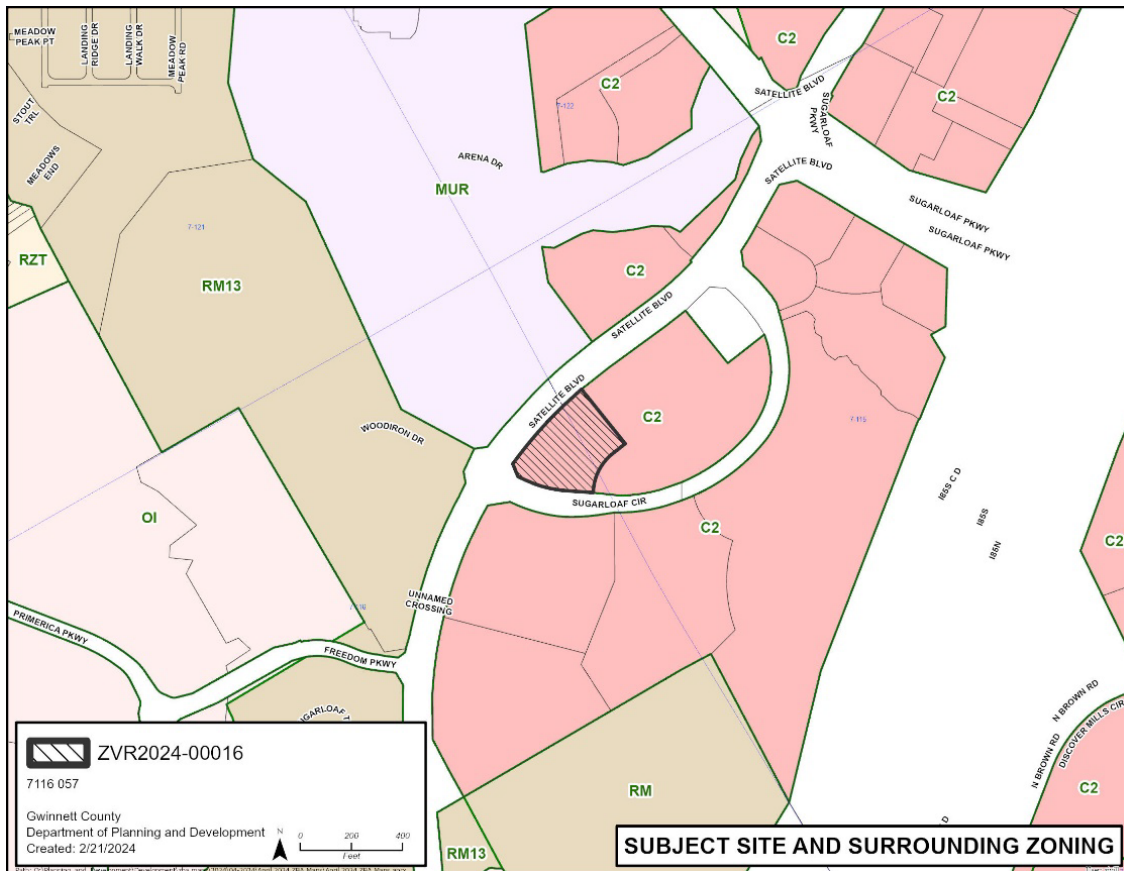
The subject property is zoned C-2 (General Business District). In 1994, the property was rezoned from O-I (Office-Institutional District) to C-2. The property is located within Civic Center Overlay District.

Existing Site Condition

The subject site is a 2.28-acre parcel located on Satellite Boulevard, at its intersection with Sugarloaf Circle. There are two access points to the site, one from Sugarloaf Circle and one from Satellite Boulevard. The property is developed with a vacant building that previously operated as a financial institution. The site is relatively flat with no significant change in topography. Sidewalks are present along both road frontages. There are no floodplain or streams associated with the subject site.

Surrounding Use and Zoning

The subject site is predominantly surrounded by commercial uses. Across Satellite Boulevard to the north is the Gas South District. Office buildings located within the Sugarloaf Corporate Center are located to the east, south, and west. The following is a summary of the surrounding uses and zoning:



Location	Land Use	Zoning
Subject Property	Commercial	C-2
North	Mixed-Use	MU-R
East	Office	C-2
South	Office	C-2
West	Office	C-2

Project Summary

The applicant requests a variance from the Activity Center overlay building location standard, including:

- A proposed 175-foot-tall, 5-story hotel with 118 rooms.
- A primary building façade and entrance 72.3 feet away from the public right-of-way, without sidewalk connectivity from the front entrance to the sidewalk parallel to the street.
- A surface parking lot containing 10-foot-wide landscape strips along both road frontages.
- 118 parking spaces.
- Driveways onto Satellite Boulevard and Sugarloaf Circle with southern and eastern interparcel connections.

Zoning and Development Standards and Variance Request

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

214-20.3.E.4. Primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.

- The applicant requests a variance from the 70-foot maximum building façade setback by 2.3 feet and to allow no sidewalk connectivity from the building front entrance to the sidewalk parallel to the street.

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 February 8, 2024.
2. Sidewalk to Sugarloaf Circle must be provided as shown on Exhibit B: Site Plan, dated received February 8, 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 property from Sugarloaf Circle



View of property from Satellite Boulevard



Existing Building (to be demolished)

Exhibit B: Site Plan

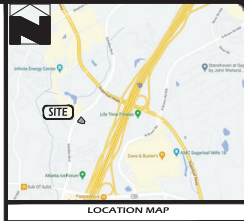
[attached]

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

RECEIVED

02/08/2024

- 5.3. GENERAL NOTES**
1. SIGNAGE SHALL BE LOCATED AT LEAST 2 FEET FROM THE BACK OF CURB AND SHALL BE CONSTRUCTED OF CONCRETE. A MINIMUM OF 10 FEET TO BE MAINTAINED FROM THE BACK OF CURB. SIGNAGE SHALL BE CONSTRUCTED OF CONCRETE. A MINIMUM OF 10 FEET TO BE MAINTAINED FROM THE BACK OF CURB. SIGNAGE SHALL BE CONSTRUCTED OF CONCRETE. A MINIMUM OF 10 FEET TO BE MAINTAINED FROM THE BACK OF CURB.
 2. SIGNAGE SHALL BE LOCATED 4 FEET FROM THE BACK OF THE CURB UNLESS OTHERWISE NOTED. THE AREA BETWEEN THE CURB AND THE SIGNAGE SHALL BE COVERED WITH LANDSCAPING. UNLESS OTHERWISE NOTED, THE SIGNAGE SHALL BE CONSTRUCTED IN A LOCATION ACCEPTABLE TO THE DOT.
 3. INTERSECTION RAMP CURB RAMP SHALL BE PROVIDED AT STREET INTERSECTIONS. STRAIGHT RAMP SHALL BE PROVIDED AT INTERSECTIONS OF CURB RAMP AND ANY STREET WITHOUT SIGNAGE.
 4. NO DRIVE-UP SIGNAGE IS TO BE INSTALLED.
 5. NO OVERHEAD SIGNS ARE PERMITTED.
 6. A SEPARATE BUILDING PERMIT IS REQUIRED FOR ELECTRIC VEHICLE CHARGING EQUIPMENT.
 7. A SEPARATE BUILDING PERMIT IS REQUIRED FOR SITE LIGHTING.
 8. CONTRACTOR TO CONTACT BUREAU OF FIRE/SAFETY (770) 422-7474 AND COPY WRITTEN LOCATION OF ALL FIRE EXITS TO THE BUREAU OF FIRE/SAFETY PRIOR TO ANY LINE WORK OR SIGN SETTING.
 9. ALL TRAFFIC CONTROL SIGNS THAT ARE REQUIRED OR SHOWN MUST BE REPRODUCED OR REPAIRED. ALL SIGNS MUST BE REPRODUCED TO THE STANDARDS IN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
 10. COMPUTER PROGRAM SHALL BE BETWEEN THE HOURS OF 7:00 AM UNTIL 7:00 PM.



Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development
Services

4755 Summer Song Court
Buford, GA 30519
(PH) 678.207.6830
j.evans@evansdesign.com



PROJECT NAME
**MARRIOTT
ELEMENT
HOTEL**

2140 SATELLITE BLVD.
PARCEL 21 116 057
LL 116, 7TH DIST.
GWINNETT COUNTY,
GEORGIA

DATE:
6-8-23

DESIGN BY JME
DRAWN BY JME
CHECKED BY JME

Not Released For Construction
 Released For Construction

OWNER/DEVELOPER

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REVISIONS

1	07-11-23
2	11-03-23
3	01-25-24

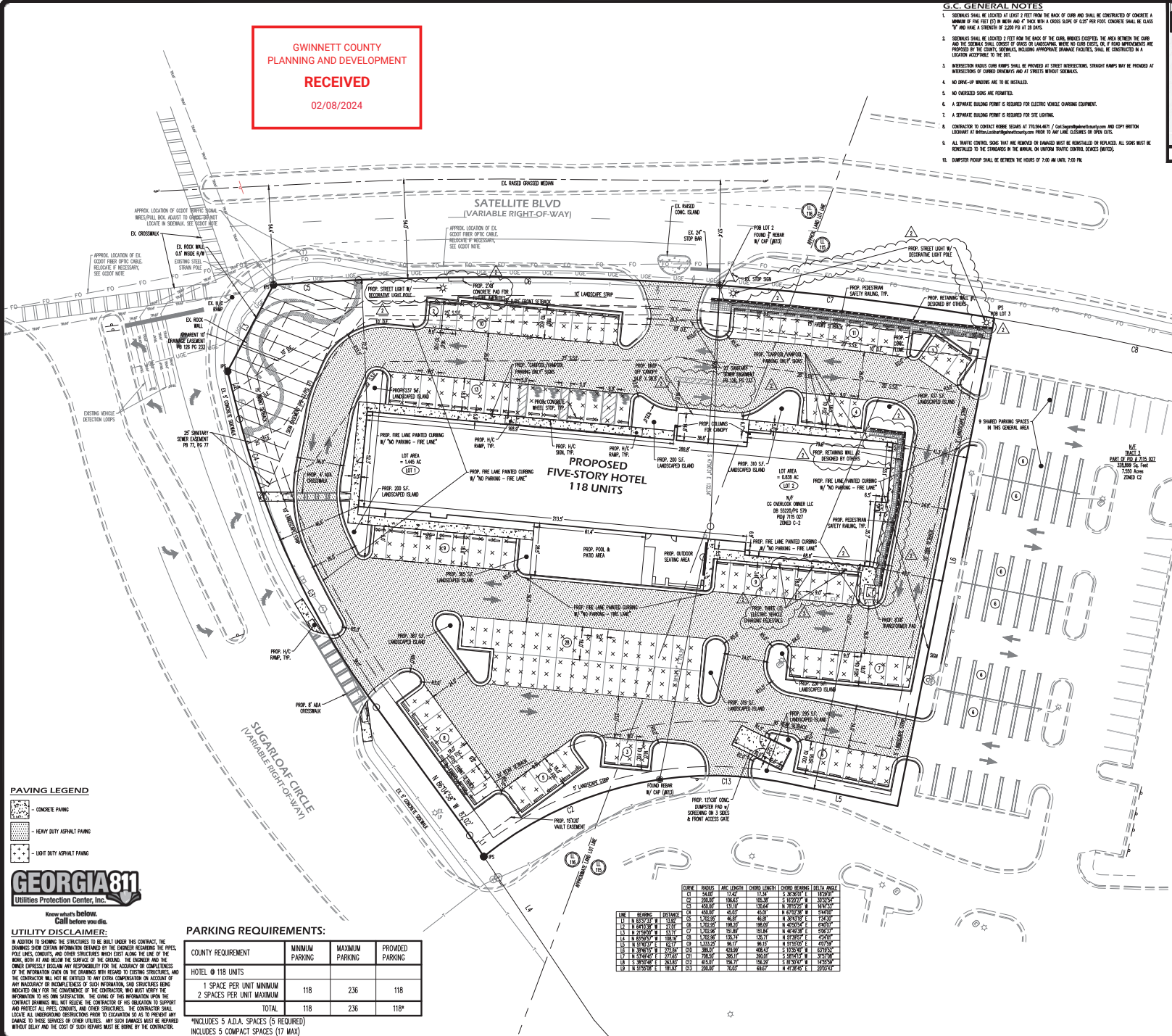
OWNER/DEVELOPER:
SATELLITE COMMERCIAL PROPERTIES, INC.
3665 MOYE TRAIL
DULUTH, GA 30097
770.421.0655 (PH)
EMAIL: mlkepan@scpi.com

24-HR CONTACT:
MR. MIKE PANJANAN
770.421.0655 (PH)
EMAIL: mlkepan@scpi.com

ENGINEER:
EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
BUFORD, GA 30519
678.207.6830 (PH)
EMAIL: j.evans@evansdesign.com
CONTACT: JON M. EVANS, P.E.

JOB NUMBER:
21-025

SHEET TITLE:
**SITE
PLAN
C-4**



PARKING LOTS SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF WEEDS, MUD, DIRT, TRASH, AND DEBRIS. (PER 2.R. 1001, 4)

DURING CONSTRUCTION AND FOR PERMANENT ACCESS, ROADWAYS WITHIN SHALL BE 20 FEET MINIMUM PER INTERNATIONAL FIRE CODE, 2003.2008 EDITION, GWINNETT COUNTY ORDINANCE FOR THE PROTECTION AND LIFE SAFETY, SECTION 46-4302.

DURING CONSTRUCTION AND FOR PERMANENT ACCESS, ROADWAYS CONSTRUCTED OF AN ALL WEATHER SURFACE CAPABLE OF SUPPORTING 75,000 POUNDS GROSS WEIGHT SHALL BE PROVIDED PER INTERNATIONAL FIRE CODE, CHAPTER 5, SECTION 503.3.1, 2008 EDITION.

GWINNETT COUNTY DOT IS NOT ON THE ONE-CALL SYSTEM. CALL 770.822.7474 WHEN LOCATING UTILITIES FOR CONSTRUCTION.

SITE LIGHTING IS NOT INCLUDED IN THE SCOPE OF WORK FOR THIS PROJECT.

A SEPARATE BUILDING PERMIT SHALL BE OBTAINED FOR ALL RETAINING WALLS GREATER THAN 4 FEET IN HEIGHT AND ALL RETAINING USED AS A LEAN PRIOR TO CONSTRUCTION OF THE WALLS.

ALL SIGNS MUST BE MAINTAINED BY PROPERTY OWNER AND MUST BE REPLACED ACCORDING TO MUTCD.

(GROUND A FLOOR SURFACE) ALONG ACCESSIBLE ROUTES AND WALKWAYS, STAIRS, AND CURB RAMP, SHALL BE STABLE, FIRM, SLIP-RESISTANT, AND SHALL COMPLY WITH 2010 ADA STANDARDS TITLE 2.

ZONING DATA TABLE:

CURRENT ZONING:	C-2 (GENERAL BUSINESS)
PROPOSED ZONING:	NONE
OVERLAY DISTRICT:	CHESTER OVERLAY
MINIMUM LOT AREA:	NONE
MINIMUM BUILDING HEIGHT:	125 FT (HOTELS - SUP)
MINIMUM COVERS:	15 FT
PROPOSED COVER:	15 FT
BUILDING SETBACKS:	15 FT
FRONT:	15 FT
SIDE:	15 FT
REAR:	15 FT
LANDSCAPE STRIPS:	10 FT
ALONG PARK:	5 FT
OTHER:	5 FT

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY FLOOD MAP, REVISION 1 & 2, 2006, DATED SEPTEMBER 25, 2006 & MARCH 4, 2013.

NOTE:
EXISTING UTILITIES ARE RELIANT TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2008 INTERNATIONAL BUILDING CODE AND ALL OTHERS WITH REGARD TO THE HEIGHT AND AREA REQUIREMENTS OF THE TABLES SHALL BE 100% AND NOT BE REDUCED AND EXISTING UTILITIES SHALL BE MAINTAINED AS SHOWN ON THE PLAN.

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH ANY REVISIONS TO THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH ANY REVISIONS TO THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH ANY REVISIONS TO THE CONTRACT.

PAVING LEGEND

[Symbol]	CONCRETE PAVING
[Symbol]	HEAVY DUTY ASPHALT PAVING
[Symbol]	LIGHT DUTY ASPHALT PAVING



UTILITY DISCLAIMER:
IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES BENEATH THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION. SUCH STRUCTURES BEING INDICATED ONLY FOR THE CONVICTION OF THE CONTRACTOR TO BE AWARE OF THE INFORMATION TO HIS OWN SATISFACTION. THE SHOWING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES PRIOR TO EXCAVATION OR AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

PARKING REQUIREMENTS:

COUNTY REQUIREMENT	MINIMUM PARKING	MAXIMUM PARKING	PROVIDED PARKING
HOTEL @ 118 UNITS			
1 SPACE PER UNIT MINIMUM	118	236	118
2 SPACES PER UNIT MAXIMUM			
TOTAL	118	236	118*

*INCLUDES 5 A.D.A. SPACES (5 REQUIRED)
INCLUDES 5 COMPACT SPACES (17 MAX)

LINE	BEARING	DISTANCE	LENGTH	AREA	PERIMETER	AREA	PERIMETER
1	N 89° 50' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
2	S 89° 50' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
3	N 00° 00' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
4	S 00° 00' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
5	N 89° 50' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
6	S 89° 50' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
7	N 00° 00' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
8	S 00° 00' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
9	N 89° 50' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
10	S 89° 50' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
11	N 00° 00' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
12	S 00° 00' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
13	N 89° 50' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
14	S 89° 50' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
15	N 00° 00' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
16	S 00° 00' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
17	N 89° 50' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00
18	S 89° 50' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
19	N 00° 00' 00" E	114.00	114.00	1300.00	114.00	1300.00	114.00
20	S 00° 00' 00" W	114.00	114.00	1300.00	114.00	1300.00	114.00

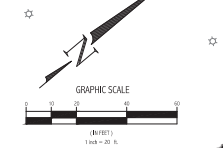


Exhibit C: Letter of Intent and Standards for Granting Variance

[attached]

RECEIVED

02/08/2024

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:
 - A. **Yes. The nature of a site design for a hotel does not allow a building to be located within 70' of the public right of way.**

- 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:
 - A. **Yes. Due to the size and shape of the property, the proposed development, which is otherwise permitted in the present zoning classification, cannot be developed in accordance with the maximum 70' building setback requirement specific to the Overlay. Further, no other surrounding structures sit within the maximum 70' building setback requirement. Therefore, strict adherence to the UDO would place an undue burden on the Applicant and prevent the development of a permitted use within the current C-2 zoning classification.**

- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please Explain:
 - A. **The condition requiring the requested relief is not ordinarily found within the C-2 zoning district nor is it possible to comply with the development requirements of the proposed use. The condition requiring the requested relief is a general building setback requirement for primary facades and entrances to be located no more than 70 feet from the right of way. Strict adherence of this requirement to the Subject Property would be inconsistent with the surrounding buildings of similar or greater scale that do not meet the condition.**

- 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:
 - A. **Yes. The request is a result of the requirement for building facades and entrances to be setback no more than 70' from the public right of way. The Applicant is proposing to redevelop the site with a hotel. The proposed use is permitted within the current C-2 zoning and the redevelopment meets the requirements of the UDO**

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with exception of the aforementioned setback provision that is unique to the Overlay. Strict adherence to this provision would prohibit the ability to develop the hotel. Further, no other surrounding buildings meet the maximum building setback requirement.

- 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:
- A. No. The Subject Property is currently zoned C-2 and is surrounded by larger office buildings and retail spaces. Granting the variance would allow the Applicant to redevelop the Subject Property with a permitted use that is consistent with the development and setbacks of surrounding properties.**
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain:
- A. Yes. The requested variance from the 70' maximum building setback is the minimum variance required to make reasonable use of the site. The purpose of the request is to allow for the development of a hotel. Further, the public right of way is currently densely screened with mature trees thus minimizing the visual field to the proposed building.**
- 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:
- A. Yes. Granting the variance would allow for a permitted use under the current C-2 zoning to be developed in accordance with the UDO and will be consistent with the surrounding land uses and current building setbacks.**

4868-4270-0452, v. 1

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Melody A. Glouton

Email: mglouton@atclawfirm.com

ANDERSEN | TATE | CARR

Telephone: 770.822.0900

Direct Dial: 770-339-0475

Direct Fax: 770.236.9719

February 8, 2024

VIA EMAIL DELIVERY (P&D-PlanningZoning@gwinnettcountry.com)

Gwinnett County Planning and Development

One Justice Square

446 West Crogan Steet, Suite 300

Lawrenceville, Ga 30046

**RE: LETTER OF INTENT FOR VARIANCE APPLICATION OF
SATELLITE COMMERCIAL PROPERTIES, INC. (R7116 057)**

Dear Chairman, Members, and Staff:

Andersen, Tate & Carr, P.C. submits this Letter of Intent and attached Variance Application (“Application”) on behalf of the Applicant, Satellite Commercial Properties, LLC (the “Applicant”) for the purpose of requesting a variance from Section 214-20.3(E)(4) of the Gwinnett County Unified Development Ordinance (“UDO”). The property is an approximately 2.283-acre site located at 2140 Satellite Blvd and identified as R7116 057 (“Subject Property”).

The requested variance is related to the proximity of the primary structure to the right of way on the Subject Property within the Civic Center Overlay District (“Overlay”). The Subject Property is zoned C-2 for general commercial use within Overlay and currently contains a vacant building that previously operated as a financial institution. The Applicant is seeking to redevelop the site as hotel as permitted under the current C-2 zoning classification. The proposed building will consist of a five-story hotel with 118 units. The Subject Property lies within the Civic Center Overlay District which requires primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street. See, Section 214-20.3(E)(4). As such, the Applicant is requesting a variance from Section 214-20.3(E).

As shown on the site plan attached as “Exhibit A” and in consideration of the size, layout, and location of the Subject Property, the hotel cannot be developed under the current requirements. The Applicant further submits that strict adherence to the language of the UDO would effectively prohibit the Applicant from redeveloping the Subject Property with a proposed use that is permitted under the C-2 zoning classification of the UDO.

Under the UDO, a variance may be granted in cases of unnecessary hardship by a finding that the application of the Ordinance to a particular piece of property (such as the Subject Property) would create unnecessary hardship, there are extraordinary and exceptional conditions, that such conditions are unique to this particular property, such conditions are not a result of the owner, and

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relief, if granted, would not cause substantial detriment to the public good or impair the intent of the Ordinance. The Applicant's requested variance is the minimum necessary to afford the Applicant relief so that the Subject Property may be redeveloped with an economically viable use as permitted under the current C-2 zoning. Further, granting the requested relief would not cause a substantial detriment to the public good. Rather, by granting relief, the Subject Property will be consistent with adjacent and nearby properties along Satellite Boulevard within the Overlay.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns relating to the matters set forth in this Letter of Intent or in the Variance Application filed herewith. The Applicant respectfully requests your favorable consideration of this Variance Application.

Respectfully submitted,
ANDERSEN, TATE & CARR, P.C.



Melody A. Glouton
Attorney for Applicant

Enclosures
4866-5218-6532, v. 1

Exhibit D: Maps

[attached]



ARENA DR

SATELLITE BLVD

SATELLITE BLVD

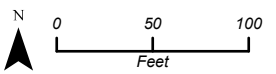
WOODIRON DR

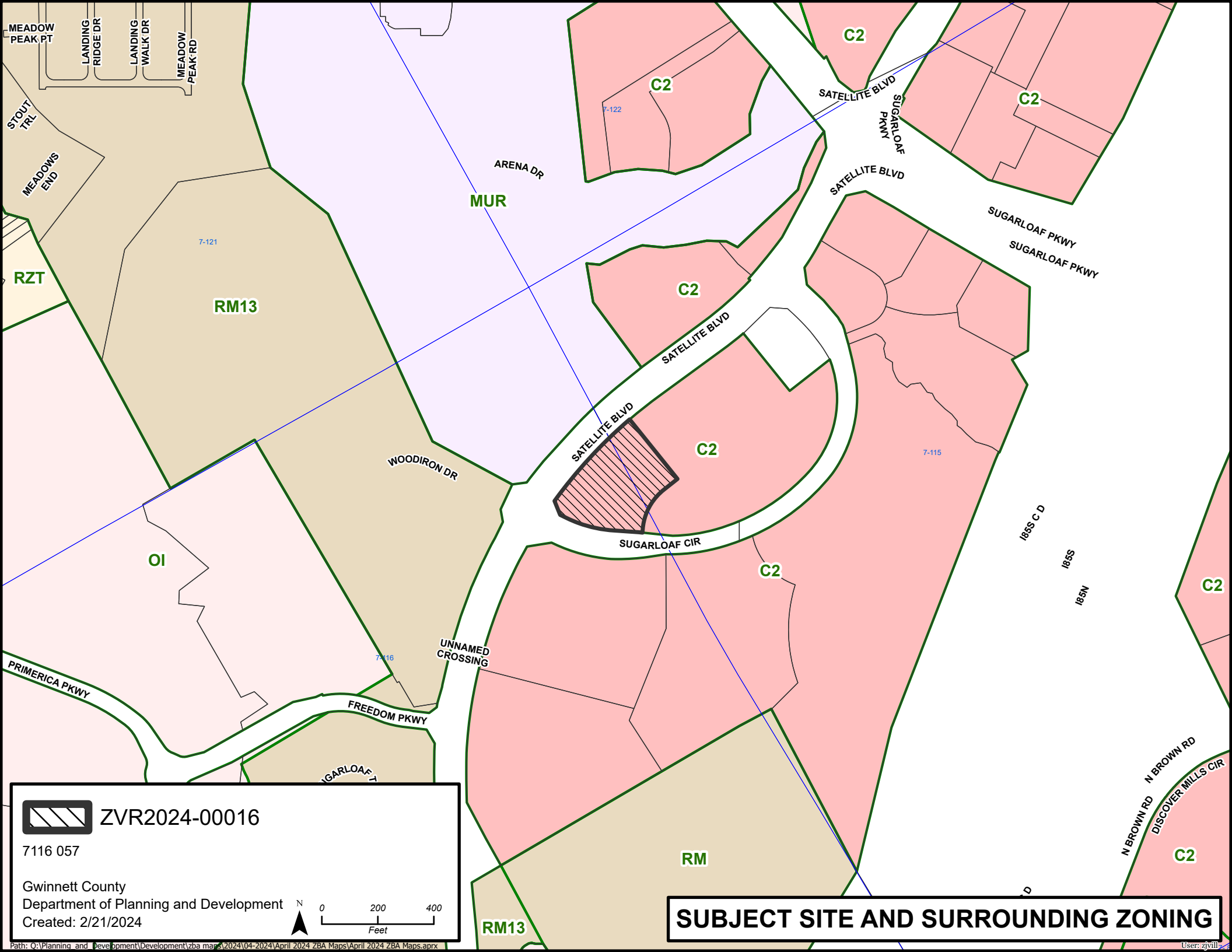
SUGARLOAF CIR

 ZVR2024-00016

7116 057

Gwinnett County
Department of Planning and Development
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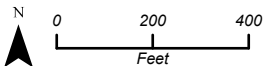




ZVR2024-00016

7116 057

Gwinnett County
 Department of Planning and Development
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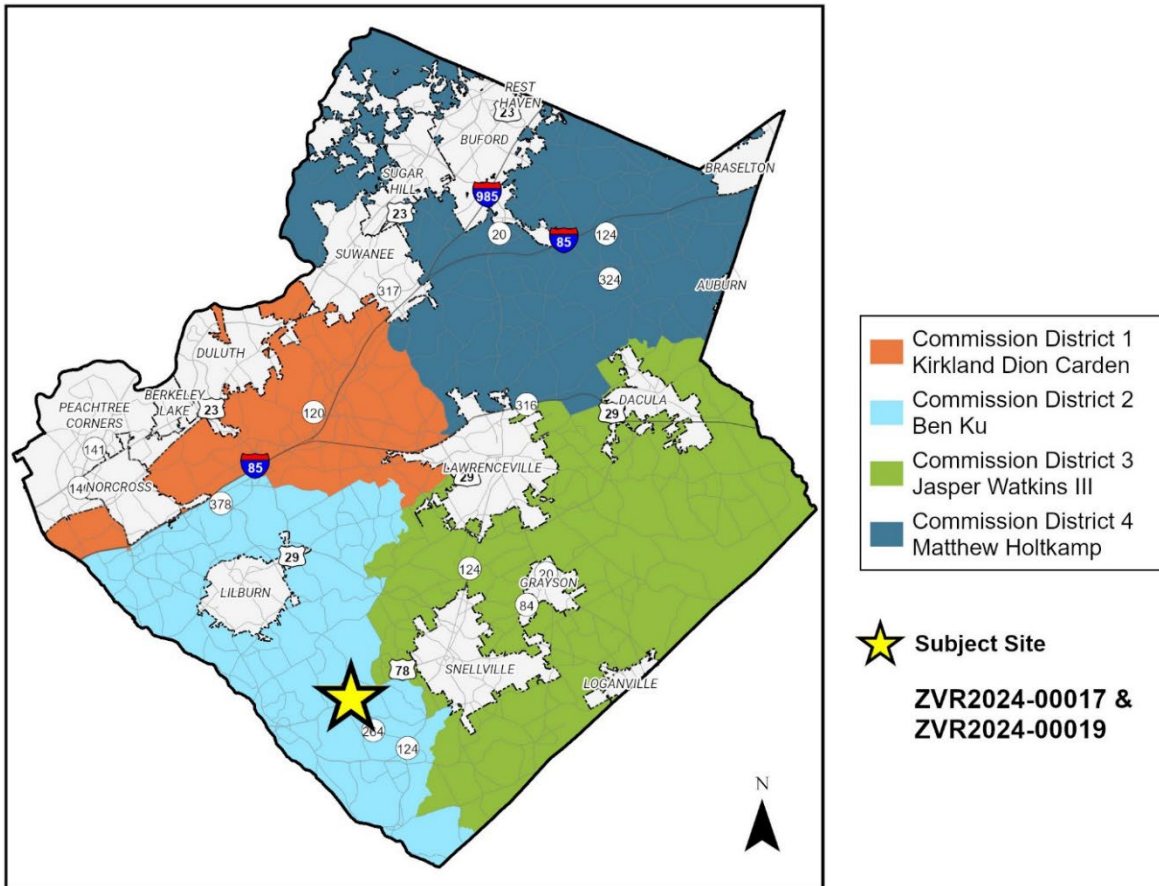
SUBJECT SITE AND SURROUNDING ZONING

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2024-00017
Request: Variance from the accessory structure location standard.

Case Number: ZVR2024-00019
Request: Variance from the accessory building materials and/or colors standard.

Address: 1946 High Terrace
Map Number: R6065 174
Zoning: R-100 (Single-Family Residence District)
Site Area: .34 acres
Proposed Development: Accessory Structure
Commission District: District 2 – Ku/Graham



Applicant: Perry-Nicholas Isch
1946 High Terrace
Snellville, GA 30039

Owner: Perry-Nicholas Isch
1946 High Terrace
Snellville, GA 30039

Contact: Perry-Nicholas Isch

Contact Phone: 386.523.4325

Zoning History

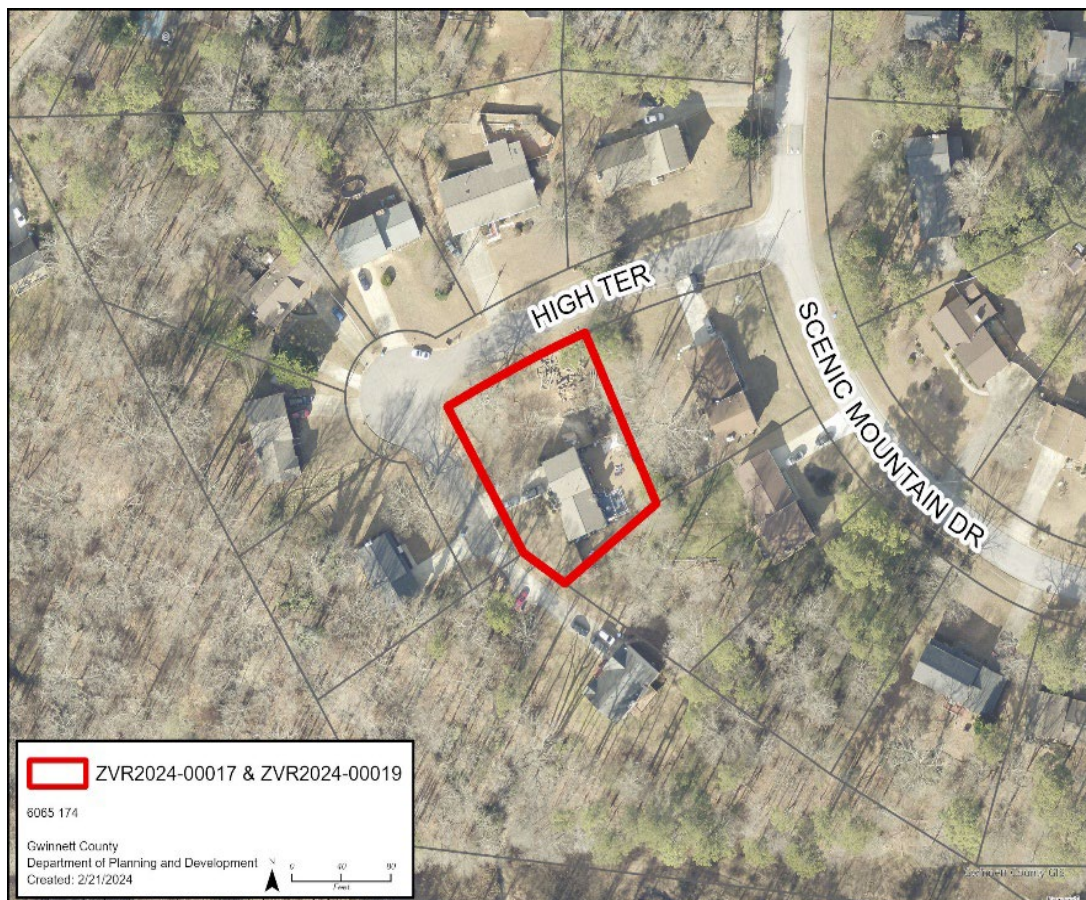
The subject property is zoned R-100 (Single-Family Residence District). There are no other zoning requests on record for this property.

Existing Site Condition

The subject site is a .34 -acre parcel located on High Terrace within the Scenic Mountain subdivision. The site is developed with a split-level single-family detached residence made of lap siding and stacked stone built in 1984. There is a 10-foot drainage easement on the northwestern side of the property.

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-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 requests a variance from the accessory structure standards, including:

- A 17' x 19' metal modular accessory structure in the front yard finished with materials and/or colors not similar to the primary structure.

Zoning and Development Standards and Variance Request

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

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.

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

- The applicant requests a variance to allow an accessory structure to be finished with materials and/or colors not similar to the primary structure.

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 February 13, 2024 and Exhibit C: Building Elevations, dated received February 13, 2024.

Exhibits:

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

Exhibit A: Site Visit Photos



View of accessory structure in yard facing North.



View of accessory structure in yard facing West.



View of deck and hot tub facing Northwest.



View of yard facing Northeast.



View of rear yard facing East.



View of property facing East.



View of property facing North.

Exhibit B: Site Plan

[attached]

SITE PLAN

1946 High Terrace
Smyrna, GA 30039
Parcel ID: 6-065 -174
Lot area: 0.34 Acres
Paper Size: 11"x17"

ZVPC024-00017
ZVPC024-00019

9 of 19

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Exhibit C: Building Elevations

[attached]

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2/13/2024



Exhibit D: Letter of Intent and Standards for Granting Variance

[attached]

LETTER OF INTENT

PERRY-NICHOLAS ISCH
1946 HIGH TER
SNELLVILLE, GA. 30039
(386) 523-4325
PERRY.NICHOLAS@GMAIL.COM

02.08.2024

Department of Planning and Development,

Ladies and gentlemen of the department It was my intent to find an accessory building that was complete and secure. The building will serve as my tool shed/workshop for personal projects, a gathering place for friends, as well as, storage. The unit I found was made in china and was delivered flat or folded up. When it was expanded it revealed an all steel structure 8'4" tall, with 2 vinyl clad windows on each side and a door on the front wall.

I am requesting variances from the Accessory Building Requirements UDO Code Section.

1. 230-30.7 - All accessory buildings or structures shall be located in the rear or side yard unless explicitly stated otherwise in this section.
2. 230-30.12A.1. - Exterior walls shall be finished with materials and/or colors similar to that of the principal building.

The structure is located on a side lot that is considered a front yard because it faces 2 streets. In actuality the north side of the lot has frontage on high ter which bends to the west side of the lot and is a dead end in front of my home. There are only 8 homes on this dead end street. It is made of steel with a body color of white and a trim color of gray. It is consistent with the color scheme in my rear yard and home and does not look out of place.

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I moved to Snellville in November of 2021 while in an abusive marriage. I spent the next year and a half in divorce proceedings and finally was granted a divorce in September of 2023. I have established my business (Wishworks Printing and Promotional Products LLC) and my home here and have invested many thousands of dollars into making my home a place that friends can gather and I can entertain. Not granting these variances will be a hardship of costly proportions. I have already invested about 40 thousand dollars into the yard. I constantly receive compliments on the changes made. This entire project was created to provide a place to host friends and entertain as I recovered from being isolated and tormented by a narcissistic ex husband. I was reported by an ex boyfriend that is just as malicious. It wasn't my intent to avoid the department or to disrespect the code. Having worked with the department closely over the last year to obtain electrical power for the hot tub and yard. I had meetings and discussions on what could and couldn't be done due to the hindrances of the lot. I worked with Marcus Canada to finalize getting a separate 200 amp electrical service to power the hot tub and future needs of the lot. I felt I was operating with full transparency as I am now trying to rectify this matter. I am a veteran having served in the US Army, a small business owner of 14 years, and a now established resident of Snellville , specifically 1946 High Ter.

Sincerely,

Perry-Nicholas Isch

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2/13/2024

Standards for Granting Variances:

location Rear yard
230-30.7

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 Storm water drain running down the middle of my lot makes my property unusable
- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: yes the hardship is not being able to use the land
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: yes the other storm water drains run along side lines of properties. None that I find run through the center of the lot like the subject
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: yes
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: No, all the improvements have led to the increase in home values 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 it allows some use of the land where none exist now.
- 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 in my opinion they do.

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exterior
230-30.12A.1

Standards for Granting Variances:

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

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: yes the building is already purchased. see supplied pictures for detail view
- 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 color scheme and style complement the main structure blue/gray/white
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: ? yes
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: the conditions are too limited with the ability to blend harmoniously with the primary residence but the neighborhood as well
- 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 the improvements participate in raising property values
- 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: in this case it is my opinion that it does

Exhibit E: Maps

[attached]



HIGH TER

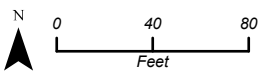
SCENIC MOUNTAIN DR

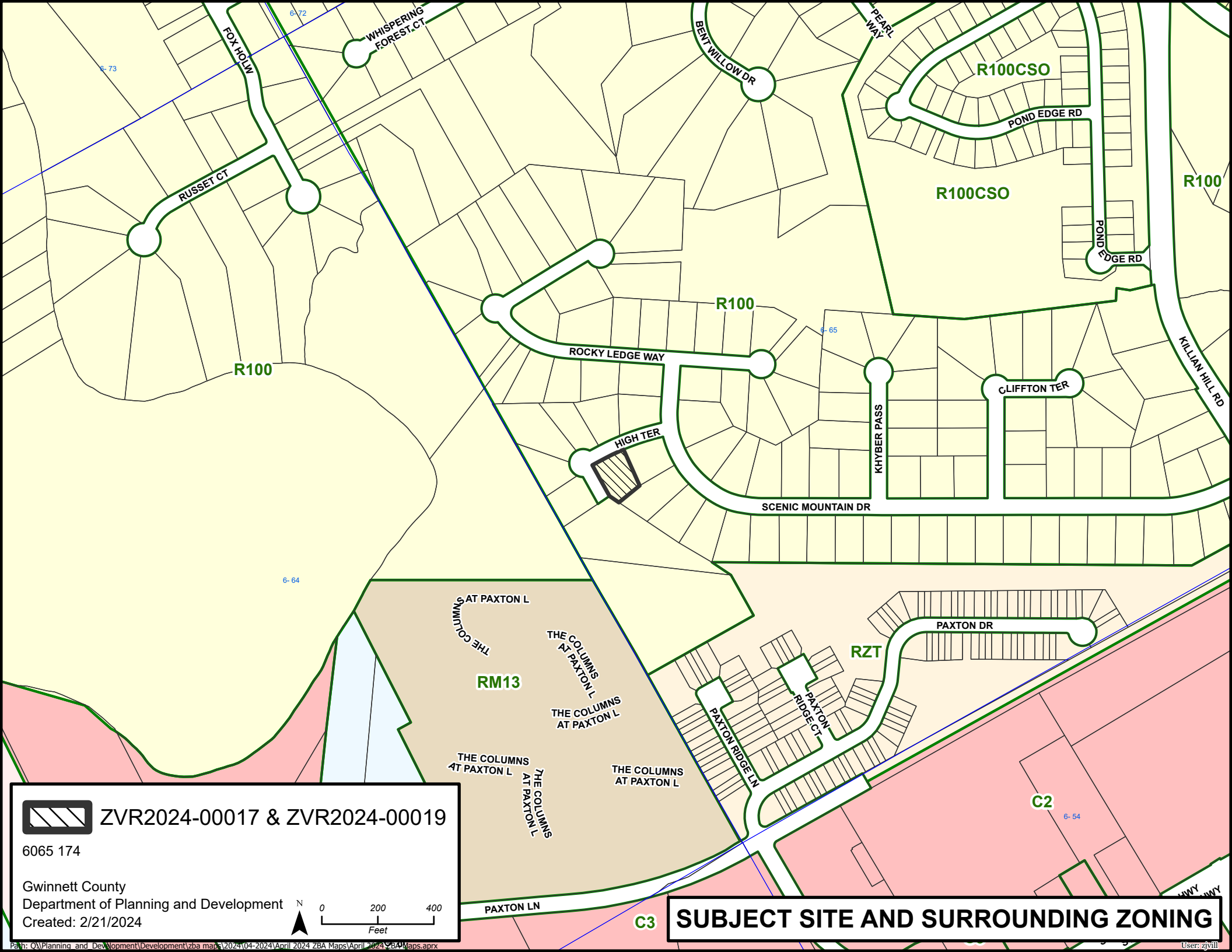


ZVR2024-00017 & ZVR2024-00019

6065 174

Gwinnett County
Department of Planning and Development
Created: 2/21/2024

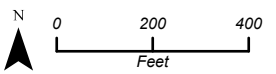




ZVR2024-00017 & ZVR2024-00019

6065 174

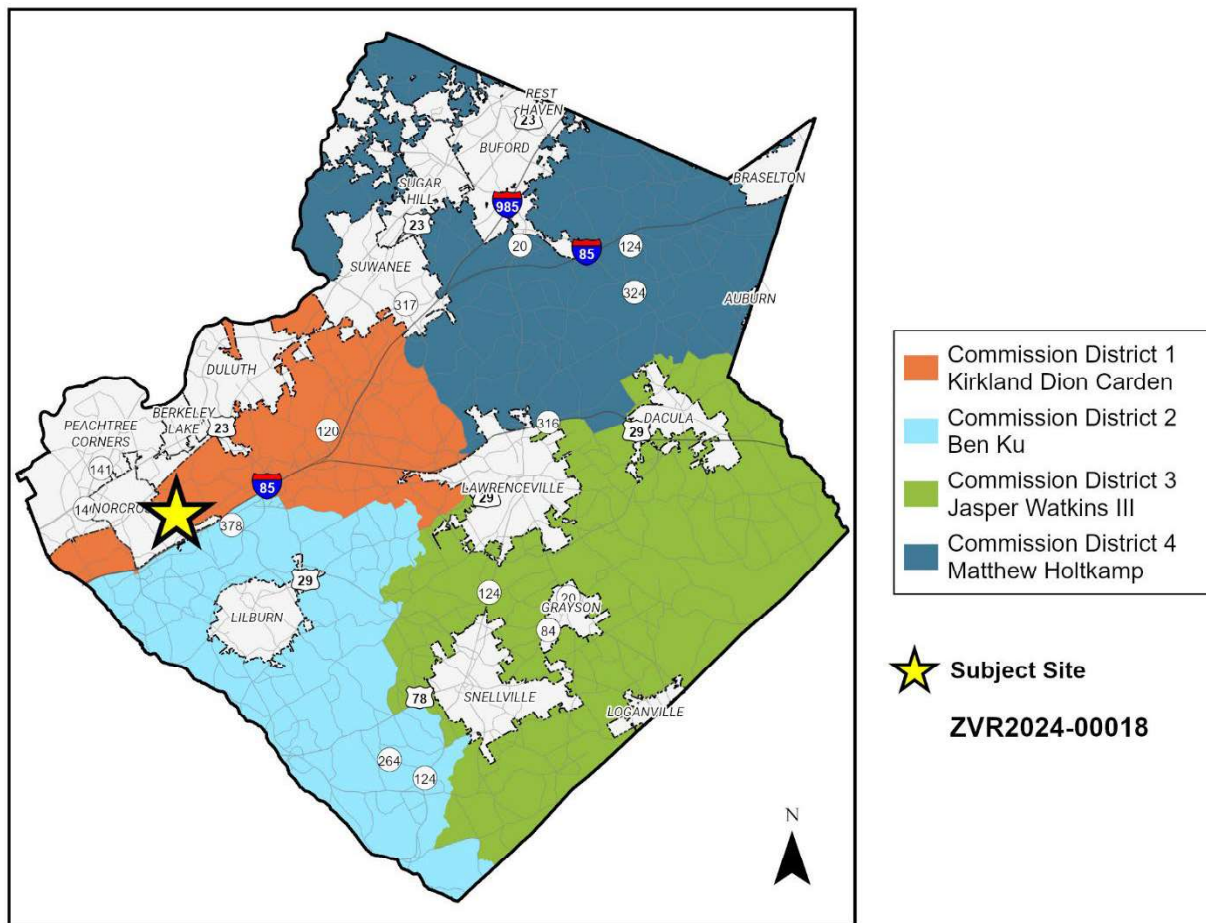
Gwinnett County
 Department of Planning and Development
 Created: 2/21/2024



SUBJECT SITE AND SURROUNDING ZONING

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: ZVR2024-00018
Request: Variance from the accessory structure location standard
Address: 5116 Falconwood Court
Map Number: R6226 145
Zoning: R-75 (Single-Family Residence District)
Site Area: 0.27 acres
Proposed Development: Accessory Structure
Commission District: District 1 – Commissioner Carden/Walthour



Applicant: Vasyl Soropulov
5116 Falconwood Court
Norcross, GA 30071

Owner: Vasyl Soropulov
5116 Falconwood Court
Norcross, GA 30071

Contact: Vasyl Soropulov

Contact Phone: 404.542.7465

Zoning History

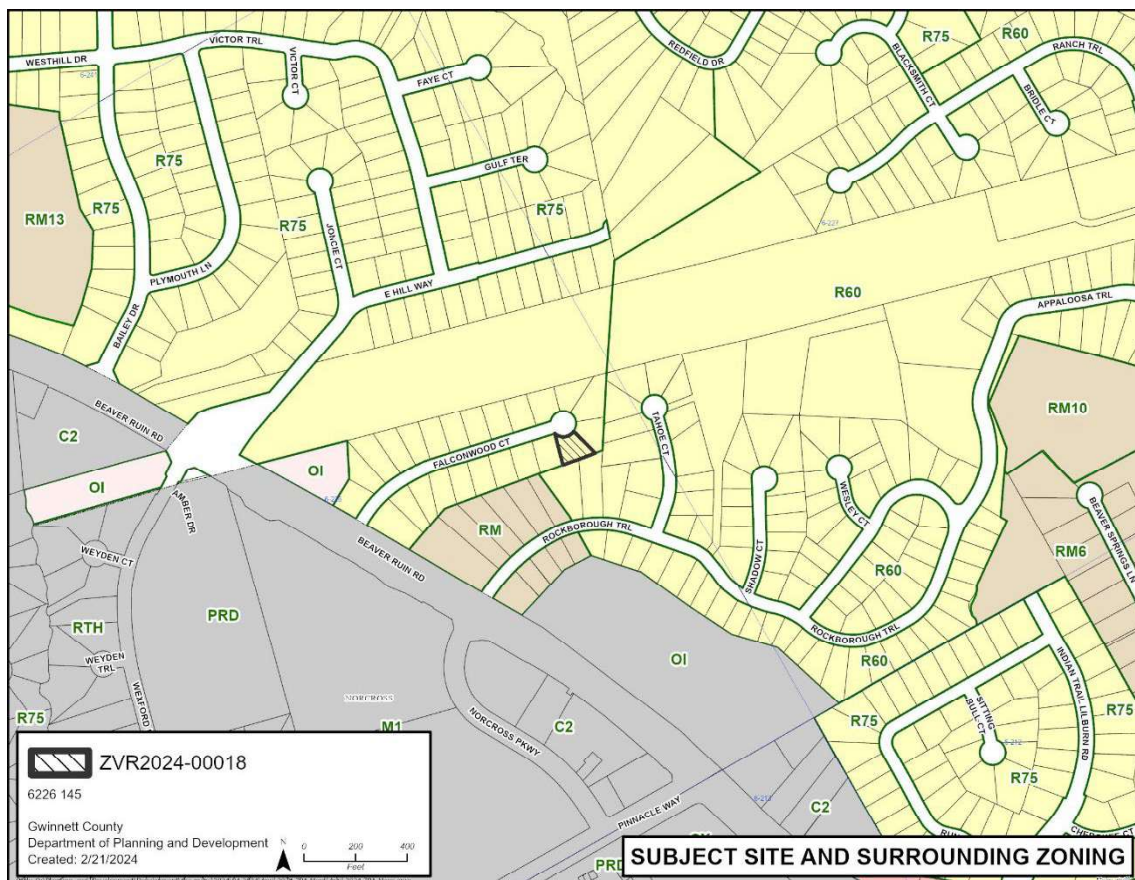
The subject property is zoned R-75 (Single-Family Residence District). There are no prior zoning cases on record for the property.

Existing Site Condition

The subject site is a 0.27-acre parcel located on Falconwood Court within the Falconwood subdivision. The site is developed with a two-story, single-family detached residence made of lap siding and brick, built in 1979. The site gradually slopes down by 20 feet from the road frontage to the rear property line. There is a 10-foot drainage easement on the eastern property line.

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:

- An 18-foot by 20-foot carport, comprised of metal, 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 230-30.8 Accessory buildings, structures or uses shall not be allowed in a front yard except those permitted by this UDO.

- 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 February 14, 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 the Principal Building



View of the accessory structure

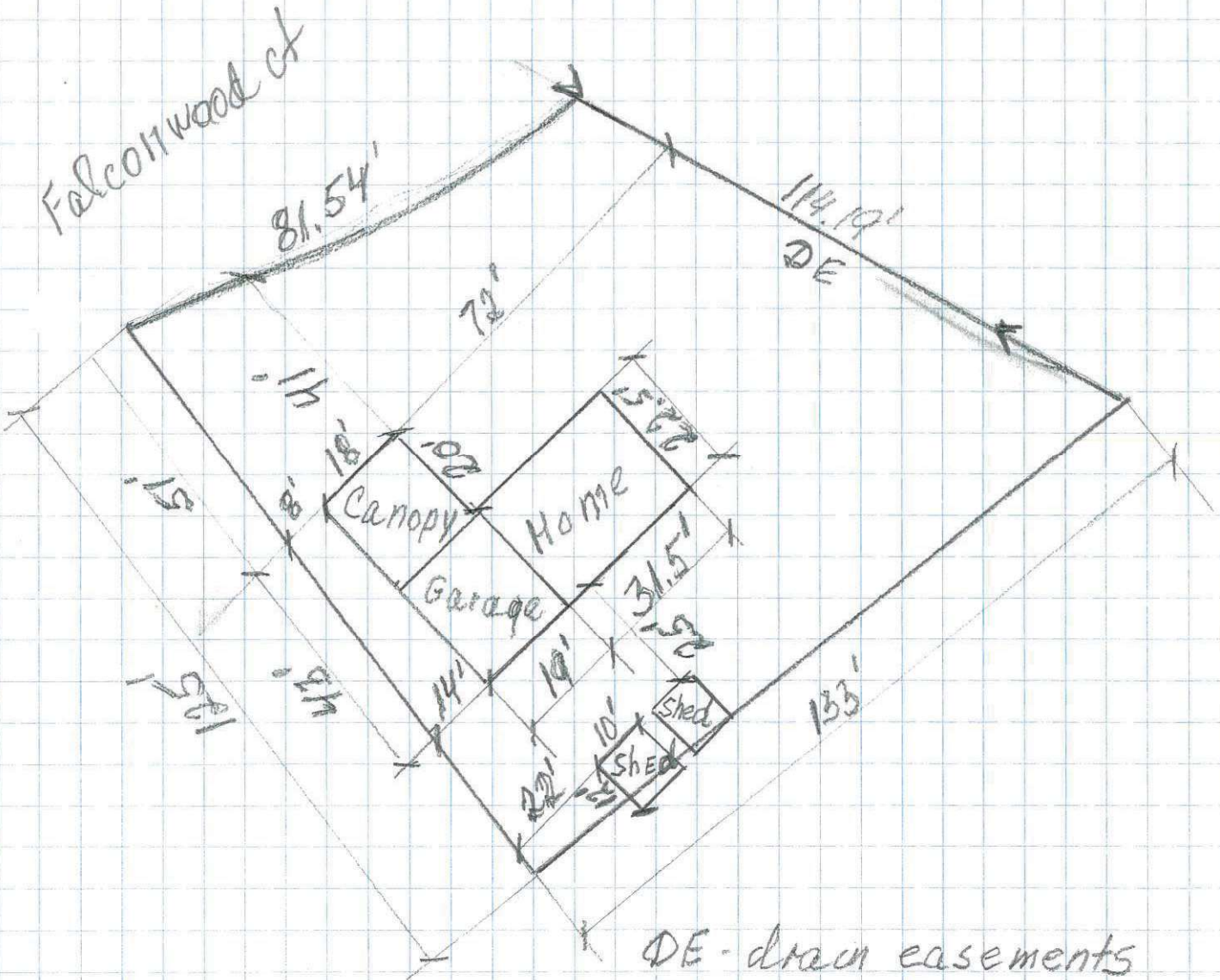
Exhibit B: Site Plan

[attached]

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2/14/2024

5116 Falconwood Ct, Norcross
GA 30071



DE - drain easements
pipe

Exhibit C: Letter of Intent and Standards for Granting Variance

[attached]

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2/14/2024

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: No, it's just discriminatory persecution
- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: In the summer the car does not heat up and it is very convenient to get in the car when it rains
- 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 a lot of car canopy with the same location
- 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: discriminatory persecution
- 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, it's just that neighbor, who have good contacts with the government, are corroded by envy.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: Yes, very convenient to 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: If looks like you have several options UDO, because

03.02.2023 it was 230-120.12C

05.04.2023 230-120.3

07.17.2023 230-120.7

01.02.2024 230-30.8

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2/14/2024

09.10.2022 I installed a car canopy.

09.28.2022 I received a notification

that I need a permit

10.04.2022 I went to the pd office, when

I was told that ~~no matter~~ in Gwinnett
is not allowed to install car canopy

03.02.2023 Code Enforcement officer
issued me a citation under code

UDO 230-120.12C

05.04.2023 this code was changed on

230-120.3

07.17.2023 this code was changed on

230-120.7

Now this violation has a code

230-30.8

This is not UDO, it's better to call
it what I want.

My house is not in elite area. The

canopy meets fire and electrical safety

regulations

Exhibit D: Maps

[attached]



FALCONWOOD CT

TAHOE CT

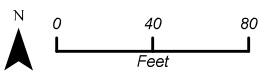
ROCKBOROUGH TRL

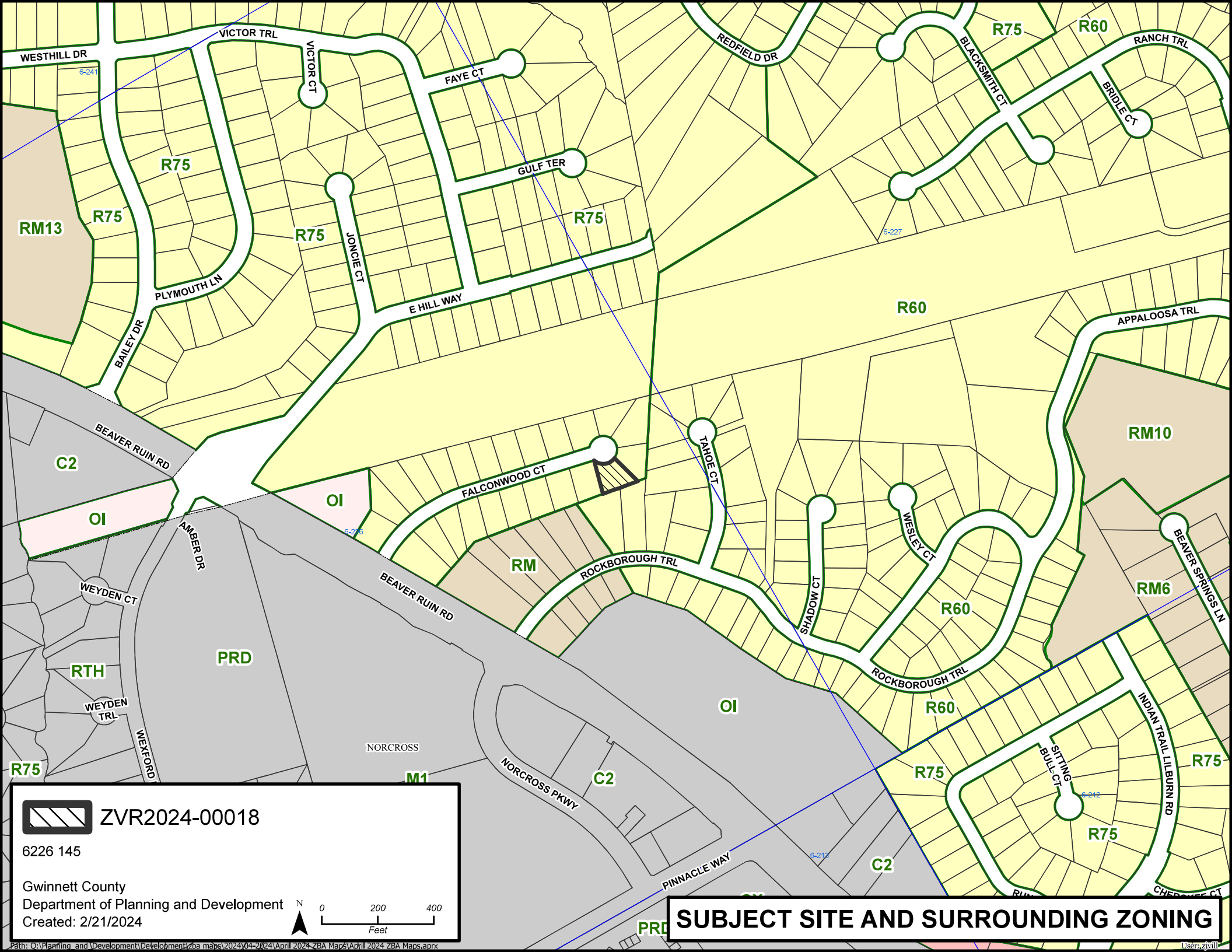


ZVR2024-00018

6226 145

Gwinnett County
Department of Planning and Development
Created: 2/21/2024





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Gwinnett County
 Department of Planning and Development
 Created: 2/21/2024

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 Feet

SUBJECT SITE AND SURROUNDING ZONING