



LAWRENCEVILLE

GEORGIA

BOARD OF APPEALS

MEETING MINUTES

Monday, November 20, 2023, 6:00 p.m.

Council Assembly Room 70 South Clayton Street Lawrenceville, Ga 30046

CALL TO ORDER

CALLED TO ORDER at 6:00 p.m.

PRESENT

Vice Chairperson - Cory Acuff

Board Member – Joseph Wise

Board Member – Steven Twombly

ABSENT

Chairperson – Rory Johnson

Board Member – Richard Hall

APPROVAL OF AGENDA at 6:01 p.m.

Motion made **to AMEND the Agenda as PRESENTED** by Board Member Twombly and
Seconded by Board Member Wise

- Item 1. - Administratively Withdraw VAR2023-00011; David Caraway – Britt, Peters, and Associates for Bank of America; 615 West Pike Street (Staff Recommendation).
- Add – Variance request (VAR2023-00112) to allow the approval of a waiver from the Zoning Ordinance, Article 9, Section 910. Lapse of Time for Reapplication and Waiver of Said Period to allow the application or reapplication for the same type of Variance affecting the same land or any portion thereof shall be made or accepted within twelve (12) months from the date of last action (March 20, 2023) by the Board of Appeals, as appropriate, unless such twelve (12) month period is waived by the Board of Appeals as appropriate, and in no case may such an

application or reapplication be allowed in less than six months from the date of last action by the Board of Appeals, as appropriate. (Staff Recommendation).

Voting Yea: Vice Chairperson Acuff, Board Member Wise, Board Member Twombly.

Motion made **to APPROVE the Agenda as AMENDED** by Board Member Twombly and Seconded by Board Member Wise

Voting Yea: Vice Chairperson Acuff, Board Member Wise, Board Member Twombly.

APPROVAL OF PRIOR MEETING MINUTES at 6:04 p.m.

Motion made **to APPROVE the Board of Appeals Meeting Minutes** by Board Member Twombly and Seconded by Board Member Wise.

- **Wednesday, July 17, 2023, Meeting Minutes**

Voting Yea: Vice Chairperson Acuff, Board Member Wise, Board Member Twombly.

NEW BUSINESS

1. **6:05 p.m. - VAR2023-00112**- Applicant: Danielle Sheridan; Property Owner: Chick-fil-A, Inc.; An application requesting the approval of a waiver allowing a Lapse of Time for Reapplication and Waiver of Said Period; The property is located at 680 Duluth Highway; Parcel Identification Number 7009 023; Approximately 0.92 acres.

6:11 p.m. - Motion made to **APPROVE a request to allow a Lapse of Time for Reapplication and Waiver of Said Period** by Board Member Twombly and Seconded by Board Member Wise

Allow the acceptance of an application within the twelve (12) months from the date of the last action (March 20, 2023) by the Board of Appeals. Said application (VAR2023-00112) shall be accepted and presented to the Board of Appeals during the Tuesday, January 16, 2024, public hearing.

Voting Yea: Vice Chairperson Acuff, Board Member Wise, Board Member Twombly.

FINAL ADJOURNMENT: 6:20 p.m.

Motion made at to **ADJOURN** by Board Member Twombly and Seconded by Board Member Wise.

Voting Yea: Vice Chairperson Acuff, Board Member Wise, Board Member Twombly.



LAWRENCEVILLE

GEORGIA

BOARD OF APPEALS MINUTES

Monday, July 17, 2023
6:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

CALL TO ORDER

CALLED TO ORDER at 6:00 p.m.

PRESENT

Chairperson - Rory Johnson

Vice Chairperson - Cory Acuff

Board Member - Richard Hall

Board Member – Steven Twombly

ABSENT

Board Member – Joseph Wise

APPROVAL OF AGENDA at 6:01 p.m.

Motion made **to APPROVE the Agenda as PRESENTED** by Vice Chairperson Acuff and Seconded by Board Member Twombly

Voting Yea: Chairperson Johnson, Vice Chairperson Acuff, Board Member Hall, Board Member Twombly.

APPROVAL OF PRIOR MEETING MINUTES at 6:02 p.m.

Motion made **to APPROVE the Board of Appeals Meeting Minutes** by Board Member Twombly and Seconded by Vice Chairperson Acuff.

- **Wednesday, April 19, 2023, Meeting Minutes**

Voting Yea: Chairperson Johnson, Vice Chairperson Acuff, Board Member Hall, Board Member Twombly.

NEW BUSINESS

1. **6:03 p.m. - VAR2023-00107**- Applicant: Maria Mejia; Property Owner: Maria Mejia and Orlando Casco; An application to allow for an eleven and six-tenths (11.6) foot encroachment into the required 50 Foot Front Yard Setback along Lake Run; The property is located at 432 New Hope Road; Parcel Identification Number R5173 025; Approximately 0.41 acres.

6:11 p.m. - Motion made to **APPROVE VAR2023-00107** by Vice Chairperson Acuff and Seconded by Board Member Twombly

Allow an eleven and six-tenths (11.6) foot encroachment of the primary structure (porch addition) into the required 50-Foot Front Yard Setback.

Voting Yea: Chairperson Johnson, Vice Chairperson Acuff, Board Member Hall, Board Member Twombly.

Proponent – Maria Mejia (applicant)

Opponent – None present.

2. **6:12 p.m. - VAR2023-00108** - Applicant and Property Owner: Seyling Reyes; An application to allow for a 5 foot tall fence in the front yard; The property is located at 155 Paper Mill Road; Parcel Identification Number 5174 111; Approximately 0.2 acres.

6:18 p.m. - Motion made to **APPROVE VAR2023-00108** by Vice Chairperson Acuff and Seconded by Board Member Twombly

Allow a one (1) foot increase in the overall height of a wall and accessory fencing within a required Front Yard Building Setback area. Wall and accessory fencing shall be limited to a maximum height of five (5) feet.

Voting Yea: Chairperson Johnson, Vice Chairperson Acuff, Board Member Hall, Board Member Twombly.

Proponent – Seyling Reyes (applicant)

Opponent – None present.

FINAL ADJOURNMENT: 6:20 p.m.

Motion made at to **ADJOURN** by Board Member Twombly and Seconded by Vice Chairperson Acuff.

Voting Yea: Chairperson Johnson, Vice Chairperson Acuff, Board Member Hall, Board Member Twombly.



LAWRENCEVILLE

Planning & Development

VARIANCE APPLICATION

VAR2023-00112
680 Duluth Hwy
Chick-fil-A

VAR2023-00094
approved 3/20/2023

Needs waiver to be
heard prior to 3/2024



LAWRENCEVILLE

Planning & Development

VARIANCE APPLICATION

ADMINISTRATIVE

BOARD OF APPEALS

CITY COUNCIL

GENERAL INFORMATION

Unless otherwise provided for in the City of Lawrenceville Zoning Ordinance and Development Regulations, the Board of Appeals (BOA) and City Council has the authority to grant variances from the requirements of the Zoning Ordinance and Development Regulations, and The Code of City of Lawrenceville in accordance with the standards and procedures as set forth in the Zoning Ordinance, Article 9 Administration and Enforcement, and the Development Regulations, Article III Amendment to Drainage Regulations of 1989, Article VIII Floodplain Management Ordinance, Article XVIII Model Floodplain Management/Flood Damage Prevention Ordinance and Article XIX Model Stream Buffer Protection Ordinance.

The Director of the Planning and Development Department shall have the power to grant a variance (except for density and use) from the development standards of the Zoning Ordinance where, in their opinion, the intent of the Zoning Ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such a variance shall be limited from the following requirements: 1. Front Yard or Yard adjacent to a public street – variance not to exceed ten (10) feet; 2. Side Yard – variance not to exceed five (5) feet; 3. Rear Yard – variance not to exceed ten (10) feet.

APPLICANT INFORMATION

APPLICANT NAME: Danielle Sheridan

EMAIL: Dsheridan@interplanllc.com

PHONE: 407.645.5008

STREET ADDRESS: 220 E Central Parkway

SUITE: 4000

CITY: Altamonte Springs

STATE: FL

ZIP CODE: 32701

Danielle Sheridan
Digitally signed by Danielle Sheridan
Date: 2023.11.09 15:29:38 -05'00'

11/09/2023

SIGNATURE OF APPLICANT:

DATE:

PROPERTY OWNER INFORMATION (as applicable)

PROPERTY OWNER NAME: Chick-fil-A, Inc.

EMAIL: rex.powell@cfacorp.com

PHONE: 404.822.2568

STREET ADDRESS: 5200 Buffington Road

SUITE:

CITY: Atlanta

STATE: GA

ZIP CODE: 30349

SIGNATURE OF PROPERTY OWNER:

DATE:

SITE INFORMATION

VARIANCE DESCRIPTION: Requesting a reduction of the fifty foot (50') front setback on the western property line to three feet (3').

STREET ADDRESS: 680 Duluth Highway

SUITE/UNIT #:

CITY: Lawrenceville

STATE: GA

ZIP CODE: 30046

PIN: R7009 023

LOT NO.: 9

BLOCK NO.:



LAWRENCEVILLE

Planning & Development

ZONING INFORMATION

The act or process of partitioning a city, town, or borough into zones reserved for different purposes (such as residence or business).

ZONING CLASSIFICATION: General Business (BG)

ZONING CASE:

PRINCIPAL USE: Drive-thru only restaurant

SECONDARY USE (AS APPLICABLE):

STANDARDS FOR GRANTING A VARIANCE

A variance shall not be granted unless evidence is presented supporting conclusions that the variance meet the following criteria:

a. *Arises from a condition that is unique and peculiar to the building, land, and structures involved.*

The request for this variance is due to the 1993 Right-of-Way take along Professional Drive by Gwinnett County, which was not updated in the title work or on the survey until recently due to it being misfiled upon recording. This is unique to the land and structures involved and solely outside of Chick-fil-A's or the design team's control.

b. *Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of the Zoning Ordinance or Development Regulations literally enforced.*

The request is necessary due to the size of the existing site in combination with the ROW take as well as being double-fronted, requiring two 50' front setbacks on both Duluth Highway and Professional Drive.

c. *The condition requiring the requested relief not ordinarily found in properties of the same zoning classification as the subject property.*

A ROW take is not a common occurrence, especially on a double-fronted site subject to large front setbacks in combination with existing site constraints.

d. *The condition is created by the regulations of the Zoning Ordinance or Development Regulations and not by action or actions of the property owner or the applicant.*

The hardship has not been created by Chick-fil-A or any person having interest in the property. The condition is primarily due to the 1993 ROW take by the County along with existing site constraints.

e. *The granting of the variance will not 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.*

Relief, if granted, would not result in any detriment to the public or impair the purposes or intent of the City of Lawrenceville's Zoning Ordinance. The intent of the improvements is solely to aid in the day-to-day operations of Chick-fil-A, specifically, to increase on-site stacking, thus decreasing stacking on adjacent public roadways during peak hours.

f. *The variance granted the minimum variance that will make possible the reasonable use of the building, land or structures.*

Every effort has been made by Chick-fil-A's design team to reduce variations from code requirements. Chick-fil-A has made the decision to re-develop this location into a drive-thru-only facility with no dining room seating in an effort to utilize the property's size to its optimal capacity. The new restaurant reduces the building footprint and number of required parks, therefore better accommodating the demand for drive-thru traffic. With the drive-thru generating all of the business, the dual lanes and canopies over the ordering points and meal delivery window will be critical in expediting the flow of traffic on and off of this site. Unfortunately, the right-of-way take only increases the site constraints.

g. *Does the variance desired meet the general spirit and intent of Zoning Ordinance or Development Regulations and/or the purpose and intent of the City of Lawrenceville 2040 Comprehensive Plan?*

The primary building structure is located within both of the required front setbacks. Because it is just the open-air canopy which encroaches into the setback of the secondary frontage, we feel the variance desired does meet the intent of the code.

November 9, 2023

Helen Appenzeller-Bach
City of Lawrenceville Planning and Development Office
70 S Clayton Street, Lawrenceville, GA 30046
678.407.6400
Helen.Appenzeller@lawrencevillega.org

Reference: Chick-fil-A #0831 Pike Street
680 Duluth Highway, Lawrenceville, GA 30046
Interplan #2020.0261
Letter of Intent

Dear Ms. Appenzeller-Bach,

Please accept this Letter of Intent for a waiver request to submit for a new variance submittal. Due to the 1993 Right-of-Way take along Professional Drive by Gwinnett County, the previously approved variance, VAR2023-00094, is no longer applicable. While the previously approved design of the drive-thru only restaurant, isolated dual-lane drive-thru, canopies and updated parking layout has not changed, this Right-of-Way take, which was not included in the Title update or the survey until recently, forces an additional setback reduction.

Chick-fil-A and the surveyor were unaware of this ROW taking due to a mis-filing of the documents upon recordation, presumably by either Gwinnett County or Georgia Department of Transportation. While Interplan was aware of the most recent Right-of-Way taking on Duluth Highway, our civil designers were unable to design the site according to the dedicated Right-of-Way on Professional Drive, resulting in the previously approved variance becoming no longer applicable due to the adjustment of the property line.

Due to the constraints of a small site, Chick-fil-A has made the decision to re-develop this location into a drive-thru-only facility with no dining room seating in an effort to utilize the property's size to its optimal capacity. The new restaurant reduces the building footprint and number of required parks, therefore better accommodating the demand for drive-thru traffic. With the drive-thru generating all of the business, the dual lanes and canopies over the ordering points and meal delivery window will be critical in expediting the flow of traffic on and off of this site. Unfortunately, the Right-of-Way take only increases these site constraints.



CFA #831 Pike Street

11.09.2023

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Relief, if granted, would not result in any detriment to the public or impair the purposes or intent of the City of Lawrenceville's Zoning Ordinance. The intent of the improvements is solely to aid in the day-to-day operations of Chick-fil-A, specifically, to increase on-site stacking, thus decreasing stacking on adjacent public roadways during peak hours.

Please feel free to contact me if you have any questions or require additional information. If I am not available, Felipe Reyes is the Civil Project Manager and will be able to answer your questions.

Sincerely,

INTERPLAN LLC

Danielle Sheridan

Danielle Sheridan

Permit Lead

cc: F. Reyes, K. Lewis; Interplan LLC; IP File



LAWRENCEVILLE

GEORGIA

2024 BOARD OF APPEALS MEETING SCHEDULE

The Board of Appeals (BOA) meets the third Monday of each month at 6:00 PM unless otherwise specified. BOA submittals are due the 1st Friday of every month unless otherwise specified. All meetings are on the fourth floor of City Hall in the Council Assembly Room. In the event of a conflict, meetings will be on the third floor of City Hall in the GMA Conference Room

Submittal Deadline (Friday)	Advertisement	Meeting Date (Monday)
12/01/2023	12/12/2023	(Tuesday) 01/16/2024
01/05/2024	01/16/2024	(Tuesday) 02/20/2024
02/02/2024	02/23/2024	03/18/2024
03/01/2023	03/12/2024	04/15/2024
04/05/2024	04/16/2024	05/20/2024
05/03/2024	05/14/2024	06/17/2024
06/07/2024	06/11/2024	07/15/2024
07/05/2024	07/16/2024	(Tuesday) 08/20/2024
08/02/2024	08/13/2024	09/16/2024
09/06/2024	09/17/2024	10/21/2024
10/04/2024	10/15/2024	11/18/2024
11/01/2024	11/12/2024	12/16/2024
12/06/2024	12/17/2024	01/21/2025 (Tuesday)

AS OF: Friday, November 17, 2023

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