



LAWRENCEVILLE

GEORGIA

BOARD OF APPEALS AGENDA

Tuesday, January 28, 2020
6:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

Approval of Agenda

Approval of Prior Meeting Minutes

New Business

Discussion on variance requests will be limited to 10 minutes per side. Questions from Board of Appeals members and the resulting answers will not infringe on time limit.

- [1.](#) VAR2019-00018; W. Michael Stubbs; 383 Maltbie Street
- [2.](#) APPL2020-00001; Claudia Cullen

Final Adjournment



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AGENDA REPORT
MEETING: BOARD OF APPEALS
AGENDA CATEGORY: NEW BUSINESS

Item: VAR2019-00018; W. Michael Stubbs; 383 Maltbie Street

Department: Planning and Development

Date of Meeting: Tuesday, January 28, 2020

Fiscal Impact: None

Presented By: Todd Hargrave

Action Requested: Consideration

Summary: The applicant is requesting a variance of the Developmental Regulations; Article VIII, Section 8.2.1(E).

Attachments/Exhibits:

VAR2019-00018 Report
VAR2019-00018 Application

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE REPORT**

VARIANCE CASE NUMBER	VAR2019-00018
PROPERTY OWNER	READY-MIX USA, INC
APPLICANT NAME	W. Michael Stubbs
PROPERTY IN QUESTION	383 Maltbie Street
PARCEL ID NUMBER	R5144 105
PRESENT ZONING	HM (Heavy Manufacturing)
ORDINANCE SECTION AFFECTED	Developmental Regulations, Article XIX, Model Stream Buffer Protection Ordinance, Section 19.5.1(1) 50-foot undisturbed natural vegetative buffer
VARIANCE TO ALLOW	Encroach into the stream buffer

VARIANCE

To authorize such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions and not to the intentional conduct of the requesting party, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

ANALYSIS

The applicant is requesting a variance of the Developmental Regulations; Article VIII, Section 8.2.1(E). The applicant occupies the property located 383 Maltbie Street known as Ready-Mix USA, LLC. Per the applicant, the 50-foot stream buffer was constructed some time prior to January 1993.

Article XIX, Section 19.5.1 of the Development Regulations requires an undisturbed natural vegetative buffer to be maintained for 50 feet along the streams of the City of Lawrenceville. The existing stream runs along the western side of the property, and it does not significantly affect the amount of developable land. The applicant is requesting the elimination of the required 50-foot non-impervious buffer along the entire length of the stream, as measured

from the top of banks. The existing development contains impervious surfaces (paved concrete and walls) that are within the 50-foot stream buffer.

The applicant states that in order to control and treat the stormwater, the owner requests to establish a stormwater pond within the existing developed area. The owner proposes the stormwater pond will enhance water quality of the discharged stormwater from the site.



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VARIANCE PROCESS

The applicant is required to notify all adjoining property owners (including those across any streets) of their intentions to request a variance for the property. The notification shall be sent via Certified Mail by the deadline shown on the schedule provided by the Planning & Development Department. The notice shall include:

- 1) Copy of application
- 2) Legal Description
- 3) Site plan
- 4) Variance case number
- 5) Date, time and place of public hearing

Proof that the notifications were mailed must be delivered to the Planning & Development Department as soon as is feasible but no later than 12:00 (noon) on Wednesday the week before the Board of Appeals meeting. Failure to submit the required proof of mailing will result in the application being tabled to the next month's meeting.

The applicant is required to erect a notification sign (provided by the Planning & Development Department) on the property not less than 15 days prior to the Board of Appeals meeting. It is the responsibility of the applicant to insure that the sign remain on the property throughout the variance proceedings.

Approximately one week prior to the scheduled Board of Appeals Meeting, the Planning Staff Report and Recommendation will be available at the Planning and Development office.

The applicant shall appear* before the City of Lawrenceville Board of Appeals to present his case for the variance. There will be an opportunity for opposition to speak.

The Board of Appeals will make a decision at that meeting (decision could be to approve, approve with conditions, deny or table), based on the evidence presented and other data collected.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of the Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

* The applicant, or a representative on his behalf, must be present at all the meetings to answer any questions that may arise. If the applicant fails to attend the meetings, his rezoning request may be tabled until the next meeting. However, the Planning Commission and/or Mayor and City Council may act upon the rezoning request if they choose to do so.



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Documents required at the time of submittal:

- 1) Application Form, signed and notarized
- 2) Demonstration Questionnaire
- 3) A typed, metes and bounds legal description
- 4) A boundary survey signed by a GA. Registered surveyor
 - a. Drawn to a scale of 1"=50' or greater.
- 5) A site Plan: Provide one 11" x 17" copy and 1 full size copy;
 - a. Prepared by a GA Registered Land Surveyor, or Professional Engineer or Landscape Architect
 - b. Drawn to a scale of 1"=50' or greater.
 - c. Show property line data (metes and bounds) as well as existing infrastructure and existing site conditions including:
 - i. Existing structures;
 - ii. Full width of existing streets and intersecting streets;
 - iii. Streams, stream buffers and non-pervious easements;
 - iv. Flood hazard zones (reference source of data); A vicinity map.
 - v. Indemnification and Waiver form, signed and dated
- 6) Fee
 - a. Refer to the Schedule of Fees, Charges, and Expenses
 - b. Please make checks payable to the: City of Lawrenceville

* If there are multiple landowners for one project, each owner must file an application form, however only one fee is required. Multiple projects with one owner, must file separate applications, with separate fees.

To authorize such variance from the terms of the City of Lawrenceville Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

The Board of Zoning Appeals shall not grant a variance from the terms of this Ordinance unless and until:

The application and all required documents and fees must be complete or the application will not be accepted.



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VARIANCE APPLICATION

Variance applications may only be accepted for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

Applicant: W. Michael Stubbs

Owner: Ready-Mix USA, Inc

Address: 3920 Arkwright Rd.

Address: 383 Maltbie St.

Macon, GA 31210

Lawrenceville, GA 30046

Telephone: (478) 743-7175

Telephone: (707) 508-4390

Contact person: W. Michael Stubbs, P.E.

Contact telephone: (478) 743-7175

Email: MStubbs@HHNT.com

PROPERTY IN QUESTION

Street Address: 383 Maltbie St. Lawrenceville, GA 30046

Property Identification number: (Tax parcel number) R / 5144 / 105

Present zoning: M-2

Variance(s) requested:

Proposed improvements to an existing development located within the City of
Lawrenceville's 50' stream buffer to construct a stormwater pond for an existing concrete
plant. Approximate area of requested variance is +/- 0.18 AC.

W. Michael Stubbs
Signature of applicant

11/6/19
Date

Chris Hill
Signature of property owner

Date

W. Michael Stubbs
Printed name

Date

Chris Hill
Printed name

Date



Carly Weber
Notary public

Date

Cathy Jones
Notary public

Date



70 S Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200
770.963.2414 • www.lawrencevillega.org



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GWINNETT • METRO ATLANTA

DEMONSTRATION QUESTIONNAIRE

Demonstrate the special conditions and circumstances that exist which are peculiar to the land, structure, or building for which the variance is being requested:

The existing development contains impervious surfaces (paved concrete surfaces and walls) within the 50' stream buffer which were constructed some time prior to January of 1993. In order to control and treat stormwater, the owner proposes to develop a stormwater pond within the existing developed area.

Demonstrate that these special conditions or circumstances are unique to this property:

The requested variance area consists of existing impervious surfaces and will be improved by the construction of the proposed stormwater pond.

Demonstrate that these special conditions or circumstances are not the result from actions of the applicant:

The existing site conditions consist of impervious surfaces within the 50' stream buffer, which were constructed prior to January of 1993.

Demonstrate that the variance requested is the minimum variance that will make possible the reasonable use of land, structure, or building:

Various configurations were considered for this proposal. The proposed stormwater pond is the least impactful and most improves the stormwater controls for the existing facility. Only areas of the buffer which were previously developed are being proposed for this variance.

Demonstrate that the request is in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

The proposed stormwater pond will improve the water quality of discharged stormwater from the site as well as improve both the existing stormwater controls of the concrete plant and the existing impervious area within the stream and non-pervious buffers.



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Georgia's Capital City

INDEMNIFICATION AND WAIVER FORM

I, Chell, do hereby agree to indemnify and defend the City of Lawrenceville should any litigation arise as a result of the variance being granted by the Lawrenceville Board of Zoning Appeals.

I realize and understand that when the City of Lawrenceville grants a variance it is agreeing not to enforce a city ordinance and that, as a result, the City incurs a risk of being sued due to the granting of the variance. I, therefore, agree that I will be responsible for all costs in the event litigation arises concerning the granting of a variance and will hold the City harmless for any expenses I incur to defend any claims on the granting of the variance.

This 15th day of November, 2019.

Chell
Signature
Division Operations Manager
Title

Tract 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 144 OF THE 5TH LAND DISTRICT, GWINNET COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF MALTBIE STREET (RIGHT OF WAY VARIES) AND HAVING THE FOLLOWING NAD83 GEORGIA WEST ZONE STATE PLANE COORDINATES NORTHING: 1441812.04, EASTING: 2347686.38.

THENCE, N74°22'01"W, ALONG THE RIGHT OF WAY OF MALTBIE STREET, A DISTANCE OF 286.26' TO A 1/2" REBAR;

THENCE, N74°22'01"W, A DISTANCE OF 115.65' TO A 1/2" REBAR;

THENCE, LEAVING SAID RIGHT OF WAY, S15°37'00"W, A DISTANCE OF 15.00' TO A 1/2" REBAR;

THENCE, S15°37'00"W, A DISTANCE OF 36.06' TO A 1/2" REBAR;

THENCE, S58°44'28"W, A DISTANCE OF 222.11' TO A 1/2" REBAR;

THENCE, S27°54'42"E, A DISTANCE OF 128.03' TO A 1/2" REBAR;

THENCE, N62°10'25"E, A DISTANCE OF 69.61' TO A 1/2" REBAR;

THENCE, S10°51'16"W, A DISTANCE OF 111.53' TO A 1/2" REBAR;

THENCE, S67°49'25"E, A DISTANCE OF 69.95' TO A 1/2" REBAR;

THENCE, S9°41'30"W, A DISTANCE OF 139.78' TO A 1/2" REBAR;

THENCE, S10°41'42"E, A DISTANCE OF 167.11' TO A 1/2" REBAR;

THENCE, S12°18'35"W, A DISTANCE OF 166.18' TO A 1/2" REBAR ON THE NORTHERLY RIGHT OF WAY OF SEABOARD COASTLINE RAILROAD (100' R/W);

THENCE, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1838.62', AN ARC LENGTH OF 189.59', AND BEING SUBTENDED BY A CHORD WITH THE BEARING, N82°04'36"E, AND A CHORD DISTANCE OF 189.51' TO A 1/2" REBAR;

THENCE, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 3552.72', AN ARC LENGTH OF 90.34', AND BEING SUBTENDED BY A CHORD WITH THE BEARING, N85°44'59"E, AND A CHORD DISTANCE OF 90.34' TO A 1/2" REBAR;

THENCE, LEAVING SAID RIGHT OF WAY, N13°59'51"E, A DISTANCE OF 725.77' TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 6.81 ACRES, MORE OR LESS.

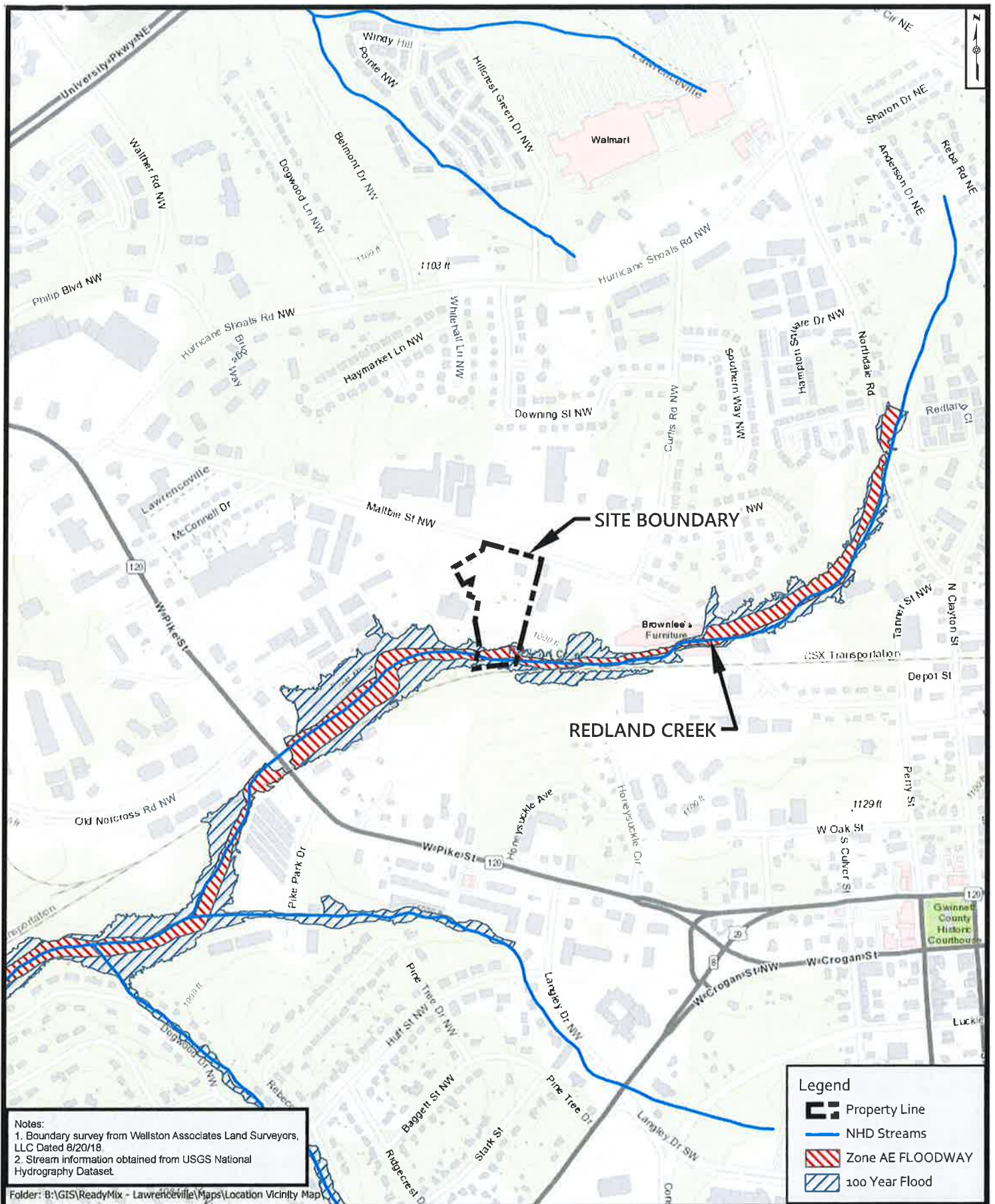


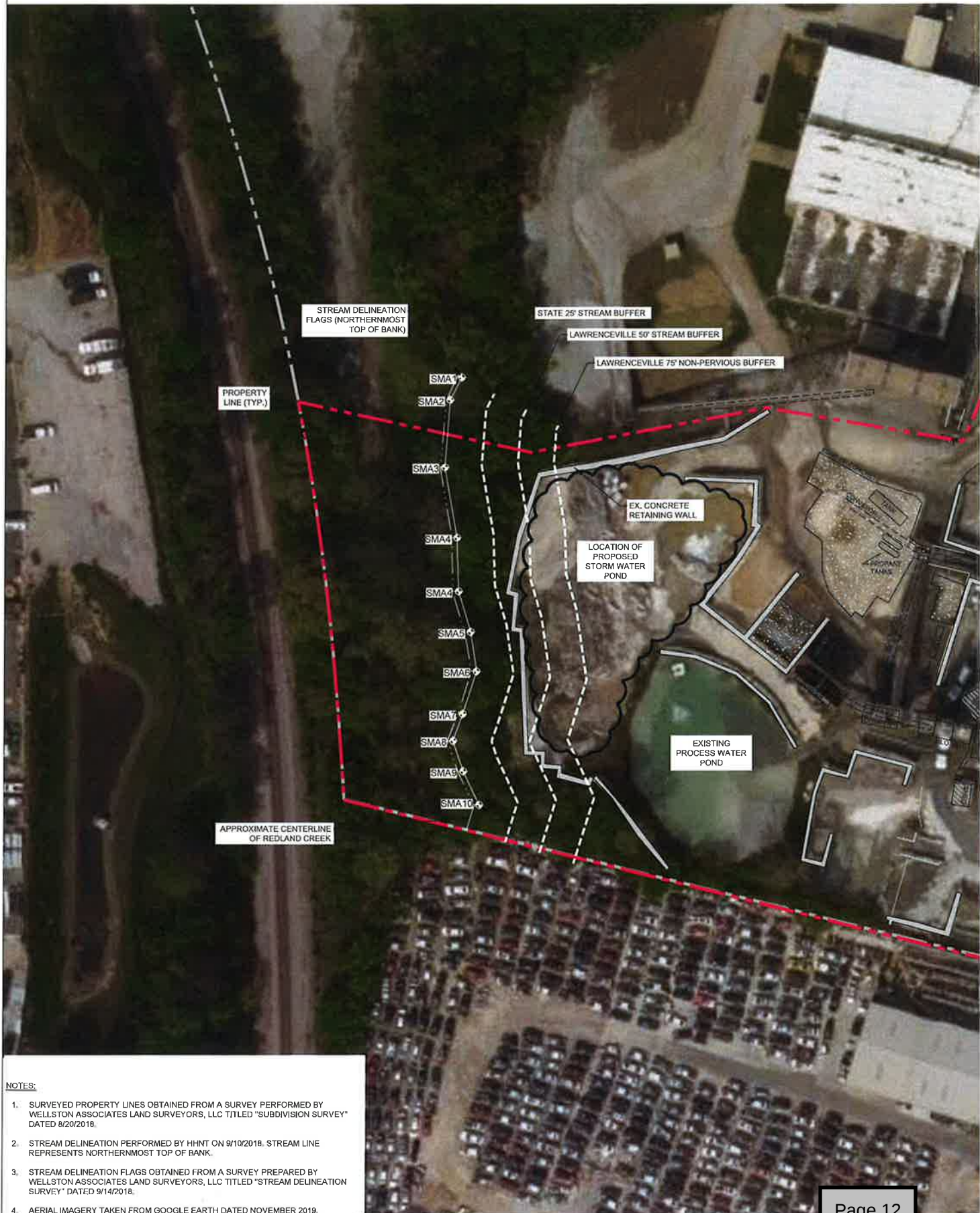
Figure 1 - Location Map

Ready-Mix USA, Inc.
Lawrenceville, Georgia

Date: 11/5/2019

HHNT

HODG
NEWBERR
Cons



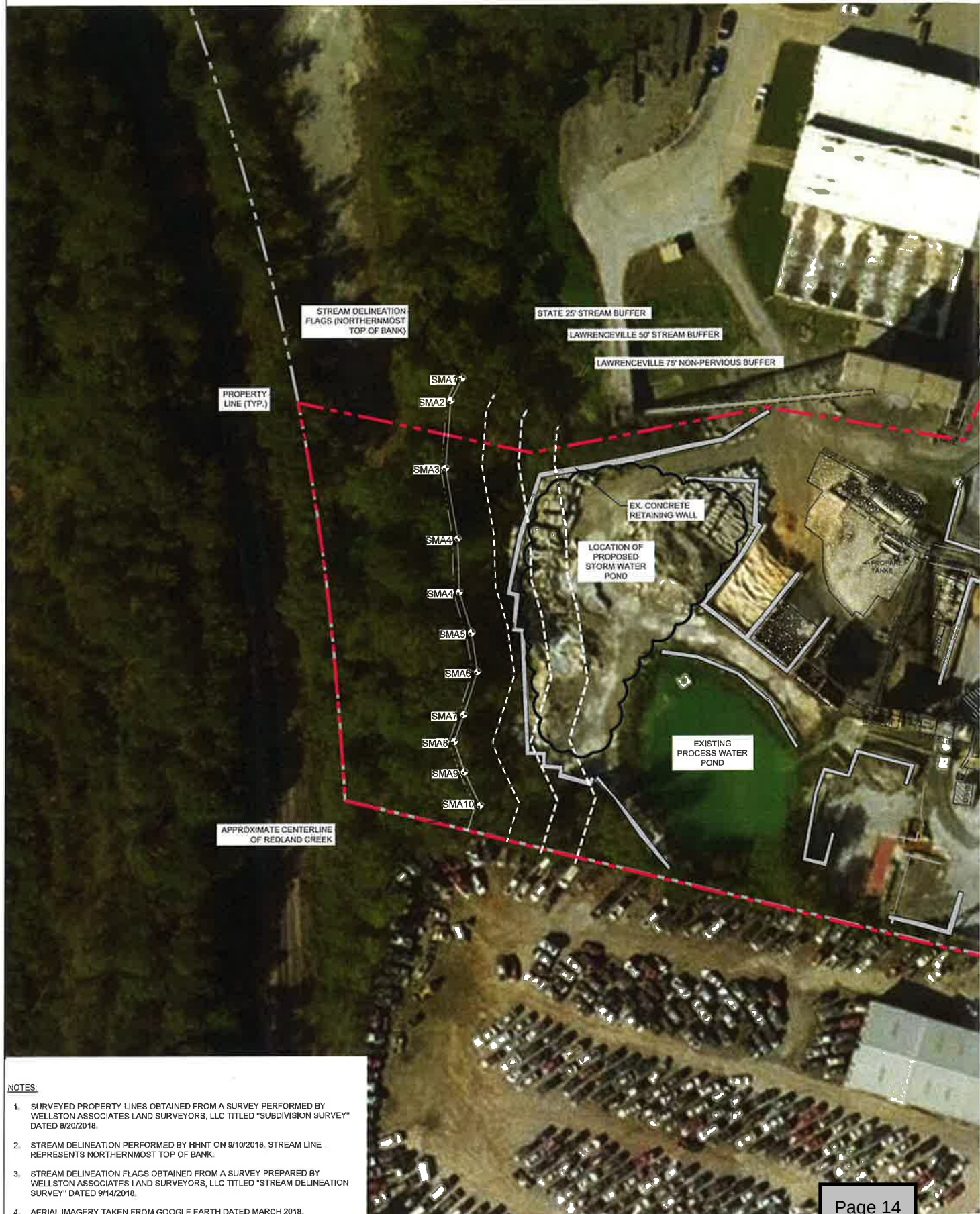
NOTES:

1. SURVEYED PROPERTY LINES OBTAINED FROM A SURVEY PERFORMED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "SUBDIVISION SURVEY" DATED 8/20/2018.
2. STREAM DELINEATION PERFORMED BY HHNT ON 9/10/2018. STREAM LINE REPRESENTS NORTHERNMOST TOP OF BANK.
3. STREAM DELINEATION FLAGS OBTAINED FROM A SURVEY PREPARED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "STREAM DELINEATION SURVEY" DATED 9/14/2018.
4. AERIAL IMAGERY TAKEN FROM GOOGLE EARTH DATED NOVEMBER 2019.



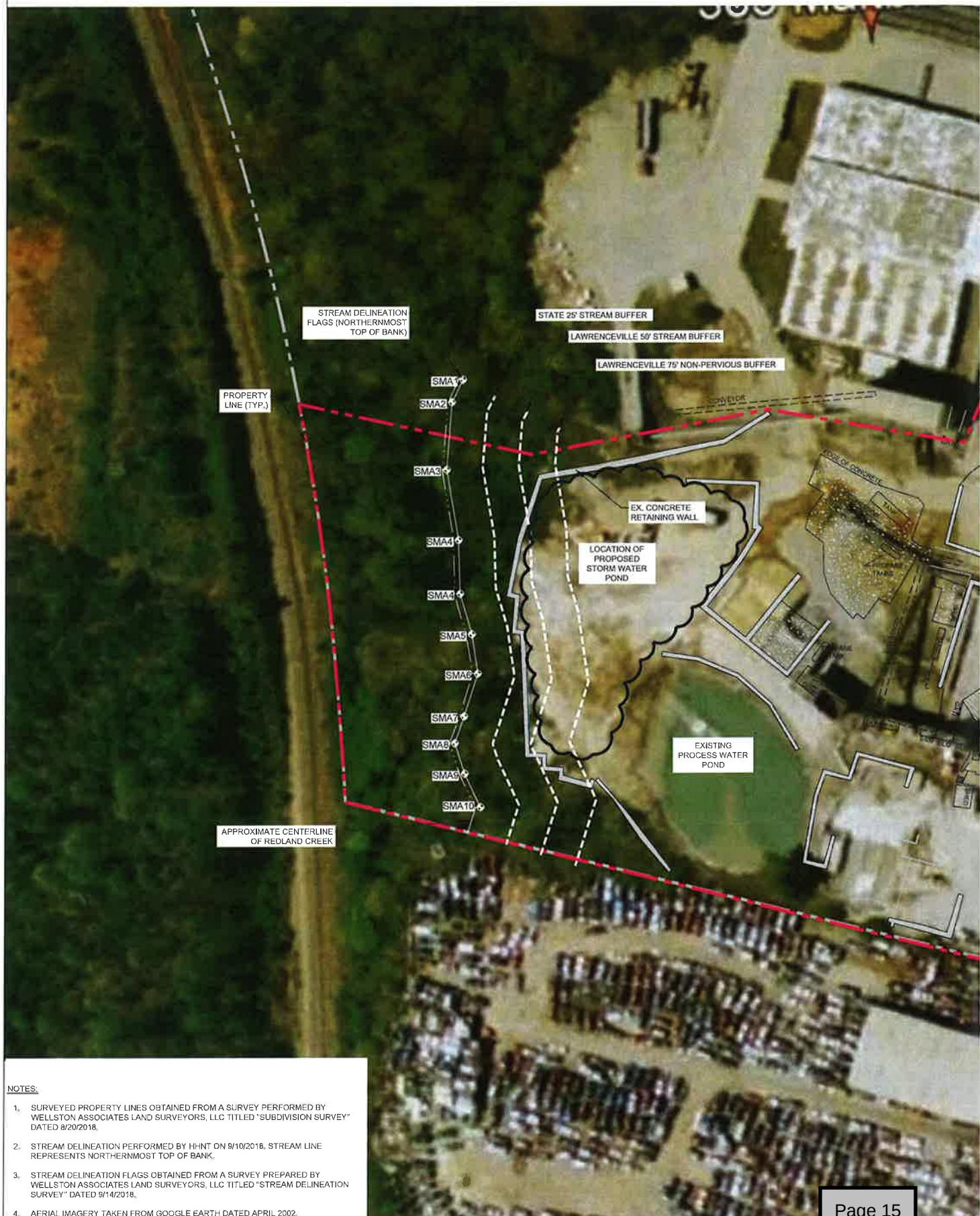
NOTES:

1. TOPOGRAPHIC INFORMATION OBTAINED FROM AN AERIAL SURVEY PREPARED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC DATED 9/14/2016; COMBINED WITH A SURVEY PREPARED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC DATED 11/5/2019.
2. SURVEYED PROPERTY LINES OBTAINED FROM A SURVEY PERFORMED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "SUBDIVISION SURVEY" DATED 8/20/2018.
3. STREAM DELINEATION PERFORMED BY HHNT ON 9/10/2018. SURVEYED LINE REPRESENTS NORTHERNMOST TOP OF BANK.
4. STREAM DELINEATION FLAGS OBTAINED FROM A SURVEY PREPARED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "STREAM DELINEATION SURVEY" DATED 9/14/2018.
5. BENCHMARK INFORMATION PROVIDED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC IN A DRAWING TITLED "STEAM DELINEATION SURVEY" DATED 9/14/2018.
6. FLOODPLAIN AND FLOODWAY INFORMATION OBTAINED FROM FEMA FLOOD MAP (FIRM PANEL NO. 13135C0073F, DATED 9/29/2006).
7. REFERENCE DATUM UTILIZED IS NAD83.
8. DIVERSION BERMS TO BE CONSTRUCTED ALONG PROPERTY LINE AS NEEDED TO DIVERT STORMWATER TO PROPOSED STORMWATER POND.
9. ALL POND SLOPES ARE TO BE 3H:1V.



NOTES:

1. SURVEYED PROPERTY LINES OBTAINED FROM A SURVEY PERFORMED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "SUBDIVISION SURVEY" DATED 8/20/2018.
2. STREAM DELINEATION PERFORMED BY HHNT ON 9/10/2018. STREAM LINE REPRESENTS NORTHERNMOST TOP OF BANK.
3. STREAM DELINEATION FLAGS OBTAINED FROM A SURVEY PREPARED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "STREAM DELINEATION SURVEY" DATED 9/14/2018.
4. AERIAL IMAGERY TAKEN FROM GOOGLE EARTH DATED MARCH 2018.



NOTES:

1. SURVEYED PROPERTY LINES OBTAINED FROM A SURVEY PERFORMED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "SUBDIVISION SURVEY" DATED 8/20/2018.
2. STREAM DELINEATION PERFORMED BY H+INT ON 9/10/2018. STREAM LINE REPRESENTS NORTHERNMOST TOP OF BANK.
3. STREAM DELINEATION FLAGS OBTAINED FROM A SURVEY PREPARED BY WELLSTON ASSOCIATES LAND SURVEYORS, LLC TITLED "STREAM DELINEATION SURVEY" DATED 9/14/2018.
4. AERIAL IMAGERY TAKEN FROM GOOGLE EARTH DATED APRIL 2002.





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AGENDA REPORT
MEETING: BOARD OF APPEALS
AGENDA CATEGORY: NEW BUSINESS

Item: APPL2020-00001; Claudia Cullen
Department: Planning and Development
Date of Meeting: Tuesday, January 28, 2020
Fiscal Impact: None
Presented By: Todd Hargrave
Action Requested: Consideration

Summary: Applicant wishes to appeal the Pouring Alcohol Decision.

Attachments/Exhibits: