



LAWRENCEVILLE

GEORGIA

BOARD OF APPEALS AGENDA

Tuesday, September 22, 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. VAR2020-00033; Clayton Complex, LLC; 651 North Clayton Street

Final Adjournment



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

Item: VAR2020-00033; Clayton Complex, LLC; 651 North Clayton Street

Department: Planning and Development

Date of Meeting: Tuesday, September 22, 2020

Applicant Request: Allow encroachment into front setback

Presented By: Todd Hargrave

Department Recommendation: Approval

Summary: Applicant requests a relief from Article I, SECTION 102.11.B, General Business, Lot Development Standards.

Attachments/Exhibits:

- Report
- Application
- Survey
- Aerial Map
- Zoning Map

CITY OF LAWRENCEVILLE
PLANNING DEPARTMENT
VARIANCE REPORT
BOARD OF ZONING APPEALS

VARIANCE CASE NUMBER: VAR2020-00033

PROPERTY OWNER: CLAYTON COMPLEX, LLC

APPLICANT NAME: LINDA NASH

PROPERTY IN QUESTION: 651 NORTH CLAYTON STREET

PARCEL ID NUMBER: R5146C008

PRESENT ZONING: BG (GENERAL BUSINESS DISTRICT)

ORDINANCE SECTION AFFECTED: ZONING ORDINANCE, ARTICLE I, DISTRICTS, SECTION 102.11.B, GENERAL BUSINESS DISTRICT, LOT DEVELOPMENT STANDARDS

VARIANCE TO ALLOW: ENCROACHMENT INTO BUILDING SETBACKS

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.

EXISTING OR NEW BUILDING: Two existing buildings.

ZONING RECOMMENDATION INCLUDING CONDITIONS AND SAFEGUARDS TO ENSURE CONFORMITY TO THE ZONING ORDINANCE:

The applicant is requesting a variance for a lot located at 651 North Clayton Street on the west side of North Clayton street, north of the railroad tracks. The property is currently developed with two buildings that were built in 1940. According to the request, the applicant is proposing to encroach into the front setback facing North Clayton Street by 23.5 feet, shown on the submitted plan.

Article 1, District, Section 102.11.B requires BG (General Business District) to have a front setback of 50 feet.

According to the applicant, the road has been extended throughout the years and that there was most likely no required setbacks in the 1940s. The applicant wishes to bring the property into compliance with the City by requesting the relief of the front setback requirement.

Given the aforementioned factors, the Planning and Development Department recommends **APPROVAL** of this request.



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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: Linda Nash Owner: Clayton Complex, LLC Linda Nash
Sole Member
 Address: 778 Natchez Valley Trace Address: 778 Natchez Valley Trace
Grayson, GA 30017 Grayson, GA 30017
 Telephone: 404-310-3247 Telephone: Same
 Contact person: Linda Nash
 Contact telephone: 404-310-3247 Email: Linda.e.Nash@gmail.com

PROPERTY IN QUESTION

Street Address: 651 N Clayton Street, Lawrenceville, GA 30046

Property identification number: (Tax parcel number) R5 / 146C / 008

Present zoning: BG

Variance(s) requested:

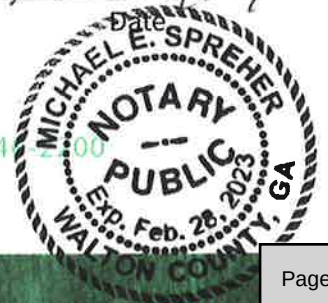
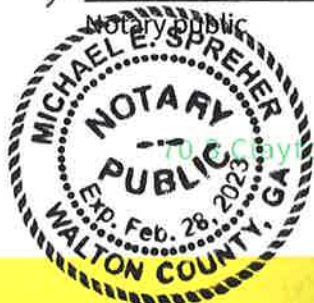
To allow a 23.5 foot encroachment into the
required 50 foot front yard setback.
ZO, Art I, Districts, Sect 102.11 BG General Business
District, B, Lot Development Standards.

Linda Nash 8-19-20 Linda Nash 8-19-20
 Signature of applicant Date Signature of property owner Date

Linda Nash Linda Nash
 Printed name Date Printed name Date

Michael E. Spreher 8/19/2020
 Notary public Date

Michael E. Spreher 8/19/2020
 Notary public Date



PO Box 2200 • Lawrenceville, Georgia 30046
 770.963.2414 • www.lawrencevillega.org



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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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ANNOUNCEMENT LETTER

RE: Attached Legal Description

Dear Sir or Madam:

PLEASE BE ADVISED THAT _____ HAS APPLIED FOR A VARIANCE

(V--_ _) TO REQUEST _____

The Lawrenceville Board of Zoning Appeals will hold a public hearing at 6:00 p.m. on Monday, **February 10, 2020** in order to discuss and act upon this variance request. The meeting will be held in the Assembly Room of City Hall, which is located at 70 South Clayton Street, Lawrenceville, Georgia.

If you would like to comment on the variance request, please plan to attend these meetings. The public is allowed to speak during both the Board of Appeals public hearing. If you plan to speak in opposition to this request, please be advised that in accordance with Chapter 36-67A-3(c) of the Code of Georgia, if you have made, within the two years immediately preceding the filing of this variance request, campaign contributions aggregating \$250.00 or more to a local government official who will consider this application, you must contact the Planning & Development Department to obtain the appropriate Campaign Contributions Disclosure Form. This disclosure requirement must be filed at least five calendar days prior to the Board of Appeals Public Hearing.

Sincerely,

Enclosure

Please see below

**Encl. Copy of Application
Letter of Intent
Legal Description
Site plan**

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



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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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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:

Both historic (c1940) structures at 651 N Clayton St., Lawrenceville, GA require a variance to the 50' front setback rule.

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

It is likely that there was no setback requirement in 1940 and that N Clayton Street has been significantly widened since 1940.

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

The footprints of both structures at 651 N. Clayton Street have not been changed since I purchased this property in October, 2007.

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

The required front setback is 50'. The current setback is 26.5'. The Variance Request is "to allow a 23.5' encroachment into the required 50' front yard Setback. $50' - 26.5' = 23.5'$

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:

651 N. Clayton Street is on the College Corridor which is expected to allow multiple setback requirements for new Residential and Business zones and to support existing historic buildings.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 146 of the 5th District, City of Lawrenceville, Gwinnett County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin found south 187.7 feet along the westerly right of way of North Clayton Street from its intersection with the centerline of Tanner Street; running thence along said right of way South 02 degrees 41 minutes 53 seconds West a distance of 150.82 feet to an iron pin set; running thence North 84 degrees 49 minutes 15 seconds West a distance of 191.90 feet to an iron pin set; running thence North 02 degrees 41 minutes 53 seconds East a distance of 150.82 feet to an iron pin found; running thence South 84 degrees 49 minutes 15 seconds East a distance of 191.90 feet to an iron pin found; said property being shown on that survey for Marjorie Torrance, Annette Lovelady and Jean Moody prepared by M.V. Ingram Enterprises, Inc. dated May 24, 2004.

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1.

INDEMNIFICATION AND WAIVER FORM

I, Linda Nash ^{for Clayton} Complex, LLC 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 19th day of August, 2020.

Linda Nash
Signature

Sole Member, Clayton Complex, LLC
Title

LEGEND

- EOP EDGE OF PAVEMENT (CURB)
 - PP POWER POLE
 - R/W RIGHT OF WAY
 - IPF IRON PIN FOUND
 - IPS 1/2" REBAR SET
 - SW SIDE WALK
 - BOLLARD
 - OHP OVERHEAD POWER
 - FH FIRE HYDRANT
 - CB CATCH BASIN
 - MH MANHOLE
 - WM WATER METER
 - WV WATER VALVE
 - GV GAS VALVE
 - GM GAS METER
 - LP LIGHT POLE
 - CONCRETE PAD
 - MB MAIL BOX
- FLOOD HAZARD
NOTE: THIS
PROPERTY IS NOT
LOCATED IN A
FLOOD HAZARD
AREA AS DEFINED
BY FIRM MAP OF
GWINNETT COUNTY,
GEORGIA
13135C0074F
EFFECTIVE DATE
SEPTEMBER 29,
2006

GENERAL NOTES:

- 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
- 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
- 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
- 4: No Geodetic monuments were found within 500 feet of this site.
- 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

EQUIPMENT:

ELECTRONIC TOTAL STATION AND NETWORK GPS
GPS RECEIVER: CHAMPION INSTRUMENTS, PRO, SN:1033458,
NETWORK: eGPSVRS

FINAL PLAT SURVEYOR' CERTIFICATION

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AND ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS FUTURE, AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT

BY: DATE: 08-19-20
SIGNATURE OF REGISTERED-GEORGIA LAND SURVEYOR

NAME (PRINTED): PATRICK CAREY NO: 3077
(SEAL)



FINAL PLAT APPROVAL CERTIFICATION

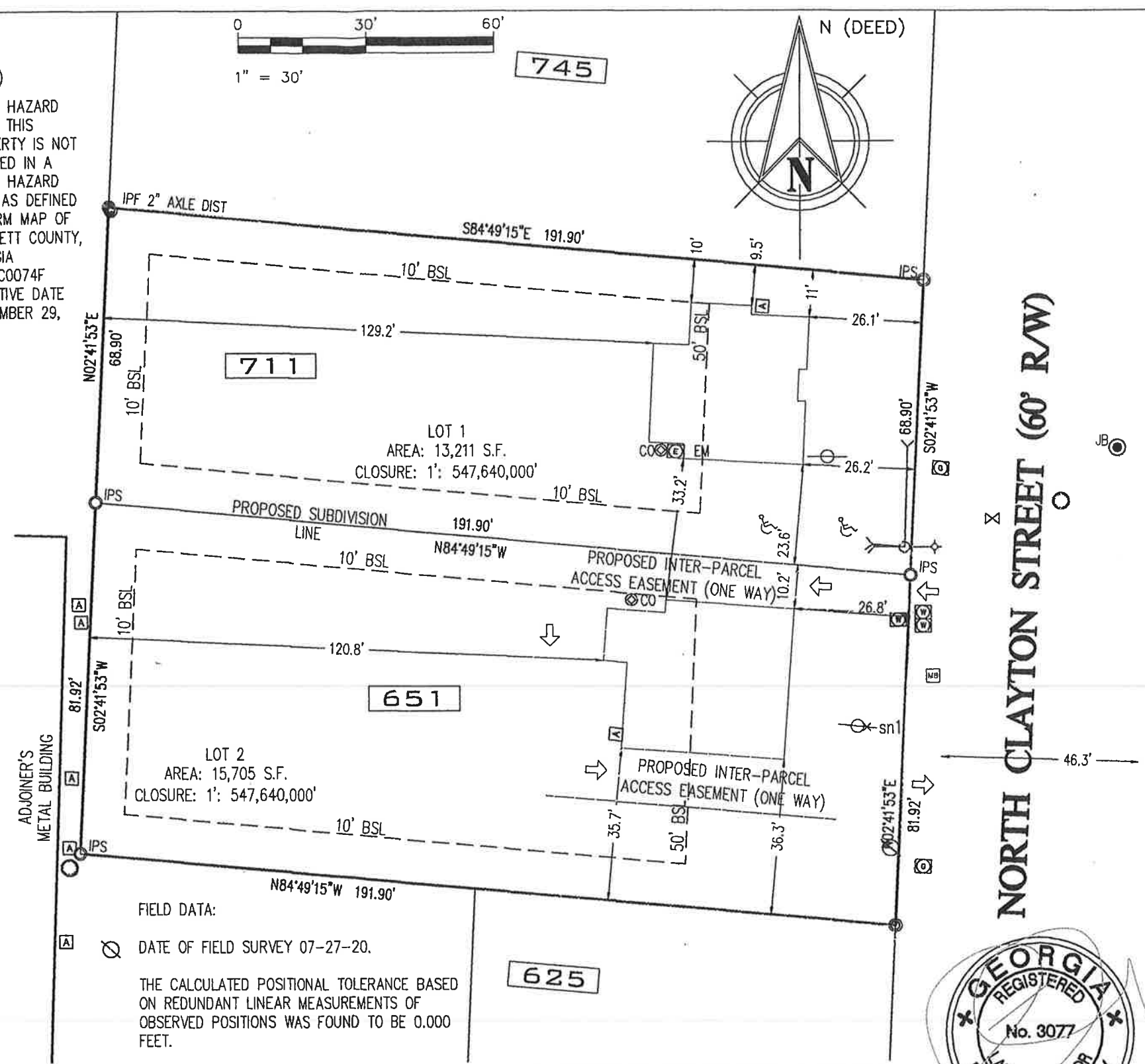
THIS FINAL PLAT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE ZONING REQUIREMENTS, SUBDIVISION REGULATIONS AND OTHER APPLICABLE CODES AND ORDINANCES, AND HAS BEEN APPROVED BY THE CITY OF LAWRENCEVILLE FOR RECORDING IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF GWINNETT COUNTY

CITY ENGINEER: _____ DATE: _____
PLANNING DIRECTOR: _____ DATE: _____
CITY MANAGER: _____ DATE: _____

OWNER'S ACKNOWLEDGEMENT

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHO IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AND ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSE AND CONSIDERATIONS HEREIN EXPRESSED.

OWNER: _____ DATE: _____



FIELD DATA:

DATE OF FIELD SURVEY 07-27-20.

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.000 FEET.

ALL BEARINGS AND DISTANCES SHOWN ARE PROPOSED

REFERENCE: DB 56726 PG 675
ZONING INFORMATION: ZONED BG
FRONT SETBACK: 50 FEET
MIN. SIDE SETBACK: 10 FEET
MIN. REAR SETBACK: 10 FEET
MIN. LOT AREA: NONE
MIN. LOT WIDTH: NONE
IMPERVIOUS SURFACE COVERAGE: 95%
MAX BUILDING HEIGHT: 35 FEET

NORTH CLAYTON STREET (60' R/W)



PATRICK F. CAREY, R.L.S. #3077
FOR
KEYSTONE LAND SURVEYING, INC.
162 EAST CROGAN STREET
SUITE F
LAWRENCEVILLE, GEORGIA 30046
770.545.8700

SUBDIVISION PLAT FOR		Date:	08-04-2020
LINDA NASH		Scale:	1" = 30'
651 NORTH CLAYTON STREET, LAWRENCEVILLE, GEORGIA 30046		Drawn By:	AC
LAND LOT 146 - DISTRICT 5TH, GWINNETT COUNTY, GEORGIA			
REVISIONS	By		
Description	AC		
8-12-20	CITY COMMENTS		



1.

*The City of Lawrenceville
Planning & Development*

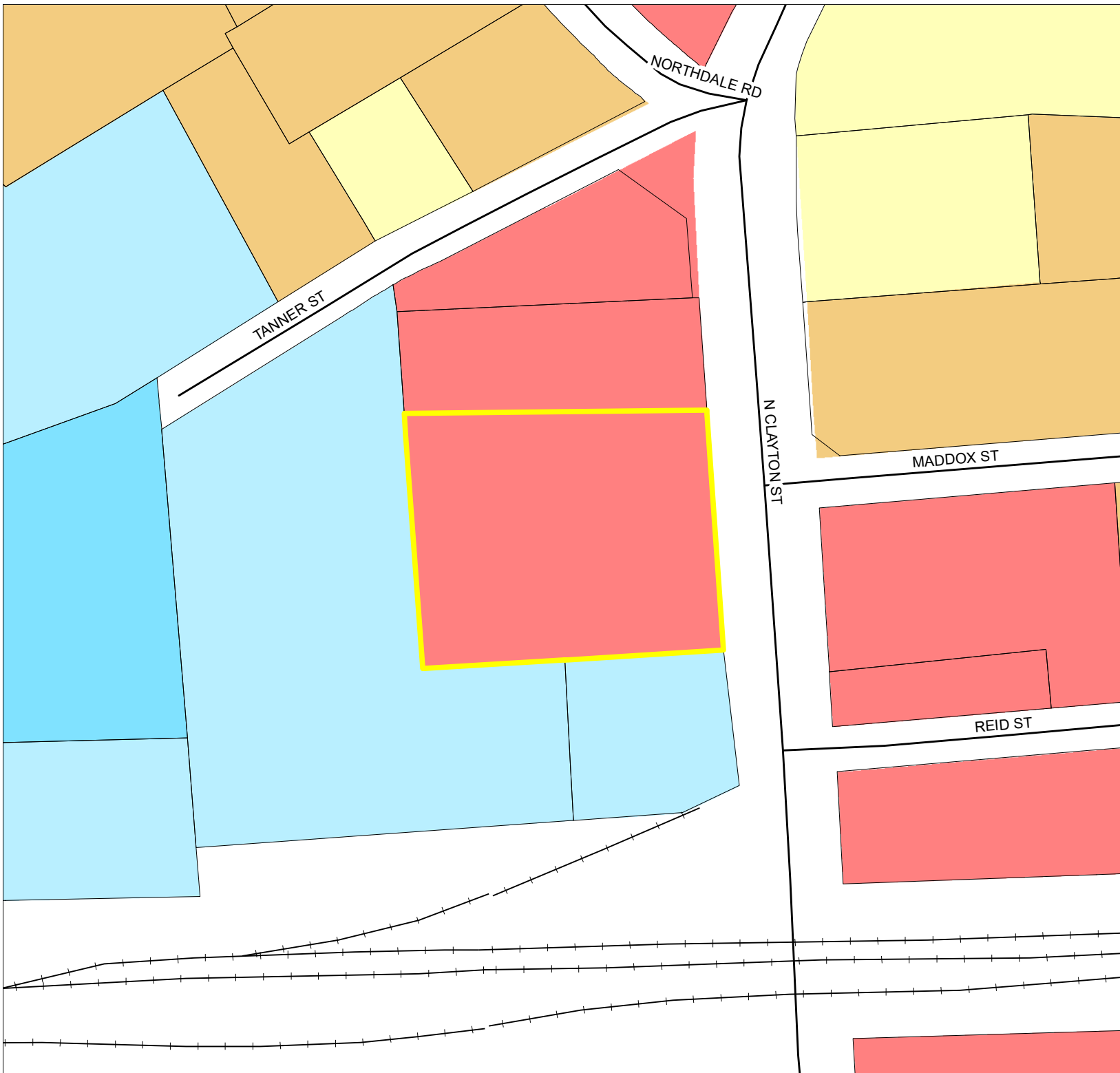
Location Map and
Surrounding Area
File # VAR2020-00033

Applicant:
Linda Nash

Legend

-  Subject Property
-  Roads
-  Parcels





1.

*The City of Lawrenceville
Planning & Development*

Location Map and
Surrounding Zoning
File # VAR2020-00033

Applicant:
Linda Nash

Legend

 Subject Property

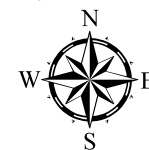
 Roads

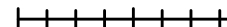
 Parcels

PRIMARY ZONING

Zoning Districts

-  BG General Business
-  LM Light Manufacturing
-  HM Heavy Manufacturing
-  RM-12 Multifamily Residential
-  RS150 Single-Family Residence



0 25 50


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