



LAWRENCEVILLE

GEORGIA

BOARD OF APPEALS AGENDA

Monday, November 20, 2023
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. VAR2023-00111; David Caraway – Britt, Peters, and Associates for Bank of America; 615 West Pike Street

Final Adjournment



LAWRENCEVILLE

GEORGIA

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

Item: VAR2023-00111; David Caraway – Britt, Peters, and Associates for Bank of America; 615 West Pike Street

Department: Planning and Development

Date of Meeting: Monday, November 20, 2023

Applicant Request: Approval of variance to allow dumpster on side yard.

Presented By: Todd Hargrave, Director of Planning and Development

Department Recommendation: Consideration of request

Summary: Applicant requests relief from Article 2. Supplementary Regulations, Section 200.3 Supplemental Use Standards Subsection 200.3.1.A.4. Accessory Buildings and Structures, to allow a dumpster enclosure on the side yard.

Attachments/Exhibits:

- VAR2023-00111_RPT_10262023
- VAR2023-00111_VARIANCE APPLICATION_NO ADMIN
- VAR2023-00111_LOI
- VAR2023-00111_SURVEY
- VAR2023-00111_SITE PLAN



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VARIANCE

CASE NUMBER: VAR2023-00111

Appeal Description: Allow a dumpster to be located within the side yard.

Applicant Name: David Caraway – Britt, Peters, and Associates

Development Type: BG – General Business District

Ordinance: Zoning Ordinance

Code Section: Article 2. Supplementary Regulations, Section 200.3 Supplemental Use Standards Subsection 200.3.1.A.4. Accessory Buildings and Structures

Subdivision: None

Property Address: 615 West Pike Street

Parcel #: R7009 005

Zoning Ordinance:

Zoning Ordinance, Article 2 Supplementary Regulations, Section 200.3. Supplemental Use Standards, Subsection 200.3.1. A.4. Accessory Buildings and Structures reads as follows:



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200.3.1 Accessory Buildings and Structures

- A. Limited to one Accessory Building or Structure per zoning lot, provided that each of the following conditions is met:
1. A Principal Permitted Use has already been permitted and constructed on the zoning lot;
 2. It has a maximum height of 18 feet;
 3. No Accessory Building or Structure can cover more than 400 square feet, and shall be limited to one Accessory Building/Structure on the same zoning lot. Accessory building/structure over 400 square feet shall require the approval of a Special Use Permit.
 4. It is located in the Rear Yard; and
 5. The Accessory Building or Structure shall be constructed from a wood frame with wood siding, including hardy plank style siding, masonry, stucco, or some combination thereof and shall be constructed to match the primary structure in percentage and type of materials.
 6. A permit for the Accessory Building or Structure is required.

Variance Request:

The applicant requests a Variance to allow a dumpster to be located within the side yard for an existing Bank of America branch. The proposed accessory building will function as an enclosure for the existing dumpster currently located on site.

The applicant's letter of intent states that the triangular-shaped parcel is bordered on three sides by the roads and there is no rear yard for accessory building placement.



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Reading and Adoption

<i>Name</i>	<i>Title</i>	<i>Attendance</i>	<i>Vote</i>
<i>Rory Johnson</i>	<i>Chairman</i>		
<i>Richard Hall</i>	<i>Vice Chairman</i>		
<i>Cory Acuff</i>	<i>Board Member</i>		
<i>Joseph Wise</i>	<i>Board Member</i>		
<i>Steven Twombly</i>	<i>Board Member</i>		

<i>Date of Action:</i>	
<i>Motion:</i>	
<i>Mover:</i>	
<i>Secunder:</i>	
<i>Vote Carried:</i>	
<i>Action Taken:</i>	
<i>Action Certified By:</i>	
<i>Title:</i>	
<i>Date:</i>	



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: David Caraway - Britt, Peters, and Associates

EMAIL: dcaraway@brittpeters.com

PHONE: 864-404-5614

STREET ADDRESS: 101 Falls Park Drive

SUITE: Suite 601

CITY: Greenville

STATE: SC

ZIP CODE: 29601

SIGNATURE OF APPLICANT:

DATE: 9-25-23

PROPERTY OWNER INFORMATION (as applicable)

PROPERTY OWNER NAME: McDaniel Enterprises

EMAIL: Barbara.1855@yahoo.com

PHONE: 770-391-9392

STREET ADDRESS: 1855 Brandon Hall Drive

SUITE:

CITY: Atlanta

STATE: GA

ZIP CODE: 30350

SIGNATURE OF PROPERTY OWNER:

DATE:

9/12/2023

SITE INFORMATION

VARIANCE DESCRIPTION:

Triangular parcel does not have "rear" yard. Variance requested to allow construction of trash enclosure in "side" yard.

STREET ADDRESS: 615 W Pike Street

SUITE/UNIT #:

CITY: Lawrenceville

STATE: GA

ZIP CODE: 30046

PIN: 7009 005

LOT NO.: 9

BLOCK NO.:



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: BG - General Business	ZONING CASE:
PRINCIPAL USE: Commercial banking facility	SECONDARY USE (AS APPLICABLE):

STANDARDS FOR GRANTING A VARIANCE

<i>A variance shall not be granted unless evidence is presented supporting conclusions that the variance meet the following criteria:</i>	
<p><i>a. Arises from a condition that is unique and peculiar to the building, land, and structures involved.</i></p> <p>Triangular shaped parcel is bordered on three sides by roads. There is no "rear" yard for accessory building placement required by the ordinance.</p>	
<p><i>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.</i></p> <p>Without a variance the site cannot accommodate trash enclosure for dumpster containment.</p>	
<p><i>c. The condition requiring the requested relief not ordinarily found in properties of the same zoning classification as the subject property.</i></p> <p>Triangular shaped parcel has three "fronts" and does not have a side meeting the definition of "rear".</p>	
<p><i>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.</i></p> <p>Per Lawrenceville Planning Department this triangular shaped parcel does not have a side meeting the definition of "rear".</p>	
<p><i>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.</i></p> <p>Proposed trash enclosure construction will match the existing primary structure and will screen dumpsters from adjacent property. Adjacent properties will not be negatively impacted.</p>	
<p><i>f. The variance granted the minimum variance that will make possible the reasonable use of the building, land or structures.</i></p> <p>We are within the dimensional requirements of the variance. The reason for the variance is because no rear property line exists due to parcel shape.</p>	
<p><i>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?</i></p> <p>The general spirit and intent of the Zoning Ordinance is met in that dumpsters that would otherwise be exposed and visible from adjacent parcels and public ROW will now be enclosed and screened from view.</p>	



October 26, 2023

City of Lawrenceville
Planning Department
70 S Clayton Street
Lawrenceville, GA 30046

Re: Bank of America – Variance Application VAR2023-00111

To whom it may concern:

This letter of intent is in regard to Variance Application VAR2023-00111. We are requesting a variance for the existing Bank of America located at 615 W Pike Street to seek relief of the requirement for rear yard placement of an accessory building as specified in the ordinance. The proposed accessory building will function as an enclosure for the existing dumpster currently located onsite. For the reasons detailed below we ask that variance be granted to allow Bank of America to construct an enclosure in a side yard:

1. The triangular shaped parcel is bordered on three sides by roads. There is no "rear" yard for accessory building placement as specifically required by the ordinance. The literal interpretation and strict application of the placement requirements of the ordinance do not address or take into account the specific conditions found at this parcel.
2. The granting of the variance will have no negative effect on adjoining properties. Community aesthetics will be improved as a result of screening provided by the proposed enclosure.
3. The proposed enclosure will be complementary to the existing building as well as adjacent businesses and meet the spirit and intent of the ordinance and will be consistent with the overall spirit of the street and community.

Please contact our office if you have any questions or comments.

Sincerely,

Britt, Peters & Associates, Inc.

NOTE: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAN, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: RIGHTS-OF-WAY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. - ANY FLOOD PLAIN DATA SHOWN HEREON IS AN APPROXIMATE LOCATION GRAPHICALLY PLOTTED FROM THE REFERENCED FEMA MAP UNLESS OTHERWISE NOTED. - THIS SURVEY DOES NOT CONSTITUTE A TITLE RESEARCH, FLOOD STUDY, WETLAND DELINEATION OR ENVIRONMENTAL INSPECTION BY SURVEYOR. - THIS SURVEY, AND ALL COPIES THEREOF, ARE INVALID WITHOUT THE ORIGINAL SIGNATURE, DATE, AND EMBOSSED SEAL OF ROBERT C. HOOKS, PROFESSIONAL SURVEYOR NO. 3188. THE WORD "CERTIFY" OR "CERTIFICATE" IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANT OR GUARANTEE, EXPRESSED OR IMPLIED.

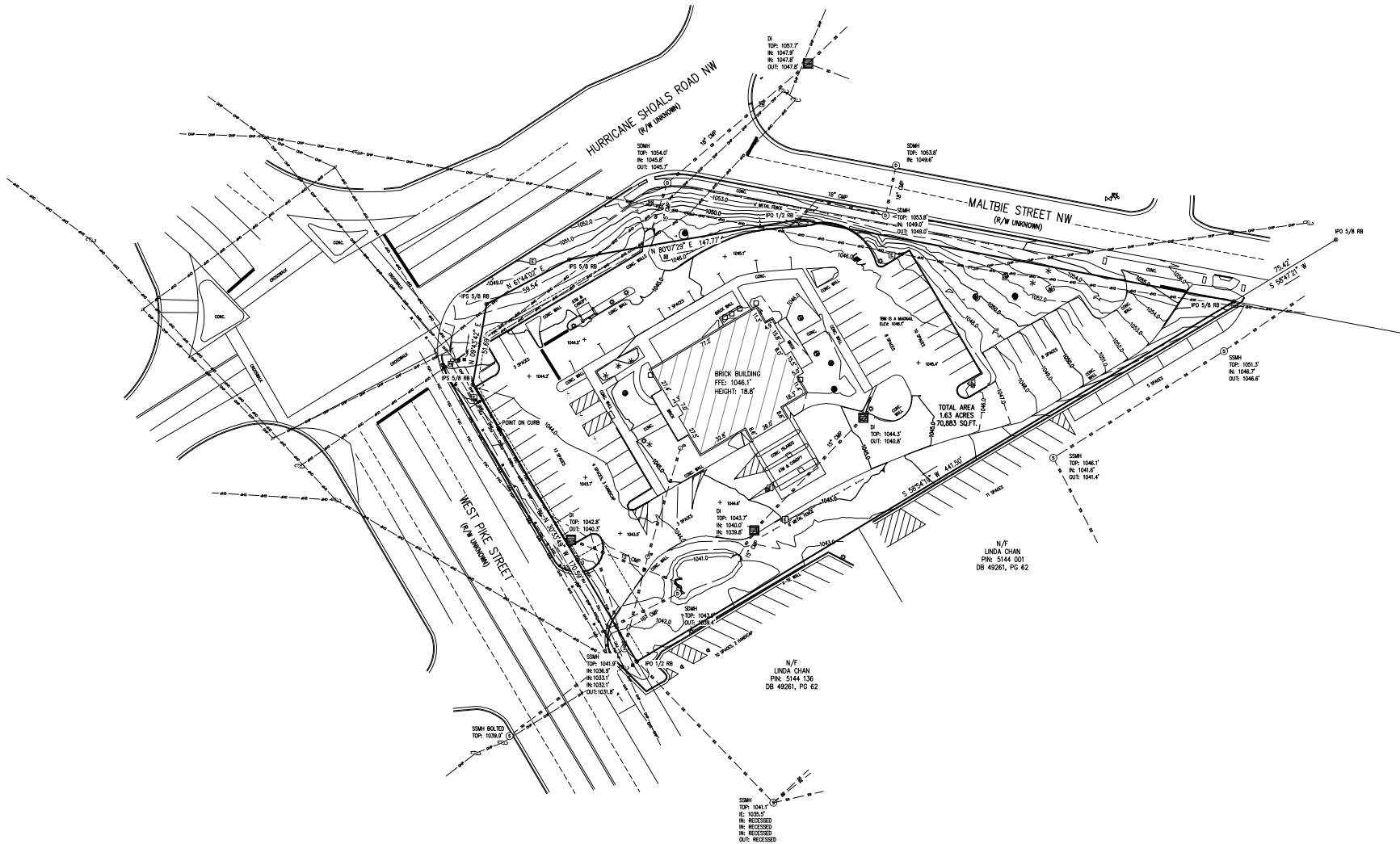
ARROW NORTH SURVEYING, LLC
 LAND SURVEYORS & MAPPERS
 862F SOUTH PLEASANTBURG DRIVE
 GREENVILLE, SC 29607
 PH: (864) 449-1289
 www.ArrowNorthSurveying.com

TOPOGRAPHICAL SURVEY FOR MCDANIEL COUNTY, GEORGIA

PROPERTY NUMBER: 615 WEST PIKE STREET

30	0	30	60	SCALE
1" = 30'				

TAX PAR:	LAND LOT:	LAND DISTRICT:
R70209005	7	7
DATE:	FIELD DRAW:	DRAWN BY:
1/31/2023	DF/MM	MM/RCH



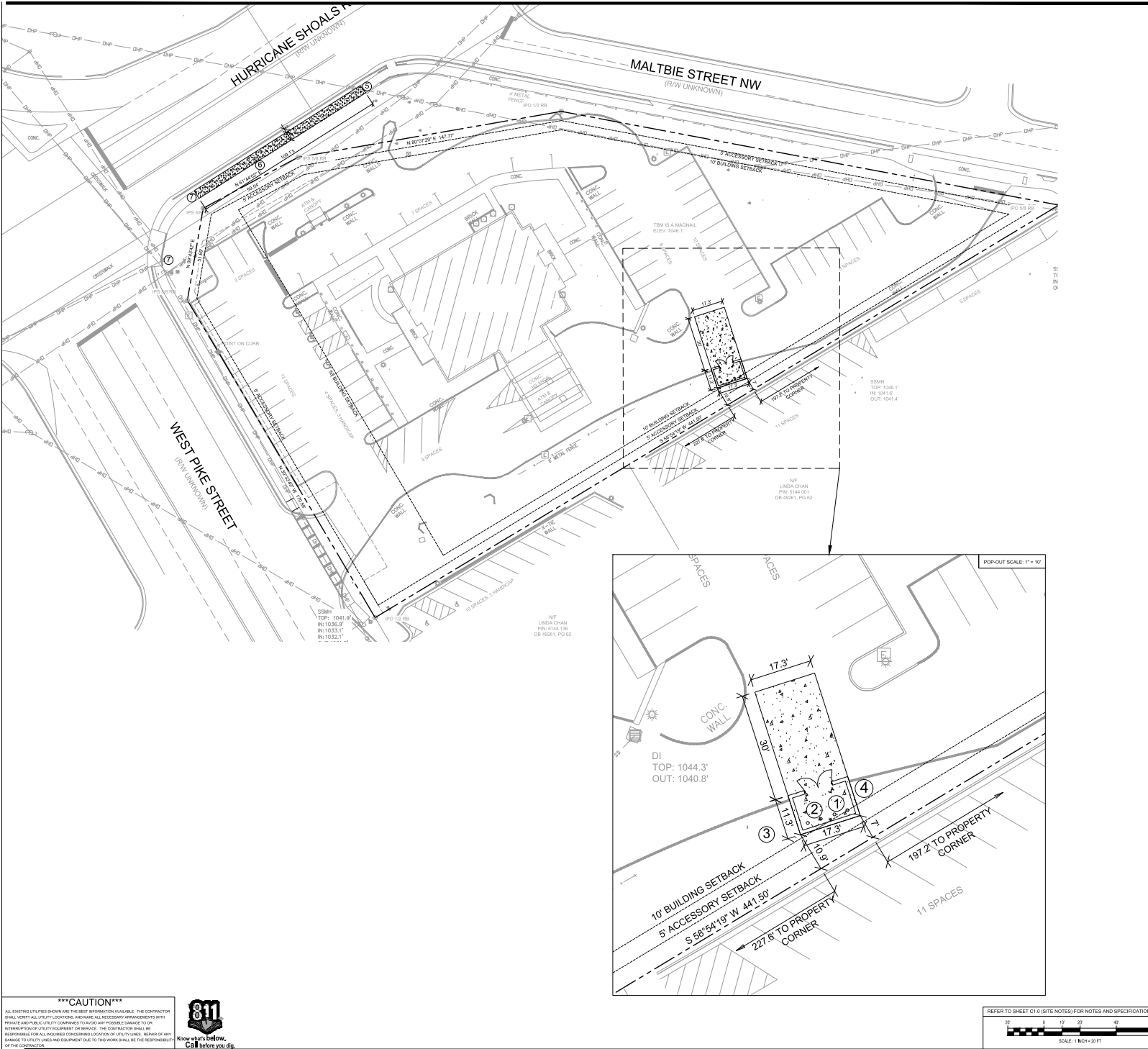
LEGEND

BL BUILDING LINE	TO/C TOP/BOTTOM CURB	OB O CATCH BASIN
CB CURB TOP	TRM TOP/BOTTOM MALL	OB 88 8800 HOLE
DE DRAINAGE EASEMENT	EL ELECTRIC METER	BL 8800 TRANS
LD LINE OF PAVEMENT	WM WATER METER	BL 8800 TRANS
IPD IRON PIN OLD-D	WV WATER VALVE	BL 8800 TRANS
IPD IRON PIN SET-D	WC WIRE CABLE	BL 8800 TRANS
IPD IRON PIN SET-D	FC FENCE LINE	BL 8800 TRANS
IPD IRON PIN SET-D	FO FIBER OPTIC CABLE	BL 8800 TRANS
IPD IRON PIN SET-D	GC GAS LINE	BL 8800 TRANS
IPD IRON PIN SET-D	UP UNDERGROUND POWER	BL 8800 TRANS
IPD IRON PIN SET-D	UL UNDERGROUND LIGHT	BL 8800 TRANS
IPD IRON PIN SET-D	US UNDERGROUND SANITARY SEWER	BL 8800 TRANS
IPD IRON PIN SET-D	US UNDERGROUND WATER	BL 8800 TRANS
IPD IRON PIN SET-D	US UNDERGROUND TELEPHONE	BL 8800 TRANS
IPD IRON PIN SET-D	US UNDERGROUND TELEPHONE	BL 8800 TRANS

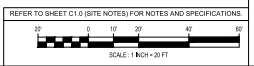


THIS SURVEY IS A RETRACEMENT OF AN EXISTING PARCEL(S) OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) IS PLAT BOOK 53, PAGE 143. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERGROUND LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCSA 15-6-87.

ROBERT C. HOOKS, R.L.S. DATE
 G.A. REG. NO. 3188



*****CAUTION*****
ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS, AND MAKE ALL NECESSARY ARRANGEMENTS WITH PUBLIC AND PRIVATE UTILITY COMPANIES TO AVOID ANY POSSIBLE DAMAGE TO OR INTERFERENCE WITH ANY UTILITY EQUIPMENT OR SERVICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY CONSTRUCTION OF UTILITY TRENCHES, AND SHALL BE RESPONSIBLE FOR ALL NECESSARY CONSTRUCTION OF UTILITY TRENCHES, AND SHALL BE RESPONSIBLE FOR ALL NECESSARY CONSTRUCTION OF UTILITY TRENCHES, AND SHALL BE RESPONSIBLE FOR ALL NECESSARY CONSTRUCTION OF UTILITY TRENCHES.



PROJECT TYPE
615 West Pike Street Lawrenceville, GA 30045

SERIAL NUM/MANH ID: GA-117
NRSP VERSION: 4.0
BULLETIN: 04-2022

Gensler
101 SOUTH TRYON STREET Tel: 704.377.2725
SUITE 2100 Fax: 704.377.2807
CHARLOTTE, NC 28280

JLL
All Third Party Project Management
235 N. Tryon Street
Charlotte, NC 28205
Contact: Georgia Droppman
Georgia.Droppman@jll.com
Tel: 800.288.9307

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Greenville - Charleston
Norfolk - Charlotte
www.brittpeters.com
BPA# 230017

LEGEND

Symbol	Description
---	PROPERTY LINE
---	CONTOURS
---	SEWER LINE
---	STORM DRAIN
---	OVERHEAD POWER LINE
---	FIBER OPTIC CABLE
---	STORM INLET
---	SANITARY SEWER MANHOLE
---	LIGHT POLE
---	POWER POLE
---	TRANSFORMER
---	EXISTING HARDWOOD TREE
---	EXISTING ORNAMENTAL TREE
---	CONCRETE SIDEWALK
---	CONCRETE SIDEWALK
---	CONCRETE SIDEWALK

1 03.25.2023 ISSUE FOR VARIANCE

Seal / Signature



Project Name 09/25/23
BofA - XRRP Execution -Lawrenceville
Project Number
059.8120.104
Description

SITE PLAN
Scale
REFER TO SCALE BAR