



LAWRENCEVILLE

GEORGIA

BOARD OF APPEALS AGENDA

Tuesday, January 19, 2021
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. VAR2020-00040 & VAR2020-00042; Jorge Flores; 320 Scenic Highway

Final Adjournment



LAWRENCEVILLE

GEORGIA

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

Item: VAR2020-00040 & VAR2020-00042; Jorge Flores; 320 Scenic Highway

Department: Planning & Development

Date of Meeting: Tuesday, January 19, 2021

Presented By: Todd Hargrave

Action Requested: Consideration of setbacks and ground coverage

Summary: The applicant is requesting a variance to allow encroachment into side yard setback and an expansion of existing driveway and parking pad.

Attachments/Exhibits:

- VAR2020-00040 Report
- VAR2020-00040 Attachments



LAWRENCEVILLE

GEORGIA

WHEREAS, the City of Lawrenceville Board of Appeals held a duly advertised public hearing, with notice published in the Gwinnett Daily Post, the Official news Organ of the County, for a variance from the Zoning Ordinance, as described below and which is incorporated herein and made a part hereof by reference:

CASE NUMBER: VAR2020-00040

Appeal Description:	Side Yard Building Setbacks
Applicant Name:	Jenny Diaz and Jorge Flores
Development Type:	Single-Family Residential
Ordinance:	Zoning Ordinance, Article 1 Districts
Code Section:	Section 102.2 RS-180 Single-Family Residence District, Subsection B., Minimum Side Yard Setback
Property Address:	320 Scenic Highway
Parcel #:	R5141-027

The applicant request a Variance to allow an existing structure to encroach 5.8 feet into the required 10-foot side yard setback.

The existing single-family dwelling was constructed in 1953, preceding the May 24, 2020 adoption of the City of Lawrenceville 2020 Zoning Ordinance. The request is the result of the applicant submitting an application requesting a building permit to construct a concrete parking pad in the front yard area and an accessory structure in the rear yard area. Because of the review of the application, the front right corner of the primary dwelling was found to be in violation of the minimum requirements of the RS-180 zoning classification regulating side yard setbacks.

Approval of the request would bring the site into compliance with the minimum requirements of the City of Lawrenceville 2020 Zoning Resolution. If approved, staff recommends the following condition.

1. Allow existing structure to encroach 5.8 feet into the required 10-foot Side Yard Setback.



LAWRENCEVILLE

GEORGIA

CASE NUMBER: VAR2020-00042

Appeal Description:

Driveway width

Applicant Name:

Jenny Diaz and Jorge Flores

Development Type:

Single-Family Residential

Ordinance:

Zoning Ordinance, Article 5 Parking and Loading

Code Section:

Section 504 Residential Parking and Driveways, Subsection A.5.

Property Address:

320 Scenic Highway

Parcel #:

R5141-027

The applicant request a Variance to allow an expansion of an existing concrete driveway for purpose of parking Vehicle, Passenger Car, SUV, Truck or Van in the front yard area.

Section 504 Residential Parking and Driveways, Subsection A.5. reads as follows:

"Additional parking/vehicle turnaround pads shall be limited to one pad per lot no greater than 20 feet by 20 feet, and shall be setback at least 10 feet from the right-of-way."

The request is the result of the applicant submitting an application requesting a building permit to construct a concrete parking pad in the front yard area and an accessory structure in the rear yard area. Because of the review of the application, the proposed 965 square foot (20 ft. x 47.5 ft.) expansion of the existing driveway would exceed the maximum residential driveway parking pad width of 400 square feet (20 ft. X 20 ft.). Allowing an increase in maximum square footage of a residential parking pad could adversely affect neighboring properties in the form of an increase in impervious surface area potentially negatively affecting neighboring residential zoned properties through stormwater runoff.

Approval of the request could contradict the minimum requirements of the City of Lawrenceville 2020 Zoning Resolution. If approved, staff recommends the following condition.

1. Allow expansion of a residential parking pad in a front yard area at a maximum of 441 square feet (21 ft. x 21 ft.).

Reading and Adoption

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



LAWRENCEVILLE

GEORGIA

Name	Title	Attendance	Vote	Motion To
Mark Burson	Chairman			
John Pentecost	Vice Chairman			
Richard Hall	Board Member			
Rory Johnson	Board Member			
Bill Perkins	Board Member			

Date of Action:
Mover:
Seconder :
Vote Carried:
Action Taken:

Action Certified By:
Title:
Date:

Todd Hargrave
Planning & Development Director



LAWRENCEVILLE

GEORGIA

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: Jenny Diaz Owner: Jenny Diaz & Jorge Flores
 Address: 320 Scenic Hwy Address: 320 Scenic Hwy
Lawrenceville GA 30046 Lawrenceville GA 30046
 Telephone: 770-310-7092 Telephone: _____
 Contact person: Yenisbel Sastre
 Contact telephone: 770-310-7092 Email: ysastre92@gmail.com

PROPERTY IN QUESTION

Street Address: 320 Scenic Hwy, Lawrenceville GA 30046
 Property identification number: (Tax parcel number) R5 1411027
 Present zoning: RS-180

Variance(s) requested: Variance for maximum ground
coverage 36%

Signature of applicant [Signature] Date _____ Signature of property owner [Signature] Date _____

Printed name _____ Date _____ Printed name _____ Date _____
 Notary public _____ Date _____ Notary public _____ Date _____



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

VAR 2020-00046



LAWRENCEVILLE

GEORGIA

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: Jorge Flores Owner: Jorge Flores & Jenny Diaz
 Address: 320 Scenic Hwy Address: 320 Scenic Hwy
Lawrenceville GA 30046 Lawrenceville GA 30046
 Telephone: 770 310-7092 Telephone: _____
 Contact person: Yenisbel Sastre
 Contact telephone: 770 310 7092 Email: ysastre92@gmail.com

PROPERTY IN QUESTION

Street Address: 320 Scenic Hwy
 Property identification number: (Tax parcel number) 25 141 027
 Present zoning: RS-180
 Variance(s) requested: Variance for side corner
out of property limit

Jorge

Signature of applicant

Date

Jorge

Signature of property owner

Date

Printed name

Date

Printed name

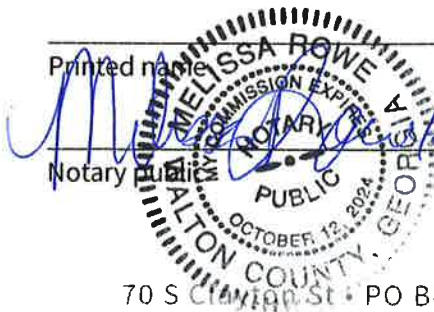
Date

Notary

Date

Notary public

Date



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

VAR 2020-00040

Return to:
O'Kelley & Sorohan, Attorneys at Law, LLC
2170 Satellite Blvd, Ste. 375
Duluth, GA 30097
File No.: 01-121053-REG

COPY

STATE OF GEORGIA
COUNTY OF GWINNETT

LIMITED WARRANTY DEED

THIS INDENTURE, made on 26th day of September, 2019, between

Alirio Echeverria Urias

(hereinafter referred to as "Grantor") and

Jorge Flores and Jenny B. Diaz, as joint tenants with rights of survivorship

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

All that tract or parcel of land lying and being in Land Lot 141 of the 5th District, Gwinnett County, Georgia being Lot 3, Section B, L.R. Martin estate subdivision, as per plat recorded in Plat Book E, Page 155, said plat being incorporated herein and made reference hereto. Said property is less and except that portion conveyed by Right of Way Deed to the Georgia Department of Transportation at Deed Book 6212 Page 100, Gwinnett County, Georgia Records.

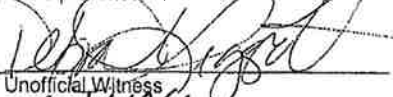
TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee.

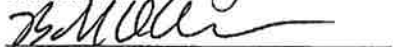
Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions").

TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all person claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public
Commission expires: 8/11/22


Alirio Echeverria Urias



VAP 2020-00040



LAWRENCEVILLE

GWINNETT • METRO ATLANTA

1.

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:

IT IS A HARDSHIP. THE HOUSE WAS BUILT ALREADY LEAVING A CORNER OUTSIDE THE
PROPERTY LIMIT.

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

WE NEED THE HOUSE TO STAY THAT WAY. WE CANT TEAR IT DOWN.

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

THE HOUSE WAS ALREADY LIKE THAT WHEN WE BOUGHT IT.

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

WITH THIS VARIANCE WE WILL BE ABLE TO LEAVE THE HOUSE AS IT IS WITHOUT HAVING TO
TAKE DOWN A PART OF THE HOUSE.

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:

OUR REQUEST DOES NOT HARM OUR NEIGHBORHOOD IN ANY WAY.

VAR2020-00040



LAWRENCEVILLE

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:

IT IS A HARDSHIP. THE HOUSE WAS BUILT ALREADY LEAVING A CORNER OUTSIDE THE
PROPERTY LIMIT.

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

WE NEED THE HOUSE TO STAY THAT WAY. WE CANT TEAR IT DOWN.

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

THE HOUSE WAS ALREADY LIKE THAT WHEN WE BOUGHT IT.

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

WITH THIS VARIANCE WE WILL BE ABLE TO LEAVE THE HOUSE AS IT IS WITHOUT HAVING TO
TAKE DOWN A PART OF THE HOUSE.

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:

OUR REQUEST DOES NOT HARM OUR NEIGHBORHOOD IN ANY WAY.

VAP2020-00048

SURVEY NOTES:

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 10,000 FEET AND WAS NOT ADJUSTED.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO HAVE AN ACCURACY OF 1 FOOT IN 100,000 FEET.
3. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED WITH A TRIMBLE S5 ROBOTIC TOTAL STATION.
4. ALL IRON PINS SET ARE 1/2" REBARS UNLESS NOTED OTHERWISE.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CERTIFIED TITLE PACKAGE. ALL MATTERS OF TITLE ARE EXCEPTED.
6. IT IS HEREBY CERTIFIED THAT ALL MONUMENTS AND IMPROVEMENTS SHOWN HEREON ACTUALLY EXIST EXCEPT AS OTHERWISE NOTED, AND THE THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

ZONING NOTES:

THIS PROPERTY IS ZONED RS-180
BUILDING SETBACKS FOR THIS ZONING ARE AS FOLLOWS:
FRONT: 50' SIDE: 10' REAR: 40'

DEED AND PLAT REFERENCES:

1. LIMITED WARRANTY DEED FOR JORGE FLORES AND JENNY B. DIAZ, RECORDED IN DEED BOOK 56914, PG 220 OF GWINNETT COUNTY, GEORGIA LAND RECORDS.
2. PLAT FOR L.R. MARTIN ESTATE SUBDIVISION, RECORDED IN PLAT BOOK E, PAGE 155 OF GWINNETT COUNTY, GEORGIA LAND RECORDS.

LOT AREA (IMPERVIOUS SURFACE)NOTES:

TOTAL AREA: 16,803 SF 0.386 ACRES

EXISTING IMPERVIOUS SURFACE AREAS:

EXISTING HOUSE: 2110 SF

CONCRETE DRIVEWAY AND STEPS: 1019 SF

EXISTING IMPERVIOUS SURFACE AREAS

TOTAL: 3,129 SF, 0.072 ACRES = 18.6% OF TOTAL AREA

PROPOSED IMPERVIOUS SURFACE AREAS:

PROPOSED CONCRETE DRIVE: 1012 SF

PROPOSED SHED: 256 SF

PROPOSED IMPERVIOUS SURFACE AREA:

EXISTING PLUS PROPOSED: 4,398 SF, 0.101 ACRES = 26.2%

#174 OAK TERRACE
TAX ID: R5141 031
N/F FREDERICK A.
CRAWFORD
DB 14440, PG 224

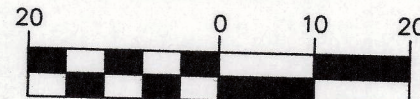
LEGEND

R/W	RIGHT-OF-WAY	CMF/	CONCRETE MONUMENT FOUND
P/L	PROPERTY LINE	CL	CENTER LINE
B/L	BUILDING LINE	DB	DEED BOOK
CTP	CRIMPED TOP PIPE	PB	PLAT BOOK
OTP	OPEN TOP PIPE	FFE	FINISHED FLOOR ELEVATION
IPF/	IRON PIN FOUND	EOP	EDGE OF PAVEMENT
IPS/	IRON PIN SET	BC	BACK OF CURB
O	COMPUTED CORNER	RB	REBAR

MAGNETIC NORTH

GRAPHIC SCALE

1 inch = 20 ft.



#316 SCENIC HWY
TAX ID: R5141 026
N/F TIMOTHY P. HOLT
DB 51599, PG 440

#326 SCENIC HWY
TAX ID: R5141 028
N/F HARI REALTY, LLC
DB 55083, PG 355

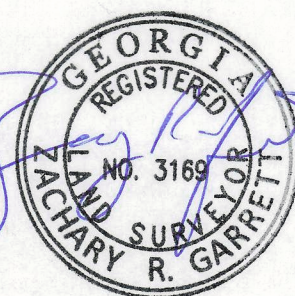
LOT 3

TAX ID: R5141 027
16,803 SF
0.386 ACRES
ZONED RS-180

SCENIC HWY
STATE ROUTE 124

R/W VARIES

POPLAR CREEK ROAD
CENTERLINE OF POPLAR CREEK ROAD



SURVEYORS CERTIFICATION (iii):

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THIS LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

ZACHARY R. GARRETT
GEORGIA REGISTERED LAND SURVEYOR #3169

DATE

3/10/2020

RETRACEMENT SURVEY FOR:

JORGE FLORES AND JENNY B. DIAZ

320 SCENIC HIGHWAY, LAWRENCEVILLE, GA 30046

SHEET#

1 of 1

Page 11

VAR 2020-00040

1.

GARRETT LAND SURVEYING, LLC
604 WARREN WAY
WINDER, GA 30680
770-883-2609
garrettlandsurvey@gmail.com

STATE: GEORGIA	REVISION INDEX:
COUNTY: GWINNETT	LANDLOT: 141
CITY: N/A	TAX ID: R5141 027
LAND DISTRICT: 5	DRAFTED BY: ZRG
DATE OF FIELD WORK: 3/10/2020	