

# BOARD OF APPEALS AGENDA

Monday, July 17, 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. VAR2023-00107; Maria Mejia; 432 New Hope Road
- 2. VAR2023-00108; Seyling Reyes; 155 Paper Mill Road

# **Final Adjournment**



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

Item: VAR2023-00107; Maria Mejia; 432 New Hope Road

**Department:** Planning and Development

**Date of Meeting:** Tuesday, June 20, 2023

**Applicant Request:** Relief from Article 1, Lot Development Standards

**Presented By:** Todd Hargrave

**Summary:** Applicant requests relief from Article 1, Section 102.2 RS-180 Single-Family Residential District, Subsection B. Lot Development Standards – Minimum Front Setback. The applicants request a Variance to allow an eleven and six-tenths (11.6) foot encroachment of the primary structure into the required fifty (50) foot front yard setback along Lake Run.

# **Attachments/Exhibits:**

- VAR2023-00107\_Report
- VAR2023-00107\_Application
- VAR2023-00107\_Site plan
- VAR2023-00107\_Construction plan
- VAR2023-00107\_Pictures

Page 1 of 1



## **VARIANCE**

**CASE NUMBER: VAR2023-00107** 

**Appeal Description:** Allow an 11.6-foot encroachment into the

required 50-foot front yard setback along

Lake Run.

**Applicant Name:** Maria Mejia

**Development Type:** RS-180 (Single-Family Residential District)

**Ordinance:** Zoning Ordinance

**Code Section:** Article 1, Section 102.2

RS-180 Single-Family Residential District, Subsection B. Lot Development Standards

Subdivision: Bay Lake

**Property Address:** 432 New Hope Road

**Parcel #:** R5173 025

# **Zoning Ordinance:**

Zoning Ordinance, Article 1, Section 102.2 RS-180 Single Family Residential District, Subsection B. Lot Development Standards reads as follows:

Use	Min. Lot Area	Lot Width Min.	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Min. Heated Floor Area	Max. Lot Coverage	Max. Building Height
Principal	18,000 sq. ft.	100 ft.	50 ft.	10 ft. each yard	40 ft.	Single story- 2,000 sq. ft. Two story- 2,400 sq. ft.	25%	35 ft.
Accessory* One/lot max.	-	-	-	5 ft.	5 ft.	*	-	18 ft.

<sup>\*</sup> Maximum of 400 square feet. Accessory structures are prohibited in the front yards. Utilities shall be underground.

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



# Variance Request:

The applicant requests a Variance to allow an eleven and a six-tenths (11.6) foot encroachment of the primary structure into the required fifty (50) foot front yard setback along Lake Run.

# **Code Enforcement History:**

On October 26, 2022, Code Enforcement visited the site and observed that a structure was built in the front yard without a permit. The property owners were notified of their noncompliance and issued a Notice of Violation, given instructions on how to apply for Variance and obtain a permit.

The applicant submitted a Building Permit Application on December 07, 2022, to obtain a building permit to construct a roof over an existing deck. After the application was reviewed on December 14, 2022, the building permit was put on hold until the applicant addressed the nonconforming structure with a variance.

Since there are no preexisting variances on record for the subject property, these encroachments must be addressed before a permit will be issued for the current structure.

# **Reading and Adoption**

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

Date of Action:	
Motion:	
Mover:	
Seconder:	
Vote Carried:	
Action Taken:	
Action Certified By:	
Title:	
Date:	

# **VARIANCE APPLICATION**

# City of Lawrenceville Planning and Development Department

70 S. Clayton Street

Lawrenceville, Georgia 30046

678.407.6583

**ONLY COMPLETE APPLICATIONS ACCEPTED** 



	VARIANO	E APPLICATION		
☐ ADMINISTRATIVI		BOARD OF APPEALS	□ CITY COUNCIL	
	GENERAL	INFORMATION		
the Board of Appeals (BOA) and Ci Development Regulations, Subdiv Code of the City of Lawrenceville, Article III – Noise Control, Sectio Drainage Regulations of 1989, A Prevention Ordinance and Article Section 6. Appeals and the Zoning The Director of the Planning and development standards of the Zoperformance obtained by granting	ity Council has the authority to granision Regulations and Zoning Ordi Chapter 10 – Building and Building 20.48. Generally, Subsection (8) rticle VIII Floodplain Managemen XIX Model Stream Buffer Protecti Ordinance, Article 9 Administration Development Department shall honing Ordinance where, in their of a variance. The authority to granistreet – variance not to exceed tent.	nt variances from the req nance, in accordance wit ig Regulations, Section 14 Construction Noise, De t Ordinance, Article XVI ion Ordinance, Subdivision and Enforcement, have the power to grant opinion, the intent of the	ns, Subdivision Regulations and Zoning Ordinance, uirements of the Code of the City of Lawrenceville, the standards and procedures as set forth in the 0-242, Means of Appeals, Chapter 20 Environment, velopment Regulations, Article III Amendment to II Model Floodplain Management/Flood Damage on Regulations, Article XII General Administration, a variance (except for density and use) from the set Zoning Ordinance can be achieved and equal elimited from the following requirements: 1. Front variance not to exceed five (5) feet; 3. Rear Yard	
APPLICANT NAME: Maria Mejia	AL LIVIN			
EMAIL:maria.mejia@westdale.co	m	PHONE: 956-373-2773		
STREET ADDRESS: 432 New Hope	Rd	SUITE:		
CITY: kayyancaville	STATE: Ga	-l	ZIP CODE; 30046	
SIGNATURE OF APPLICANT:		2/6/20 DATE:	23_	
	PROPERTY OWNER IN	FORMATION (as ap	plicable)	
PROPERTY OWNER NAME: MA	WHEN WITH		1 classical and the second sec	
PROPERTY OWNER NAME: MA	WEST PALE, COM	PHONE: 986-373-2773		
STREET ADDRESS: 432 NO				
CITY: LAWRENCEVIL	STATE:	***************************************	ZIP CODE: 30046	
19 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
SIGNATURE OF PROPERTY OWNER	: :	DATE:		
	SITE INI	FORMATION		
VARIANCE DESCRIPTION: AND SO FT. FRONT B			IT INTO THE REQUIRED	
STREET ADDRESS: 432 NG	en hope ed	SUITE/UNIT #:		
CITY: LAWRENCEVI	LE STATE: GA		ZIP CODE: 30046	
PIN: 5173 025	LOT NO.: 2		BLOCK NO.;	

City of Lawrenceville • Planning and Development Department • 70 S. Clayton Street • Suite M76A • Lawrenceville, Georgia 30046 Variance Application • Dated May 12, 2022; Revised August 10, 2022

ZONING	INFORMATION
The act of process of partitioning a city, town, or borough into	zones reserved for different purposes (such as residence or business.
ZONING CLASSIFICATION: RS-180	ZONING CASE:
PRINCIPALUSE: SiNGLE TAMILY RESIDE	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: Arises from a condition that is unique and peculiar to the building, land, and structures involved. Yes 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 Code of the City of Lawrenceville, Development Regulations, Subdivision Regulations or Zoning Ordinance literally enforced. Yes The condition requiring the requested relief not ordinarily found in properties of the same zoning classification as the subject property. Yes d. The condition is created by the regulations of the Code of the City of Lawrenceville, Development Regulations, Subdivision Regulations, or Zoning Ordinance and not by action or actions of the property owner or the applicant. 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. Yes f. The variance granted the minimum variance that will make possible the reasonable use of the building, land or structures. Yes Does the variance desired meet the general spirit and intent of the Code of the City of Lawrenceville, Development Regulations, Subdivision Regulations, Zoning Ordinance and/or the purpose and intent of the City of Lawrenceville 2040 Comprehensive Plan? Yes a come

City of Lawrenceville • Planning and Development Department • 70 S. Clayton Street • Suite M76A • Lawrenceville, Georgia 30046 Variance Application • Dated May 12, 2022; Revised August 10, 2022



ZON	ING	INFO	PMA	TION
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The act or process of partitioning a city, town, or borough into zones reserved for different purposes (such as residence or business.

ZONING CLASSIFICATION:

RS-180

**ZONING USE:** 

## APPLICANT CERTIFICATION

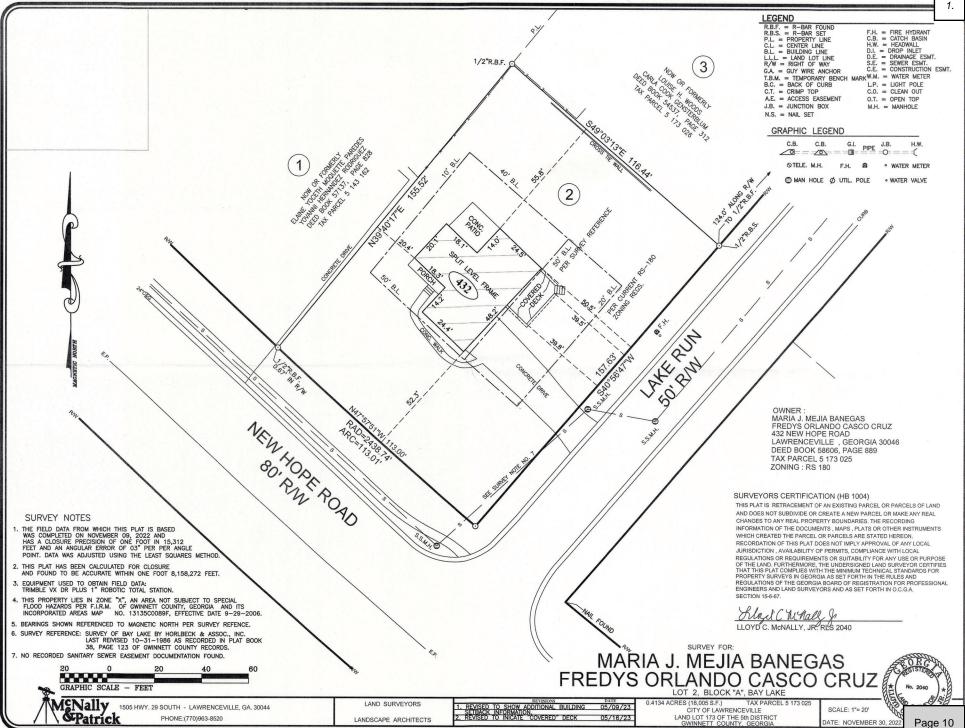
Notice: No changes shall be made from which is stated in this application, or in attached plans and specifications, except by submitting a revised application, plans and/or specifications and receiving approval of the Planning and Development Department for such change. Granting of a permit shall not be construed as a permit for or an approval of any violation of the Building Code or any other state or local law regulating construction or the performance of construction. I hereby certify that I have read and examined this application and the information provided herein is true and correct. I further certify that all construction will comply with the building codes in effect at the time of permit issuance. I understand that this application will expire after six months if no activity takes place.

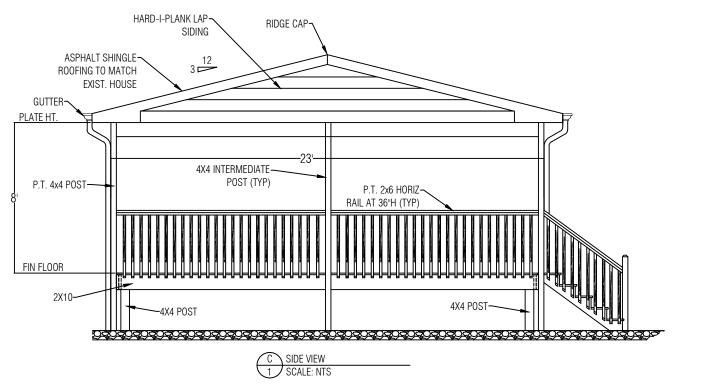
Signature of Applicant

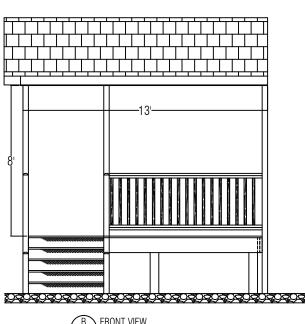
Date

STAFF COMMENTS
COMMENT NO. 1:
COMMENT NO. 2:
COMMENT NO. 3:
COMMENT NO. 4:
COMMENT NO. 5:
COMMENT NO. 6:
COMMENT NO. 7;
COMMENT NO. 8:







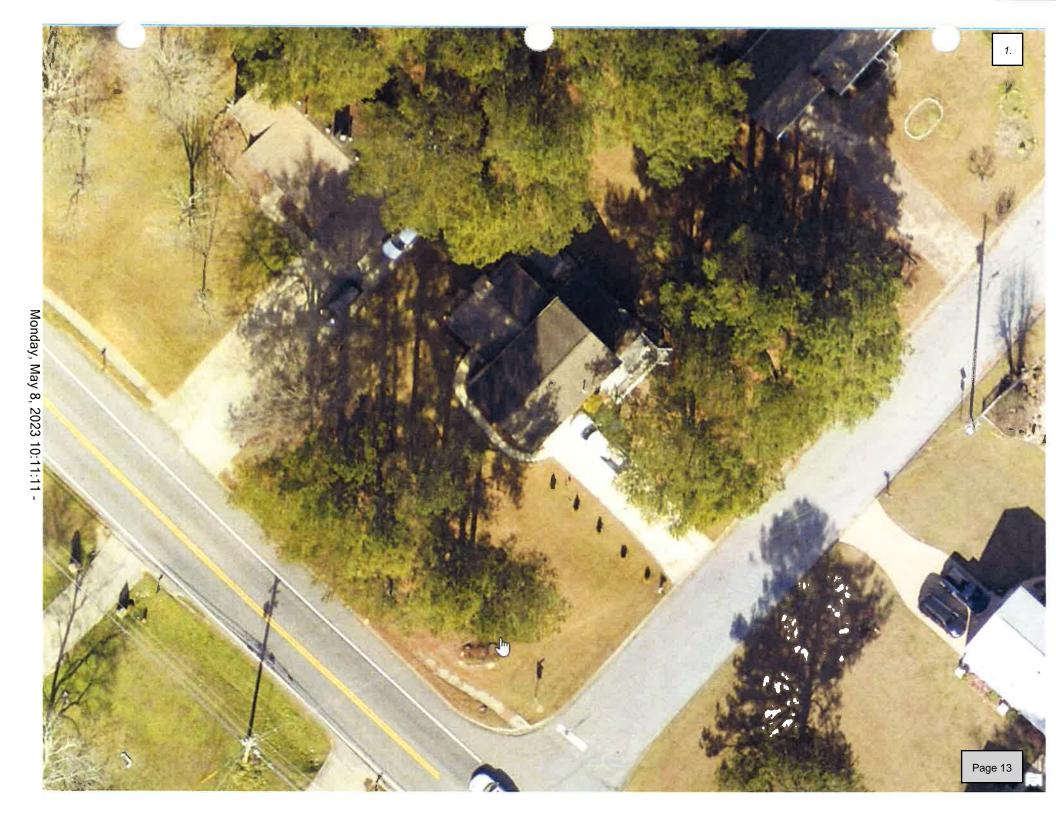


B FRONT VIEW
1 SCALE: NTS

2-02724 /ED 12.13.2022 NG AND DEVELOPME



CEU2022-06441\_432 NEW HOPE RD\_5173 025\_RIGHT SIDE OF HOME ADDITION\_10262022



114 Lake Run

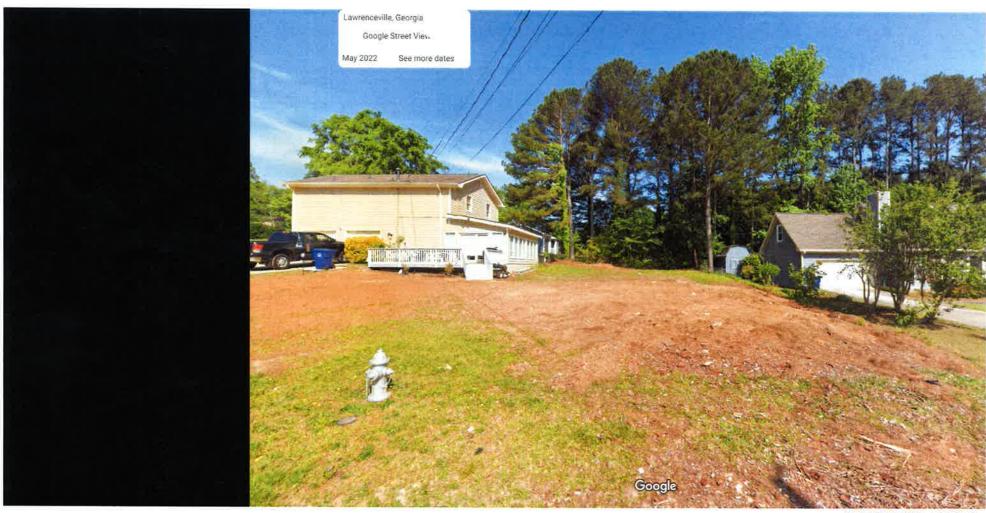


Image capture: May 2022 © 2023 Google

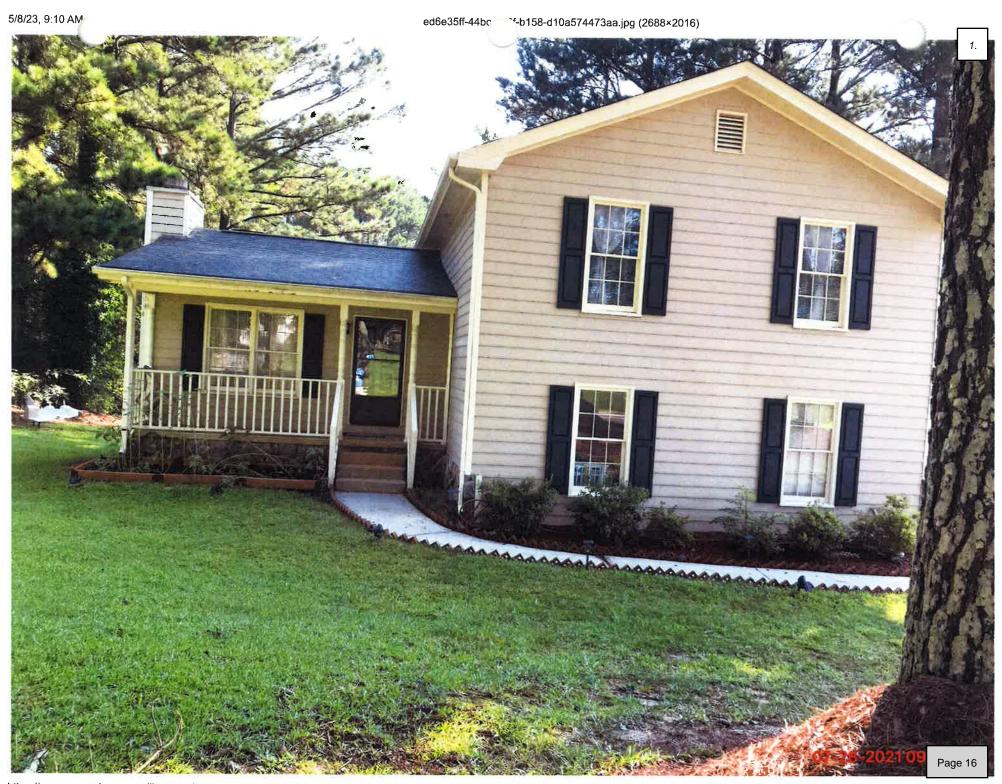
432 New Hope Rd



Street View & 360°

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

Item: VAR2023-00108; Seyling Reyes; 155 Paper Mill Road

**Department:** Planning and Development

**Date of Meeting:** Monday, July 17, 2023

**Applicant Request:** Relief from Article 2, Height of Fencing or Walls

**Presented By:** Todd Hargrave

**Summary:** Applicant requests relief from Article 2 Supplementary Regulations, Section 200.3.33 Fences and Walls, Subsection 200.3.33.1. Height of Fencing or Walls. The applicant requests a Variance to allow for a five (5) foot tall fence within the front yard setback.

# **Attachments/Exhibits:**

- VAR2023-00108\_Report
- VAR2023-00108\_Application
- VAR2023-00108\_Site plan
- VAR2023-00108\_Pictures

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### **VARIANCE**

**CASE NUMBER: VAR2023-00108** 

**Appeal Description:** Allow a five (5) foot tall fence within the front

yard setback.

**Applicant Name:** Seyling Reyes

**Development Type:** RS-60 (Single-Family Residential District)

**Ordinance:** Zoning Ordinance

**Code Section:** Article 2 Supplementary Regulations, Section

200.3.33 Fences and Walls, Subsection 200.3.33.1. Height of Fencing or Walls

Subdivision: None

**Property Address:** 155 Paper Mill Road

**Parcel #:** R5174 111

# **Zoning Ordinance:**

Zoning Ordinance, Article 2 Supplementary Regulations, Section 200.3.33
Fences and Walls, Subsection 200.3.33.1. Height of Fencing or Walls reads as follows:

# 200.3.33.1 Height of Fencing or Walls

Except as provided in Section 200.3.33.2, no wall or fence in a residential zoning district shall exceed 4 feet in height within a required front building setback line or 6 feet in height in the balance of the yard.



# Variance Request:

The applicant requests a Variance to allow for a five (5) foot tall fence within the front yard setback.

# **Code Enforcement History:**

On May 30, 2023, Code Enforcement visited the site and observed that a fence was built in the front yard without a permit. The property owners were notified of their noncompliance and issued a Notice of Violation, given instructions on how to apply for Variance and obtain a permit.

The applicant submitted a Building Permit Application on June 9, 2023, to obtain a permit to finish construction of the fence. After the application was reviewed, the building permit was put on hold until the applicant addressed the nonconforming structure with a variance.

Since there are no preexisting variances on record for the subject property, the fence's nonconforming height must be addressed before a permit will be issued for the current structure.



# **Reading and Adoption**

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

Date of Action:	
Motion:	
Mover:	
Seconder:	
Vote Carried:	
Action Taken:	
Action Certified By:	
Title:	
Date:	



# LAWRENCEVILLE

Planning & Development

VARIANCE APPLICATION



ADMINISTRATIVE	BOARD	OF APPEALS CITY COUNCIL			
	GENERAL INFOR	MATION			
(BOA) and City Council has the auti Regulations, and The Code of City of Ordinance, Article 9 Administration Regulations of 1989, Article VIII Flo Prevention Ordinance and Article XIII The Director of the Planning and De from the development standards of achieved and equal performance ob	nority to grant variances from the flawrencevile in accordance with and Enforcement, and the Devodplain Management Ordinance, and Model Stream Buffer Protection velopment Department shall have the Zoning Ordinance where, in tained by granting a variance. The rd or Yard adjacent to a public stream of the Zoning ordinance where the control of the Zoning Ordinance where the control of Yard adjacent to a public stream of the Zoning Ordinance of the control of Yard adjacent to a public stream of the Zoning Ordinance of Yard adjacent to a public stream of the Zoning Ordinance of Yard adjacent to a public stream of the Zoning Ordinance of Yard adjacent to a public stream of the Zoning Ordinance of Yard adjacent to a public stream of the Zoning Ordinance of Yard adjacent to a public stream of the Zoning Ordinance of Yard adjacent to a public stream of Yard adjacent to yard adj	e the power to grant a variance (except for density and use) n their opinion, the intent of the Zoning Ordinance can be e authority to grant such a variance shall be limited from the street – variance not to exceed ten (10) feet; 2. Side Yard –			
	APPLICANT INFO	RMATION			
APPLICANT NAME: Seyl	ing Cano	Reyes			
EMAIL: american Z	COOKING Q Yahipo,	ONE: 678 200 0108			
STREET ADDRESS: 155	aper Mill roll	TE: L'VILLE GA			
CITY: CALUIT	e STATE: GA	ONE: 678 200 0108 TE: L'VILLE GA ZIPCODE: 30046			
SIGNATURE OF APPLICANT DATE: 06-09- Z023					
DDODEDTY OURSED MANE	PROPERTY OWNER INFORMA				
	me is ab				
EMAIL:		ONE:			
STREET ADDRESS:					
CITY:	STATE:	ZIP CODE:			
SIGNATURE OF PROPERTY OWNER:		DATE:			
SITE INFORMATION					
VARIANCE DESCRIPTION:	& ALLOW	5' Fence at front yours			
STREET ADDRESS: (ST Paper Mill 10) SUITE/UNIT #:					
CITY: L'VIIIC	STATE: 6A	ZIP CODE: 3004C			
PIN:	LOT NO.:	BLOCK NO.:			

**VARIANCE APPLICATION** 



### **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: RS-60

ZONING CASE:

RZ-16-05

PRINCIPALUSE: Single Family Residential

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.

I Agree

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 Agree

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

7 Agree

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 Agree

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 Agra

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

I Agree

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 Agra

