



# LAWRENCEVILLE

## GEORGIA

### BOARD OF APPEALS AGENDA

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Tuesday, February 20, 2024  
6:00 PM

Council Chambers  
70 S. Clayton St, GA 30046

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#### **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.](#) VAR2023-00112; Danielle Sheridan, Chick-Fil-A; 680 Duluth Highway
- [2.](#) VAR2024-00114; Alejandro Ramos; 268 Stone Mountain Street
- [3.](#) VAR2024-00115; Jhon J. Tabares; 940 Paper Creek Drive

#### **Final Adjournment**



# LAWRENCEVILLE

## GEORGIA

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

**Item:** VAR2023-00112; Danielle Sheridan, Chick-Fil-A; 680 Duluth Highway

**Department:** Planning and Development

**Date of Meeting:** Monday, December 18, 2023

**Applicant Request:** Relief from Article 1, section 102.11 BG General Business subsection B. Lot Development Standards

**Presented By:** Todd Hargrave, Director of Planning and Development Department

**Summary:** The applicant requests reduce the required 50-foot front setback to 3.3 feet, for a canopy encroachment.

**Attachments/Exhibits:**

- VAR2023-00094\_Report
- VAR2023-00094\_Application
- VAR2023-00094\_Letter of Intent
- VAR2023-00094\_Legal Description
- VAR2023-00094\_Site Plan



# LAWRENCEVILLE

GEORGIA

## VARIANCE

**CASE NUMBER: VAR2023-00112**

- Appeal Description:** Allow 46.7-foot encroachment into the 50-foot front setback along Professional Drive.
- Applicant Name:** Interplan LLC, Heather Zahradnik on behalf of Chick-Fil-A
- Development Type:** BG (General Business District)
- Ordinance:** Zoning Ordinance
- Code Section:** Article 1, Section 102.11 BG General Business District, Subsection B. Lot Development Standards
- Subdivision:** N/A
- Property Address:** 680 Duluth Highway
- Parcel #:** R7009 023

### Zoning Ordinance:

Zoning Ordinance, Article 1, Section 102.11 BG General Business District, Subsection B. Lot Development Standards reads as follows:

#### 102.11 BG General Business District

##### A. Purpose

This district is intended to provide for a wide range of retail and service establishments.

##### B. Lot Development Standards

Use	Lot Area Min.	Lot Width Min.	Front Setback	Min. Side Setback	Min. Rear Setback	Impervious Surface Coverage	Max. Height
Principal	None	None	50 ft.	10 ft.	10 ft.	95%	35 ft.

### Variance Request:

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



# LAWRENCEVILLE

## GEORGIA

Chick-fil-A is proposing to demolish the existing Chick-fil-A restaurant to build a new drive-thru-only restaurant with associated site work to include a relocated dumpster enclosure, as well as an updated parking layout and the addition of an isolated dual-drive thru with new canopies proposed over the ordering points and meal delivery area. The applicant requests a Variance to allow an encroachment into the front setback by forty-six-point-six (46.7) feet due to the proposed Order Meal Delivery (OMD) Canopy.

In 1993, Gwinnett County did a Right-of-Way acquisition along Professional Drive and was not updated in the title work or on the survey until recently, due to the documents being misfiled upon recording. This is unique to the land and structures involved and solely outside of Chick-fil-A's or the design team's control.





# LAWRENCEVILLE

GEORGIA

### *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>		

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



# LAWRENCEVILLE

*Planning & Development*

## **VARIANCE APPLICATION**



**VARIANCE APPLICATION**

<input type="checkbox"/> ADMINISTRATIVE	<input checked="" type="checkbox"/> BOARD OF APPEALS	<input type="checkbox"/> CITY COUNCIL
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**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: <b>Danielle Sheridan</b>		
EMAIL: <b>Dsheridan@interplanllc.com</b>	PHONE: <b>407.645.5008</b>	
STREET ADDRESS: <b>220 E Central Parkway</b>	SUITE: <b>4000</b>	
CITY: <b>Altamonte Springs</b>	STATE: <b>FL</b>	ZIP CODE: <b>32701</b>

Danielle Sheridan Digitally signed by Danielle Sheridan  
Date: 2023.11.09 15:29:38 -05'00'  
SIGNATURE OF APPLICANT:

**11/09/2023**  
DATE:

**PROPERTY OWNER INFORMATION (as applicable)**

PROPERTY OWNER NAME: <b>Chick-fil-A, Inc.</b>		
EMAIL: <b>rex.powell@cfacorp.com</b>	PHONE: <b>404.822.2568</b>	
STREET ADDRESS: <b>5200 Buffington Road</b>	SUITE:	
CITY: <b>Atlanta</b>	STATE: <b>GA</b>	ZIP CODE: <b>30349</b>

SIGNATURE OF PROPERTY OWNER:

DATE:

**SITE INFORMATION**

VARIANCE DESCRIPTION: <b>Requesting a reduction of the fifty foot (50') front setback on the western property line to three feet (3').</b>		
STREET ADDRESS: <b>680 Duluth Highway</b>	SUITE/UNIT #:	
CITY: <b>Lawrenceville</b>	STATE: <b>GA</b>	ZIP CODE: <b>30046</b>
PIN: <b>R7009 023</b>	LOT NO.: <b>9</b>	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: <b>General Business (BG)</b>	ZONING CASE:
PRINCIPAL USE: <b>Drive-thru only restaurant</b>	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.*

The request for this variance is due to the 1993 Right-of-Way take along Professional Drive by Gwinnett County, which was not updated in the title work or on the survey until recently due to it being misfiled upon recording. This is unique to the land and structures involved and solely outside of Chick-fil-A's or the design team's control.

*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.*

The request is necessary due to the size of the existing site in combination with the ROW take as well as being double-fronted, requiring two 50' front setbacks on both Duluth Highway and Professional Drive.

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

A ROW take is not a common occurrence, especially on a double-fronted site subject to large front setbacks in combination with existing site constraints.

*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.*

The hardship has not been created by Chick-fil-A or any person having interest in the property. The condition is primarily due to the 1993 ROW take by the County along with existing site constraints.

*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.*

Relief, if granted, would not result in any detriment to the public or impair the purposes or intent of the City of Lawrenceville's Zoning Ordinance. The intent of the improvements is solely to aid in the day-to-day operations of Chick-fil-A, specifically, to increase on-site stacking, thus decreasing stacking on adjacent public roadways during peak hours.

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

Every effort has been made by Chick-fil-A's design team to reduce variations from code requirements. Chick-fil-A has made the decision to re-develop this location into a drive-thru-only facility with no dining room seating in an effort to utilize the property's size to its optimal capacity. The new restaurant reduces the building footprint and number of required parks, therefore better accommodating the demand for drive-thru traffic. With the drive-thru generating all of the business, the dual lanes and canopies over the ordering points and meal delivery window will be critical in expediting the flow of traffic on and off of this site. Unfortunately, the right-of-way take only increases the site constraints.

*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?*

The primary building structure is located within both of the required front setbacks. Because it is just the open-air canopy which encroaches into the setback of the secondary frontage, we feel the variance desired does meet the intent of the code.

November 9, 2023

**Helen Appenzeller-Bach**  
**City of Lawrenceville Planning and Development Office**  
70 S Clayton Street, Lawrenceville, GA 30046  
678.407.6400  
[Helen.Appenzeller@lawrencevillega.org](mailto:Helen.Appenzeller@lawrencevillega.org)

**Reference: Chick-fil-A #0831 Pike Street**  
**680 Duluth Highway, Lawrenceville, GA 30046**  
**Interplan #2020.0261**  
**Letter of Intent**

Dear Ms. Appenzeller-Bach,

Please accept this Letter of Intent for a waiver request to submit for a new variance submittal. Due to the 1993 Right-of-Way take along Professional Drive by Gwinnett County, the previously approved variance, VAR2023-00094, is no longer applicable. While the previously approved design of the drive-thru only restaurant, isolated dual-lane drive-thru, canopies and updated parking layout has not changed, this Right-of-Way take, which was not included in the Title update or the survey until recently, forces an additional setback reduction.

Chick-fil-A and the surveyor were unaware of this ROW taking due to a mis-filing of the documents upon recordation, presumably by either Gwinnett County or Georgia Department of Transportation. While Interplan was aware of the most recent Right-of-Way taking on Duluth Highway, our civil designers were unable to design the site according to the dedicated Right-of-Way on Professional Drive, resulting in the previously approved variance becoming no longer applicable due to the adjustment of the property line.

Due to the constraints of a small site, Chick-fil-A has made the decision to re-develop this location into a drive-thru-only facility with no dining room seating in an effort to utilize the property's size to its optimal capacity. The new restaurant reduces the building footprint and number of required parks, therefore better accommodating the demand for drive-thru traffic. With the drive-thru generating all of the business, the dual lanes and canopies over the ordering points and meal delivery window will be critical in expediting the flow of traffic on and off of this site. Unfortunately, the Right-of-Way take only increases these site constraints.

CFA #831 Pike Street  
11.09.2023  
Page 2 of 2

Relief, if granted, would not result in any detriment to the public or impair the purposes or intent of the City of Lawrenceville's Zoning Ordinance. The intent of the improvements is solely to aid in the day-to-day operations of Chick-fil-A, specifically, to increase on-site stacking, thus decreasing stacking on adjacent public roadways during peak hours.

Please feel free to contact me if you have any questions or require additional information. If I am not available, Felipe Reyes is the Civil Project Manager and will be able to answer your questions.

Sincerely,

**INTERPLAN LLC**

*Danielle Sheridan*

Danielle Sheridan

Permit Lead

cc: F. Reyes, K. Lewis; Interplan LLC; IP File

Legal Description

ALL THAT TRACT or parcel of land lying and being in Land Lot 9 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the intersection of the southerly- most right of way (50 feet to centerline) of Georgia Highway No. 120 (West Pike Street) and the easterly-most right of way (50 foot right of way) of Professional Drive; thence south 79 degrees 15 minutes 25 seconds east along said southerly-most right of way of Georgia Highway No. 120 a distance of 117.34 feet to an iron pin set; thence south 10 degrees 18 minutes 16 seconds east a distance of 271.62 feet to an iron pin found; thence north 78 degrees 20 minutes 03 seconds west a distance of 218.94 feet to an iron pin set on the easterly-most right of way of Professional Drive; thence north 11 degrees 39 minutes 57 seconds east along said easterly-most right of way of Professional Drive a distance of 250.00 feet to a hole in concrete curb found and the POINT OF BEGINNING.









# LAWRENCEVILLE

## GEORGIA

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

**Item:** VAR2024-00114; Alejandro Ramos; 268 Stone Mountain Street  
**Department:** Planning and Development  
**Date of Meeting:** Tuesday, February 20, 2024  
**Presented By:** Todd Hargrave, Director of Planning and Development  
**Action Requested:** Consideration of Request by Applicant

**Summary:** Request relief from Article 1 Districts, Section 102.3 RS-150 Single-Family Residential District, Subsection B Lot Development Standards to reduce the minimum lot width from 85' to 75.86' and to reduce the minimum lot area for Tract A from 15,000 sq. ft. to 14,163 sq. ft. and for Tract B from 15,000 sq. ft. to 13,991 sq. ft.

**Attachments/Exhibits:**

- VAR2024-00114\_Report
- VAR2024-00114\_App\_01052024
- VAR2024-00114\_LOI\_01052024
- VAR2024-00114\_Legal Desc\_11292023
- VAR2024-00114\_Site Plan\_11292023
- VAR2024-00114\_Proposed Survey\_01052024
- VAR2024-00114\_Renderings\_11292023



# LAWRENCEVILLE

## GEORGIA

### VARIANCE

**CASE NUMBER: VAR2024-00114**

***Appeal Description:*** Allow a reduction in minimum lot width from 85' to 75.86'.  
Allow a reduction in minimum lot area from 15,000 SF to 13,991 SF.

***Applicant Name:*** Alejandro Ramos

***Development Type:*** RS-150 (Single-Family Residential District)

***Ordinance:*** Zoning Ordinance

***Code Section:*** Article 1, Section 102.3  
RS-150 Single-Family Residential District,  
Subsection B. Lot Development Standards

***Subdivision:*** N/A

***Property Address:*** 268 Stone Mountain Street

***Parcel #:*** R5142 168



# LAWRENCEVILLE

GEORGIA

## Zoning Ordinance:

Zoning Ordinance, Article 1, Section 102.3 RS-150 Single Family Residential District, Subsection B. Lot Development Standards reads as follows:

### B. Lot Development Standards

Use	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	15,000 sq. ft.	85 ft.	35 ft.	10 ft. each yard	40 ft.	Single story- 2,000 sq. ft Two story- 2,400 sq. ft.	30%	35 ft.
Accessory* One/lot max	-	-	-	5 ft.	5 ft.	*	-	18 ft.

\* 400 square feet maximum. Accessory structures are prohibited in the front yards. Utilities shall be underground.

## Variance Request:

The applicant requests two Variances: 1) to allow a reduction in minimum lot width from 85' to 75.86', and 2) to allow a reduction in minimum lot area from 15,000 SF to 13,991 SF. These variances were requested to allow for the existing lot to be subdivided into two equally sized lots that will each be developed with a single-family dwelling unit.



# LAWRENCEVILLE

GEORGIA

### *Reading and Adoption*

<i>Name</i>	<i>Title</i>	<i>Attendance</i>	<i>Vote</i>
<i>Darion Ward</i>	<i>Chairman</i>		
<i>Sheila Huff</i>	<i>Vice Chairman</i>		
<i>Bruce Hardy</i>	<i>Board Member</i>		
<i>Jim Nash</i>	<i>Board Member</i>		
<i>Stephanie Henriksen</i>	<i>Board Member</i>		

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



# 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: Alejandro Ramos

EMAIL: Alejandro.ramos.madrugal@gmail.com PHONE: 770 560-2149

STREET ADDRESS: 4281 Sierra Creek Ct SUITE:

CITY: Hoschtan STATE: GA ZIP CODE: 30548

SIGNATURE OF APPLICANT: Alejandro Ramos DATE: 1/3/2024

### PROPERTY OWNER INFORMATION (as applicable)

PROPERTY OWNER NAME: Catalina Sandoval Rodriguez

EMAIL: K\_Talnia\_85@hotmail.com PHONE: 770 885 2413

STREET ADDRESS: 4689 Sierra Creek Drive SUITE:

CITY: Hoschtan STATE: GA ZIP CODE: 30548

SIGNATURE OF PROPERTY OWNER: DATE: 01/04/2024

### SITE INFORMATION

VARIANCE DESCRIPTION:

reduce lot frontage and lot area.

STREET ADDRESS: 268 Stone Mountain St. SUITE/UNIT #:

CITY: Lawrenceville STATE: GA ZIP CODE: 30046

PIN: LOT NO.: 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: **RS 150**

ZONING CASE:

PRINCIPAL USE:

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.* **YES**
- 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.* **YES**
- c. *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 Zoning Ordinance or Development Regulations and not by action or actions of the property owner or the applicant.* **YES**
- 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.* **YES**
- f. *The variance granted the minimum variance that will make possible the reasonable use of the building, land or structures.* **YES**
- 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?* **YES**

January 5, 2024

Letter of Intent for Zoning Variance For:  
Alejandro Ramos  
268 Stone Mountain St Lawrenceville GA

ZONING: RS-150 PARCEL ID#: R5142 168  
Letter of Intent for Zoning Variance

Dear Planning & Commission,

We are requesting a variance for the above address to allow to subdivide into 2 lots for single family residence. What we are proposing will not affect the current character of the surrounding homes. Please see details below:

1. We are proposing to reduce the minimum lot width from 85' to 75.86' (a 10.76% reduction) and a variance to reduce the minimum lot area from 15,000 SF to 13,991 SF (a 6.72% reduction).
2. Both houses heated floor will be 2,377 SF
3. Our current proposal RS-150 setbacks (35' front, 10' side, 40' rear)
4. The variance won't have any adverse effects on adjacent properties. It won't cause significant harm to public welfare or damage the property or structures in the zoning district where the subject property is situated.

Thank you for your consideration,

Sincerely,

Alejandro Ramos

**EXHIBIT "A"**

**File No.: W-09875B-21-MT**

All that tract or parcel of land lying and being in Land Lot 142 of the 5th Land District, Gwinnett County, Georgia, in the City of Lawrenceville, containing 0.6464 acres according to a plat of survey for James R. Brown by Hannon, Meeks & Bagwell, Surveyors & Engineers, Inc. (Miles H. Hannon, Georgia Registered Land Surveyor No. 1528) dated March 30, 1995, and more particularly described according to said plat as follows:

To locate the point of beginning, begin at the point of intersection of the centerline of Stone Mountain Street with the centerline of Gwinnett Drive, and run thence Northeast along the centerline of Stone Mountain Street 293.82 feet to a point; run thence North 50 degrees 03 minutes 21 seconds West 30.98 feet to a point marked by a 1/2 inch r-bar found on the Northwest right of way line of Stone Mountain Street (based on a 60-foot right of way), which is the true place or point of beginning, from said beginning point, run thence North 50 degrees 03 minutes 21 seconds West 184.08 feet to a point marked by a one-inch pipe found, run thence North 28 degrees 26 minutes 00 seconds East 167.84 feet to a point marked by a one-inch pipe found; run thence along the line of property formerly owned by Mary Alice Martin South 44 degrees 44 minutes 49 seconds East 183 10 feet to a point marked by 1/2 inch r-bar found on the Northwest right of way line of Stone Mountain Street; run thence along said right of way line South 28 degrees 14 minutes 48 seconds West 56 97 feet to a point, continue thence along said right of way South 25 degrees 27 minutes 23 seconds West 94 76 feet to a point marked by a 1-inch r-bar found, which is the true place or point of beginning.

Less and Except all that tract of land as shown on that certain Limited Warranty Deed, dated 08/30/2016, filed for recorded 08/31/2016, recorded in Deed Book 54550, Page 660, aforesaid records.















# LAWRENCEVILLE

## GEORGIA

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

**Item:** VAR2024-00115; Jhon J. Tabares; 940 Paper Creek Drive  
**Department:** Planning and Development  
**Date of Meeting:** Tuesday, February 20, 2024  
**Presented By:** Todd Hargrave, Director of Planning and Development  
**Action Requested:** Consideration of Request by Applicant

**Summary:** An application requesting to allow a covered front porch to encroach 11’ into the required 50’ front setback as recorded on the Paper Mill Unit 3 Subdivision Final Plat.

**Attachments/Exhibits:**

- **VAR2024-00115\_Report**
- **VAR2024-00115\_Application**
- **VAR2024-00115\_Letter of Intent**
- **VAR2024-00115\_Survey Includes Legal Description**
- **VAR2024-00115\_Floor Plans**



# LAWRENCEVILLE

GEORGIA

## VARIANCE

**CASE NUMBER: VAR2024-00115**

- Appeal Description:** Allow a covered front porch to encroach 11 feet into the required 50-foot front setback as recorded on the Paper Mill Unit 3 Subdivision Final Plat.
- Applicant Name:** John J. Tabares
- Development Type:** RS-150 (Single-Family Residential District)
- Ordinance:** Zoning Ordinance
- Code Section:** Article 1, Section 102.3  
RS-150 Single-Family Residential District, Subsection B. Lot Development Standards
- Subdivision:** N/A
- Property Address:** 940 Paper Creek Drive
- Parcel #:** R5173 329



# LAWRENCEVILLE

## GEORGIA

### Zoning Ordinance:

Zoning Ordinance, Article 1, Section 102.3 RS-150 Single Family Residential District, Subsection B. Lot Development Standards reads as follows:

#### B. Lot Development Standards

Use	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	15,000 sq. ft.	85 ft.	35 ft.	10 ft. each yard	40 ft.	Single story- 2,000 sq. ft Two story- 2,400 sq. ft.	30%	35 ft.
Accessory* One/lot max	-	-	-	5 ft.	5 ft.	*	-	18 ft.

\* 400 square feet maximum. Accessory structures are prohibited in the front yards. Utilities shall be underground.

### Variance Request:

The applicant requests a Variance to allow a covered front porch to encroach 11 feet into the required 50-foot front setback as recorded on the Paper Mill Unit 3 Subdivision Final Plat. The applicant built the front porch unaware of the front setback requirement. A permit was issued in error for the addition of a front and rear porch pursuant to BLD2020-00822. The International Code Council section R105.4 Validity of permit. States that the issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.



# LAWRENCEVILLE

GEORGIA

### *Reading and Adoption*

<i>Name</i>	<i>Title</i>	<i>Attendance</i>	<i>Vote</i>
<i>Darion Ward</i>	<i>Chairman</i>		
<i>Sheila Huff</i>	<i>Vice Chairman</i>		
<i>Bruce Hardy</i>	<i>Board Member</i>		
<i>Jim Nash</i>	<i>Board Member</i>		
<i>Stephanie Henriksen</i>	<i>Board Member</i>		

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





# LAWRENCEVILLE

Planning & Development

### VARIANCE APPLICATION

<input type="checkbox"/> ADMINISTRATIVE	<input checked="" type="checkbox"/> BOARD OF APPEALS	<input type="checkbox"/> CITY COUNCIL
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### 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: Jhon J Tabares		
EMAIL: josata@hotmail.com	PHONE: 404 245-9603	
STREET ADDRESS: 940 Paper Creek Dr.	SUITE:	
CITY: Lawrenceville	STATE: G.A	ZIP CODE: 30046

SIGNATURE OF APPLICANT:

DATE:

### PROPERTY OWNER INFORMATION (as applicable)

PROPERTY OWNER NAME: Jhon J Tabares		
EMAIL: josata@hotmail.com	PHONE: 404 245-9603	
STREET ADDRESS: 940 Paper Creek Dr.	SUITE:	
CITY: Lawrenceville	STATE: G.A	ZIP CODE: 30046

SIGNATURE OF PROPERTY OWNER:

DATE:

*Jhon J Tabares* 12/27/23

### SITE INFORMATION

VARIANCE DESCRIPTION:

STREET ADDRESS: 940 Paper Creek Dr.		SUITE/UNIT #:
CITY: Lawrenceville	STATE: G.A	ZIP CODE: 30046
PIN: 5173 329	LOT NO.: 126	BLOCK NO.: B



# LAWRENCEVILLE

Planning & Development

## 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: <b>RS - 150</b>	ZONING CASE: <b>N/A</b>
PRINCIPAL USE: <b>Residential</b>	SECONDARY USE (AS APPLICABLE): <b>N/A</b>

## 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.

**yes.**

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.

**yes.**

c. 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 Zoning Ordinance or Development Regulations and not by action or actions of the property owner or the applicant.

**yes.**

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.

**yes.**

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

**yes**

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?

**yes**

Jhon J. Tabares  
940 Paper Creek Dr.  
Lawrenceville, GA. 30046

December 27, 2023

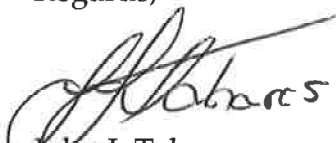
City Of Lawrenceville  
Board of Appeals  
70 S. Clayton St.  
Lawrenceville, GA 30046

To Whom It May Concern:

This letter is to request a variance for an encroachment of 11, <sup>JJT.</sup>~~8~~ ft. into the setback in front of my house. I was unaware of the depth of the setback, and I apologize for this misunderstanding on my part.

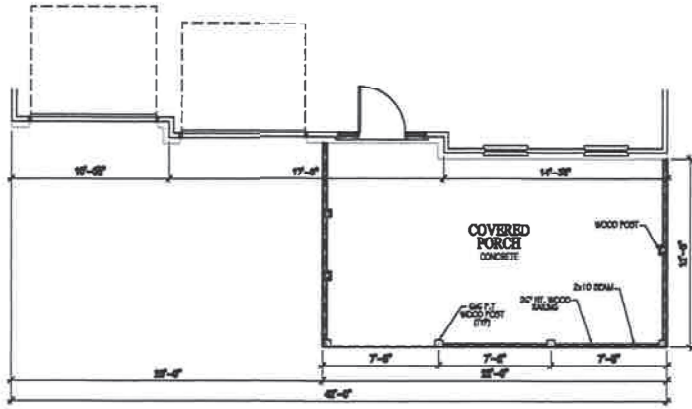
I had originally submitted architectural plans for work on both front and back porches, and received Permit #BLD2020-00822 for this work, copies of which are attached.

Regards,

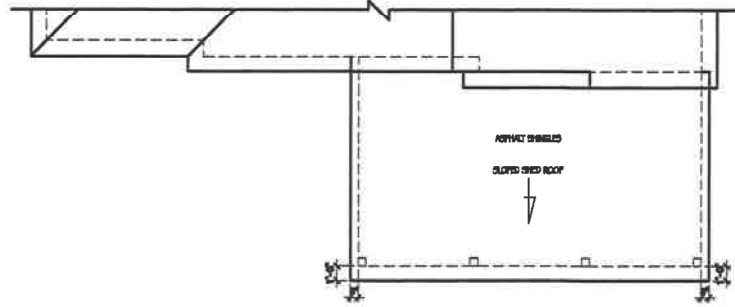
  
John J. Tabares







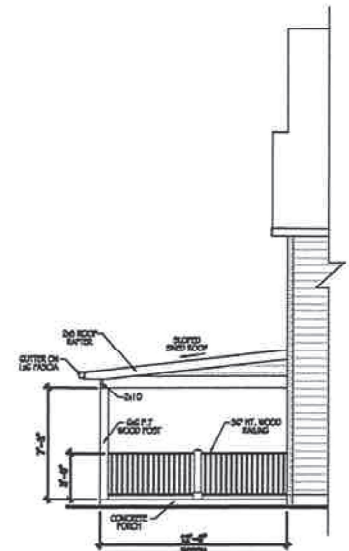
**A** FLOOR PLAN  
1 SCALE: 1/8" = 1'-0"



**B** ROOF PLAN  
1 SCALE: 1/8" = 1'-0"



**C** FRONT ELEVATION  
1 SCALE: 1/8" = 1'-0"



**D** RIGHT SIDE ELEVATION  
1 SCALE: 1/8" = 1'-0"

PLANNING AND DEVELOPMENT  
VAR2024-00115  
01052024

PLAN ISSUE FOR:  
CONSTRUCTION

REVISIONS:	
NO.	DESCRIPTION
00	ISSUED FOR CONSTRUCTION

Last Revision:  
00 08/02/2020

John John Tabares Plmcon, Inc.  
Last Saved By:  
dlr 4/21/2025

940 Paper Creek Drive  
Lawrenceville, GA 30046  
FRONT COVERED PORCH

SHEET:  
1 of 2





