



LAWRENCEVILLE

GEORGIA

BOARD OF APPEALS AGENDA

Wednesday, October 23, 2019
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.](#) VAR2019-00015, Laura Nunez, 102 Stanley Court
- [2.](#) VAR2019-00016; PUNCH, LTD; 0 RIVERSIDE PARKWAY

Final Adjournment



LAWRENCEVILLE

GEORGIA

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

Item: VAR2019-00015, Laura Nunez, 102 Stanley Court

Department: Planning and Development

Date of Meeting: Tuesday, October 22, 2019

Fiscal Impact: None

Presented By: Todd Hargrave

Action Requested: Consideration of request

Summary: The applicant requests relief from the Zoning Ordinance, Article VII, Section 7.9. The applicant would like to encroach into the building setbacks to install a walk-in cooler.

Attachments/Exhibits:

VAR2019-00015 REPORT

VAR2019-00015 APPLICATION

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE REPORT**

VARIANCE CASE NUMBER: VAR2019-00015

PROPERTY OWNER: Laura Nuñez

APPLICANT NAME: Laura Nuñez

PROPERTY IN QUESTION: 102 Stanley Court

PARCEL ID NUMBER : 5174 014

PRESENT ZONING: BG (General Business District)

ORDINANCE SECTION AFFECTED: Zoning Ordinance, Article VII, BG General Business, Section 7.9, Space Limits

VARIANCE TO ALLOW: Encroachment into setbacks to attach a walk-in cooler

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.

ANALYSIS:

The applicant is requesting a variance to reduce the required side yard and rear yard setbacks. The proposed change would be from the existing five-foot setback to a one-foot setback along the side yard, and change from an existing 10-foot setback to a five-foot setback on the rear of the property. The proposal would include the installation of two outdoor, walk-in coolers measuring 308 square feet, and 224 square feet, respectively. Both coolers would be attached to the existing building.

Article VII, Section 7.9 of the Zoning Ordinance requires a 10-foot building setback along the rear and side property lines. The proposed coolers would encroach on the required setbacks. The walk-in coolers may affect an existing six-foot retaining wall that cascades five feet into the setback. The retaining wall is located on the side of the building.



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: <u>Laura Nuñez</u>	Owner: <u>Laura Nuñez</u>
Address: <u>102 Stanley Court</u>	Address: <u>102 Stanley Court</u>
<u>Lawrenceville GA 30046</u>	<u>Lawrenceville GA 30046</u>
Telephone: <u>770-809-6625</u>	Telephone: <u>770-809-6625</u>
Contact person: <u>Aide Bucio</u>	
Contact telephone: <u>770-809-6625</u>	Email: <u>monserratbucio@gmail.com</u>

PROPERTY IN QUESTION

Street Address: 102 Stanley Court Lawrenceville GA 30046

Property identification number: (Tax parcel number) R / 5174 / 014

Present zoning: GR

Variance(s) requested:

Set back on the west and north of already existing building to reduce landscape strip to be able to attach a walking cooler 15' wide X 40' long, along the back of the building on the west side or the lateral west side.

Signature of applicant

Date

Signature of property owner

Date

Printed name

Date

Printed name

Date

Notary public

Date

Notary public

Date



Box 2200 • Lawrenceville, Georgia 30046-2200
2414 • www.lawrencevillega.org

VAR 2019.00015



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:

The building has a 15' buffer from the end of building to the property line

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

the owner purchased the building with these pre-existing conditions

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

Building was built with set back already in place

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

The Building needs a walking cooler with a minimum of 15' feet wider

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:

this will create more space inside the building to provide more services to the diners

VAR2019-00015

Metes and bounds legal description

All that tract or parcel of land lying and being in Land Lot 174 of the 5th land District, Gwinnett County, Georgia, in the City of Lawrenceville, being depicted as 1.100 acres on the Plat of Survey for Red Iron, LLC, dated September 2, 2003, prepared by J. Chris Whitley, Georgia Registered Land Surveyor No. 2672, for McFarland-Dyer & Associates, Inc., recorded in Plat Book 99, Page 191, Gwinnett County, Georgia Records, which plat is hereby incorporated herein by this reference thereto and made a part of this description.

Utility Notes

1. THE UTILITY LOCATES SHOWN HEREIN ARE BASED ON VISIBLE OBSERVATIONS.

2. THE SURVEYOR LOCATES AND IDENTIFIES: SUBMERGED OR EXPOSED UTILITY, THE UNDERGROUND OF ABOVE GROUND UTILITIES SHOWN COMPRISE ALL UTILITIES IN THE AREA, EITHER IN SERVICE OR DISCONTINUED. THE UNDERGROUND UTILITIES OBSERVED OR LOCATED MAY EXIST ON THE SURVEYED LAND OR ADJACENT LANDS. THE SURVEYOR DOES NOT PROVIDE FURTHER EXAMINATION OR EXCAVATION, FURTHERMORE, THE SURVEYOR DOES NOT GUARANTEE THE LOCATION OR DEPTH OF THE UNDERGROUND UTILITIES SHOWN OR SPECIFIED ARE IN THE EXACT LOCATION AS INDICATED TO THE SURVEYOR. THE SURVEYOR DOES CERTIFY THAT THE INFORMATION AVAILABLE AND THE BEST OF THE SURVEYORS JUDGMENT.

3. AT NO TIME SHALL ANY OTHER OR OTHERS OBTAIN ACCESS TO ANY SHOWN HEREIN, THERE MAY BE ADDITIONAL LINES (PUBLIC OR PRIVATE) EXISTING EXISTING THE STRUCTURE THAT MAY NOT BE IDENTIFIED.

GEORGE
UTILITIES PROTECTION
LIMITED
I, _____
know, _____
before you, _____

Map or Plat Class Statement & Notes

1. THIS MAP OR PLAT HAS BEEN CALCULATED FOR GEODETIC AND

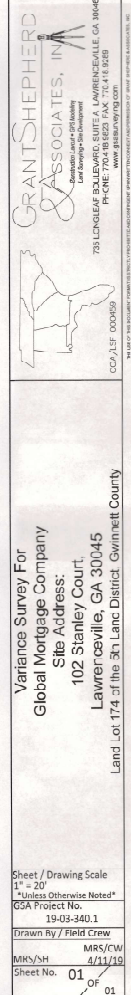
[illegible]

BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13125C0074F, CONTAINING A LATEST DATE OF 09/06/2006. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THE SITE ON SAID FIRM (FEDERAL INSURANCE RATE MAP) MAP UNLESS OTHERWISE NOTED.

Graphic Scale

0 10 20 30 40
(FEET)
1 inch = 20 feet

STATEMENT OF PURPOSE	
1.	REDUCE REAR BUILDING LINE TO 5'.
2.	REDUCE SIDE BUILDING LINE TO 1'.
THE PURPOSE OF THIS VARIANCE REQUEST IS TO ALLOW FOR THE INSTALLATION OF TWO OUTDOOR COOLERS WHICH WILL BE CONNECTED TO THE EXISTING BUILDING.	





LAWRENCEVILLE

GEORGIA

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

Item: VAR2019-00016; PUNCH, LTD; 0 RIVERSIDE PARKWAY

Department: Planning and Development

Date of Meeting: Wednesday, October 23, 2019

Fiscal Impact: None

Presented By: Todd Hargrave

Action Requested: Consideration of request

Summary: The applicant requests relief from development Regulations, Article XIX, Model Stream Buffer Protection Ordinance, Section 19.5.1(1) 25-foot undisturbed natural vegetative buffer and a 25-foot impervious setback to be able to encroach into the stream buffer and impervious setback.

Attachments/Exhibits:

VAR2019-00016 REPORT
VAR2019-00016 APPLICATION



LAWRENCEVILLE

GEORGIA

VARIANCE APPLICATION

APPLICANT: PUNCH, LTD

OWNER: PUNCH, LTD

ADDRESS: 1401 DALON RD, NE
ATLANTA, GA 30306

ADDRESS: 1401 DALON RD, NE
ATLANTA, GA 30306

TELEPHONE NUMBER: 404-873-3567

TELEPHONE NUMBER: 404-873-3567

CONTACT PERSON: DANIEL WINTERMEYER (URBAN ENGINEERS) DAVID LAMB (PUNCH, LTD)

CONTACT PERSON PHONE NUMBER D.WINTERMEYER: 404-873-5874 D.LAMB: 404-873-3567

PROPERTY IN QUESTION

STREET ADDRESS: RIVERSIDE PKWY

PROPERTY IDENTIFICATION NUMBER: (TAX PARCEL NUMBER) R / 5112 / 005
R / 5112 / 002

PRESENT ZONING: HM

VARIANCE(S) REQUESTED: CITY OF L'VILLER STREAM BUFFER & IMPERVIOUS SETBACK Code section: _____

We request a variance to encroach into the City of Lawrenceville stream buffer and impervious setback which flank the two state waters on the property. The owner has already received Army Corps and EPD permits, which include mitigation plans.

Amy Huffine 9-12-19
SIGNATURE OF APPLICANT DATE

K P 9-12-19
SIGNATURE OF OWNER DATE

Amy Huffine 9-12-19
TYPED OR PRINTED NAME DATE

Kevin D. Cleveland 9-12-19
TYPED OR PRINTED NAME DATE

Maurine A. Flynn 9-12-19
NOTARY PUBLIC DATE

Kevin D. Cleveland
NOTARY PUBLIC



** If there are multiple landowners for one project, each owner must file an application form, however only one is required. Multiple projects with one owner must file separate applications, with separate fees.

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

VAR 2019-0001



LAWRENCEVILLE

GEORGIA

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:

The land had two low quality state waters areas on it which hinder the development of the land. The Army Corps has already approved the removal of these state waters and GA EPD has approved encroachment into the 25' state water buffer to do so. Please see attached materials for details about the property and the mitigation plans already agreed upon for the Army Corps and EPD permits.

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

The circumstances are unique to this property due to the location and poor quality of the two state waters on the property whose buffers hinder the development of the land.

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

The state waters are in the existing condition of the property. No development has been commenced on this property, therefore it is impossible that the applicant could have created this condition.

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

As the property has already received Army Corps permits and EPD variances, the requested City of Lawrenceville variances are the minimum necessary to for the development of the property per the Army Corps and EPD requirements.

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:

The proposed development is in line with the surrounding neighborhood and neighboring developments. The poor quality of the state waters means that the impact of their removal will be minimal and remediated with the mitigation already required by the Army corps and the EPD.

See attached report for more information.

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

2

VAR 2019-00



LAWRENCEVILLE

GEORGIA

INDEMNIFICATION AND WAIVER FORM

I, Kevin Cleveland, 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.

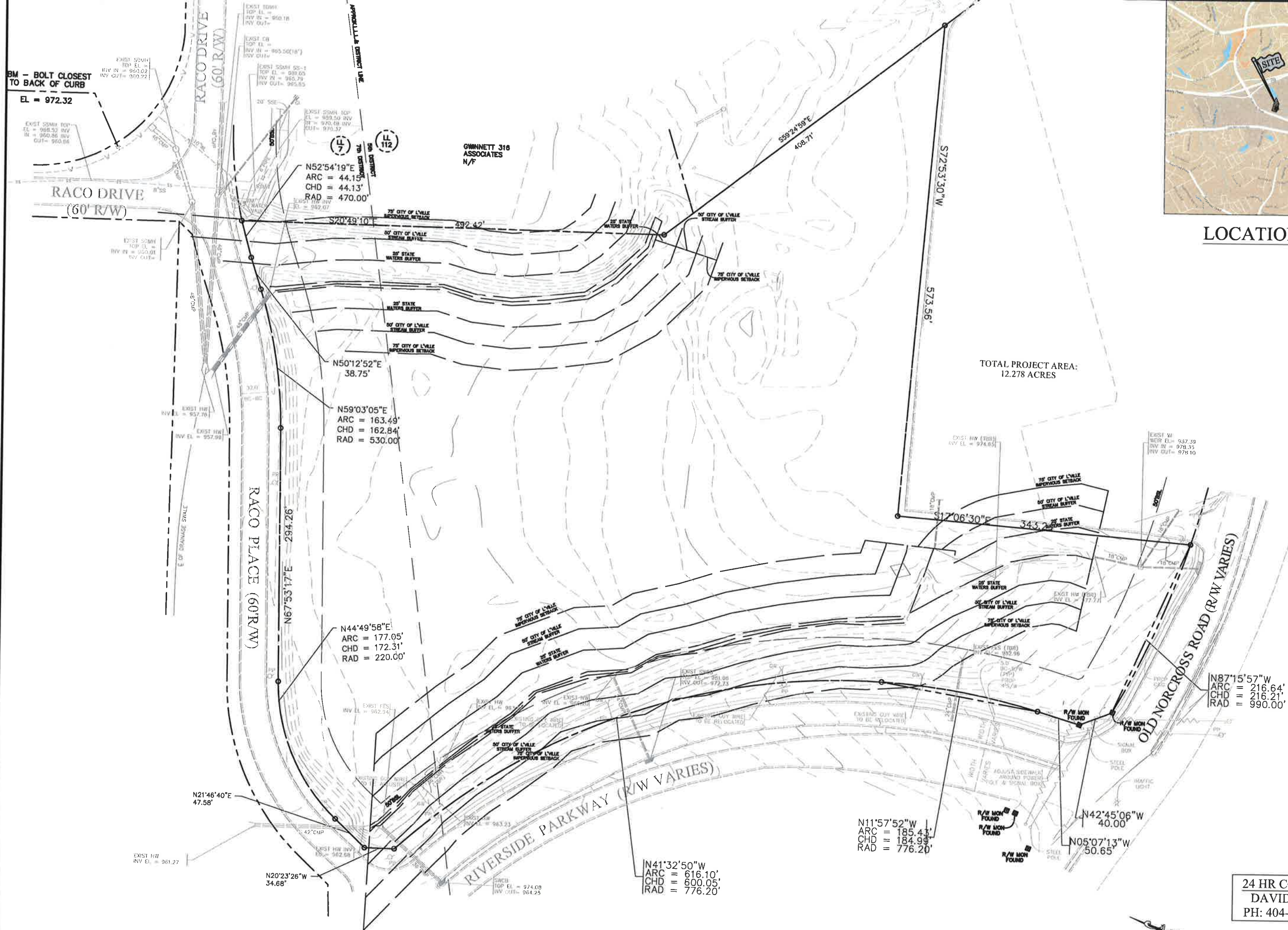
I realize and understand that when the City of Lawrenceville grants a variance it is agreeing not to enforce a city ordinance and that, as a result, the City incurs a risk of being sued due to the granting of the variance. I, therefore, agree that I will be responsible for all costs in the event litigation 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 12 day of September, 2019.

Signature

General Manager

Title



LOCATION MAP

Urban Engineers, Inc.
1904 MONROE DRIVE, N.E., SUITE 150
ATLANTA, GA 30329
PH: 404-897-1234
FAX: 404-897-1235
WWW.URBANEENGINEERS.COM

REGISTERED PROFESSIONAL ENGINEER
No. 12345
EXPIRES 12/31/2025

REVISIONS
DATE DESCRIPTION
1 12/31/2024

EXISTING CONDITIONS PLAN
GWINNETT 316

PROJECT NO. U999J2
LAND LOTS: 1
DISTRICT: 1
COUNTY: GWINNETT

24 HR CONTACT
DAVID LAM
PH: 404-897-1234

Page 12

GEORGIA811
Utility Protection Center, Inc.

811

U:\803\Gwinnett\316\Gwinnett 316.dwg
12/31/2024 11:55 AM

GWINNETT 316
ASSOCIATES
N/F

PROPERTY IS LOCATED IN FLOOD ZONE X, AREA
OF MINIMAL FLOOD HAZARD, PER FLOOD
INSURANCE RATE MAP 13135C0072F DATED
9/29/2006



LOCATION MAP

RACO PLACE (60'R/W)

WAREHOUSE
FF = 975.65
30,800 SF

PUNCH, LTD
N/F

WAREHOUSE
FF = 975.65
30,800 SF

RIVERSIDE PARKWAY (R/W VARIES)

OLD NORCROSS ROAD (R/W VARIES)

SCALE: 1" = 40'

Urban Engineers, Inc.
1904 MONROE DRIVE, N.E., SUITE 150



REVISIONS	DATE	DESCRIPTION

SITE PLAN ALTERNATE
GWINNETT 316

PROJECT NO.: U999J12
LAND LOT(S):
DISTRICT:
COUNTY: GWINNETT

DRAWING NO.:



U:\gwinnet\gwinnet\Site General\Contradict\U999J12 - 12.278 acres\U999J12 - Site alternate.dwg
19/2020 12:17 PM



REVISIONS	
DATE	DESCRIPTION

SITE PLAN PREFERRED
GWINNETT 316

PROJECT No.	U999J2
LAND LOT(S)	
DISTRICT	

DRAWING NO.



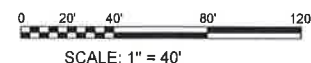
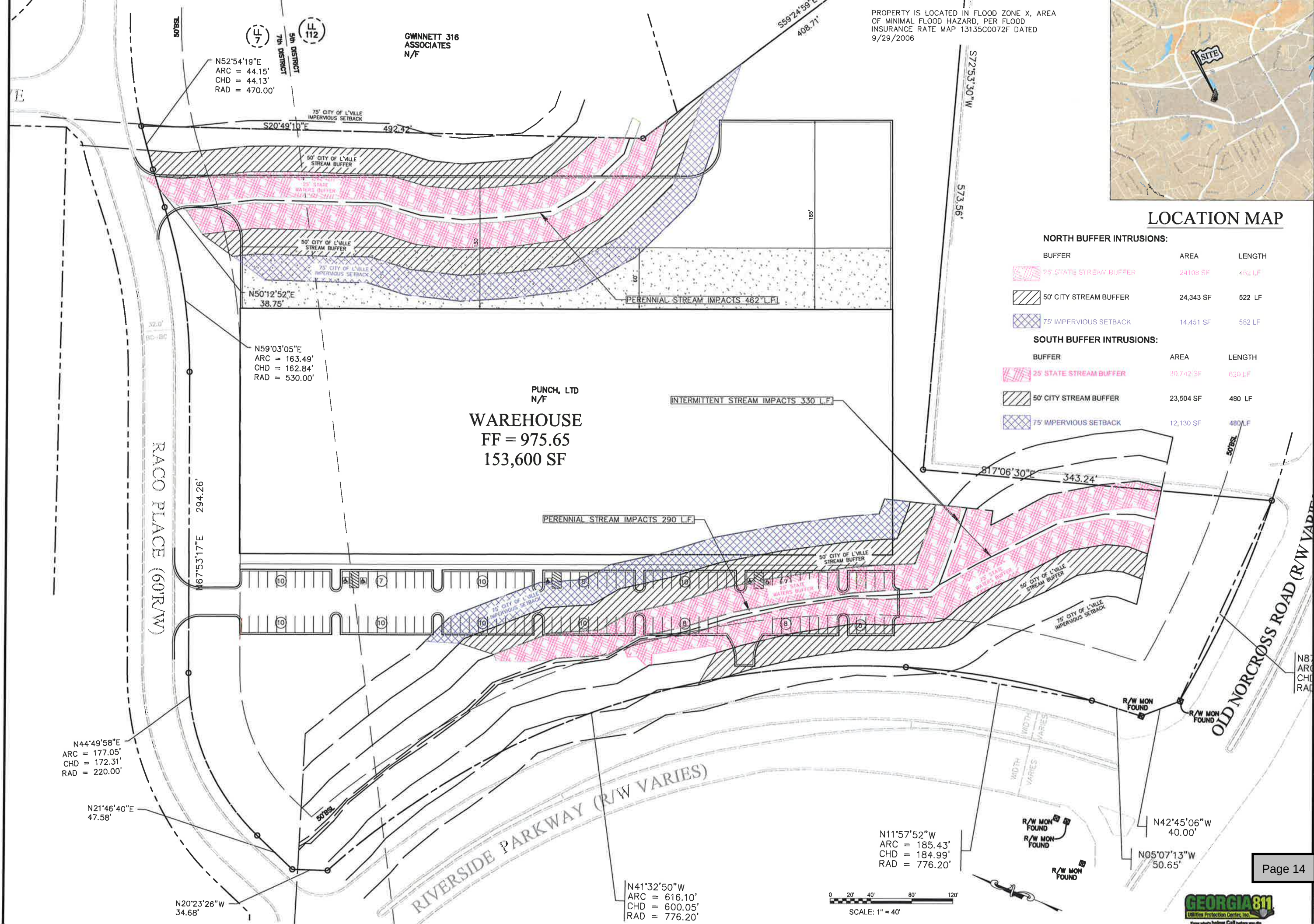
LOCATION MAP

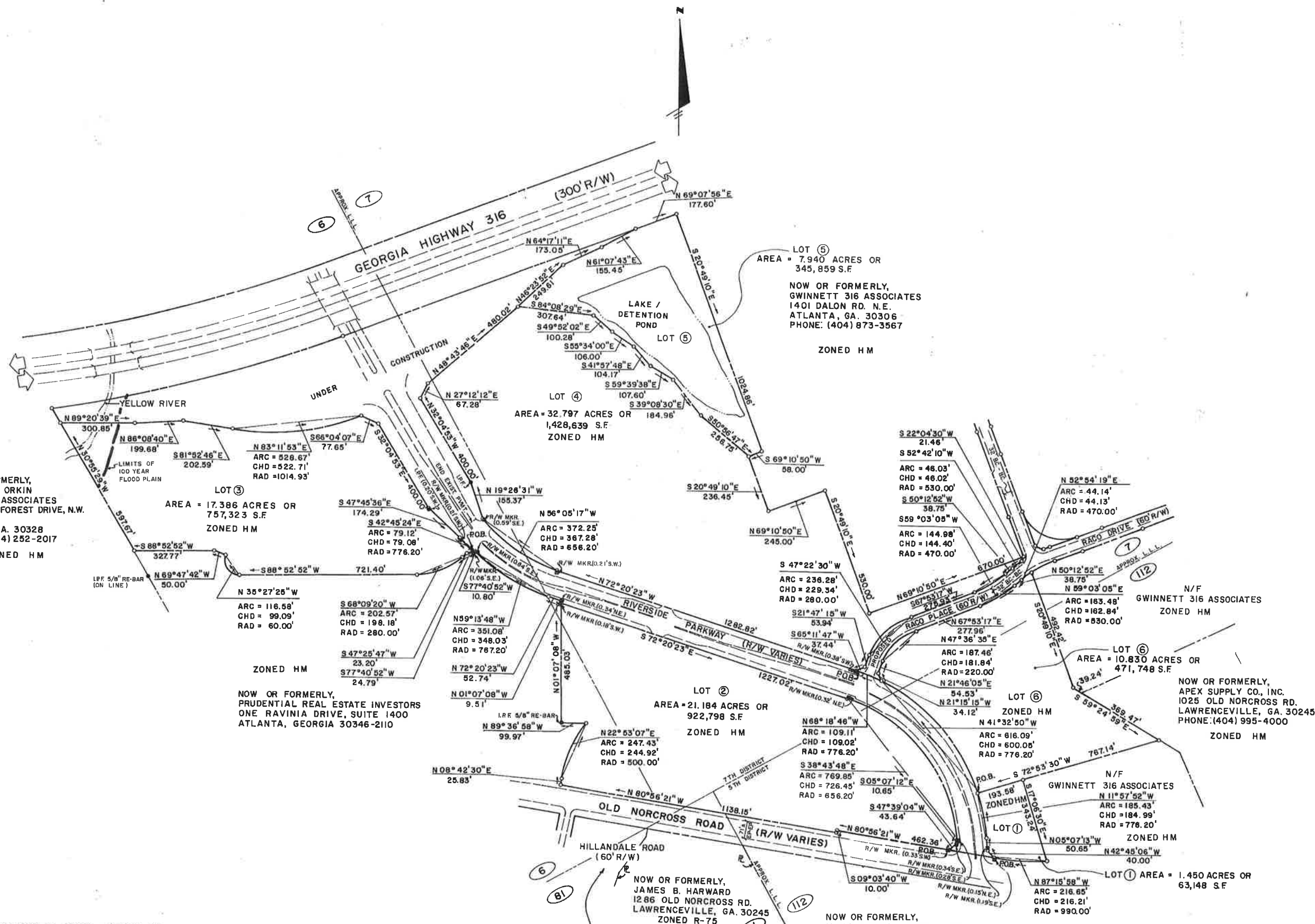
NORTH BUFFER INTRUSIONS:

BUFFER	AREA	LENGTH
25' STATE STREAM BUFFER	24,108 SF	482 LF
50' CITY STREAM BUFFER	24,343 SF	522 LF
75' IMPERVIOUS SETBACK	14,451 SF	582 LF

SOUTH BUFFER INTRUSIONS:

BUFFER	AREA	LENGTH
25' STATE STREAM BUFFER	30,742 SF	620 LF
50' CITY STREAM BUFFER	23,504 SF	480 LF
75' IMPERVIOUS SETBACK	12,130 SF	480 LF





NOW OR FORMERLY,
WILLIAM B. ORKIN
ORKIN AND ASSOCIATES
6100 LAKE FOREST DRIVE, N.W.
SUITE 280
ATLANTA, GA. 30328
PHONE: (404) 252-2017
ZONED HM

LOT 3
AREA = 17.386 ACRES OR
757,323 S.F.
ZONED HM

NOW OR FORMERLY,
PRUDENTIAL REAL ESTATE INVESTORS
ONE RAVINIA DRIVE, SUITE 1400
ATLANTA, GEORGIA 30346-2110
ZONED HM

LOT 4
AREA = 32.797 ACRES OR
1,428,639 S.F.
ZONED HM

LOT 5
AREA = 7.940 ACRES OR
345,859 S.F.
NOW OR FORMERLY,
GWINNETT 316 ASSOCIATES
1401 DALON RD. N.E.
ATLANTA, GA. 30306
PHONE: (404) 873-3567
ZONED HM

LOT 2
AREA = 21.184 ACRES OR
922,798 S.F.
ZONED HM

LOT 6
AREA = 10.830 ACRES OR
471,748 S.F.
ZONED HM

NOW OR FORMERLY,
APEX SUPPLY CO., INC.
1025 OLD NORCROSS RD.
LAWRENCEVILLE, GA. 30245
PHONE: (404) 995-4000
ZONED HM

NOW OR FORMERLY,
JAMES B. HARWARD
1266 OLD NORCROSS RD.
LAWRENCEVILLE, GA. 30245
ZONED R-75

NOW OR FORMERLY,
CHARLES E. WAGES
1266 OLD NORCROSS RD.
LAWRENCEVILLE, GA. 30245
ZONED RS-150

NOW OR FORMERLY,
MONFORT ROAD ASSOCIATES
1156 OLD NORCROSS RD.
% CAM-EL, INC.
P.O. BOX 1046
LAWRENCEVILLE, GA. 30245
ZONED M-2

THIS PROPERTY IS LOCATED ON PANEL NO. 130099 0001B OF THE
F.I.A. OFFICIAL FLOOD INSURANCE RATE MAP DATED MAY 15, 1980
FOR THE CITY OF LAWRENCEVILLE, GWINNETT COUNTY, GEORGIA AND
IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS AS SHOWN.

- STANDARD SURVEY NOTES:
- 1.) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,275 FEET AND AN ANGULAR ERROR OF 1.6 SEC. PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
 - 2.) THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 225,995 FEET.
 - 3.) THE MEASUREMENTS FOR FIELD DATA, USED IN PREPARING THIS PLAT WERE TAKEN BY A TOPCON GTS-3B.

REVISIONS		
DATE	REVISION	DESCRIPTION
7-07-95	1	REVISED N.E. PROPERTY LINE LOT 6



ZONING SURVEY
FOR
GWINNETT 316 ASSOCIATES

L.L. 687
L.L. 81 & 112
GWINNETT COUNTY, GA.

URBAN ENGINEERS, INC.
SUITE 100
1904 MONROE DR., N.E.
ATLANTA, GEORGIA 30324
PHONE: (404) 873-5871

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE REPORT**

VARIANCE CASE NUMBER: VAR2019-00016

PROPERTY OWNER: Punch, LTD

APPLICANT NAME: Punch, LTD

PROPERTY IN QUESTION: 0 Riverside Parkway

PARCEL ID NUMBER : 5112 005 and 5112 002

PRESENT ZONING: HM (Heavy Manufacturing)

ORDINANCE SECTION AFFECTED: Development Regulations, Article XIX, Model Stream Buffer Protection Ordinance, Section 19.5.1(1) 25-foot undisturbed natural vegetative buffer and a 25-foot impervious setback

VARIANCE TO ALLOW: Encroach into the stream buffer and impervious setback

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.

ANALYSIS:

The applicant requests relief from the Development Regulations, Model Stream Buffer Protection Ordinance. The subject property is located east of Riverside Parkway south of University Parkway SR 316.

Article XIX, Section 19.5.1 of the Development Regulations requires an undisturbed natural vegetative buffer to be maintained for 50 feet as well as a 25-foot non-impervious buffer and setback along the streams of the City of Lawrenceville. The existing stream runs along the eastern side of the property, and it does not significantly affect the amount of developable land. The applicant is requesting the elimination of the required 25-foot non-impervious buffer and setback along the entire length of the stream, as measured from the top of banks.

The applicant states that the owner has already received Army Corps and EPD permits which will include mitigation plans. The Army Corps has approved requests for the removal of state waters. Georgia EPD has approved the proposed encroachment in the 25-foot state water buffer. The land has two existing low-quality state waters which burden the development of the land.