

**REZONING APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: Vivica Brown c/o Andersen, Tate & Carr, P.C. ADDRESS: 1960 Satellite Blvd., Suite 4000 CITY: Duluth STATE: Georgia ZIP: 30097 PHONE: (770) 822-0900	NAME: Laferme Residences, LLC c/o Andersen, Tate & Carr, P.C. ADDRESS: 1960 Satellite Blvd., Suite 4000 CITY: Duluth STATE: Georgia ZIP: 30097 PHONE: (770) 822-0900
CONTACT PERSON: Michael L. Sullivan PHONE: (770) 822-0900 CONTACT'S E-MAIL: msullivan@atclawfirm.com	

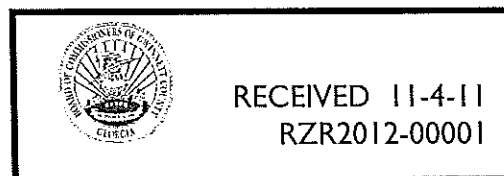
**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): RL REQUESTED ZONING DISTRICT: RA-200  
 LAND DISTRICT(S): 4 LAND LOT(S): 344 & 345 ACREAGE: 5.0 acres  
 ADDRESS OF PROPERTY: 9063 Hightower Trail, Snellville, Georgia 30039-6521  
 PROPOSED DEVELOPMENT: Group Home/Personal Care

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>1</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>3,232 sq. ft.</u>	Total Building Sq. Ft. _____
Gross Density: <u>0.2 units per acre</u>	Density: _____
Net Density: <u>0.2 units per acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**9063 HIGHTOWER TRAIL - VIVICA M. BROWN**

All that tract or parcel of land lying and being in Land Lots 344 and 345 of the 4<sup>th</sup> District of Gwinnett County, Georgia and being more particularly described as follows:

To find the true point of beginning, begin at the centerline intersection of Hightower Trail (60' R/W) and Henry Road and proceed S 57° 40' 39" E a distance of 297.85' to a 1/2" rebar found on the southerly right of way of said Hightower Trail and the true point of beginning. Thence proceed along said southerly right of way S 59° 29' 04" E a distance of 229.65' to a 1/2" rebar found, said point being the northwest corner of Tax Parcel 4344 003 belonging to Robert A. Johnson; thence leaving said right of way S 39° 50' 38" W a distance of 970.78' to a 1" open top pipe found; thence N 56° 47' 30" W a distance of 229.66' to a 1/2" rebar found on the eastern boundary line of Hightower Trail Subdivision; thence along said boundary line N 39° 56' 04" E a distance of 960.10' to a 1/2" rebar found on the southerly right of way of Hightower Trail and the true point of beginning.

Said parcel of land contains 5.0 acres according to a plat of survey by Advance Survey, Inc. dated September 15, 2011 prepared for Vivica M. Brown and being Gwinnett County Tax Parcel 4344 051 and being street number 9063 Hightower Trail according to the current numbering system and being a portion of the property shown on a plat of survey recorded in Plat Book 12 Page 13 prepared by Robert McCollum Buhler for Harold Echols dated 12/12/1979.

ADVANCE SURVEY, INC.  
634 N. Clayton Street  
Lawrenceville, Georgia 30046  
Prepared by  
A. Gordon Persons, Ga. RLS #1918



RECEIVED 11-9-11  
RZR2012-00001



**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---



**APPLICANT'S RESPONSE**  
**GROUP HOME / PERSONAL CARE HOME**  
**REZONING & SPECIAL USE PERMIT APPLICATIONS**  
**VIVICA BROWN**  
**9063 Hightower Trail**

- A) WHETHER A PROPOSED REZONING / SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The proposed Group Home would house a maximum of only 5 residents and would be completely contained within the existing residential home. There would be absolutely no exterior evidence of any change in the nature of the residence and there would be no impact on adjacent and nearby residential property uses.

- B) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed Group Home would house only 5 residents and would be completely contained within the existing home, with no exterior evidence of the group home's presence. There would be little to no impact on adjacent and nearby property and will not adversely affect these properties.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSED REZONING / SPECIAL USE PERMIT HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The property is currently a residence and would continue to be a residence.

- D) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No. The proposed Group Home would house only 5 residents and would not cause any additional or excessive use of existing streets, transportation facilities or utilities and there would be no impact on the schools.

- E) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The Gwinnett 2030 Unified Plan has designated the area within which the subject property is located for residential uses and the proposed Group Home is contemplated as a potential use on properties zoned for single-family residential uses, making this request entirely consistent with the Plan's guidelines for this area.

- F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING / SPECIAL USE PERMIT.

Yes. The area surrounding the subject property is uniformly residential and the proposed use is entirely appropriate in light of existing and emerging development patterns and land uses in the surrounding area.



# ANDERSEN TATE & CARR

ANDERSEN, TATE & CARR, P.C.  
ONE SUGARLOAF CENTRE  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GEORGIA 30097  
(770) 822-0900  
FACSIMILE: (770) 236-9754  
www.atclawfirm.com

MICHAEL L. SULLIVAN  
Attorney at Law

E-mail: msullivan@atclawfirm.com

## LETTER OF INTENT FOR GROUP HOME SPECIAL USE PERMIT AND REZONING APPLICATIONS 9063 HIGHTOWER TRAIL

The Applicant, Vivica Brown and Owner (Laferme Residences, LLC, an entity owned by Vivica Brown, hereinafter cumulatively, the "Applicant"), submits this request for a Rezoning from RL to RA-200 and a Special Use Permit for a Group Home on an approximately 5.00 acre tract of land (hereinafter, the "Property") located at 9063 Hightower Trail near its intersection with Henry Road and two parcels away from Rockdale County (to the east) and DeKalb County (to the south). The subject property covered by this Application is currently zoned RL.

The proposed Group Home would be targeted at helping individuals with autism spectrum disorder improve their lives and become productive members of the community. It would house a maximum of five (5) residents within the existing residential structure. Interior remodeling and renovation would be performed to convert the home to a Group Home but there would be no changes to the exterior of the building, which would continue to appear just as it does today. Additionally, there would be no exterior signage to indicate the presence of the group home. The proposed group home would be essentially invisible to anyone not inside the existing residence itself.

In addition, there are plans to utilize the existing horse barn and acreage to facilitate equine therapy for the residents of the Group Home.

The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and a limited access highway. The subject property is also located near public transportation routes and locations already existing and being considered in Gwinnett County.


### CONCLUSION

The subject property is an appropriate location for the proposed Group Home and would have little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. It is worth noting that the current zoning would allow 5 unrelated individuals to live in the house and for horses to be kept on the Property and the impacts of the proposed rezoning and Special Use Permits would be identical. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

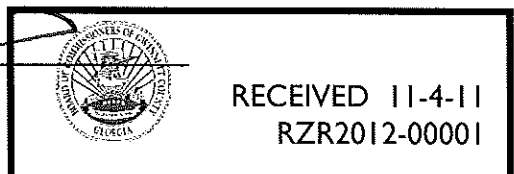
This 3<sup>rd</sup> day of November, 2011.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.



Michael L. Sullivan  
Attorney for the Applicant



**REZONING APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

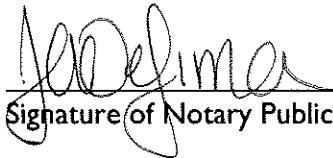


Signature of Applicant

Date

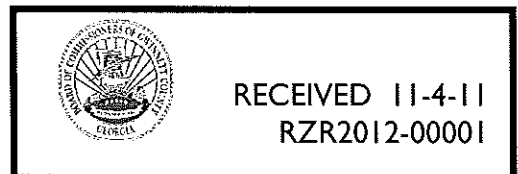
Michael L. Sullivan, Attorney for Owner/Applicant

Type or Print Name and Title



Signature of Notary Public

11/3/11  
Date



**REZONING PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

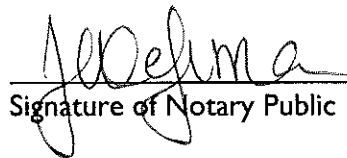


Signature of Property Owner

Date

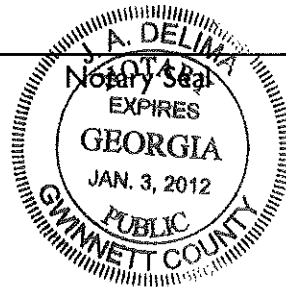
Michael L. Sullivan, Attorney for Owner/Applicant

Type or Print Name and Title



Signature of Notary Public

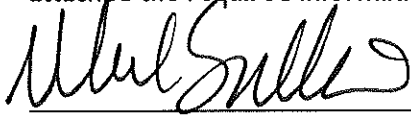
11/3/11  
Date



RECEIVED 11-4-11  
RZR2012-00001

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

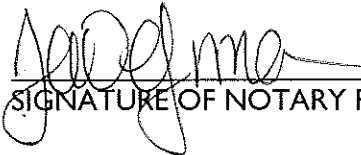
The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.



Michael L. Sullivan, Attorney for Owner/Applicant

SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE                      DATE                      TYPE OR PRINT NAME AND TITLE



11/3/11  
 DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

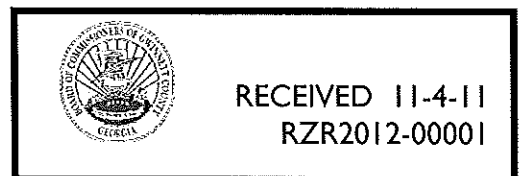
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES     NO    Vivica Brown / Laferme Residences, LLC  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.



**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Michael L. Sullivan, Attorney for Owner/Applicant

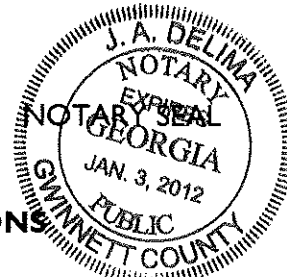
SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

*Michael L. Sullivan*                      11/3/11

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE                      DATE                      TYPE OR PRINT NAME AND TITLE

*[Signature]*                      11/3/11

SIGNATURE OF NOTARY PUBLIC                      DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

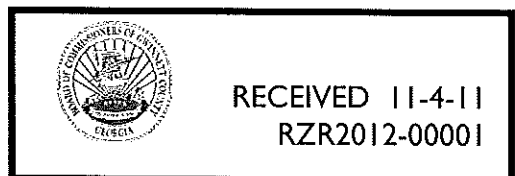
YES     NO    Andersen, Tate & Carr, P.C.

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Mike Beaudreau	\$1,000.00	February 5, 2008
John Heard	\$1,000.00 / \$1,000.00	February 16, 2010 / August 25, 2011
Shirley Lasseter	\$1,000.00	April 8, 2008
Lynette Howard	\$1,000.00 / \$1,000.00	May 25, 2010 / October 27, 2011
Charlotte Nash	\$1,000.00	February 24, 2011

Attach additional sheets if necessary to disclose or describe all contributions.



**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

**PARCEL I.D. NUMBER:**                      4                      -                      344                      -                      005  
(Map Reference Number)                      District                      Land Lot                      Parcel

*Michael Sullivan*

11/3/11

Signature of Applicant

Date

*Michael C. Sullivan*

Type or Print Name and Title

**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

*Bill Jorgeson*

NAME

*TSA*

TITLE

11/4/11

DATE

**GWINNETT COUNTY  
TAX COMMISSIONER**



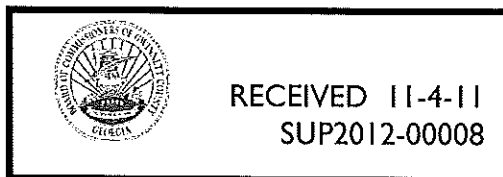
**SPECIAL USE PERMIT APPLICATION**  
 AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Vivica Brown</u> c/o Andersen, Tate & Carr, P.C. ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> CITY: <u>Duluth</u> STATE: <u>Georgia</u> ZIP: <u>30097</u> PHONE: <u>(770) 822-0900</u>	NAME: <u>Laferme Residences, LLC</u> c/o Andersen, Tate & Carr, P.C. ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> CITY: <u>Duluth</u> STATE: <u>Georgia</u> ZIP: <u>30097</u> PHONE: <u>(770) 822-0900</u>
CONTACT PERSON: <u>Michael L. Sullivan</u> PHONE: <u>(770) 822-0900</u> CONTACT'S E-MAIL: <u>msullivan@atclawfirm.com</u>	

\*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>RL to RA-200</u> BUILDING/LEASED SQUARE FEET: <u>3,232 sq. ft.</u>
LAND DISTRICT(S): <u>4</u> LAND LOT(S): <u>344 &amp; 345</u> ACREAGE: <u>5.0 acres</u>
ADDRESS OF PROPERTY: <u>9063 Hightower trail, Snellville, Georgia 30039-6521</u>
SPECIAL USE REQUESTED: <u>Group Home/Personal Care</u>

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**9063 HIGHTOWER TRAIL - VIVICA M. BROWN**

All that tract or parcel of land lying and being in Land Lots 344 and 345 of the 4<sup>th</sup> District of Gwinnett County, Georgia and being more particularly described as follows:

To find the true point of beginning, begin at the centerline intersection of Hightower Trail (60' R/W) and Henry Road and proceed S 57° 40' 39" E a distance of 297.85' to a 1/2" rebar found on the southerly right of way of said Hightower Trail and the true point of beginning. Thence proceed along said southerly right of way S 59° 29' 04" E a distance of 229.65' to a 1/2" rebar found, said point being the northwest corner of Tax Parcel 4344 003 belonging to Robert A. Johnson; thence leaving said right of way S 39° 50' 38" W a distance of 970.78' to a 1" open top pipe found; thence N 56° 47' 30" W a distance of 229.66' to a 1/2" rebar found on the eastern boundary line of Hightower Trail Subdivision; thence along said boundary line N 39° 56' 04" E a distance of 960.10' to a 1/2" rebar found on the southerly right of way of Hightower Trail and the true point of beginning.

Said parcel of land contains 5.0 acres according to a plat of survey by Advance Survey, Inc. dated September 15, 2011 prepared for Vivica M. Brown and being Gwinnett County Tax Parcel 4344 051 and being street number 9063 Hightower Trail according to the current numbering system and being a portion of the property shown on a plat of survey recorded in Plat Book 12 Page 13 prepared by Robert McCollum Buhler for Harold Echols dated 12/12/1979.

ADVANCE SURVEY, INC.  
634 N. Clayton Street  
Lawrenceville, Georgia 30046  
Prepared by  
A. Gordon Persons, Ga. RLS #1918



RECEIVED 11-9-11  
SUP2012-00008



**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

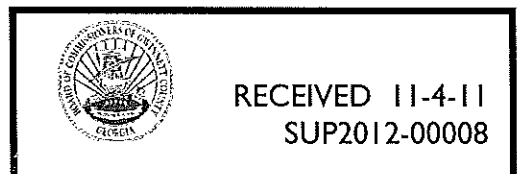
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

---



**APPLICANT'S RESPONSE**  
**GROUP HOME / PERSONAL CARE HOME**  
**REZONING & SPECIAL USE PERMIT APPLICATIONS**  
**VIVICA BROWN**  
**9063 Hightower Trail**

- A) WHETHER A PROPOSED REZONING / SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The proposed Group Home would house a maximum of only 5 residents and would be completely contained within the existing residential home. There would be absolutely no exterior evidence of any change in the nature of the residence and there would be no impact on adjacent and nearby residential property uses.

- B) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed Group Home would house only 5 residents and would be completely contained within the existing home, with no exterior evidence of the group home's presence. There would be little to no impact on adjacent and nearby property and will not adversely affect these properties.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSED REZONING / SPECIAL USE PERMIT HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The property is currently a residence and would continue to be a residence.

- D) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

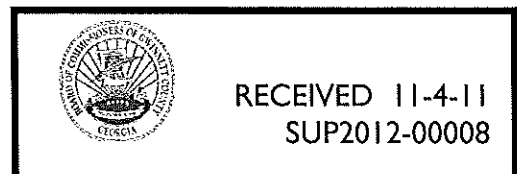
No. The proposed Group Home would house only 5 residents and would not cause any additional or excessive use of existing streets, transportation facilities or utilities and there would be no impact on the schools.

- E) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The Gwinnett 2030 Unified Plan has designated the area within which the subject property is located for residential uses and the proposed Group Home is contemplated as a potential use on properties zoned for single-family residential uses, making this request entirely consistent with the Plan's guidelines for this area.

- F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING / SPECIAL USE PERMIT.

Yes. The area surrounding the subject property is uniformly residential and the proposed use is entirely appropriate in light of existing and emerging development patterns and land uses in the surrounding area.



# ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.  
ONE SUGARLOAF CENTRE  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GEORGIA 30097  
(770) 822-0900  
FACSIMILE: (770) 236-9754  
[www.atclawfirm.com](http://www.atclawfirm.com)

MICHAEL L. SULLIVAN  
Attorney at Law

E-mail: [msullivan@atclawfirm.com](mailto:msullivan@atclawfirm.com)

## LETTER OF INTENT FOR GROUP HOME SPECIAL USE PERMIT AND REZONING APPLICATIONS 9063 HIGHTOWER TRAIL

The Applicant, Vivica Brown and Owner (Laferme Residences, LLC, an entity owned by Vivica Brown, hereinafter cumulatively, the "Applicant"), submits this request for a Rezoning from RL to RA-200 and a Special Use Permit for a Group Home on an approximately 5.00 acre tract of land (hereinafter, the "Property") located at 9063 Hightower Trail near its intersection with Henry Road and two parcels away from Rockdale County (to the east) and DeKalb County (to the south). The subject property covered by this Application is currently zoned RL.

The proposed Group Home would be targeted at helping individuals with autism spectrum disorder improve their lives and become productive members of the community. It would house a maximum of five (5) residents within the existing residential structure. Interior remodeling and renovation would be performed to convert the home to a Group Home but there would be no changes to the exterior of the building, which would continue to appear just as it does today. Additionally, there would be no exterior signage to indicate the presence of the group home. The proposed group home would be essentially invisible to anyone not inside the existing residence itself.

In addition, there are plans to utilize the existing horse barn and acreage to facilitate equine therapy for the residents of the Group Home.

The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and a limited access highway. The subject property is also located near public transportation routes and locations already existing and being considered in Gwinnett County.

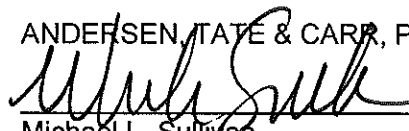
### CONCLUSION

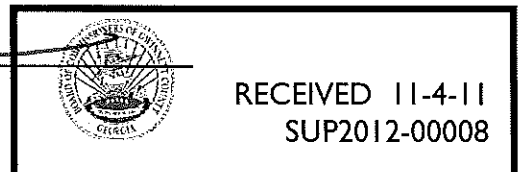
The subject property is an appropriate location for the proposed Group Home and would have little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. It is worth noting that the current zoning would allow 5 unrelated individuals to live in the house and for horses to be kept on the Property and the impacts of the proposed rezoning and Special Use Permits would be identical. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 3<sup>rd</sup> day of November, 2011.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.

  
Michael L. Sullivan  
Attorney for the Applicant



**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



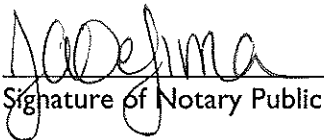
November 3, 2011

Signature of Applicant

Date

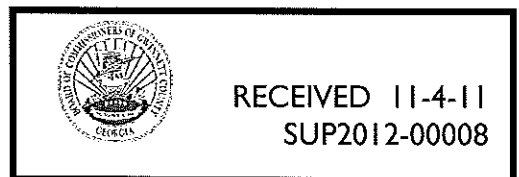
Michael L. Sullivan, Attorney for Owner/Applicant

Type or Print Name and Title



Signature of Notary Public

11/3/11  
Date



**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



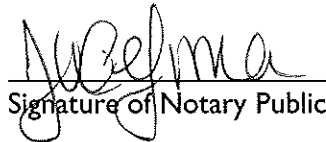
November 3, 2011

Signature of Property Owner

Date

Michael L. Sullivan, Attorney for Owner/Applicant

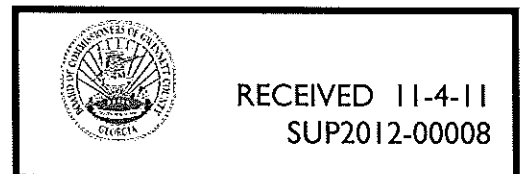
Type or Print Name and Title



Signature of Notary Public

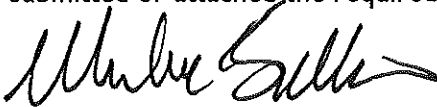
11/3/11

Date



**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.



Michael L. Sullivan, Attorney for Owner & Applicant

SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE                      DATE                      TYPE OR PRINT NAME AND TITLE



11/3/11  
DATE

SIGNATURE OF NOTARY PUBLIC



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

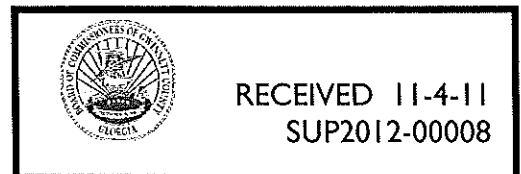
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES     NO    Vivica Brown and Laferme Residences, LLC  
 YOUR NAME

If the answer is yes, please complete the following section:



NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.



**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
		Michael L. Sullivan, Attorney for Owner/Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	11/3/11	
SIGNATURE OF NOTARY PUBLIC	DATE	



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

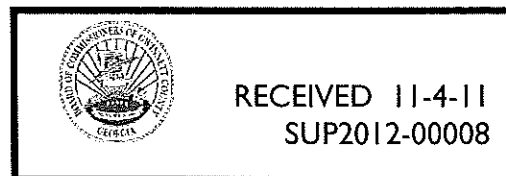
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES     NO    Andersen, Tate & Carr, P.C.  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Mike Beaudreau	\$1,000.00	February 5, 2008
John Heard	\$1,000.00 \$1,000.00	February 16, 2010 August 25, 2011
Lynette Howard	\$1,000.00 / \$1,000.00	May 25, 2010 / October 27, 2011
Shirley Lasseter	\$1,000.00	April 8, 2008
Charlotte Nash	\$1,000.00	February 24, 2011

Attach additional sheets if necessary to disclose or describe all contributions.





**SPECIAL USE PERMIT IN A  
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.

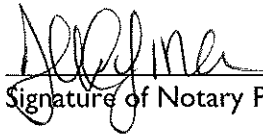


Signature of Applicant

Michael L. Sullivan, Attorney for Owner/Applicant

Type or Print Name

Date



Signature of Notary Public

11/3/11

Date

