

**SPECIAL USE PERMIT APPLICATION**

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

| APPLICANT INFORMATION                                  | OWNER INFORMATION*                 |
|--|------------------------------------|
| NAME: <u>Marioara Emerich</u>                          | NAME: <u>Marioara Emerich</u>      |
| ADDRESS: <u>2705 Eudora Trail</u>                      | ADDRESS: <u>2705 Eudora Trail</u>  |
| CITY: <u>Duluth, GA</u>                                | CITY: <u>Duluth</u>                |
| STATE: _____ ZIP: <u>30097</u>                         | STATE: <u>GA</u> ZIP: <u>30097</u> |
| PHONE: _____   | PHONE: <u>678-776-2773</u>         |
| CONTACT PERSON: <u>Mary</u> PHONE: <u>678-776-2773</u> |                                    |
| CONTACT'S E-MAIL: <u>Tenderpersonal@yahoo.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: _____ BUILDING/LEASED SQUARE FEET: _____  |  |
| LAND DISTRICT(S): <u>7</u> LAND LOT(S): <u>66</u> ACREAGE: <u>2.004</u>   |  |
| ADDRESS OF PROPERTY: <u>339 Russel Rd</u>   |  |
| SPECIAL USE REQUESTED: <u>for operating a personal care Home allowing us to provide care for up to 8 residents.</u> |  |

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

B110171

HALEY & HALEY LAW GROUP, LLC  
4472 Commerce Drive  
Buford, GA 30518

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA

2011 AUG 17 PM 2:00

TOM LAWLER, CLERK

WARRANTY DEED 67-2011-022315

STATE OF GEORGIA  
COUNTY OF GWINNETT

PT-61 #67-2011-022315

GWINNETT CO. GEORGIA

REAL ESTATE TRANSFER TAX

\$ 100.00

THIS DEED, made this 4th day of August, 2011 between  
RICKY RAY BAGWELL

TOM LAWLER CLERK OF  
SUPERIOR COURT ("Grantor")

and

DANIEL EMERICH and MARIOARA EMERICH, Joint Tenants with Rights of Survivorship  
("Grantee")

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and unto Grantee, the following described real property, to wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 66 of the 7th district of Gwinnett County, Georgia, and being more particularly described as follows: Beginning at a point on the northerly side of Russell at the common corner of now or formerly Hall, which is also at the intersection of Land Lots 66 & 67; run thence North 31 degrees 45 minutes West 315 feet to a point; run thence North 65 degrees 45 minutes East 415 feet to a point; run thence South 31 degrees 45 minutes East 315 feet to a point on the northerly side of Russell Road; run thence along said road South 65 degrees 45 minutes West 415 feet to the point of beginning. Being the same property as described in Deed Book 122, Page 453, Deed Book 11641, Page 71, and Deed Book 46151, Page 287, Gwinnett County records. Less and except any of the described property now lying within the right of way of Russell Road.

Subject to easements, conditions and restrictions of record affecting the herein described property.

TO HAVE AND TO HOLD the above-described tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE.

AND, SUBJECT TO the title matters expressly set forth hereinabove, if any, Grantor will warrant and forever defend the right and title to the above-described tract or parcel of land unto the Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

 (Seal)  
RICKY RAY BAGWELL

**SIBLEY-MILLER SURVEYING & PLANNING INC.**  
 2068 HWY. 42 NORTH  
 MCDONOUGH, GA. 30253  
 PHONE: (770) 320-7558  
 FAX: (770) 320-7333  
 WWW: sibleysurveying.com

• LAND SURVEYING  
 • LAND PLANNING  
 • CONSTRUCTION LAYOUT  
 • LAND DEVELOPMENT DESIGN  
 • CIVIL ENGINEERING

**DANIEL & MARIOARA EMERICH**  
 2.004 ACRES  
 LAND LOT 66, 7TH DISTRICT  
 GWINNETT COUNTY, GEORGIA

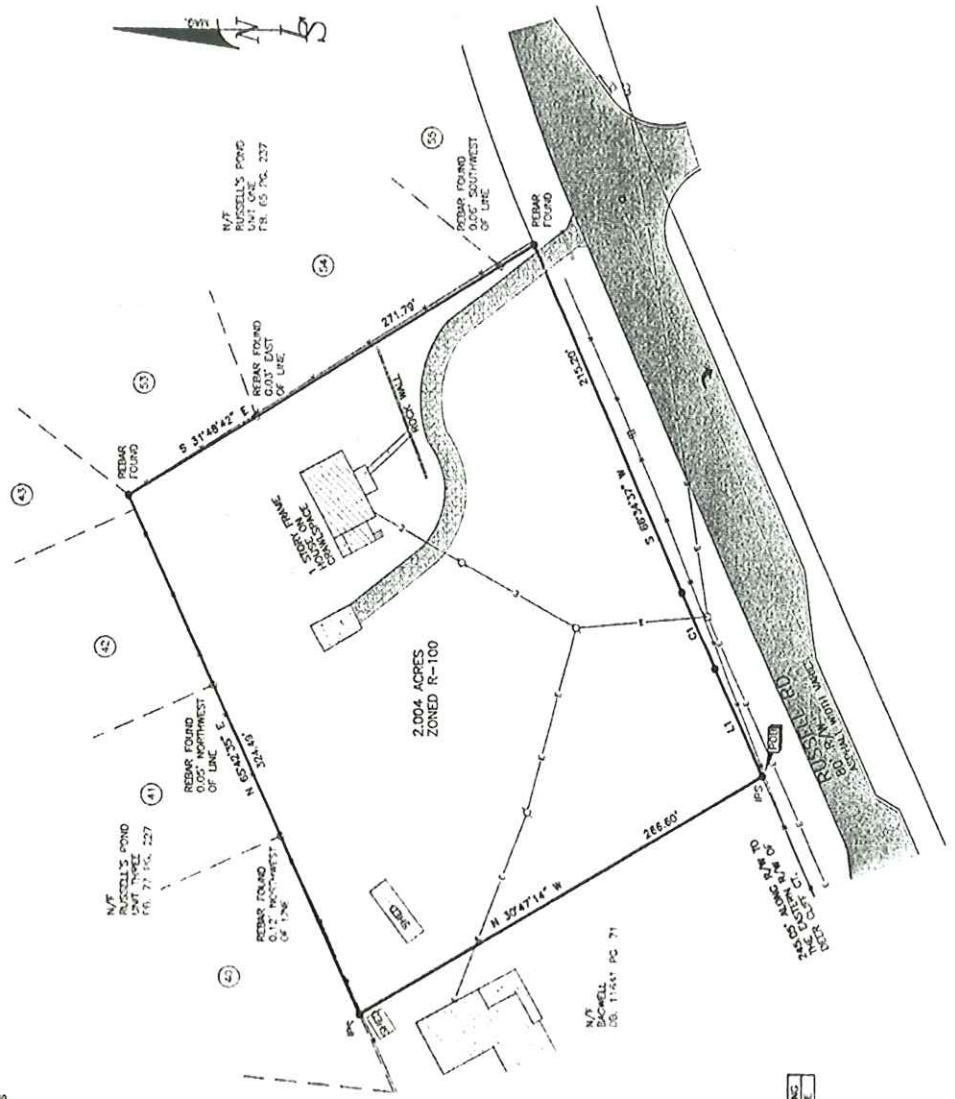


PROJECT NO.: B11071  
 DRAWN BY: TLM  
 SCALE: 1" = 50'  
 DATE: 9-26-2011

**BOUNDARY SURVEY**

**LEGEND**

|                                |                                     |                          |
|--------------------------------|-------------------------------------|--------------------------|
| POWER POLE                     | EX. OVERHEAD POWER LINES            | EX. SINKHOLE CATCH BASIN |
| EX. FENCE                      | EX. IRON PIN SET (#4 REBAR)         | EX. WATER METER          |
| EX. FENCED BOOK                | EX. FENCED BOOK                     | STORM STRUCTURE          |
| N/P = NONE OR FORMERLY         | REBAR FOUND 0.12' NORTHWEST OF LINE | EX. ASPHALT              |
| SCP = REINFORCED CONCRETE PIPE | REBAR FOUND 0.03' EAST OF LINE      | EX. CONCRETE             |
| CMP = CORRUGATED METAL PIPE    | REBAR FOUND 0.12' SOUTH OF LINE     | EX. GRAVEL               |
| CPP = CORRUGATED PLASTIC PIPE  |                                     |                          |



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSE PRECISION OF ONE FOOT IN 43,200 FEET AND AN ADJUSTED ANGLE PER ANGLE POINT WAS OBTAINED USING THE COSINES. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 109,052 FEET.

EQUIPMENT USED: TOPCON GTS-312, AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, WITHIN A DESIGNATED FLOOD HAZARD AREA, AS PER COMMUNITY - PANEL NUMBER 1315100059F, DATED: SEPTEMBER 29, 2006.

SURVEYOR'S CERTIFICATION:  
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS MADE FROM THE ORIGINAL FIELD NOTES AND MEASUREMENTS TAKEN ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT THE SAME CORRECTLY REFLECTED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

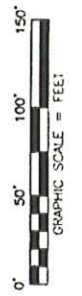
UTILITIES SHOWN ARE LOCATIONS VISIBLE AT THE TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

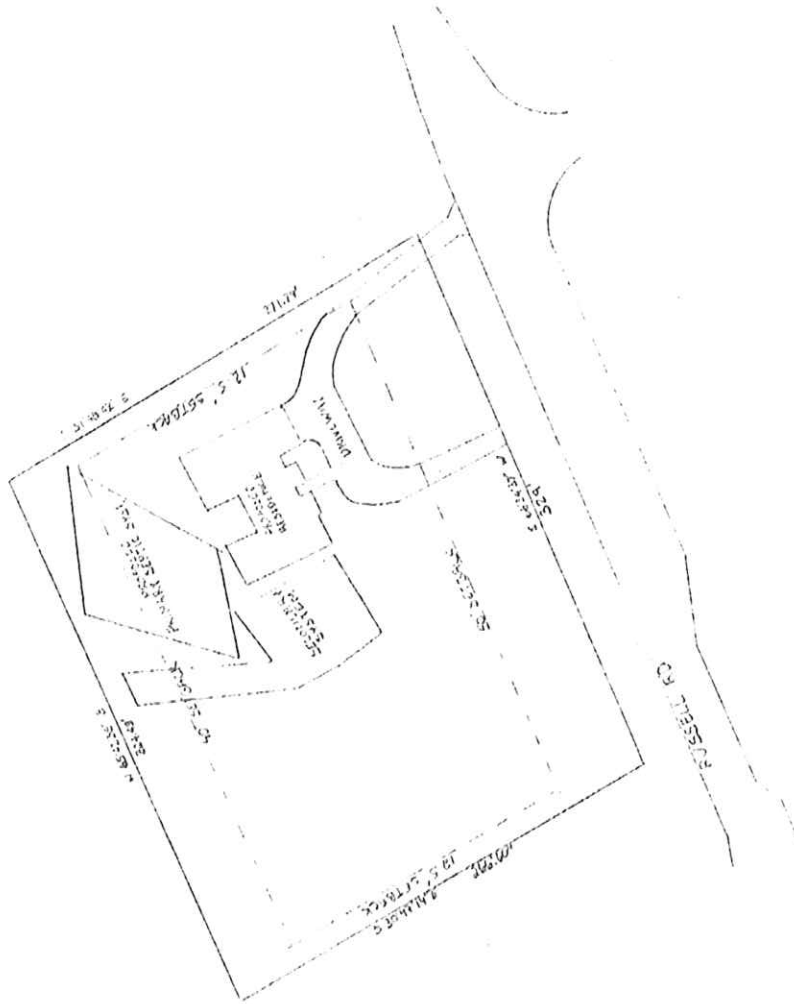
**LINE CALL CHART**

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 69°18'19" W | 47.16    |

**CURVE DATA CHART**

| CURVE | BEARING    | ARC LENGTH | CHORD LENGTH | CHORD BEARING  |
|-------|------------|------------|--------------|----------------|
| S1    | 102°04'00" | 41.27      | 41.27        | N 102°04'00" E |





SITE PLAN 1"=50'

|                                      |                          |
|--------------------------------------|--------------------------|
| ADDRESS: 200 S. 10th St. S. D. 57101 |                          |
| SCALE: 1"=50'                        | APPROVED BY: [Signature] |
| DATE: 10/1/01                        | REVISION: [Blank]        |
| DRAWN BY: STEFAN EMERIK              |                          |
| DRAWING NUMBER: [Blank]              |                          |

**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:  
Yes, it is suitable. This is a personal care home that provides 24-hr family-style living for senior adults. It is a very quiet + peaceful business.
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
The proposed personal care home will not affect at all the nearby properties. This property will be very well maintained, keeping the community up.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
It does have reasonable economic use. The facility will provide level of care offered by a nursing home, at affordable prices. Our prices are very helpful for families in this tough economy.
- (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:  
No, it will not cause an excessive or burdensome use of existing streets at all. The residents do not drive, they do not have a car. We are just like a family living next door. There is no business sign.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
Yes. The land use plan is created for the elderly residents to enjoy, be safe, and feel at home. The land will be gated and the home will have a turnaround driveway.
- (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:  
The service that we provide is dedicated to the elderly people that are part of the community and

are to be treated with respect and dignity in a homelike environment. We believe the residents have the right to live in a residential home where they can feel they are part of a family. We are talking about grandparents and parents, and we call them Ours. We take care of residents that need a lot of care with Daily Living Activities. Most of the time they stay inside or like to visit outside on the patio. They do not disturb the neighbors at all. The business will have no traffic and the driveway will have most of the time one or two cars.

I would also like to mention that I have another personal care home which is located at 1560 Twin Bridge Lane, Lawrenceville, GA 30043; which I opened in the year of 2002. It is licensed for 6 residents, and it is full. I gained a lot of experience working with elderly residents and I enjoy it. I learned that they do much better in a smaller facility where they get to socialize, while being in a family environment. Since my facility is full and I have a lot of requests from families, I decided to open a second location, with your approval.

## Letter of Intent

My name is Marioara Emerich and I am a citizen of the state of Georgia, residing with my spouse Daniel Emerich, at 2705 Eudora Trail, Duluth, GA 30097. I have five children who also live in the Lawrenceville area.

We bought this property located at 339 Russel Road, Lawrenceville, GA 30043 with the intention of opening a personal care home, of up to 8 elderly residents. The property is located on a tract of 2.004 acres surrounded by beautiful trees. We intend to build a new Ranch "Style" house of approximately 4000 square feet. The property is currently zoned R 100 and we have no intention of rezoning. It will be a beautiful house. It will not interfere with the neighbors, and the property will be well maintained to keep the community up. We take care of residents that need a lot of care with Daily Living Activities; most of the time they stay inside or like to visit outside on the patio. There will be no frontage sign, so it will not look like a business. The neighbors would love to pass and see a beautiful house, and there would be no commotion since the residents do not drive. The business will cause no traffic and most of the time there will be no more than two cars in the driveway. It is a very quiet and peaceful business.

I also want to mention that I have another personal home care which is located at 1560 Twin Bridge Lane, Lawrenceville, GA 30043 which I opened in the year of 2002. It is licensed for 6 residents, and it is full. I gained a lot of experience working with elderly residents and I enjoy it. I learned that they do much better in a smaller facility where they get to socialize, while being in a family environment. Each of our residents is a unique individual and our policies and programs respect their dignity, spiritual well-being and independence. Their families are very happy at the high level of care they get in my personal home care. I have a lot of requests from the families, and my facility is full so I would like to open a second personal care home, with your permission.

We hope to be trusted with the approval of the Special use Permit and we will not disappoint.

Thank You!

Sincerely,

Marioara Emerich

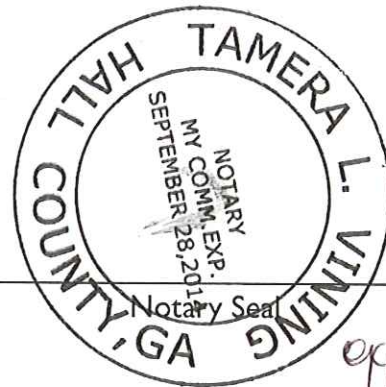
**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

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.

Mariora Emerich 1-11-2012  
Signature of Applicant Date

MARIONA EMERICH  
Type or Print Name and Title

Tamera L. Vining 1/11/2012  
Signature of Notary Public Date



exp  
9/28/2014

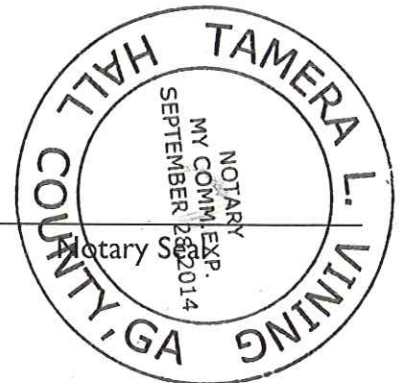
**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

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.

MARIOARA EMERICH *Marioara Emerich* 1-11-2012  
Signature of Property Owner Date

MARIOARA EMERICH  
Type or Print Name and Title

*Tamera L. Vinny* 1/11/2012  
Signature of Notary Public Date



*Exp 9/28/2014*

**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.

Marioara Emerich      1-11-2012      MARIOARA EMERICH  
 SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

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

[Signature]      1-12-12  
 SIGNATURE OF NOTARY PUBLIC      DATE



NOTARY SEAL

**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    Marioara Emerich  
 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) |
|--|---|--|
|  |   |  |
|  |   |  |
|  |   |  |

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.

*Marioara Emerich*

Signature of Applicant

MARIOARA EMERICH

Type or Print Name

1-11-2012

Date

*Tamera L. Vinig*

Signature of Notary Public

11/2012

Date

049 9/28/2014

Notary Seal

