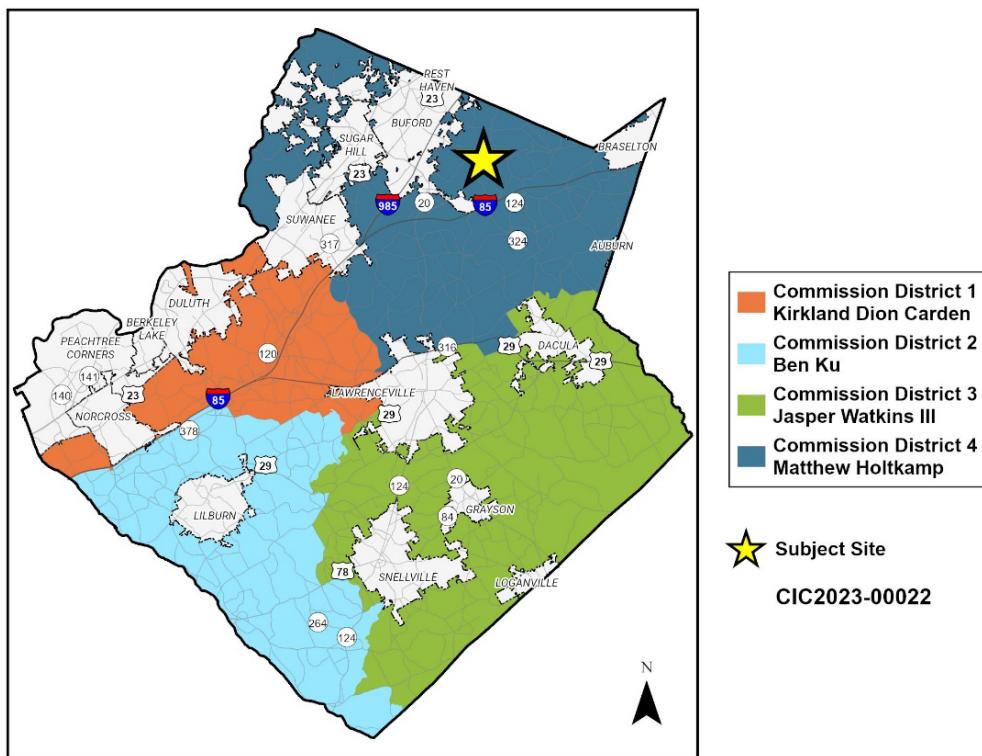




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number:	CIC2023-00022
Current Zoning:	R-75 CSO (Conservation Subdivision Overlay District)
Request:	Change in Conditions
Address:	3400 Block of Hamilton Mill Road
Map Number:	R7182 170
Site Area:	15.14 acres
Proposed Development:	Fence Removal
Commission District:	District 4 – Commissioner Holtkamp
Character Area:	Established Neighborhoods
Staff Recommendation:	APPROVAL WITH CONDITIONS
Planning Commission Recommendation:	DENIAL



Planning Commission Advertised Public Hearing Date: 8/1/2023 (Public Hearing
Held/Recommendation Tabled to 9/5/2023)

Board of Commissioners Advertised Public Hearing Date: 8/22/2023 (Public Hearing Tabled to
9/26/2023)

Applicant: Daniel P. Moore Esq.
3500 Lenox Road NE, Suite 1650
Atlanta, GA 30326

Owners: Amelia Parc Homeowners
Association, Inc.
1465 Northside Drive NW, Suite 128
Atlanta, GA 30318

Contact: Daniel P. Moore Esq.

Contact Phone: 770.863.8924

Zoning History

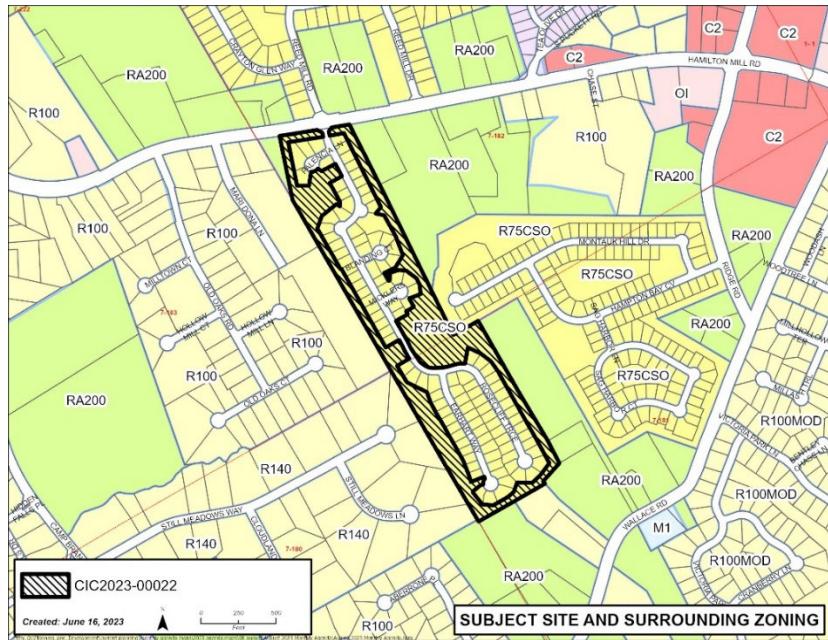
The subject property is zoned R-75 CSO (Conservation Subdivision Overlay District). In 1984, a portion of the property was rezoned to RT-200 for a temporary mobile home, pursuant to RZ-17-84. In 2000, a portion of the property was rezoned to R-100 MOD (Modified Single-Family Residence District) and a special use permit was approved for a single-family detached subdivision, pursuant to RZ-00-040 and SUP-00-023. In 2003, the property was rezoned from RA-200 (Agriculture-Residence District) and R-100 MOD to R-75 CSO for a single-family subdivision, pursuant to RZR-03-029. This change in conditions request is to amend the conditions of approval of RZR-03-029.

Existing Site Condition

The subject site is located on the south side of Hamilton Mill Road, east of its intersection with Camp Branch Road. The site is a 15.14-acre open space parcel that surrounds the Amelia Parc subdivision in its entirety. The open space parcel is generally unimproved and includes heavy vegetation and other environmental features intended for preservation and conservation. There are streams running east to west through the center of the parcel and in the northern and southeastern portions of the property. Wetlands are located at the northwestern portion of the parcel. Per the Amelia Parc subdivision plat, a 50-foot-wide public access greenway easement is located along the western portion of the open space parcel adjacent to the Still Meadows subdivision. The easement is currently unimproved and includes heavy vegetation. The nearest Gwinnett County Transit stop is approximately 4.6 miles from the subject property.

Surrounding Use and Zoning

The subject property is surrounded by a mix of single-family residences within subdivisions and on large lots. Still Meadows, a single-family detached subdivision, is located to the west of the subject site. The Hamptons, a single-family detached subdivision, is located to the east. Across Hamilton Mill Road to the north is the Preserve at Reed Mill subdivision. Large lot single-family residences are located to the south. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	HOA Parcel (Fence Removal)	R-75CSO	N/A
North	Single-Family Residential	RA-200 R-75MOD	0.34 units per acre 0.82 units per acre
East	Single-Family Residential	RA-200 R-75CSO	0.52 units per acre 2.56 units per acre
South	Single-Family Residential	RA-200 R-100	0.19 units per acre 0.61 units per acre
West	Single-Family Residential	R-140 R-100	0.60 units per acre 0.51 units per acre

Project Summary

The applicant requests a change in conditions for a 15.14-acre open space property zoned R-75 CSO, within the Amelia Parc subdivision, including:

- A change in conditions of zoning case, RZR-03-029. The applicant is requesting the following condition be removed:
 - Condition 2.J. *"Developer shall install a 8-foot high solid wood privacy fence along the common property line of lots 11, 12 and 15 of Stillmeadow subdivision and the property line common with the parcel that abuts the eastern boundary of the property at Hamilton Mill Road not to exceed 400-feet and maintained by the Homeowners Association."* The applicant requests eliminate to the condition entirely.
- In January 2022, code enforcement case CEU2022-00050, was issued to the Amelia Parc homeowners association to bring the required fence into compliance. The fence was in disrepair and falling over into the neighboring property. The HOA removed the required fence rather than repairing it. The HOA was not informed of the 2003 zoning condition requiring the fence by the code enforcement officer, who was unaware of this requirement.
- Code enforcement case CEU2022-02838, was issued to the Amelia Parc homeowners association for removal of the above fence in violation of the 2003 zoning condition. This case

was initiated by the neighboring property owner. Several extensions have been granted by Code Enforcement and a court hearing is scheduled for September 19, 2023.

Zoning and Development Standards

The applicant is requesting a Change in Conditions for a property zoned R-75CSO, Single-Family Residential Conservation Subdivision Overlay District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Front Yard Setback	Minimum 20'	>20'	YES
Side Yard Setback	Minimum 5'	>5'	YES
Rear Yard Setback	Minimum 20'	>20'	YES
Density	Maximum 3.0 units per acre	2.92 units per acre	YES
Conservation Space	Minimum 40%	40.15%	YES

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Change in Conditions Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed change in conditions does not propose any changes in use or modifications to the open space property other than removing the fence requirement between the Still Meadows and Amelia Parc subdivisions. The Amelia Parc single-family residential subdivision is fully developed and will not change as a result of this request. The request is solely intended to remove a condition of approval requiring a fence along a portion of the southwest and northeast property boundaries. The fence along the southwest property boundary has already been removed. There is no requirement in the UDO that requires fencing between two single-family detached subdivisions.

B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.

The proposed change in conditions would not adversely affect the existing use or usability of adjacent or nearby properties. While the owners of lots 11,12, and 15 of the Still Meadows

subdivision have been screened by the fence from the adjacent subdivision, removing the fence will not negatively affect the usability of the lots. Residential fences are typically intended to block visibility into private areas of properties from adjacent residential properties. The open space area is heavily wooded with trees and foliage, and the southern portion of the land includes berms with evergreen trees. Given the fence is no longer necessary to screen the view of homes within the Amelia Parc subdivision, there are no adverse impacts anticipated from its removal. Adjacent property owners have the right to install privacy fences at their property boundary if desired.

C. Whether the property to be affected by a proposed change in conditions has a reasonable economic use as currently zoned.

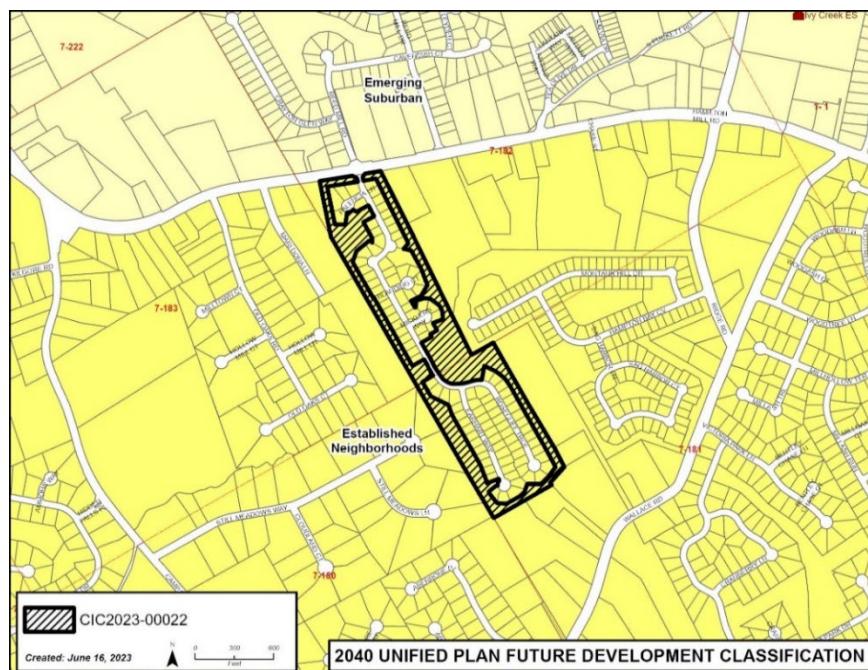
The property has a reasonable economic use as currently zoned.

D. Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff, and school enrollment. Agency review comments related to any potential improvements concerning this change in conditions request are attached (Exhibit E).

E. Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The 2040 Unified Plan and Future Development Map indicates the subject property is within the Established Neighborhoods Character Area, which designates well established neighborhoods and single-family residential areas that are unlikely to undergo any significant changes or redevelopment in the next 20 years. The proposed change in conditions request does not propose any new construction or physical change to the site. Therefore, the request is in conformity with the policy and intent of the Unified Plan and Future Development Map.



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 change in conditions.

Since 2003, the Amelia Parc subdivision has been developed and the foliage in the open space has matured. Requiring a fence for the construction phase and early years of the development may have been warranted. However, there appears to be sufficient foliage and privacy between the two subdivisions that would negate the need for a fence. Further, the fence is adjacent to open space and not another single-family property which reduces the need for a fence. It should be noted that there is no UDO requirement for fences to be constructed when two single-family detached neighborhoods abut one another and it is unlikely that the condition of approval for a rezoning would be included if the subdivision was being developed today.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the change in conditions request.

Staff Recommended Conditions

Approval of the change in conditions subject to the following conditions:

1. To restrict the use of the property as follows:
 - a. Single-family detached dwellings and accessory uses and structures
 - b. The minimum heated floor area per dwelling unit shall be 2,000 square feet for one-story homes and 2,400 square feet for two-story homes.
 - c. All dwellings shall have at least a double-car garage. Where garages are front entry, driveways shall be a minimum of 16 feet in width
 - d. All residences shall be constructed with four-sides brick or stacked stone with minor treatments (i.e. chimneys, bay windows or gables) of wood, wood shake or fiber-cement siding
2. To satisfy the following site development considerations:
 - a. Access shall be limited to a single exit/entrance from Hamilton Mill Road
 - b. No direct lot access allowed to Hamilton Mill Road.
 - c. All grassed areas within the front and side yards shall be sodded.
 - d. Underground utilities shall be provided throughout the development/
 - e. Provide sidewalks a minimum of four feet in width adjacent to both sides of interior streets prior to the issuance of an occupancy permit for each lot and a minimum of five foot wide sidewalk adjacent to Hamilton Mill Road
 - f. A 25-foot temporary construction buffer shall be maintained adjacent to all exterior property lines.
 - g. Provide stub streets as may be required by the Development Division.
 - h. Provide a double row of Leyland Cypress (4-6 feet high at time of planting) atop a

minimum 4-foot high earthen berm or similar landscape package or decorative solid brick wall (minimum 6-feet high) across the subdivision street entrance frontage. Plans shall be subject to review and approval by the Director of Planning and Development.

- i. Natural vegetation shall remain on the property until the issuance of a development permit
- j. ~~Developer shall install a 8-foot-high solid wood privacy fence along the common property line of lots 11, 12 and 15 of Stillmeadow subdivision and the property line common with the parcel that abuts the eastern boundary of the property at Hamilton Mill Road not the exceed 400-feet and maintained by the Homeowners Association.~~

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL** of the change in conditions request.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Application and Disclosure of Campaign Contributions
- E. Internal and External Agency Review Comments
- F. Code Enforcement Report
- G. Maps

Exhibit A: Site Visit Photos



View of former post locations



View of the line between Lot 10 of Still Meadows and the Amelia Parc open space parcel.



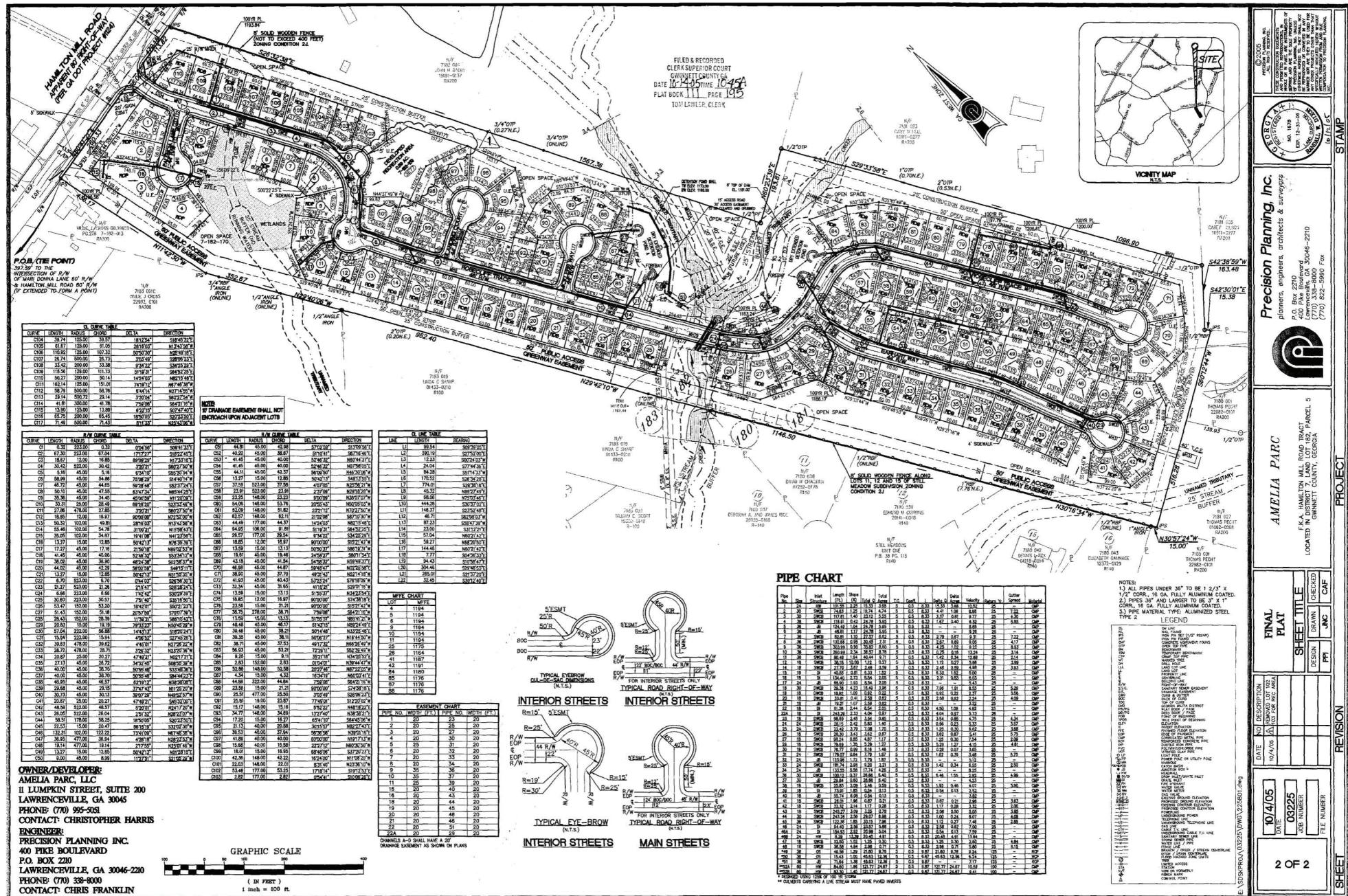
View of Amelia Parc open space parcel from Lot 12 of the Still Meadows subdivision.



View of the Amelia Parc open space parcel from Lot 10 of the Still Meadows subdivision.

Exhibit B: Site Plan

[attached]



GWINNETT COUNTY PLANNING AND DEVELOPMENT

RECEIVED

SUP2023-00022
5.25.2023

Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]

RECEIVED

5.25.2023



Daniel P. Moore
D: 770.863.8924
Daniel@nowackhoward.com

NOWACK HOWARD
COMMUNITY ASSOCIATION ATTORNEYS

May 25, 2023

VIA ELECTRONIC MAIL TO: P&D-PlanningZoning@GwinnettCounty.com

Department of Planning and Development
446 West Crogan Street, Suite 300
Lawrenceville, GA 30046-2440

Re: Letter of Intent for Change in Condition of Zoning
AMELIA PARC HOMEOWNERS ASSOCIATION, INC.

To the Department of Planning and Development:

I am writing on behalf of my client, the Applicant the Amelia Parc Homeowners Association, Inc. (the “Association”). The Association submits this Letter of Intent requesting a change in condition removing the condition that the Association maintain an 8-foot high solid wood privacy fence as set forth below.

Zoning Condition: RZC-03-054 dated September 23, 2003, requires among other things, that “Developer shall install a 8-foot high solid wood privacy fence along the common property line of lots 11, 12 and 15 of Stillmeadow subdivision and the property line common with the parcel that abuts the eastern boundary of the property at Hamilton Mill Road not to exceed 400-feet and maintained by the Homeowners Association.” It should be noted that the area from lots 11, 12 and 15 of Stillmeadow subdivision well exceeds 400-feet with lot 12, the middle lot, being 378.77 feet alone.

Existing Conditions: In late 2021, Gwinnett County Code Enforcement reached out to the Association regarding the condition of the fence. The Association advised Code Enforcement the estimate to repair/replace the fence was over \$75,000 due to the location of the fence. As a result, the Association inquired with code enforcement regarding the removal of the fence. After multiple email and oral communications outlined in detail in the Application Requesting a Pre-Application Meeting and Concept Plan, the Association decided to remove the fence. This was done with the full knowledge of the Code Enforcement Officer who in fact threatened to draft citations if the fence was not repaired or removed. The fence was removed at the cost of \$11,345.00. No new fence has been constructed by the Association.

Proposed Change: The Association respectfully requests that the condition requiring the Association to maintain the fence be removed. This request should be granted for the following reasons:



One Alliance Center, Suite 1650 | 3500 Lenox Road, NE | Atlanta, Georgia 30326 | O: 770-863-8900 | F: 770-863-8901 | nowackhoward.com

SUP2023-00022

Page 14 of 37

MR

- The fence is prohibitively difficult to maintain by the Association. The area where the fence is required is heavily wooded and not easily accessible from the road on the Association's property. This makes the ongoing inspection of the fence difficult. More importantly, the area increases the cost to replace/repair the fence. Materials for the construction of the fence would be required to be carried piece by piece through the woods to where this fence is to be located. The Association obtained two estimates to rebuild the fence from \$48,398.00 and \$45,360 (both were included with its Concept Plan). The increased cost of a 400-feet fence was due solely to the accessibility of the area.
- The removal of the condition would not adversely affect the adjacent or neighboring properties. The open space common area at the time the zoning was implemented is believed to have been bare, thereby necessitating a privacy fence. This area has now grown out, establishing a natural barrier and lessening the need for a privacy fence. This area is the Association's green space and will not be disturbed. As a result, there is no longer a need for a privacy fence between the two subdivisions and the neighboring properties will not be negatively affected by this request.
- Finally, there is the fairness issue. The Association fully concedes that the zoning is in place. However, the Gwinnett County code enforcement officer approved the removal of the fence and threatened to draft code citations if the fence was not repaired or removed. The fence was removed for \$11,345.00. Immediately after the fence was removed, the same code enforcement officer demanded that the fence be reinstalled. This process has caused great expense to the Association.

The Association welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

Respectfully submitted this 25th day of May, 2023.

Sincerely,

NOWACKHOWARD, LLC

/s/ Daniel P. Moore
Daniel P. Moore

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
5.25.2023



RECEIVED

5.25.2023

CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Approval of the change in condition will permit a use that is suitable in view of the use and development of adjacent and nearby property.

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

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

The residential zoning of the property will not be changed.

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

Approval will not result in a use which will or could cause an excessive or burdensome use.

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

The proposed change in condition is in conformity with the policy and intent of the land use plan.

(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 CHANGE IN CONDITIONS:

No other existing or changing conditions exist.

Exhibit D: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

7/12/2023

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Daniel P. Moore Esq. ADDRESS: Suite 1650, 3500 Lenox Road NE CITY: Atlanta STATE: Georgia ZIP: 30326 PHONE: (770)863-8924 EMAIL: daniel@nowackhoward.com	NAME: Amelia Parc Homeowners Association, Inc. ADDRESS: 1465 Northside Dr. NW, Suite 128 CITY: Atlanta STATE: Georgia ZIP: 30318 PHONE: 404.835.9202 EMAIL: bbarrett@cmacommunities.com
CONTACT PERSON: Daniel P. Moore PHONE: (770)863-8924 CONTACT'S E-MAIL: daniel@nowackhoward.com	

APPLICANT IS THE:		
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): R-75 CSO.	PRIOR ZONING CASE: _____	
PARCEL NUMBER(S): 7182 170	ACREAGE: 15.143	
ADDRESS OF PROPERTY: 3400 Block of Hamilton Mill Road		
PROPOSED CHANGE IN CONDITIONS: Request to remove zoning restriction requiring fence		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: _____
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

5.25.2023

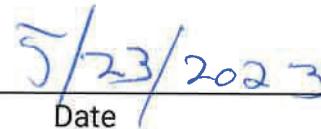
Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS 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.



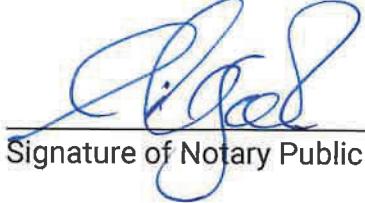
Signature of Applicant



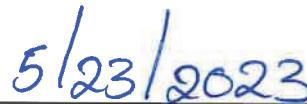
Date

Daniel Moore Attorney / Novack Howard, LLC

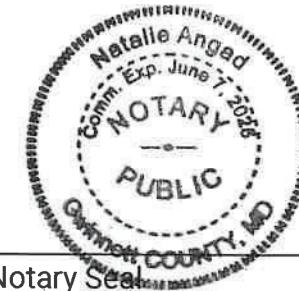
Type or Print Name and Title



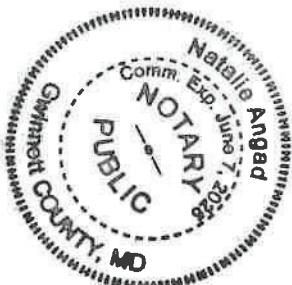
Signature of Notary Public



Date



Notary Seal



SUP2023-00022

RECEIVED

5.25.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CHANGE IN CONDITIONS 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.

Susan Ervin, President Amelia Parc HDA 3-23-23
Signature of Property Owner Date

Susan Ervin, President Amelia Parc HDA
Type or Print Name and Title

SADHANA PATEL
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires July 30, 2026

Sadhana Patel 5/23/23
Signature of Notary Public Date Notary Seal

RECEIVED

5.25.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

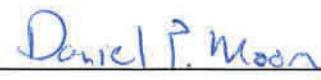
Signature of Applicant

Date

Type of Print Name and Title



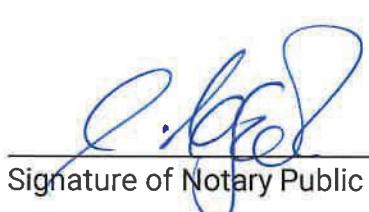
5/23/2023



Signature of Applicant's
Attorney or Representative

Date

Type or Print Name and Title



5/22/2023



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

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.

RECEIVED

5.25.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

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: 7th 182 and 181 7182 170
(Map Reference Number) District Land Lot Parcel

Daniel P. Moore
Signature of Applicant

5/25/2023
Date

Daniel P. Moore Attorney - Amelia Parc Homeowners Association, Inc.
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

Kathleen Hyles
NAME

TSA
TITLE

5/25/2023

DATE

RECEIVED

5.25.2023

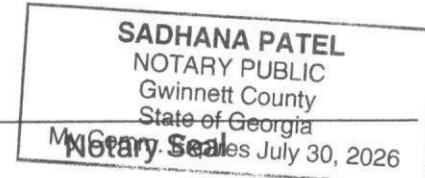
CONFFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

Susan Ervin 5/23/23 *SUSAN ERVIN, President Amelia Park HOA*
Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Sadhana Patel 5/23/23
Signature of Notary Public Date



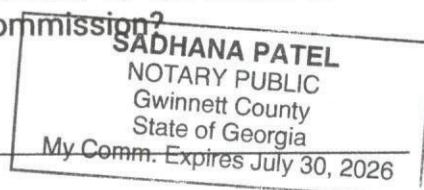
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

SUSAN E. ERVIN
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.

Exhibit E: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:	07.05.2023		
Department/Agency Name:	Transportation		
Reviewer Name:	Brent Hodges		
Reviewer Title:	Construction Manager 1		
Reviewer Email Address:	Brent.Hodges@gwinnettcounty.com		
Case Number:	CIC2023-00022		
Case Address:	Hamilton Mill Road / Amelia Parc, Buford, 30519		
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Hamilton Mill Road is a minor arterial. ADT = 15,264.		
2	4.6 miles to the nearest transit facility (#2334754) Buford/SR 20 Park and Ride.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

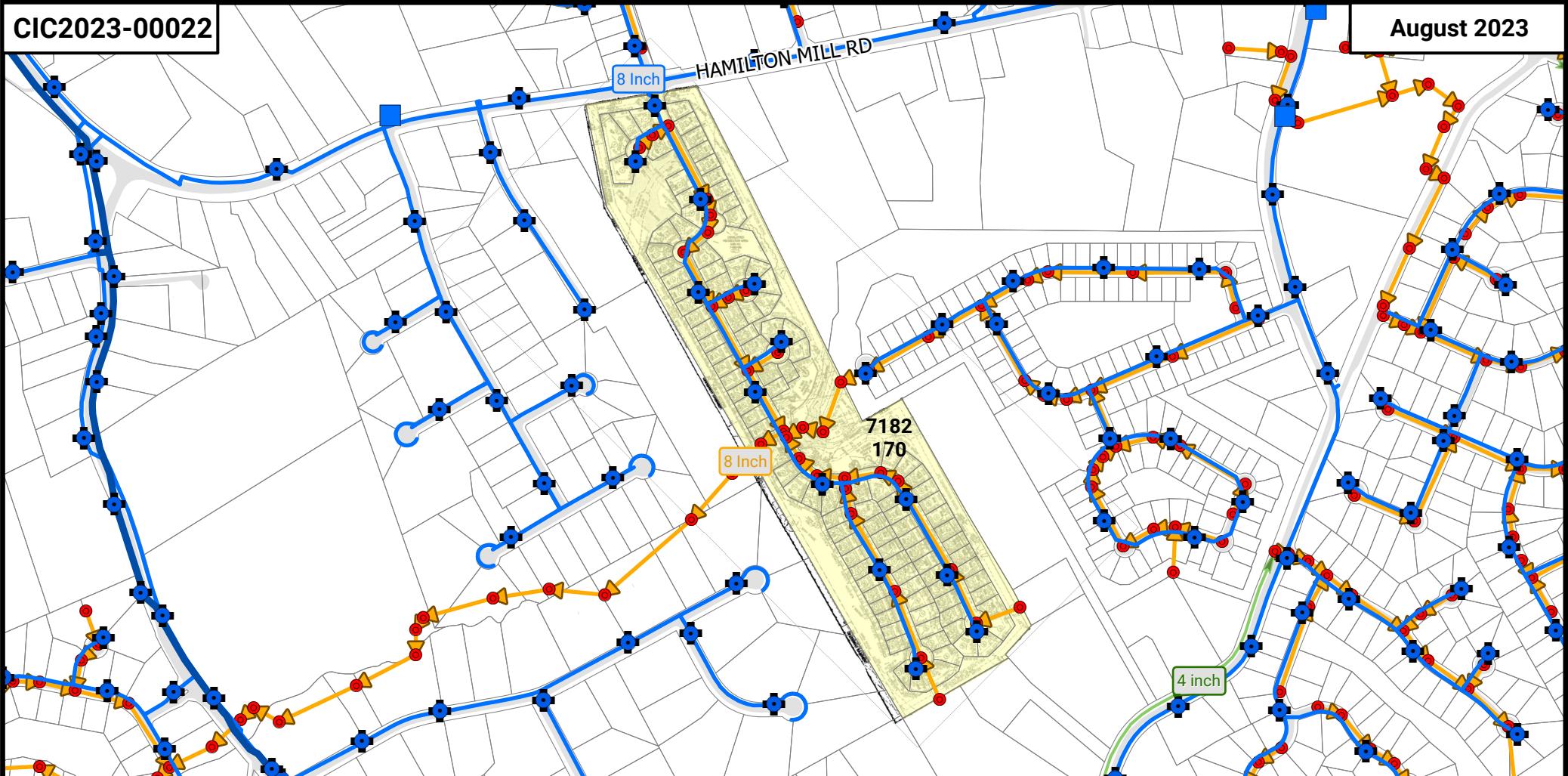


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				
Department/Agency Name: DWR				
Reviewer Name: Mike Pappas				
Reviewer Title: GIS Planning Manager				
Reviewer Email Address: Michael.pappas@gwinnettcounty.com				
Case Number: CIC2023-00022				
Case Address: Montauk Hill Dr				
Comments:		YES	X	NO
1	Water: GCDWR does not have comments for this Change in Condition. The development is connected to public water.			
2	Sewer: GCDWR does not have comments for this Change in Condition. The development is connected to public sewer.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		YES	X	NO
1				
2				
3				
4				
5				
6				
7				

Note: Attach additional pages, if needed

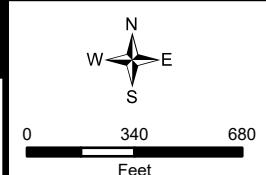
Revised 7/26/2021



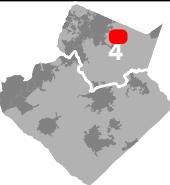
LEGEND

- Water Main
- Hydrant
- Master Vault
- Manhole
- Sewer Collector
- Sewer Interceptor
- Sewer Force Main

Montauk Hill Dr
R-75 CSO
Water & Sewer
Utility Map



LOCATION



Water Comments: GCDWR does not have comments for this Change in Condition. The development is connected to public water.

Sewer Comments: GCDWR does not have comments for this Change in Condition. The development is connected to public sewer.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit F: Code Enforcement Report

[attached]

GWINNETT COUNTY

CASE NUMBER : CEU2022-00050

PRIMARY ADDRESS:	0 MONTAUK HILL DR, BUFORD, GA 30519
RECEIVED DATE:	1/3/2022
APPLICATION STATUS:	Closed - Complied
DESCRIPTION:	We sent a mail to Amelia Parc HOA last year asking to take care of their fence, that is aging and few sections are about to fall or falling down. We received no response and are asking your for your assistance. This fence runs along our property's backyard at 2900 Still Meadows Way in Buford GA 30519
PARCEL NUMBER:	7182 170
APPLICATION / PROJECT NAME:	

OWNER INFORMATION

OWNER NAME	ADDRESS	PHONE#	CITY/STATE/ZIP
AMELIA PARC HOA INC	1465 NORTHSIDE DR NW STE 128		ATLANTA, GA, 30318-4220

CONTACTS INFORMATION

CONTACTS ROLE	NAME	ADDRESS	PHONE#	CITY/STATE/ZIP
Complainant	Nina Marx		6787079238	

CASE INFORMATION

COMPLAINANT INFO

E-MAIL:	NMARX@MARX.COM
FIRST NAME:	NINA
LAST NAME:	MARX
PHONE:	6787079238

GIS INFO

CENSUS TRACT:	050606
CODE ENFORCEMENT ZONES:	3B
COMMISSION DISTRICT:	4
GET UPDATED GIS INFO:	NO
LAND USE:	UNDEV
POLICE G ZONES:	3B
POLICE PRECINCT:	3
SUBDIVISION:	HAMPTONS
ZONING DISTRICT:	R140

MISCELLANEOUS

OVERRIDE CITY/COUNTY EXCLUSION?:	N
----------------------------------	---

ZONING RESOLUTION

OVERLAY DISTRICT:	GA HWY 124/324/HAMILTON MILL OVERLAY DISTRICT
-------------------	---

GWINNETT COUNTY

CASE NUMBER : CEU2022-00050

INSPECTIONS

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	2/15/2022	3/1/2022	3/3/2022	Complied	Thomas Mulheron	FENCE REPAIRED -COMPLIED
Re-Inspection	1/28/2022	2/11/2022	2/15/2022	Extension Granted	Thomas Mulheron	FENCE STILL PARTIALLY DOWN AT COMPLAINTANTS, HOA PROPERTY MGMT EMAILED ME FRIDAY SAYS SHOULD BE VOTED ON ON WHAT TO DO AT NEXT MEETING. I ADVISED SOMETHING NEEDS TO BE DONE OR CITATIONS MAY BE ISSUED
Re-Inspection	1/6/2022	1/20/2022	1/28/2022	Extension Granted	Thomas Mulheron	FENCE STILL DOWN INTO 2900 STILL MEADOWS WAY'S PROPERTY. DID GET AN EMAIL A WEEK AGO FROM HOA ASKING IF THEY CAN TAKE THE FENCE DOWN AND I RESPONDED SURE IF THAT WAS WHAT THEY DECIDED BUT HAS TO BE ALL OR NOTHING
Initial Inspection	1/6/2022	1/6/2022	1/6/2022	Mailed Official Notice	Thomas Mulheron	COMMUNITY MGMT ASSOCIATION INC 404-835-9100. TALKED WITH OPERATOR WHO GAVE ME A LINDSEY RICHARDSON WHO MANAGES THIS PROPERTY 404-835-9139. FENCE FALLING INTO 2900 STILL MEADOWS WAY'S REAR YARD.. LVM FOR MS RICHARDSON

WORKFLOW HISTORY

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	1/4/2022	1/4/2022	3/3/2022	Complied	Thomas Mulheron	
Enforcement	1/4/2022	1/4/2022	1/6/2022	Mailed Official Notice	Thomas Mulheron	MUST MAKE IMMEDIATE EFFORTS TO REPAIR FENCE THAT BORDERS THE HOME AT 2900 STILL MEADOWS WAY, BUFORD
Enforcement Intake	1/3/2022	1/3/2022	1/4/2022	Complaint Accepted	Thor Neff	

CASE ACTIVITIES

Activity Type	Activity Name	Date	Staff	Activity Description
---------------	---------------	------	-------	----------------------

Violation Table

Violation Ordinance	Violation Code Section	Violation Code Section	Date of Violation	Compliance Date	Status of Violation
Property Maintenance	14-284 FENCE AND WALL	14-284 FENCE AND WALL	01/06/2022	01/20/2022	Met

Citation Table

Ordinance	Code Section	Date of Citation	Citation Number	Court Date
-----------	--------------	------------------	-----------------	------------

DOCUMENTS

Doc Name	File Name	Description	Uploaded By	Uploaded On
signal-2022-01-03-13-10-08-838.jpg	signal-2022-01-03-13-10-08-838.jpg	Fence	PUBLICUSER0	1/3/2022
signal-2022-01-03-13-10-46-675.jpg	signal-2022-01-03-13-10-46-675.jpg	Fence	PUBLICUSER0	1/3/2022
20210520_111835.jpg	20210520_111835.jpg	Fence	PUBLICUSER0	1/3/2022
/Enforcement_Mailed_Notece_Of_Violation_20220106_101614.pdf	/Enforcement_Mailed_Notece_Of_Violation_20220106_101614.pdf		THMULHERON	1/6/2022
SUP2023-00022		Page 30 of 37		MR
/Enforcement_Mailed_Notece_Of_Violation_20220106_101615.pdf	/Enforcement_Mailed_Notece_Of_Violation_20220106_101615.pdf		THMULHERON	1/6/2022

GWINNETT COUNTY

CASE NUMBER : CEU2022-02838

PRIMARY ADDRESS:	3529 ROSECLIFF TRCE, BUFORD, GA 30519
RECEIVED DATE:	3/28/2022
APPLICATION STATUS:	Court Hearing - Scheduled
DESCRIPTION:	Zonning violation. On Mar. 14, 2022 the fence, as required per zoning requirement 2J and to benefit lot 11, 12, 15 and 16, has been removed along those lot's backyards by Amelia HOA contractor. Amelia HOA rep Lindsey informed us, that they have no intention in reinstating the fence. I am attaching the copies of the minutes of the September 23, 2003 zoning meeting and asking for the fence to be re-installed in a timely manner.
PARCEL NUMBER:	7182 170
APPLICATION / PROJECT NAME:	

OWNER INFORMATION

OWNER NAME	ADDRESS	PHONE#	CITY/STATE/ZIP
AMELIA PARC HOA INC	1465 NORTHSIDE DR NW STE 128		ATLANTA, GA, 30318-4220

CONTACTS INFORMATION

CONTACTS ROLE	NAME	ADDRESS	PHONE#	CITY/STATE/ZIP
Complainant	Nina Marx		6787079238	

CASE INFORMATION

COMPLAINANT INFO

E-MAIL: NMARX@MARX.COM

FIRST NAME: NINA

LAST NAME: MARX

PHONE: 6787079238

GIS INFO

CENSUS TRACT: 050606

CODE ENFORCEMENT ZONES: 3B

COMMISSION DISTRICT: 4

GET UPDATED GIS INFO: NO

LAND USE: UNDEV

POLICE G ZONES: 3B

POLICE PRECINCT: 3

SUBDIVISION: HAMPTONS

ZONING DISTRICT: RA200

MISCELLANEOUS

OVERRIDE CITY/COUNTY EXCLUSION?: N

ZONING RESOLUTION

OVERLAY DISTRICT: GA HWY 124/324/HAMILTON MILL OVERLAY DISTRICT

GWINNETT COUNTY

CASE NUMBER : CEU2022-02838

INSPECTIONS

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Court Hearing	7/7/2023	9/19/2023	7/7/2023	Scheduled	Thomas Mulheron	
Court Hearing	5/4/2023	6/27/2023	7/7/2023	Continued	Thomas Mulheron	COURT HEARING CHANGEDS TO 9-19-23
Court Hearing	5/4/2023	5/2/2023	5/4/2023	Continued	Thomas Mulheron	CONTINUED
Court Inspection	3/20/2023	5/1/2023	5/4/2023	Not Complied	Thomas Mulheron	no fence installed
Court Inspection	2/15/2023	3/14/2023	3/14/2023	Not Complied	Thomas Mulheron	FENCE STILL NOT REPLACED FROM REMOVAL. TALKED WITH SOLICITOR IS SEEKING A CONTINUANCE FOR SHE IS TALKING WITH THE ATTORNEY OF AMELIA PARK WHO WILL BE SEEKING REZONING OF THE PROPERTY SO TO REMOVE THE CONDITIONS THAT REQUIRE THEM TO PLACE AND MAINTAIN AN 8 FOOT FENCE ACROSS THE REAR OF THREE PROPERTIES
Court Inspection	12/12/2022	2/13/2023	2/15/2023	Not Complied	Thomas Mulheron	TRIAL WAS RESET REQUESTED BY THE DEFENSE TO 3-15-23. CALLED MS MARX AND LET HE KNOW TRIAL HAS BEEN RESCHEDULED
Court Hearing	10/18/2022	12/7/2022	12/7/2022	Trial Scheduled	Thomas Mulheron	Trial scheduled for 2-14-23
Court Inspection	10/18/2022	12/6/2022	12/6/2022	Not Complied	Thomas Mulheron	Fence not yet installed - Not Complied
Re-Inspection	9/13/2022	9/13/2022	9/13/2022	Not Complied- Citation Pending	Thomas Mulheron	TALKED WITH ATTORNEY AND NO PROGRESS OR DECISION HAS BEEN MADE TO REINSTALL THE FENCE. SENT CITATION TO BE SERVED TODAY 9-13-22
Sworn Citation Service	9/13/2022	9/13/2022	9/13/2022	Other - See Comment	Thomas Mulheron	CITATIONS SENT OUT TO SERVE 9-13-22
Re-Inspection	7/14/2022	7/28/2022	8/9/2022	Extension Granted	Thomas Mulheron	TALKED TO ATTORNEY ON AUGUST 3RD AND DISCUSSED WE ARE READY TO WRITE CITATIONS UNLESS HE CAN TELL ME IF A DECISION HAS BEEN MADE TO INSTALL THE FENCE ON THE THREE LOTS IN QUESTION. HE ASKED IF HE COULD HAVE UNTIL AUGUST 5TH TO ALLOW HIM TO MEET WITH HOA BOARD AS HE WAS JUST ASSIGNED THE CASE. ATTORNEY CALLED ME FRIDAY AS PROMISED ON AUGUST 5TH AND THEY ARE GETTING QUOTES FOR THE FENCE BUT THEY ARE EXPENSIVE - ONE PARTICULAR QUOTE WAS OVER 10K. THEY WERE WAITING FOR ONE MORE QUOTE. I TOLD HIM SINCE HAS BEEN COMMUNICATING WITH ME I WOULD GIVE HIM ANOTHER WEEK TO DISCUSS WITH BOARD TO MAKE A DECISION - INSTALL THE FENCE OR NOT INSTALL THE FENCE AND GO TO COURT OVER IT. HE SAID HE WILL CALL ME BACK ON AUG 12TH.

GWINNETT COUNTY

CASE NUMBER : CEU2022-02838

Re-Inspection	6/30/2022	7/14/2022	7/14/2022	Extension Granted	Thomas Mulheron	FENCE STILL NOT INSTALLED PER HOA, THEY CALLED AND INFORMED ME THEY HAVE SWITCHED ATTORNEYS AND HOPE TO HAVE SITUATION RESOLVED SOON. I DID ADVISE CITATIONS WILL BE ISSUED BY END OF JULY IF NOT SCHEDULED FOR INSTALL
Re-Inspection	5/23/2022	6/20/2022	6/30/2022	Extension Granted	Thomas Mulheron	FENCE STILL NOT INSTALLED- LEFT MSG FOR PROPERTY MGMT
Re-Inspection	5/2/2022	5/23/2022	5/23/2022	Extension Granted	Thomas Mulheron	BETH BARRETT 404-835-9202, LVM FOR HER TO CALL BACK REGARDING AN UPDATE FOR THE FENCE.
Re-Inspection	4/18/2022	5/2/2022	5/2/2022	Extension Granted	Thomas Mulheron	TALKED WITH HOA ATTORNEY AND WE DISCUSSED THE SITUATION AND WHAT NEEDS TO BE DONE. THEY ARE TRYING TO WORK WITH COMPLAINANT BUT NOT HAVING ANY LUCK. THEY WANT TO USE THE COMPLAINANTS DRIVEWAY TO BRING MATERIAL TO INSTALL FENCE BUT THEY ARE NOT AGREEABLE TO THIS EVEN IF IT IS THE BEST THING TO DO. SHE WILL CONTINUE TO WORK THE CASE AND INFORM ME OF ANY CHANGES BUT THEY ARE ACTIVELY WORKING ON IT
Re-Inspection	4/4/2022	4/18/2022	4/18/2022	Extension Granted	Thomas Mulheron	HAVE NOT HEARD FROM HOA ON THE REPLACEMENT ON THE FENCE. HAVE LVM FOR CMA PROPERTIES - BETH BARRETT
Initial Inspection	3/30/2022	3/31/2022	4/4/2022	Mailed Official Notice	Thomas Mulheron	BETH BARRETT 404-835-9202 - CMA PROPERTIES - PROPERTY MANAGEMENT FOR AMELIA PARK HOA. SPOKE WITH MS BARRETT AND SEND THE ZONING ADDENDUM TO HER VIA EMAIL. SHE WILL SEND TO LAWYERS AND HOA FOR REVIEW.

WORKFLOW HISTORY

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	3/29/2022	3/29/2022	4/4/2022	Mailed Official Notice	Thomas Mulheron	
Enforcement	3/29/2022	3/29/2022	4/4/2022	Mailed Official Notice	Thomas Mulheron	
Enforcement Intake	3/28/2022	3/28/2022	3/29/2022	Complaint Accepted	Thor Neff	

CASE ACTIVITIES

Activity Type	Activity Name	Date	Staff	Activity Description
---------------	---------------	------	-------	----------------------

Violation Table

Violation Ordinance	Violation Code Section	Violation Code Section	Date of Violation	Compliance Date	Status of Violation
Zoning Resolution	1001 PLAN & DESIGN STANDARDS	1001 PLAN & DESIGN STANDARDS	04/04/2022	04/18/2022	Not Met
Zoning Resolution	1710 CONDITIONS OF ZONING SUP2023-00022	1710 CONDITIONS OF ZONING	04/04/2022	04/18/2022	Not Met

Exhibit G: Maps

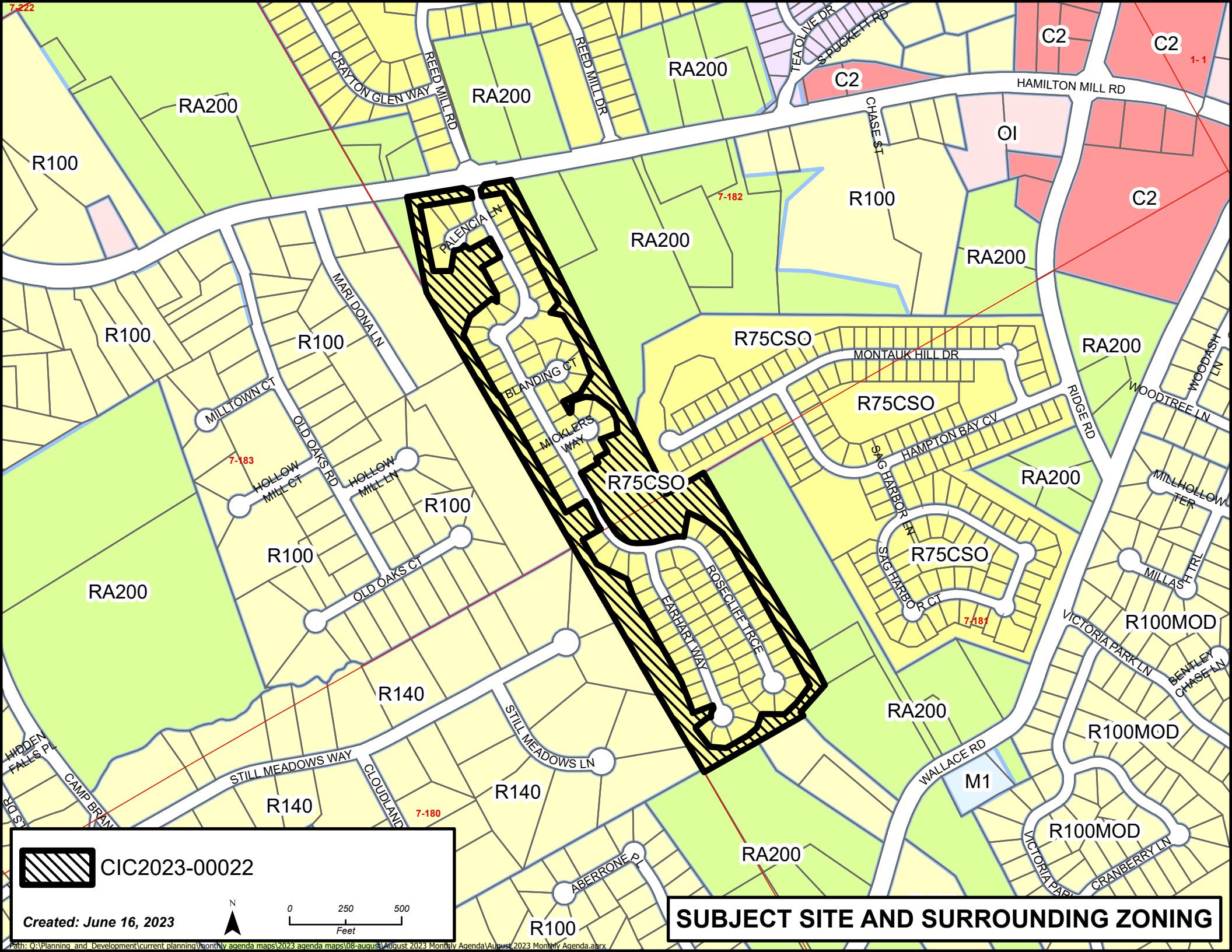
[attached]



 CIC2023-00022

0 200 400
Feet





CIC2023-00022

N

A number line starting at 0, with tick marks at 250 and 500. The word "Feet" is written below the line.

Created: June 16, 2023

SUBJECT SITE AND SURROUNDING ZONING

