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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Guillermo Ramirez c/o Dillard Sellers</u>	NAME: <u>See Applicant Information</u>
ADDRESS: <u>1776 Peachtree St. NE, Ste. 415-S</u>	ADDRESS: _____
CITY: <u>Atlanta</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30309</u>	STATE: _____ ZIP: _____
PHONE: <u>404-665-1224</u>	PHONE: _____
EMAIL: <u>brussell@dillardsellers.com</u>	EMAIL: _____
CONTACT PERSON: <u>Baxter Russell</u> PHONE: <u>404-665-1224</u>	
CONTACT'S E-MAIL: <u>brussell@dillardsellers.com</u>	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICT(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-75</u>	
PARCEL NUMBER(S): <u>7072-065</u> ACREAGE: <u>2.61</u>	
ADDRESS OF PROPERTY: <u>1546 Sever Road</u>	
PROPOSED DEVELOPMENT: <u>Three (3) Single-Family Homes</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>3</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>varies</u>	Total Building Sq. Ft. _____
Gross Density: <u>1.15 units per acre</u>	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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REZONING 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 REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached written narrative.

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

Please see attached written narrative.

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

Please see attached written narrative.

- (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 attached written narrative.

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

Please see attached written narrative.

- (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:

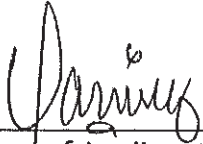
Please see attached written narrative.

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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.



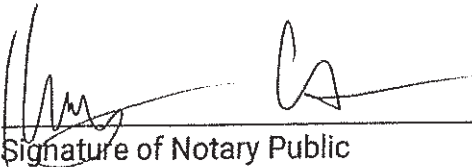
Signature of Applicant

11.30.22

Date

Guillermo Ramirez - Property Owner

Type or Print Name and Title



Signature of Notary Public

11-30-2022

Date

KORTNEY CUSTER
Notary Public - State of Georgia
Gwinnett County
My Commission Expires May 27, 2023

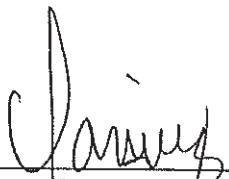
Notary Seal

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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.



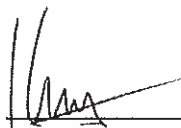
Signature of Property Owner

11.30.22

Date

Guillermo Ramirez - Property Owner

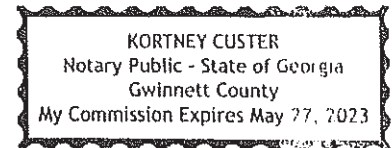
Type or Print Name and Title



Signature of Notary Public

11-30-2022

Date



Notary Seal

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Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

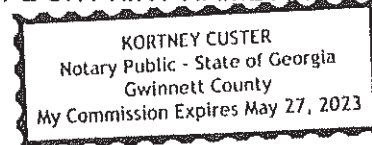
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

[Signature] 11-30-22 Guillermo Ramirez - Property Owner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

[Signature] 11-30-2022
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 Guillermo Ramirez
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.

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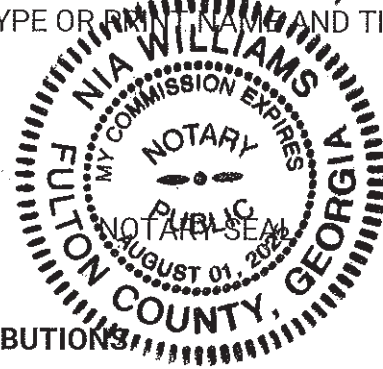
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

R. Baxter Russell 11/30/2022 R. Baxter Russell, Attorney

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

[Signature] 11/30/22

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

Baxter Russell w/ Dillard Suters

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)
<u>Ben Ku, District 2</u>	<u>\$400</u>	<u>3.22.2022</u>
<u>BOL</u>		

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

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Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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:
(Map Reference Number)

District

Land Lot

Parcel

Signature of Applicant

Date

Guillermo Ramirez - Property Owner

Type or Print Name and Title

+ Baxter Russell brusselle@dillardsellers.com

*****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)

NAME

TITLE

DATE

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Letter of Intent and Impact Analysis

Gwinnett County

**Rezoning Application
Concurrent Variance**

Applicant-Property Owner:

Guillermo Ramirez
c/o Baxter Russell

Property:

1546 Sever Road

Tax Parcel ID:

7072-065

Request:

Rezone 2.61 ac. from R-100 to R-75 to Develop Three (3) Single-Family Homes

Submitted for Applicant by:

R. Baxter Russell
DILLARD SELLERS
1776 Peachtree Street NW, Suite 415-S
Atlanta, Georgia 30309
(404) 665-1224
brussell@dillardsellers.com

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I.

INTRODUCTION

The subject property is approximately 2.61 acres of land located at 1546 Sever Road in unincorporated Gwinnett County and more specifically identified as Parcel ID 7072-065 (“Property”). The Property is currently vacant and undeveloped with remnants of a single-story home and accessory structures on site. The Applicant-Owner (“Applicant”) purchased the Property to build homes for his immediate family, including his wife and two adult children. The Applicant seeks to subdivide the Property into three (3) separate lots and develop three (3) separate single-family homes.

The Applicant now requests a rezoning of the Property from **R-100 to R-75**. Applicant’s proposed rezoning will allow development of the three proposed homes shown on the attached conceptual site plan. Given the large single-family acreage of the Property, the new overall site density provides 1.15 units per acre. The new homes will comply with all R-75 design regulations and access county water and sewer with new connections along Sever Road.

Applicant’s rezoning request and single-family homes are consistent with the Property’s Established Neighborhood Character Area as outlined in the 2040 Unified Plan and its recommendations for low-density residential future development.¹ Additionally, Applicant’s proposal is consistent with the single-family construction and densities on Sever Road and in the nearby area. Applicant’s requested rezoning of the Property should be approved as the proposed single-family homes will benefit and promote the public health and general welfare by providing new attractive and high-quality homes to complement the surrounding residential community. Applicant’s proposed rezoning and homes are consistent with the County’s vision for Property and neighborhood. For all of these reasons and satisfaction of the zoning criteria below, Applicant respectfully requests that a rezoning of the Property to R-75 be approved by the Board.

Variance Request—Fence

In addition to but separate from the R-75 rezoning application, Applicant also requests concurrent variance approval from the county regulations related to fences (Sec. 230-80.1). Applicant requests a fence variance to maintain a fence 6-ft. in height within the front yard setback along Sever Road. Applicant seeks this variance in order to provide appropriate privacy and protection for the Property. As the site has been vacant or scarcely used for an extended period of time, the Property suffered many illegal trespasses and been subject to public dumping. Applicant seeks to maintain the higher fence in order to prevent further damage or incursion on the Property. Applicant provides the related and required variance application information with this rezoning submission.

¹ See Gwinnett 2040 Unified Plan, Appendix F: “Low-Density Residential” land use recommends single-family detached housing uses, includes R-75 as a recommended zoning district, and permits residential densities up to 7 units per acre. Applicant’s request is consistent with these zoning and development recommendations.

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II. IMPACT ANALYSIS

The Applicant satisfies the standards for rezoning as set forth in the Unified Development Ordinance of Gwinnett County (“UDO”), Section 270-20.5. For this reason, the rezoning application should be granted as requested by the Applicant.

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

Yes, Applicant’s proposed rezoning to R-75 for three single-family homes is consistent and compatible with (i) the County’s future planning directives, (ii) the mixture of low density residential zoning districts in the area, and (iii) the residential uses on surrounding properties.

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;

Applicant’s proposed rezoning will have no adverse impact on the use or value of surrounding properties. On the contrary, the proposal for high-quality, low-density homes will complement and enhance the value of surrounding uses on nearby properties.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;

The Property’s current zoning of R-100 and physical dimensions are no longer consistent with development patterns for new residential construction. Applicant requests a rezoning to R-75 to be able to subdivide the property and develop three new homes.

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;

Applicant requests a rezoning of the Property to R-75 in order to develop three single-family homes. The proposed homes will have a nominal impact upon the population, traffic, and schools in the area. Public services and public facilities, including water and sewer, are within access range of the Property and are sufficient to accommodate these homes. The Applicant will work with the County if infrastructure or public service upgrades are determined to be necessary.

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

Yes, Applicant’s rezoning request and single-family homes are consistent with the Property’s Established Neighborhood Character Area as outlined in the 2040 Unified Plan and its recommendations for low-density residential future development. “Low-Density Residential” land use classification recommends single-family detached housing uses,

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includes R-75 as a recommended zoning district, and permits residential densities up to 7 units per acre. Applicant's request is consistent with these zoning and development recommendations.

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.

Applicant's rezoning request is consistent with the land use policies established in the Unified Plan, updated as recently as fall 2022. This proposed R-75 rezoning will allow development of three homes for the Applicant's family and provide new, high-quality housing on a currently vacant and unused parcel along a residential street.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this application be granted as requested and the rezoning approved. If there are any questions about this request, you may contact me at 404-665-1224 or brussell@dillardsellers.com.

Sincerely,

DILLARD SELLERS, LLC

/s/ R. Baxter Russell

R. Baxter Russell

Attorney for the Applicant

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November 7, 2022

Letter of Intent

Greetings,

Thank you for the opportunity to express my concern over a code enforcement violation. My name is Guillermo Ramirez, I am the property owner of 1546 Sever Rd, Lawrenceville, GA 30043. It has been brought to my attention on November 4th, 2022 via Ms. Melanie Martinez, Code Enforcement officer, that we are possibly in violation of a fence code.

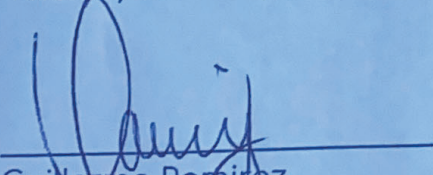
I initially had a Boundary survey completed and called Gwinnett County to request any information regarding the installation of a fence on my property to prevent any financial or code violations. I was told by a representative from the Planning and Development Department that as the property owner I had the right to build my fence on the property line. That is how we determined where to install the fence.

Respectfully, it is my intent to keep the fence height and location where it is. We have had numerous "trespassers" on the property as it is vacant. I currently have personal and valuable property in a shed on the property and request that you allow us to keep this to protect my property for privacy from road onlookers.

Furthermore, we are currently working with Carter Harkleroad & Associates, a civil engineering firm for the assistance in building our future home here and are working with Dillard Sellers Attorneys at Law for legal representation.

I hope that this variance can be considered and approved.

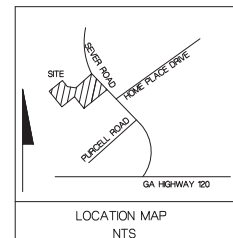
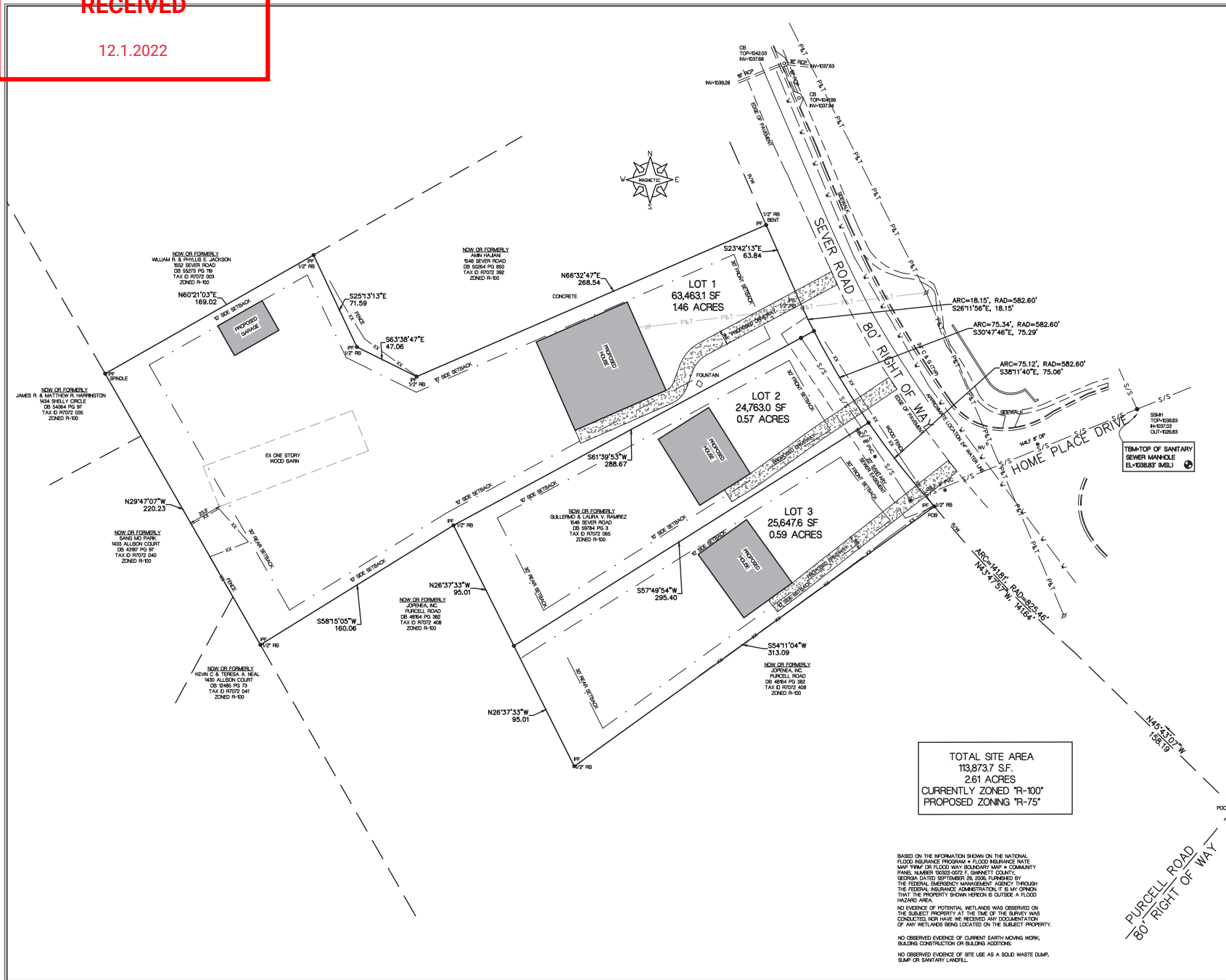
Thank you kindly,



Guillermo Ramirez
Property Owner of 1546 Sever Rd, Lawrenceville, GA 30043
Ph. 770.231.1184

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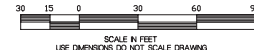
12.1.2022



- LEGEND:
- ICV - IRRIGATION CONTROL VALVE
 - RF - RICH FILL ROAD
 - PS - PUMP SET (1/2" RB)
 - OT - OPEN TOP PIPE
 - CT - CONCRETE TOP PIPE
 - CMF - CONCRETE MOUNTED FOUNTAIN
 - N & C - NAIL AND CAP
 - RB - REBAR
 - RP - POWER POLE
 - TP - TELEPHONE POLE
 - LL - LAND LOT
 - LL - LAND LOT
 - POB - POINT OF BEGINNING
 - BL - BUILDING LINE
 - CL - CENTER LINE
 - PL - PROPERTY LINE
 - PH - FIRE HYDRANT
 - CB - CATCH BASIN
 - DM - DROP MANHOLE
 - HW - HEADWALL
 - DE - DRAINAGE EASEMENT
 - DE - DRAINAGE EASEMENT
 - WV - WATER VALVE
 - SV - GAS VALVE
 - MH - MAN HOLE
 - TL - TELEPHONE LINE
 - UT - BURIED TELEPHONE CABLE
 - W - WATER LINE (APPROXIMATE LOCATION)
 - W - WATER LINE (APPROXIMATE LOCATION)
 - SD - SANITARY SEWER LINE
 - SD - STORM DRAIN LINE
 - W - RIGHT OF WAY MONUMENT FOUND
 - W - AND/OR
 - W - POWER LINE (OVERHEAD)
 - W - FENCE
 - W - FIRE HYDRANT
 - W - TREE

PROPOSED RESIDENTIAL BUILDINGS
WILL MEET THE MINIMUM SF
REQUIREMENTS OF R-75 ZONING.

REFERENCE PLAT: PB 77 PG 126



DATE	NO.	REVISION	BY

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PUBLISHED OR USED IN ANY WAY
WITHOUT THE WRITTEN PERMISSION
OF THE SURVEYOR

CONCEPT PLAN
FOR

GUILLERMO RAMIREZ

LOCATED
1546 SEVER ROAD
LL 72 7TH DISTRICT
GWINNETT COUNTY, GEORGIA

SCALE: 1" = 30' JOB NO: 68789V FIELD DATE: 09/14/22

DEKALB SURVEYS, INC.
407 WEST POND DRIVE, SUITE 10
DECATUR, GEORGIA 30030

DEKALB SURVEY, INC.
No. 15001066 EXPIRATION: 06/30/2024

SHEET 1

12.1.2022

SHEET 11

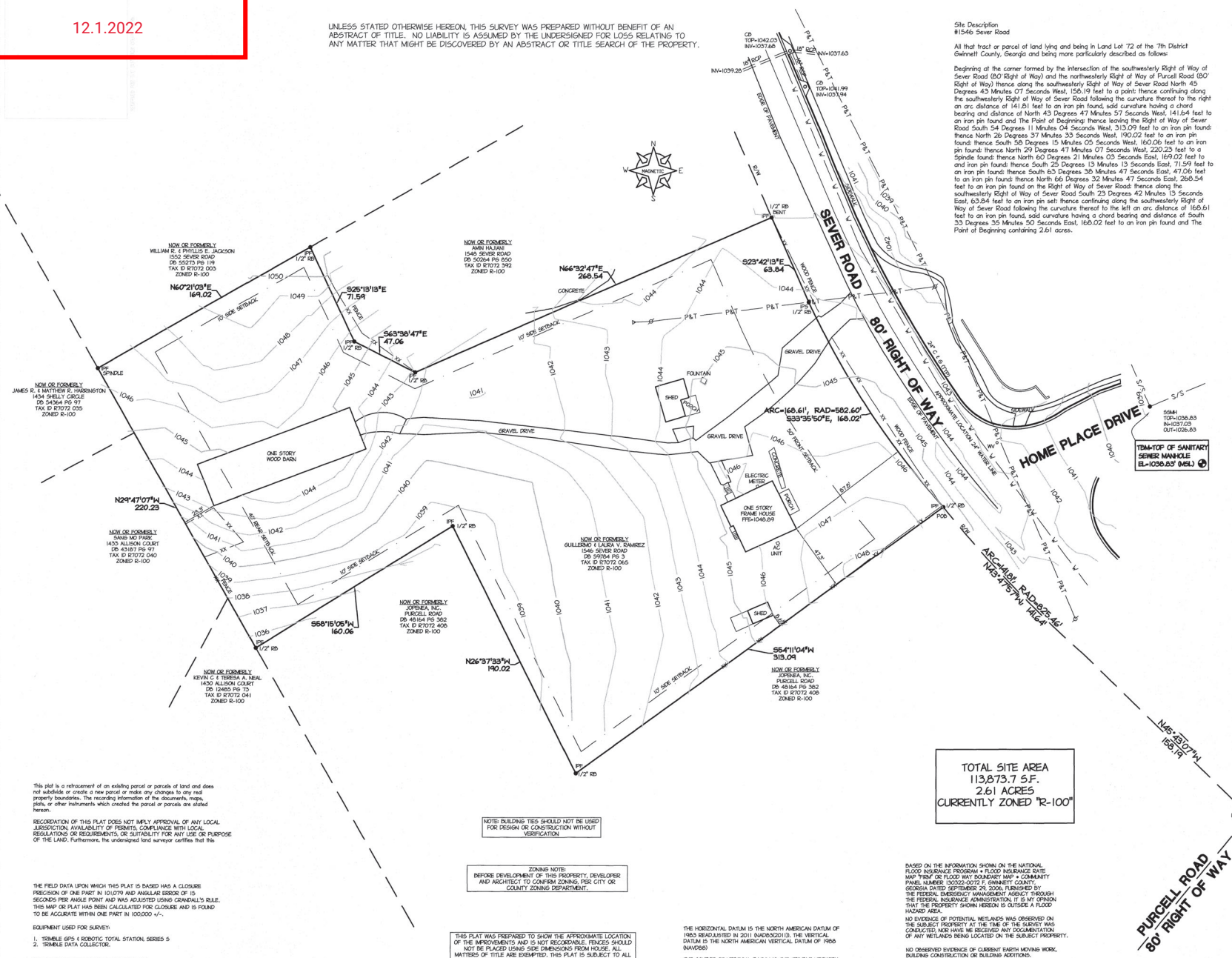
NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP,
SUMP OR SANITARY LANDFILL.

PURCELL ROAD
30' RIGHT OF WAY

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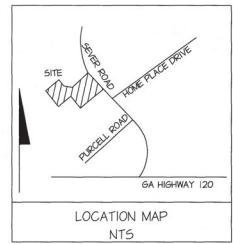
UNLESS STATED OTHERWISE HEREON, THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.



Site Description #1546 Sewer Road

All that tract or parcel of land lying and being in Land Lot 72 of the 7th District Winnetts County, Georgia and being more particularly described as follows:

Beginning at the corner formed by the intersection of the southeasterly Right of Way of Sever Road (80' Right of Way) and the northwesterly Right of Way of Purcell Road (80' Right of Way) thence along the southeasterly Right of Way of Sever Road North 45 Degrees 43 Minutes 07 Seconds West, 156.19 feet to a point; thence continuing along the southeasterly Right of Way of Sever Road following the curvature thereof to the right on an iron pin found and the Point of Beginning thence along the Right of Way of Sever Road South 54 Degrees 11 Minutes 04 Seconds West, 313.09 feet to an iron pin found; thence North 26 Degrees 37 Minutes 33 Seconds West, 190.02 feet to an iron pin found; thence South 58 Degrees 15 Minutes 05 Seconds West, 160.06 feet to an iron pin found; thence North 29 Degrees 47 Minutes 07 Seconds West, 220.23 feet to a spindle found; thence North 60 Degrees 21 Minutes 03 Seconds East, 169.02 feet to an iron pin found; thence South 25 Degrees 13 Minutes 13 Seconds East, 71.59 feet to an iron pin found; thence South 63 Degrees 36 Minutes 47 Seconds East, 47.06 feet to an iron pin found; thence North 66 Degrees 32 Minutes 47 Seconds East, 268.54 feet to an iron pin found on the Right of Way of Sever Road; thence along the southeasterly Right of Way of Sever Road South 23 Degrees 42 Minutes 13 Seconds East, 63.84 feet to an iron pin set; thence continuing along the southeasterly Right of Way of Sever Road following the curvature thereof to the left on an arc distance of 165.61 feet to an iron pin found, said curvature having a chord bearing and distance of South 33 Degrees 35 Minutes 50 Seconds East, 166.02 feet to an iron pin found and The Point of Beginning containing 2.61 acres.



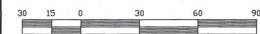
LEGEND:

- ICV - IRIGATION CONTROL VALVE
- IP - IRON PIN FOUND
- IP SET (1/2" RB) - IRON PIN SET (1/2" RADIUS)
- OT - OPEN TOP PIPE
- CT - CONCRETE TOP PIPE
- NAL - NAIL AND CAP
- BR - BRASS
- PP - POWER POLE
- TL - TELEPHONE POLE
- LL - LAND LOT LINE
- LL - LAND LOT LINE
- DL - DRAINAGE LINE
- PL - PROPERTY LINE
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- CB - CATCH BASIN
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- HW - HEAD WALL
- DE - DRAINAGE EASEMENT
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- WV - WATER VALVE
- WH - WASH HOLE
- TH - TELEPHONE HOLE
- UT - BURIED TELEPHONE CABLE
- 6 - GAS LINE
- W - WATER LINE (APPROXIMATE LOCATION)
- SL - SANITARY LINE
- SD - STORM DRAIN LINE
- RT - RIGHT OF WAY MONUMENT FOUND
- ANCH - ANCHOR
- PL - POWER LINE (OVERHEAD)
- FI - FIRE HYDRANT
- TI - TREE



The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 100-1 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 13-6-01, Authority O.C.G.A. Sec. 13-6-01, 43-5-4, 43-5-6, 43-5-15-19, 43-5-22.

REFERENCE PLAT: PB 77 PG 126



SCALE IN FEET
USE DIMENSIONS DO NOT SCALE DRAWING

DATE	NO.	REVISION	BY

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ALTA/NSPS LAND TITLE SURVEY

GUILLERMO RAMIREZ

LOCATED
1546 SEVER ROAD
LL 72 7TH DISTRICT
WINNETT COUNTY, GEORGIA
PLAT PREPARED ON: 05/05/22
SCALE: 1" = 30' JOB NO.: 63718/RY FIELD DATE: 09/14/22



DEKALB SURVEYS, INC.
407 WEST PONCE DE LEON AVENUE, SUITE B,
DECATUR, GEORGIA 30030

COA No. 159001006 EXPIRATION: 06/30/2024

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Site Description
#1546 Sever Road

All that tract or parcel of land lying and being in Land Lot 72 of the 7th District Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the corner formed by the intersection of the southwesterly Right of Way of Sever Road (80' Right of Way) and the northwesterly Right of Way of Purcell Road (80' Right of Way) thence along the southwesterly Right of Way of Sever Road North 45 Degrees 43 Minutes 07 Seconds West, 158.19 feet to a point; thence continuing along the southwesterly Right of Way of Sever Road following the curvature thereof to the right an arc distance of 141.81 feet to an iron pin found, said curvature having a chord bearing and distance of North 43 Degrees 47 Minutes 57 Seconds West, 141.64 feet to an iron pin found and The Point of Beginning; thence leaving the Right of Way of Sever Road South 54 Degrees 11 Minutes 04 Seconds West, 313.09 feet to an iron pin found; thence North 26 Degrees 37 Minutes 33 Seconds West, 190.02 feet to an iron pin found; thence South 58 Degrees 15 Minutes 05 Seconds West, 160.06 feet to an iron pin found; thence North 29 Degrees 47 Minutes 07 Seconds West, 220.23 feet to a Spindle found; thence North 60 Degrees 21 Minutes 03 Seconds East, 169.02 feet to an iron pin found; thence South 25 Degrees 13 Minutes 13 Seconds East, 71.59 feet to an iron pin found; thence South 63 Degrees 38 Minutes 47 Seconds East, 47.06 feet to an iron pin found; thence North 66 Degrees 32 Minutes 47 Seconds East, 268.54 feet to an iron pin found on the Right of Way of Sever Road; thence along the southwesterly Right of Way of Sever Road South 23 Degrees 42 Minutes 13 Seconds East, 63.84 feet to an iron pin set; thence continuing along the southwesterly Right of Way of Sever Road following the curvature thereof to the left an arc distance of 168.61 feet to an iron pin found, said curvature having a chord bearing and distance of South 33 Degrees 35 Minutes 50 Seconds East, 168.02 feet to an iron pin found and The Point of Beginning containing 2.61 acres.

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Exhibit A

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of Gwinnett County require the Applicant to raise Federal and State constitutional objections during the public hearing process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Gwinnett County UDO, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Gwinnett County UDO, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by Gwinnett County to grant the application as requested would constitute a taking of the Applicant's property. Because of this unconstitutional taking, Gwinnett County would be required to pay just compensation to the Applicant.

A denial of this application would constitute an arbitrary and capricious act by Gwinnett County without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and other concurrent requests would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Gwinnett County to grant the rezoning and other concurrent requests for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and

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owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the requests subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of this application would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the County an opportunity to approve the rezoning as requested by the Applicant. If action is not taken by the County to approve the rezoning application within a reasonable time, a claim will be filed in the Superior Court of Gwinnett County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Standing Objection

The Applicant further objects to the standing of each and every surrounding resident to challenge, whether before the Board or any court of competent jurisdiction, any zoning decision by the Board in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. The Applicant raises this objection before the Board and requests the Board to determine the standing of any individual who challenges or objects to the Board's decision to rezone the Property. Applicant further raises this objection before the Board to preserve said objection on appeal, if any, to any court of competent jurisdiction.

Evidence Objection

Applicant objects to the testimony and documentary evidence proffered by anyone opposed to the Application based on relevancy, inadmissibility, hearsay, lack of foundation and any other applicable evidentiary objection.

We respectfully request that the County cure the aforementioned unconstitutional current zoning of the Property by approving the Application. Should the County have any questions, suggestions and/or concerns, we ask that you bring these to our attention so they can be timely addressed.