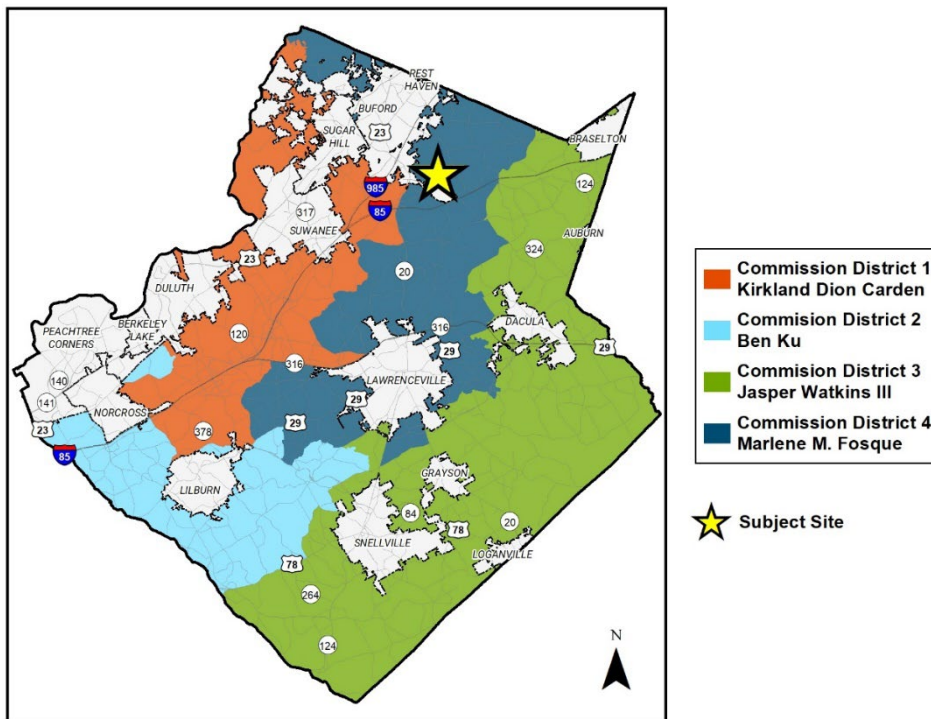


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** CIC2022-00033  
**Current Zoning:** R-100 (Single-Family Residence District)  
**Request:** Change in Conditions  
**Addresses:** 2339, 2347, 2357, 2381, and 2395 Kilgore Road  
**Map Numbers:** R7185 001, 012, 136, 161, and 163  
**Site Area:** 9.56 acres  
**Lots:** 7  
**Proposed Development:** Single-Family Detached Subdivision  
**Commission District:** District 4 – Commissioner Fosque  
**Character Area:** Established Neighborhoods

**Staff Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission Recommendation:** APPROVAL WITH CONDITIONS



**Planning Commission Advertised Public Hearing Date: 12/5/2022**  
**Board of Commissioners Advertised Public Hearing Date: 12/13/2022**

**Applicant:** Amazing Home Constructions, LLC  
c/o Alliance Engineering and Planning  
299 South Main Street  
Alpharetta, GA 30009

**Owner:** Dorel Boicu  
2347 Kilgore Road  
Buford, GA 30519

Semeniuc Construction, LLC  
4045 Whitfield Oak Way  
Auburn, GA 30011

Cornel Morosan  
2381 Kilgore Road  
Buford, GA 30519

**Contact:** Tyler Lasser

**Contact Phone:** 770.225.4730 Ext. 819

### **Zoning History**

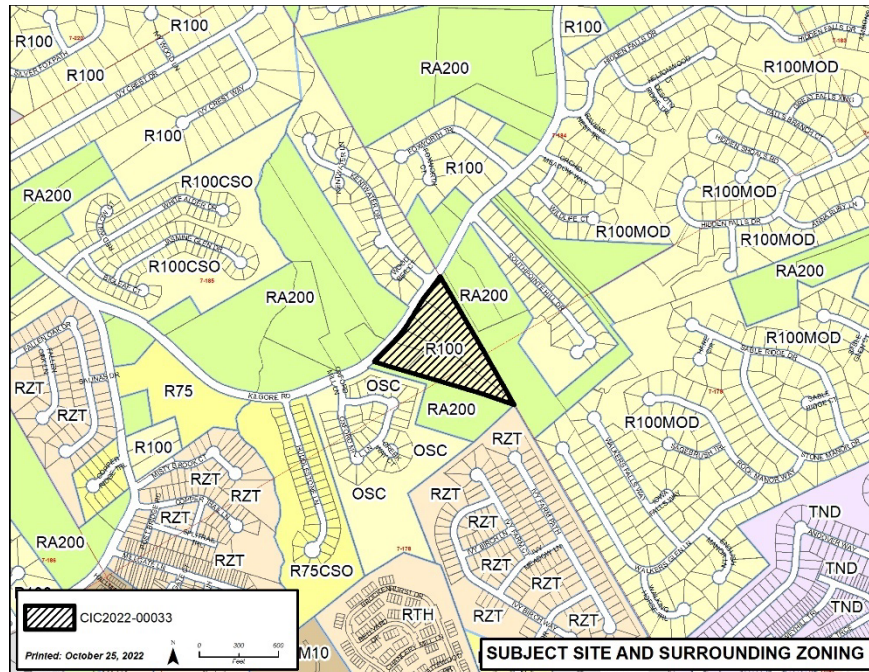
The subject property is zoned R-100 (Single-Family Residence District). In 2021, a rezoning case from RA-200 (Agriculture-Residence District) to R-100 was approved to allow for the construction of a single-family detached subdivision consisting of 14 homes, pursuant to RZR2021-00013. This request is a change in conditions from this approval.

### **Existing Site Condition**

The subject site is a 9.56-acre, triangle-shaped assemblage of five parcels located along Kilgore Road, adjacent to the Creekside at Kilgore subdivision and to the east of the City of Buford. The site is undeveloped with extensive vegetation along the perimeter. A stream, associated buffers, and flood hazard area bisect the rear of the property. The site has significant topography and slopes downward, north to south along the property frontage on Kilgore Road approximately 30 feet and downward approximately 88 feet from the property frontage to the stream. Overhead utilities span a portion of the site on Kilgore and there are no sidewalks. The nearest Gwinnett County Transit stop is located 2.6 miles from the subject site.

### **Surrounding Use and Zoning**

The subject site is surrounded by single-family subdivisions and single-family residences on large lots to the north, south, east, and west. The site is less than one mile to the east of the City of Buford. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	R-100	0.74 units per acre
North	Single-Family Residential	R-100 MOD	2.05 units per acre
East	Single-Family Residential	RA-200	0.24 units per acre
South	Single-Family Residential	RA-200	0.20 units per acre
West	Single-Family Residential	RA-200 OSC	0.19 units per acre 2.12 units per acre

## Project Summary

The applicant requests a change in conditions for a 9.56-acre property zoned R-100 to construct seven single-family detached residences, including:

- A change in conditions of case RZR2021-00013. The applicant is requesting a revision to the following condition:
  - Condition 1, *“The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed 14 lots.”* The applicant is requesting the condition be amended to not exceed seven lots.
  - Condition 2, *“The site shall be developed in general accordance with the submitted site plan received by Planning and Development on March 3, 2021.”* The applicant is requesting the condition be amended for general accordance with the submitted site plan.
- Seven lots accessed by individual driveways, yielding a net density of 0.74 units per acre.
- As required by current conditions, exterior building materials of a mixture of brick or stacked stone on the front facades, with accents of fiber-cement siding or shake. The balance of the homes may be the same or of fiber-cement siding with a minimum two-foot-high brick or stacked stone water table. Building renderings were not submitted by the applicant.
- Lot sizes range from 1.0 acre to 2.16 acres.

- A minimum heated floor area of 2,600 square feet, as required by current conditions.

### Zoning and Development Standards

The applicant is requesting a change in conditions in the R-100, Single-Family Residence District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	<35'	YES
Front Yard Setback	Minimum 35'	>35'	YES
Side Yard Setback	Minimum 10' for one yard 25' for two yards	10'	NO*
Rear Yard Setback	Minimum 40'	>40'	YES
Heated Floor Area	Minimum 1,400 square feet	2,600 square feet	YES
Lot Size	Minimum 15,000 square feet	43,560 square feet	YES

\*The minimum side yard setback is 10' for one yard and a total of 25' for two yards in the R-100 zoning district, requiring a minimum side yard setback of 10' and 15' respectively. The site plan only shows the 10' side yard setback. This requirement must be met during permitting.

### 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 F). Standard site and infrastructure improvements will also be required related to transportation, stormwater, 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 a 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 site is adjacent to single-family residential subdivisions and single-family residences on large lots. The proposed change in conditions reduces the number of lots from 14 to seven for the construction of detached dwellings with a minimum heated floor area of 2,600 square feet. The change in conditions request is suitable for this location.

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

The site, as currently zoned, allows for 14 single-family residences within a subdivision. The change in conditions request is to reduce the number of lots for the construction of seven residences, each with its own driveway. The existing use and usability of adjacent or nearby properties would not be impacted by the change in conditions.

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

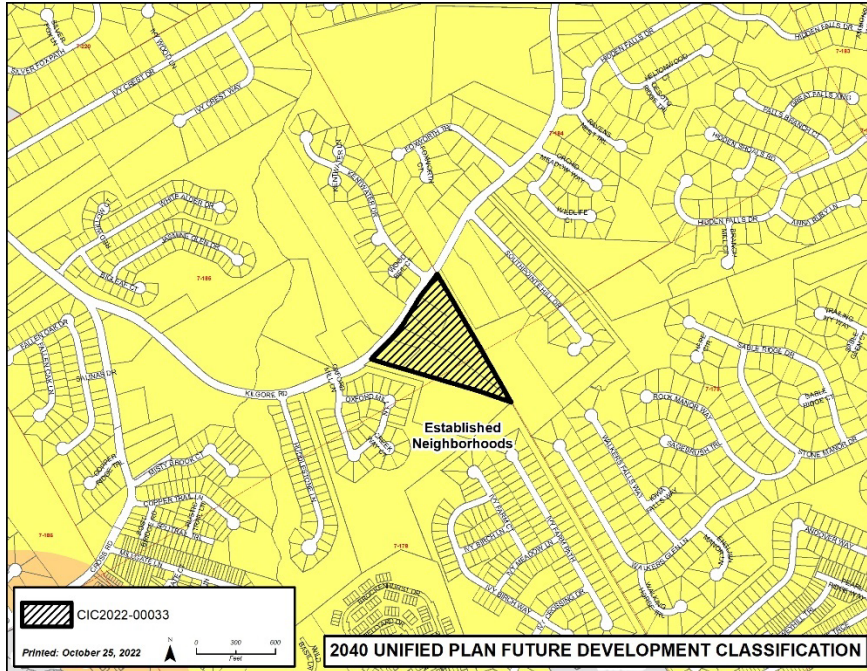
The property has a reasonable economic use as currently zoned.

**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.**

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. An increased impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and change in conditions request is attached (Exhibit F).

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

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Established Neighborhoods Character Area. This area 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 intention of this character area is to underscore areas where changes in land use are not anticipated or encouraged, and any new development - including residential infill properties - should be consistent in scale, architecture, and use with surrounding properties. The surrounding properties were developed over the years with homes being constructed since the 1980s and most recently in 2019. Therefore, the architecture varies, but the scale remains consistent with a density similar to other single-family detached lots. A reduction in the number of lots would be appropriate within this Character Area.



**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.**

The change in conditions request is to reduce the number of lots for the construction of seven residences with individual driveways. The proposed change results in a density comparable to other individually developed lots within the nearby area. The applicant is not proposing any other changes to the previously approved rezoning request. Therefore, the request is supportable for approval.

**Staff Recommendation**

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

**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 **APPROVAL WITH CONDITIONS** of the change in conditions request.

**Planning Commission Recommended Conditions (includes Staff Recommended Conditions, as Amended)**

The conditions below are those from RZR2021-00013 with suggested changes in bold or strikethrough.

Approval of a Change in Conditions for seven single-family dwellings, subject to the following conditions:

1. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed ~~14-7~~ lots.
2. The site shall be developed in general accordance with ~~the submitted site plan received by Planning and Development on March 3, 2021~~ **Exhibit C: Site Plan dated received October 19, 2022, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.**
3. The minimum heated floor area per dwelling unit shall be 2,600 square feet.
4. Homes shall be constructed with a mixture of brick or stacked stone on front facades, with accents of fiber-cement siding or shake. The balance of the home may be the same or of fiber-cement siding with a minimum two-foot-high brick or stacked stone water table.
5. All dwellings shall have at least a double-car garage.
6. All grassed areas shall be sodded.
7. Underground utilities shall be provided throughout the development.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. Sewer easements shall be provided for unsewered upstream properties. Sewer easement plans shall be subject to review and approval by the Director of Planning and Development.
10. **A 5-foot-wide-sidewalk with curb and gutter shall be provided along the entire road frontage.**
11. ~~Shared driveways shall be provided, so as not to exceed two (2) access points from Kilgore Road.~~
12. **A sight distance certification for each Kilgore Road access point shall be provided.**

**Exhibits:**

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

**Exhibit A: Site Visit Photos**



**View of Property Frontage on Kilgore Road**



**Existing Vegetation on Subject Property**



**View of Property Frontage on Kilgore Road**

**Exhibit B: Previously Approved Resolution and Site Plan**

**[attached]**

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10/19/22

CASE NUMBER RZR2021-00013  
GCID 2021-0599

GWINNETT COUNTY  
BOARD OF COMMISSIONERS  
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: AMENDMENT TO THE OFFICIAL ZONING MAP

ADOPTION DATE: MAY 25, 2021

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

---

	<u>Present</u>	<u>Vote</u>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

---

On motion of COMMISSIONER FOSQUE, which carried 5-0, the following Resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from RA-200 to R-100 by AMAZING HOME CONSTRUCTIONS, LLC for the proposed use of SINGLE-FAMILY SUBDIVISION on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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10/19/22

CASE NUMBER RZR2021-00013  
GCID 2021-0599

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on MAY 25, 2021 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this the 25<sup>th</sup> day of MAY 2021, that the aforesaid application to amend the Official Zoning Map from RA-200 to R-100 is hereby **APPROVED** with the following enumerated conditions:


1. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed 14 lots.
2. The site shall be developed in general accordance with the submitted site plan received by Planning and Development on March 3, 2021.
3. The minimum heated floor area per dwelling unit shall be 2,600 square feet.
4. Homes shall be constructed with a mixture of brick or stacked stone on front façades, with accents of fiber-cement siding or shake. The balance of the home may be the same or of fiber-cement siding with a minimum two-foot-high brick or stacked stone water table.
5. All dwellings shall have at least a double-car garage.
6. All grassed areas shall be sodded.
7. Underground utilities shall be provided throughout the development.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. Sewer easements shall be provided for unsewered upstream properties. Sewer easement plans shall be subject to review and approval by the Director of Planning and Development.

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CASE NUMBER RZR2021-00013  
GCID 2021-0599

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:   
Nicole L. Hendrickson, Chairwoman

Date Signed: 10-1-2021

ATTEST:

  
County Clerk/Deputy County Clerk



**Exhibit C: Site Plan**

**[attached]**

**SITE DATA**

EXISTING ZONING: R-100  
 PROPOSED ZONING: R-100  
 TOTAL SITE AREA: +/- 9.55 ACRES  
 LOTS PROVIDED: 7  
 GROSS DENSITY: +/- 0.74 U/A  
 NET DENSITY: +/- 0.74 U/A  
 MINIMUM LOT AREA REQ'D: 15,000 SF.  
 MINIMUM LOT WIDTH: 100' (AT FRONT BLDG. SETBACK)  
 MINIMUM HEATED FLOOR AREA: 1,400 SF.

SETBACKS:  
 FRONT YARD: 35' (50' ARTERIAL)  
 REAR YARD: 40'  
 SIDE YARD: 10' / 25' CORNER  
 LANDSCAPE STRIP: 10'

THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

STREAMS AND WETLANDS ARE PER GIS DATA AND HAVE NOT BEEN FIELD VERIFIED.

TOPOGRAPHY IS PER GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

FLOODPLAIN IS PER GIS DATA AND HAS NOT BEEN VERIFIED.

PROPERTY BOUNDARY IS PER GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

OPEN SPACE & COMMON AREA CALCULATIONS HAVE NOT BEEN VERIFIED.

- (A) 75' COUNTY IMPERVIOUS SETBACK (AS MEASURED FROM TOP OF BANK)
- (B) 50' COUNTY UNDISTURBED BUFFER (AS MEASURED FROM TOP OF BANK)

PARKING ANALYSIS		TOTAL PER	TOTAL	TOTAL
LOT TYPE	GARAGE/DRIVEWAY	HOUSE	LOT	SPACES
100' WIDE	2	2	4	7
TOTAL PARKING SPACES FOR RESIDENTIAL				28

PROPERTY ADDRESS:  
 2339, 2347, 2357, 2381, 2395 KILGORE RD  
 BUFORD GA, 30519

PROPERTY OWNERS:  
 PID: 7185 130 - Dorel Balciu  
 PID: 7185 163 - Dorel Balciu  
 PID: 7185 001 - Semenuc Construction LLC  
 PID: 7185 161 - Cornel Morosan  
 PID: 7185 012 - Cornel Morosan

SURVEY DATA:  
 BOUNDARY INFORMATION IS BASED ON THE BOUNDARY SURVEY FOR AMAZING HOME CONSTRUCTION BY ALLIANCE, DATED 3/1/2021.

GIS DATA:  
 TOPOGRAPHIC INFORMATION BASED ON GWINNETT COUNTY GIS.

FEMA NOTE:  
 A PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD AREA AS PER FEMA PANEL No. 13135C0026F, DATED SEPTEMBER 29, 2006.

PLAN NOTE:  
 THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

CANOPY:  
 EXISTING TREE CANOPY COVERS A PORTION OF THE SITE.

SEWER NOTE:  
 SEWER WILL BE A GRAVITY LINE. SEWER PROVIDED BY GWINNETT COUNTY.

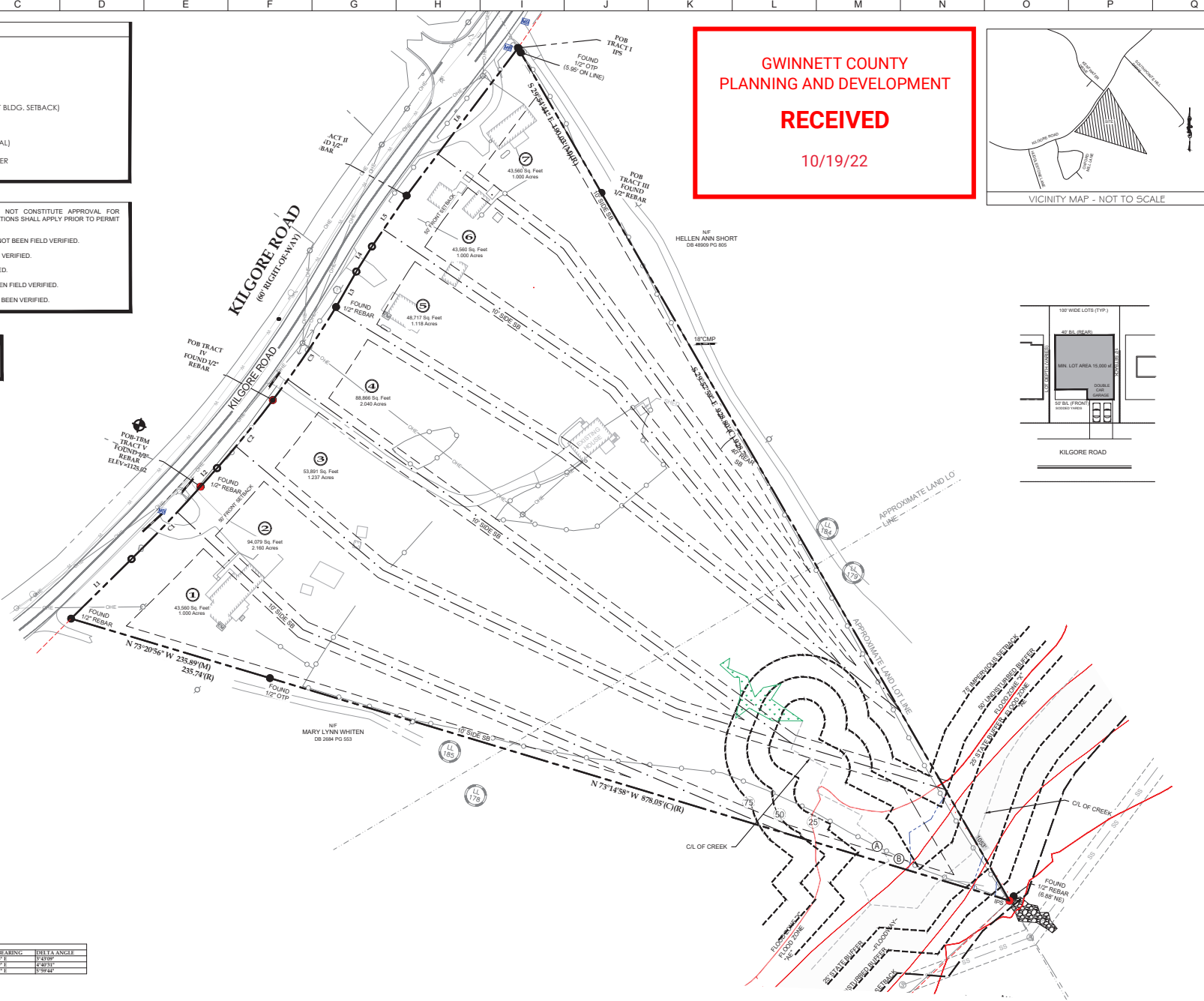
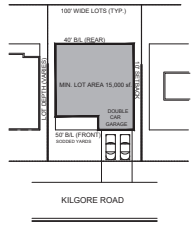
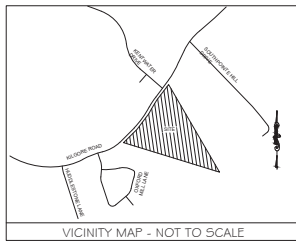
WATER NOTE:  
 EXISTING WATER LINE LOCATED WITHIN KILGORE RD RIGHT OF WAY AND PROVIDED BY GWINNETT COUNTY.

VARIANCES:  
 NO VARIANCES ARE REQUESTED AT THIS TIME.

LINE	BEARING	DISTANCE
L1	N 42° 23' 21" E	86.65 (C) (R)
L2	N 41° 38' 33" E	28.18 (C) (R)
L3	N 29° 40' 59" E	53.90 (C) (R)
L4	N 31° 42' 55" E	86.31 (C) (R)
L5	N 34° 11' 43" E	70.09 (C) (R)
L6	N 29° 03' 24" E	210.42 (C) (210.00) (R)
L7	S 83° 58' 13" E	178.35 (C) (R)
L8	S 53° 58' 13" E	81.71
L9	N 42° 58' 54" W	87.19 (C) (87.17) (R)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	124.00	118.24	118.24	N 87° 32' 59" E	4° 49' 31"
C2	124.00	118.24	118.24	N 87° 32' 59" E	4° 49' 31"
C3	124.00	118.24	118.24	N 87° 32' 59" E	4° 49' 31"

**GWINNETT COUNTY  
 PLANNING AND DEVELOPMENT  
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 10/19/22**



**ALLIANCE**  
 ENGINEERING & PLANNING  
 LANDSCAPE ARCHITECTURE  
 CIVIL ENGINEERING + LANDSCAPE ARCHITECTURE + LAND SURVEYING  
 299 South Mohr St., Suite A-1, Alpharetta, GA 30009  
 770.223.4230 | www.allianceinc.com

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NOT RELEASED FOR CONSTRUCTION

AMAZING HOME CONSTRUCTION

Zoning Plan for Kilgore Road Property L.L. 178, 185 - 3rd DISTRICT, 1st SECTION PARCEL # 7185 130

Orig. Issue 3.1.21  
 Designed by BW  
 Checked by BW  
 Project #

NORTH  
 SCALE: 1" = 50'  
 Zoning Exhibit

10.4.22

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

**[attached]**

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## **Applicant's Letter of Intent**

### Change in Conditions – Kilgore Road

The Applicant, Amazing Home Constructions LLC, requests a change in conditions of the existing zoning conditions on a 9.5-acre tract on Kilgore Road. On May 25, 2021, the Board of Commissioners unanimously approved case RZR2021-00013 with conditions to rezone the subject property from RA-200 to R-100 to construct a 14-lot single-family subdivision. The Applicant requests to amend the existing conditions to allow for an updated layout. Specifically, the Applicant, requests to amend conditions 1 and 2 to reference the attached updated site plan.

In the engineering phase, after the initial rezoning, it was determined that the approved layout was not feasible due to the topography of the site, in addition to the limits of the stream and accompanying buffers at the rear of the site. As an alternative, the Applicant is requesting to subdivide the property into only seven lots, instead of the previous fourteen lots. At seven lots, and a reduced density of 0.74 units per acre, each lot will have an area of at least one acre and will require significantly less land disturbance throughout its development. Apart from the proposed condition changes, the Applicant will abide by all remaining conditions of zoning.

The Applicant appreciates the consideration for approval of this change in conditions request and would be happy to address any questions or concerns. Attached are the existing conditions in addition to the Applicant's proposed condition changes.

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## Standards Governing the Exercise of the Zoning Power

To further demonstrate that the proposed rezoning and land use is consistent with the intent of the UDO and 2040 Unified Plan, the applicant submits its response to the Standards Governing Exercise of the Zoning Power as follows:

**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 permits a use that is suitable in the view of the use and development of adjacent and nearby property. The use, which was previously approved by the Board of Commissioners, will not change due to an approved CIC.

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

A change in conditions will not adversely affect the existing use or usability of adjacent or nearby property. The proposed change will reduce the number of lots, and minimize impact on the surrounding properties.

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

The current zoning category is a result of an approved rezoning in 2021. Because of the reasonable economic use, the applicant only requests minor changes to the existing conditions. The use will remain as single-family dwellings.

**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:**

The proposed change in conditions will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. As proposed, the plan will have less lots than what was previously approved.

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

The proposed change in conditions is in conformity with the intent of the 2040 Unified Plan. The proposed modified conditions and layout will not affect the use of the property, or its conformity with the character area.

**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:**

Please see letter of intent.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.



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### Proposed Condition Changes

1. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed ~~14~~ 7 lots.
2. The site shall be developed in general accordance with the submitted site plan ~~received by Planning and Development on March 3, 2021~~ dated October 4, 2022.
3. The minimum heated floor area per dwelling unit shall be 2,600 square feet.
4. Homes shall be constructed with a mixture of brick or stacked stone on front fa9ades, with accents of fiber-cement siding or shake. The balance of the home may be the same or of fiber-cement siding with a minimum two-foot-high brick or stacked stone water table.
5. All dwellings shall have at least a double-car garage.
6. All grassed areas shall be sodded.
7. Underground utilities shall be provided throughout the development.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. Sewer easements shall be provided for unsewered upstream properties. Sewer easement plans shall be subject to review and approval by the Director of Planning and Development.

**Exhibit E: Application and Disclosure of Campaign Contributions**

**[attached]**

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10/19/22

**CHANGE IN CONDITIONS APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Amazing Home Constructions LLC c/o Alliance Engineering and Planning</u>	NAME: <u>Multiple - see attached</u>
ADDRESS: <u>299 South Main Street</u>	ADDRESS: _____
CITY: <u>Alpharetta</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30009</u>	STATE: _____ ZIP: _____
PHONE: <u>770-225-4730 ext. 819</u>	PHONE: <u>770-225-4730 ext. 819</u>
EMAIL: <u>Tylerl@allianceco.com</u>	EMAIL: _____
CONTACT PERSON: <u>Tyler Lasser</u> PHONE: <u>770-225-4730 ext. 819</u>	
CONTACT'S E-MAIL: <u>Tylerl@allianceco.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>R-100</u>	PRIOR ZONING CASE: <u>RZR2021-00013</u>
<u>7185 136, 7185 163, 7185 001, 7185 161,</u>	
PARCEL NUMBER(S): <u>7185 012</u>	ACREAGE: <u>9.555</u>
ADDRESS OF PROPERTY: <u>2395, 2381, 2357, 2339, 2347 Kilgore Road</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Condition #1, 2</u>	
<b>RESIDENTIAL DEVELOPMENT:</b>	<b>NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: <u>7</u>	NO. OF BUILDINGS/LOTS: _____
DWELLING UNIT SIZE (Sq. Ft.): <u>2,600</u>	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: <u>0.73</u>	DENSITY: _____
NET DENSITY: <u>0.73</u>	

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

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10/19/22

Property Owner Information

**7185 163 & 7185 136**

BOICU DOREL  
2347 KILGORE RD  
BUFORD GA 30519-4436

**7185 001**

SEMENIUC CONSTRUCTION LLC  
4045 WHITFIELD OAK WAY  
AUBURN GA 30011-4216

**7185 012 & 7185 161**

MOROSAN CORNEL  
2381 KILGORE RD  
BUFORD GA 30519-4436

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10/19/22

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.

Loel Krum 9-29-22  
Signature of Applicant Date

LOREL BOICU PARTNER  
Type or Print Name and Title

Jeri Ann Peavy 9-29-22  
Signature of Notary Public Date



**RECEIVED**

10/19/22

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

**CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION**

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Paul [Signature] 9-29-22  
Signature of Property Owner Date

DOREL BOICU PARTNER  
Type or Print Name and Title

Jeri Ann Peavy [Signature] 9-29-22  
Signature of Notary Public Date



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**REZONING PROPERTY OWNER'S CERTIFICATION**

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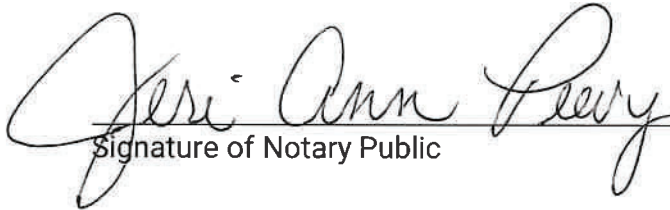
Signature of Property Owner

10-19-22

Date

CORNEL SEMENI UC

Type or Print Name and Title



Signature of Notary Public

10/19/22

Date

Notary Seal



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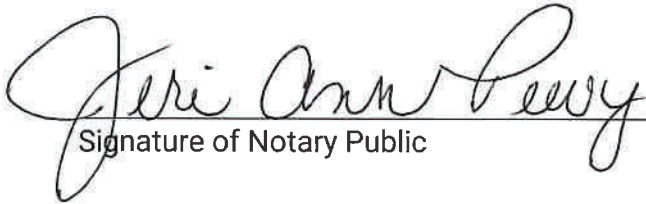
Signature of Property Owner

10-19-22

Date

CORNEL MOROSAN

Type or Print Name and Title

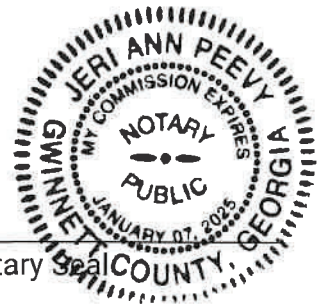


Signature of Notary Public

10/19/22

Date

Notary Seal



→

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Gwinnett County Planning Division  
Change in Conditions Application  
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**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.

*Loel Boicu*                      9-29-22                      LOREL BOICU PARTNER  
Signature of Applicant                      Date                      Type of Print Name and Title

*Tyler Lasser*                      9-29-22                      Tyler Lasser AEP  
Signature of Applicant's                      Date                      Type or Print Name and Title  
Attorney or Representative

*Jeri Ann Peavy*                      9-29-22  
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

*[Signature]*  
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.











**Exhibit F: Internal and External Agency Review Comments**

**[attached]**



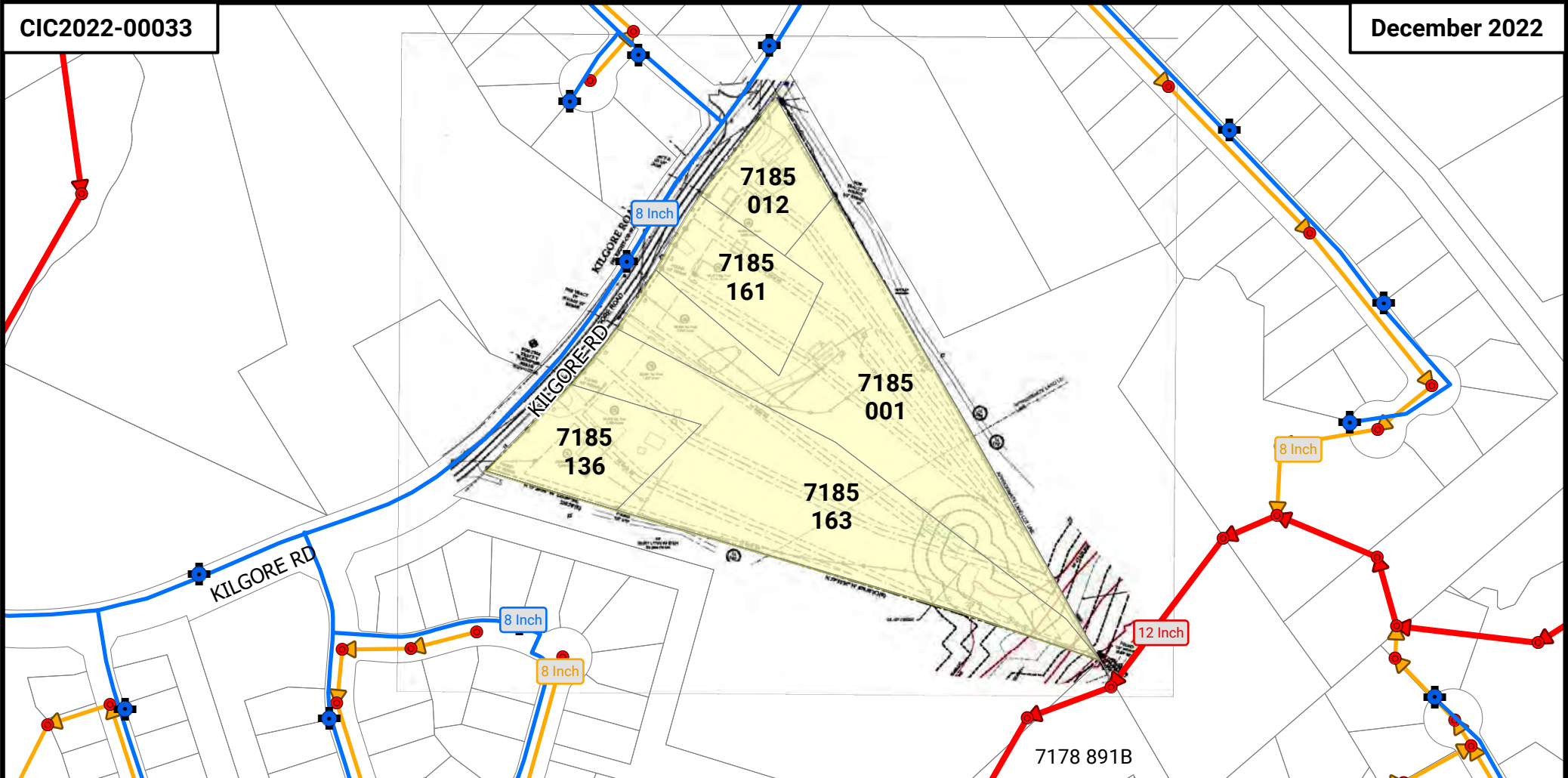
**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>		11.9.2022	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>	
Case Number:		CIC2022-00033	
Case Address:		2395, 2381, 2357, 2339, and 2347 Kilgore Road	
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Kilgore Road is a local road. ADT = 4,589.		
2	2.6 miles to the nearest transit facility (#2334754) Buford/SR 20 Park and Ride.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	The developer shall install 5' sidewalk as well as curb and gutter along the entire road frontage.		
2	The developer shall construct shared driveways, so as not exceed (2) access points from Kilgore Road.		
3	The developer shall provide a sight distance certification for each Kilgore Road access point.		
4			
5			
6			
7			



**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

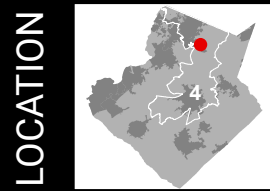
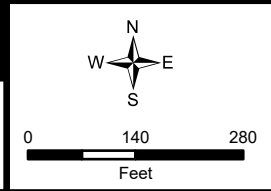
<b>TRC Meeting Date:</b>			
Department/Agency Name:	DWR		
Reviewer Name:	Mike Pappas		
Reviewer Title:	GIS Planning Manager		
Reviewer Email Address:	<a href="mailto:Michael.pappas@gwinnettcountry.com">Michael.pappas@gwinnettcountry.com</a>		
Case Number:	CIC2022-00033		
Case Address:	2300 Block of Kilgore Road		
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Water: The development may connect to a existing 8-inch water main on the western right-of-way of Kilgore Road. A jack-and-bore under Kilgore Road is required.		
2	Sewer: Sewer Capacity Certification C2022-03-068 was approved in March 2022 of for 14 single-family units and must be revised to reflect current unit count. The development may connect to an existing 8-inch gravity sewer main approximately 55 ft southeast of the property boundary on Parcel 7178 891B. An easement will be required.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1			
2			
3			
4			
5			
6			
7			



**2300 Block of Kilgore Road**

R-100

**Water & Sewer  
Utility Map**



LEGEND

- |  |                 |  |            |  |                   |
|--|-----------------|--|------------|--|-------------------|
|  | Flow Management |  | Hydrant    |  | Sewer Force Main  |
|  | Pump Station    |  | City       |  | Effluent Outfall  |
|  | Regional        |  | Water Main |  | Sewer Collector   |
|  | Manhole         |  | Reuse Main |  | Sewer Interceptor |

LOCATION

**Water Comments:** The development may connect to an existing 8-inch water main on the western right-of-way of Kilgore Road. A jack-and-bore under Kilgore Road is required.

**Sewer Comments:** Sewer Capacity Certification C2022-03-068 was approved in March 2022 of for 14 single-family units and must be revised to reflect current unit count. The development may connect to an existing 8-inch gravity sewer main approximately 55 ft southeast of the property boundary on Parcel 7178 891B. An easement will be required.

**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.

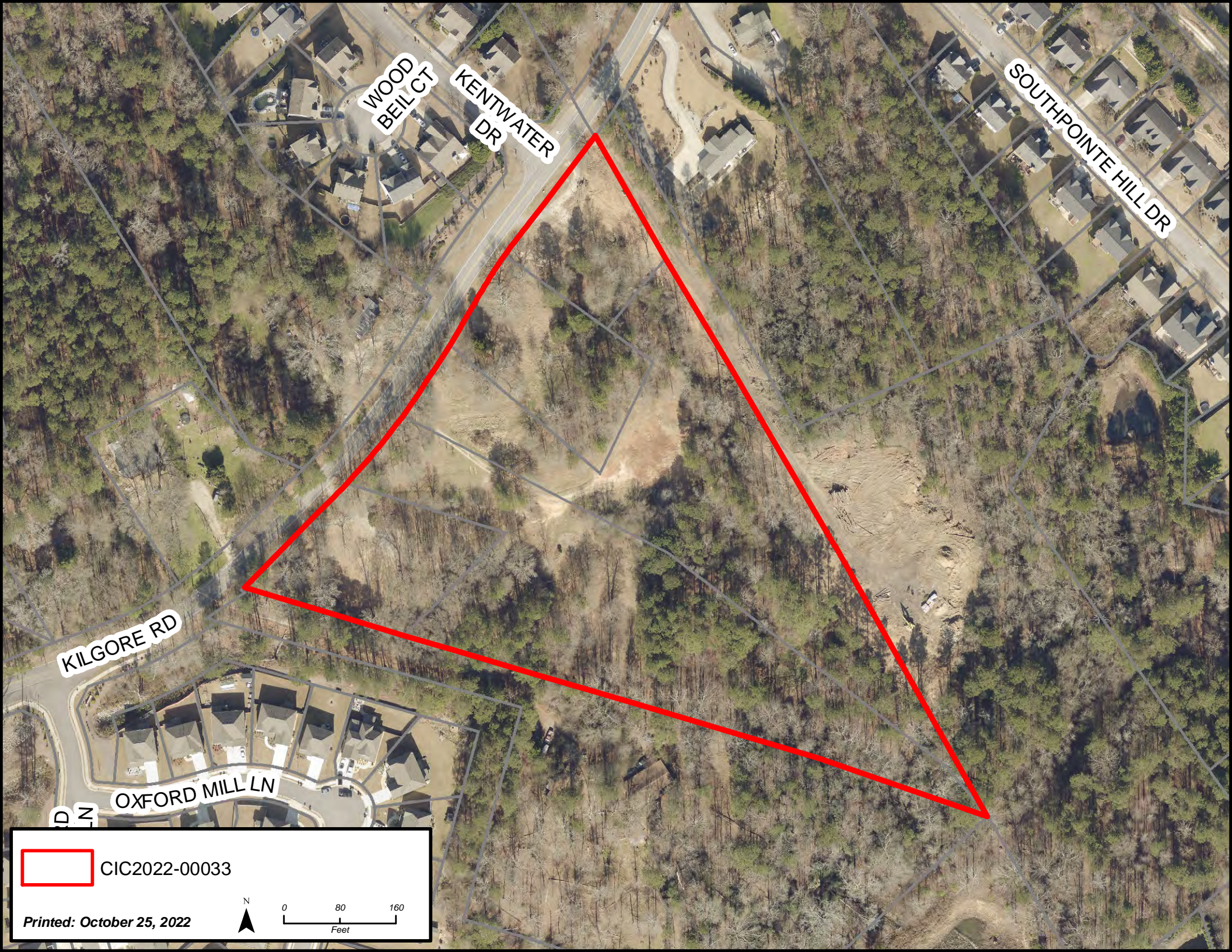
**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

**Residential Rezoning Impact on Local Schools**  
 Prepared for Gwinnett County BOC, **December, 2022**

											Proposed Zoning
	School	2022-23			2023-24			2024-25			Approximate Student Projections from Proposed Developments
		Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	
RZM2022-00043	<b>Discovery HS</b>	2,862	2,525	337	2,905	2,525	380	2,949	2,525	424	3
	<b>Richards MS</b>	2,052	2,200	-148	2,093	2,200	-107	2,124	2,200	-76	2
	Alford ES	928	1,025	-97	910	1,025	-115	901	1,025	-124	3
RZM2022-00048	<b>Central Gwinnett HS</b>	2,604	2,350	254	2,779	2,350	429	2,830	2,350	480	11
	<b>Moore MS</b>	880	1,350	-470	893	1,350	-457	907	1,350	-443	9
	Winn Holt ES	1,081	1,200	-119	1,092	1,200	-108	1,103	1,200	-97	16
RZM2022-00049	<b>Grayson HS</b>	3,277	3,000	277	3,375	3,000	375	3,477	3,000	477	5
	<b>Couch MS</b>	1,089	1,150	-61	1,055	1,150	-95	1,070	1,150	-80	5
	Starling ES	1,144	1,200	-56	1,167	1,200	-33	1,190	1,200	-10	8
RZC2022-00047	<b>Collins Hill HS</b>	2,730	2,625	105	2,773	2,625	148	2,800	2,625	175	31
	<b>Creekland MS</b>	1,911	2,100	-189	1,892	2,100	-208	1,915	2,100	-185	23
	Taylor ES	826	1,300	-474	817	1,300	-483	809	1,300	-491	41
RZC2022-00048	<b>Central Gwinnett HS</b>	2,604	2,350	254	2,779	2,350	429	2,830	2,350	480	27
	<b>Moore MS</b>	880	1,350	-470	893	1,350	-457	907	1,350	-443	19
	Lawrenceville ES	676	925	-249	689	925	-236	701	925	-224	34
CIC2022-00033	<b>Seckinger HS</b>	1,345	2,800	-1,455	1,810	2,800	-990	2,015	2,800	-785	2
	<b>Jones MS</b>	1,568	1,575	-7	1,599	1,575	24	1,623	1,575	48	2
	Patrick ES	896	1,025	-129	923	1,025	-102	951	1,025	-74	3
RZR2022-00036	<b>South Gwinnett HS</b>	2,735	2,750	-15	2,790	2,750	40	2,832	2,750	82	14
	<b>Grace Snell MS</b>	1,262	1,200	62	1,281	1,200	81	1,300	1,200	100	11
	Magill ES	1,222	1,525	-303	1,253	1,525	-272	1,284	1,525	-241	21
RZR2022-00024	<b>Shiloh HS</b>	2,250	2,275	-25	2,330	2,275	55	2,365	2,275	90	3
	<b>Shiloh MS</b>	1,669	1,600	69	1,653	1,600	53	1,670	1,600	70	2
	Anderson-Livsey ES	628	975	-347	634	975	-341	642	975	-333	4
RZR2022-00028	<b>Brookwood HS</b>	3,920	3,000	920	3,893	3,000	893	3,841	3,000	841	20
	<b>Crews MS</b>	1,378	1,150	228	1,355	1,150	205	1,330	1,150	180	14
	Brookwood ES	1,449	1,250	199	1,415	1,250	165	1,387	1,250	137	26

**Exhibit G: Maps**

**[attached]**



WOOD  
BEIL CT  
KENTWATER  
DR

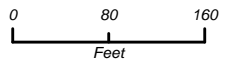
SOUTHPOINTE HILL DR

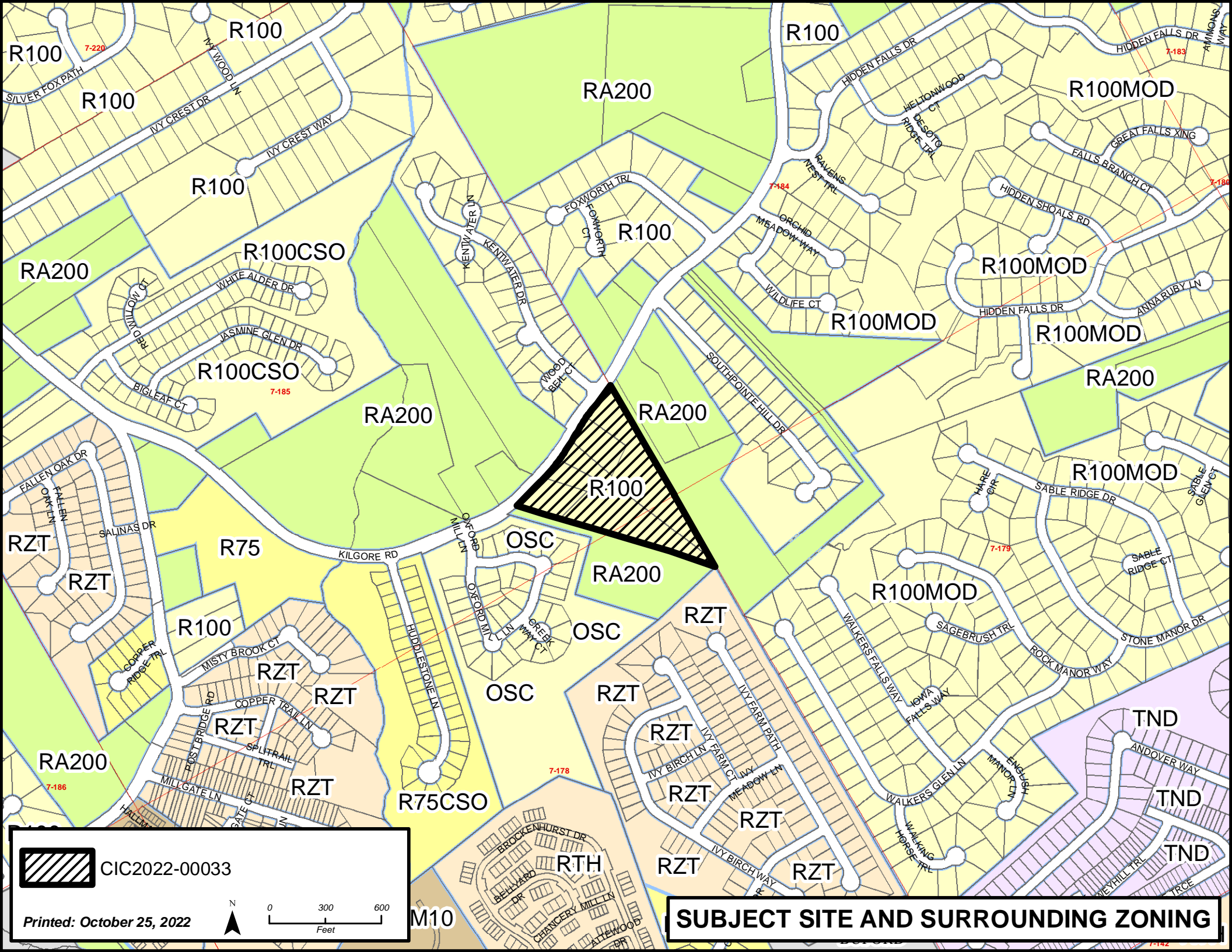
KILGORE RD

OXFORD MILL LN

 CIC2022-00033

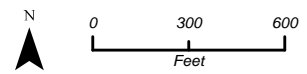
Printed: October 25, 2022



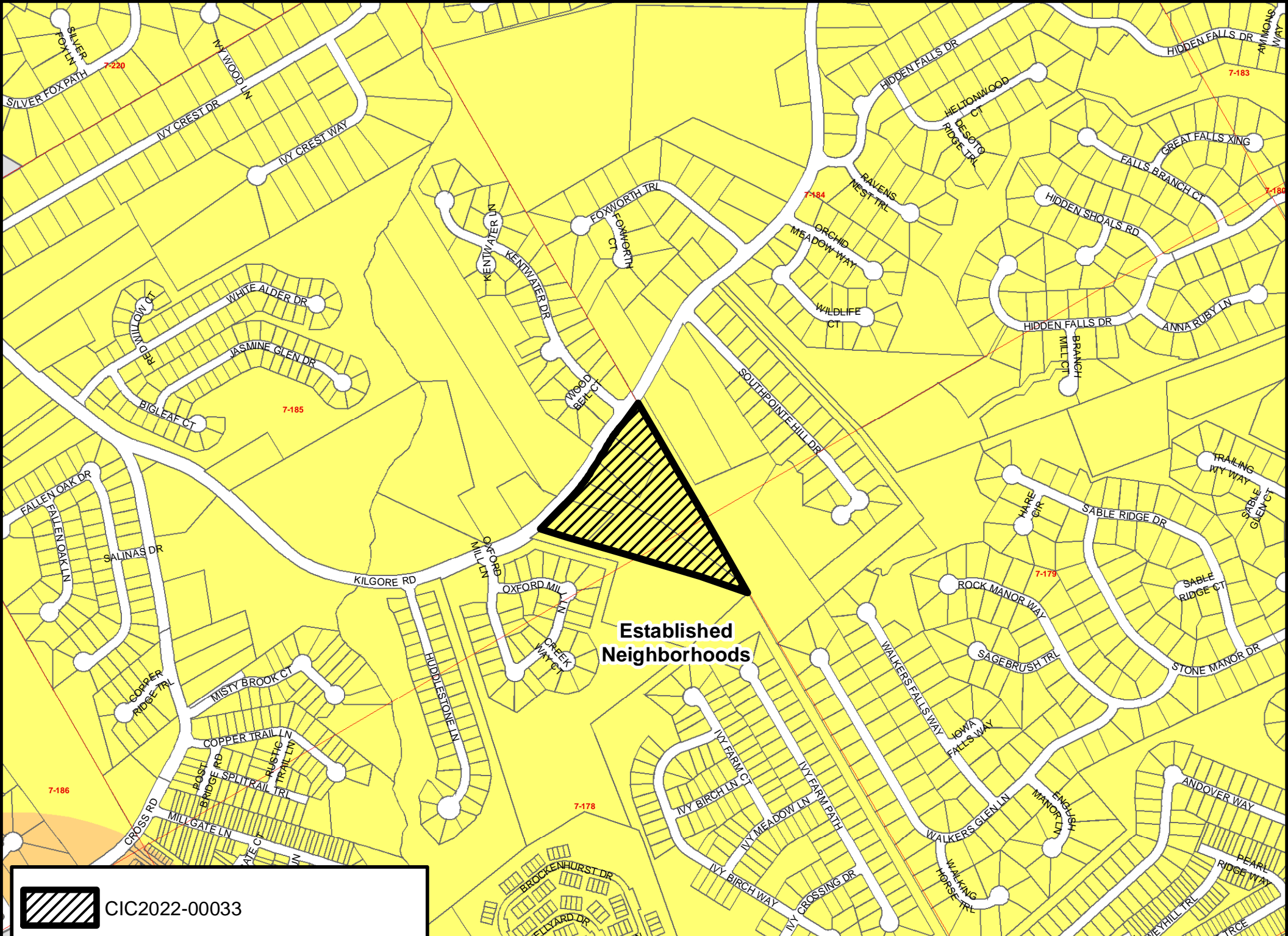


 CIC2022-00033

Printed: October 25, 2022



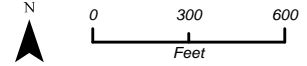
**SUBJECT SITE AND SURROUNDING ZONING**



**Established  
Neighborhoods**

 CIC2022-00033

Printed: October 25, 2022



**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**

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10/19/22

**CHANGE IN CONDITIONS APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Amazing Home Constructions LLC c/o Alliance Engineering and Planning</u> ADDRESS: <u>299 South Main Street</u> CITY: <u>Alpharetta</u> STATE: <u>GA</u> ZIP: <u>30009</u> PHONE: <u>770-225-4730 ext. 819</u> EMAIL: <u>Tylerl@allianceco.com</u>	NAME: <u>Multiple - see attached</u> ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ PHONE: <u>770-225-4730 ext. 819</u> EMAIL: _____
CONTACT PERSON: <u>Tyler Lasser</u> PHONE: <u>770-225-4730 ext. 819</u>	
CONTACT'S E-MAIL: <u>Tylerl@allianceco.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input checked="" type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): <u>R-100</u> PRIOR ZONING CASE: <u>RZR2021-00013</u> <u>7185 136, 7185 163, 7185 001, 7185 161,</u>	
PARCEL NUMBER(S): <u>7185 012</u> ACREAGE: <u>9.555</u>	
ADDRESS OF PROPERTY: <u>2395, 2381, 2357, 2339, 2347 Kilgore Road</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Condition #1, 2</u>	
<b>RESIDENTIAL DEVELOPMENT:</b> NO. OF LOTS/DWELLING UNITS: <u>7</u> DWELLING UNIT SIZE (Sq. Ft.): <u>2,600</u> GROSS DENSITY: <u>0.73</u> NET DENSITY: <u>0.73</u>	<b>NON-RESIDENTIAL DEVELOPMENT:</b> NO. OF BUILDINGS/LOTS: _____ TOTAL GROSS SQUARE FEET: _____ DENSITY: _____

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

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10/19/22

**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:

Please see attached

---

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

Please see attached

---

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

Please see attached

---

- (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:

Please see attached

---

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

Please see attached

---

- (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:

Please see attached

---



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*[Handwritten Signature]*

*9-29-22*

Signature of Property Owner

Date

*DOREL BOICU PARTNER*

Type or Print Name and Title

*[Handwritten Signature]*

*9-29-22*

Signature of Notary Public

Date



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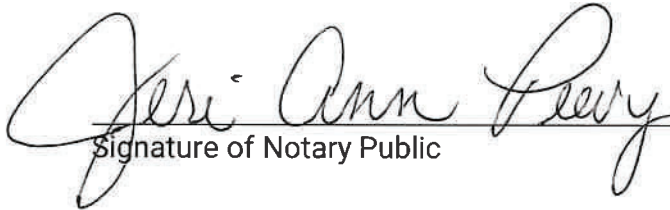
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CORNÉL SEMENI<sup>D</sup> UC

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Date

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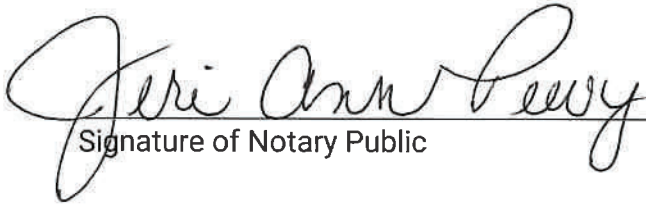
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CORNEL MOROSAN

Type or Print Name and Title

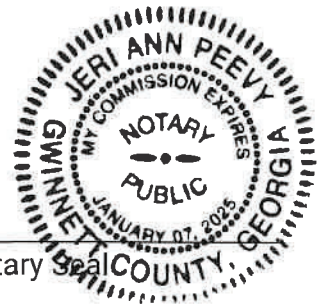


Signature of Notary Public

Date

10/19/22

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Signature of Applicant                      Date                      Type of Print Name and Title

*Tyler Lasser*                      9-29-22                      Tyler Lasser AEP  
Signature of Applicant's                      Date                      Type or Print Name and Title  
Attorney or Representative

*Jeri Ann Peavy*                      9-29-22  
Signature of Notary Public                      Date



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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

*[Signature]*  
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.









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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:**      7      -      185      -      012  
(Map Reference Number)      District      Land Lot      Parcel

*[Signature]*      9-29-22  
Signature of Applicant      Date

PARTNER LOREL BOICU  
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)

Jacquleen Garcia      Tax Associate I  
\_\_\_\_\_  
NAME      TITLE  
10/07/2022  
\_\_\_\_\_  
DATE

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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Property Owner Information

**7185 163 & 7185 136**

BOICU DOREL  
2347 KILGORE RD  
BUFORD GA 30519-4436

**7185 001**

SEMENIUC CONSTRUCTION LLC  
4045 WHITFIELD OAK WAY  
AUBURN GA 30011-4216

**7185 012 & 7185 161**

MOROSAN CORNEL  
2381 KILGORE RD  
BUFORD GA 30519-4436

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10/19/22

CASE NUMBER RZR2021-00013  
GCID 2021-0599

GWINNETT COUNTY  
BOARD OF COMMISSIONERS  
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: AMENDMENT TO THE OFFICIAL ZONING MAP

ADOPTION DATE: MAY 25, 2021

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

---

	<u>Present</u>	<u>Vote</u>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

---

On motion of COMMISSIONER FOSQUE, which carried 5-0, the following Resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from RA-200 to R-100 by AMAZING HOME CONSTRUCTIONS, LLC for the proposed use of SINGLE-FAMILY SUBDIVISION on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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CASE NUMBER RZR2021-00013  
GCID 2021-0599

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on MAY 25, 2021 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this the 25<sup>th</sup> day of MAY 2021, that the aforesaid application to amend the Official Zoning Map from RA-200 to R-100 is hereby **APPROVED** with the following enumerated conditions:

1. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed 14 lots.
2. The site shall be developed in general accordance with the submitted site plan received by Planning and Development on March 3, 2021.
3. The minimum heated floor area per dwelling unit shall be 2,600 square feet.
4. Homes shall be constructed with a mixture of brick or stacked stone on front façades, with accents of fiber-cement siding or shake. The balance of the home may be the same or of fiber-cement siding with a minimum two-foot-high brick or stacked stone water table.
5. All dwellings shall have at least a double-car garage.
6. All grassed areas shall be sodded.
7. Underground utilities shall be provided throughout the development.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. Sewer easements shall be provided for unsewered upstream properties. Sewer easement plans shall be subject to review and approval by the Director of Planning and Development.

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CASE NUMBER RZR2021-00013  
GCID 2021-0599

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Nicole L. Hendrickson  
Nicole L. Hendrickson, Chairwoman

Date Signed: 10-1-2021

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk

SITE DATA	
EXISTING ZONING:	RA200
PROPOSED ZONING:	R-100
TOTAL SITE AREA:	+/- 9.44 ACRES
LOTS PROVIDED:	14
GROSS DENSITY:	+/- 1.48 U/A
NET DENSITY:	+/- 1.51 U/A
MINIMUM LOT AREA REQ'D:	15,000 SF.
MINIMUM LOT WIDTH:	100'
MINIMUM HEATED FLOOR AREA:	1,400 SF.
<b>SETBACKS:</b>	
FRONT YARD:	35'
REAR YARD:	40'
SIDE YARD:	10' / 25' CORNER
LANDSCAPE STRIP:	10'

THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

STREAMS AND WETLANDS ARE PER GIS DATA AND HAVE NOT BEEN FIELD VERIFIED.

TOPOGRAPHY IS PER GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

FLOODPLAIN IS PER GIS DATA AND HAS NOT BEEN VERIFIED.

PROPERTY BOUNDARY IS PER GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

OPEN SPACE & COMMON AREA CALCULATIONS HAVE NOT BEEN VERIFIED.

- (A) 75' COUNTY IMPERVIOUS SETBACK (AS MEASURED FROM TOP OF BANK)
- (B) 50' COUNTY UNDISTURBED BUFFER (AS MEASURED FROM TOP OF BANK)

PARKING ANALYSIS			
LOT TYPE	CARSPACE/DRIVEWAY	HOUSE	1 LOT SPACES
100' WIDE	2	2	4
MIX. KIOSK	ABILITY PARALLEL PARKING		10
TOTAL PARKING SPACES FOR RESIDENTIAL			66

**PROPERTY ADDRESS:**  
2339, 2347, 2357, 2381, 2381, 2395 KILGORE RD  
BURLINGAME, GA 30519

**PROPERTY OWNERS:**  
PID: 7185 136 - STEFAN LUPANCU  
PID: 7185 163 - STEFAN LUPANCU  
PID: 7185 001 - STEFAN LUPANCU  
PID: 7185 011 - STEFAN LUPANCU  
PID: 7185 012 - STEFAN LUPANCU

**SURVEY DATA:**  
BOUNDARY INFORMATION IS BASED ON THE BOUNDARY SURVEY FOR AMAZING HOME CONSTRUCTION BY ALLIANCE, DATED 3/1/2021.

**GIS DATA:**  
TOPOGRAPHIC INFORMATION BASED ON GWINNETT COUNTY GIS.

**FEMA NOTE:**  
A PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD AREA AS PER FEMA PANEL NO. 13135C0026F, DATED SEPTEMBER 29, 2006.

**PLAN NOTE:**  
THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

**ADDITIONAL NOTES:**

- STREETLIGHTS ARE TO BE PROVIDED ALONG ONE SIDE OF EVERY STREET ACCORDING TO UDO STANDARDS.

**CANOPY:**  
EXISTING TREE CANOPY COVERS A PORTION OF THE SITE.

**SEWER NOTE:**  
SEWER WILL BE A GRAVITY LINE. SEWER PROVIDED BY GWINNETT COUNTY.

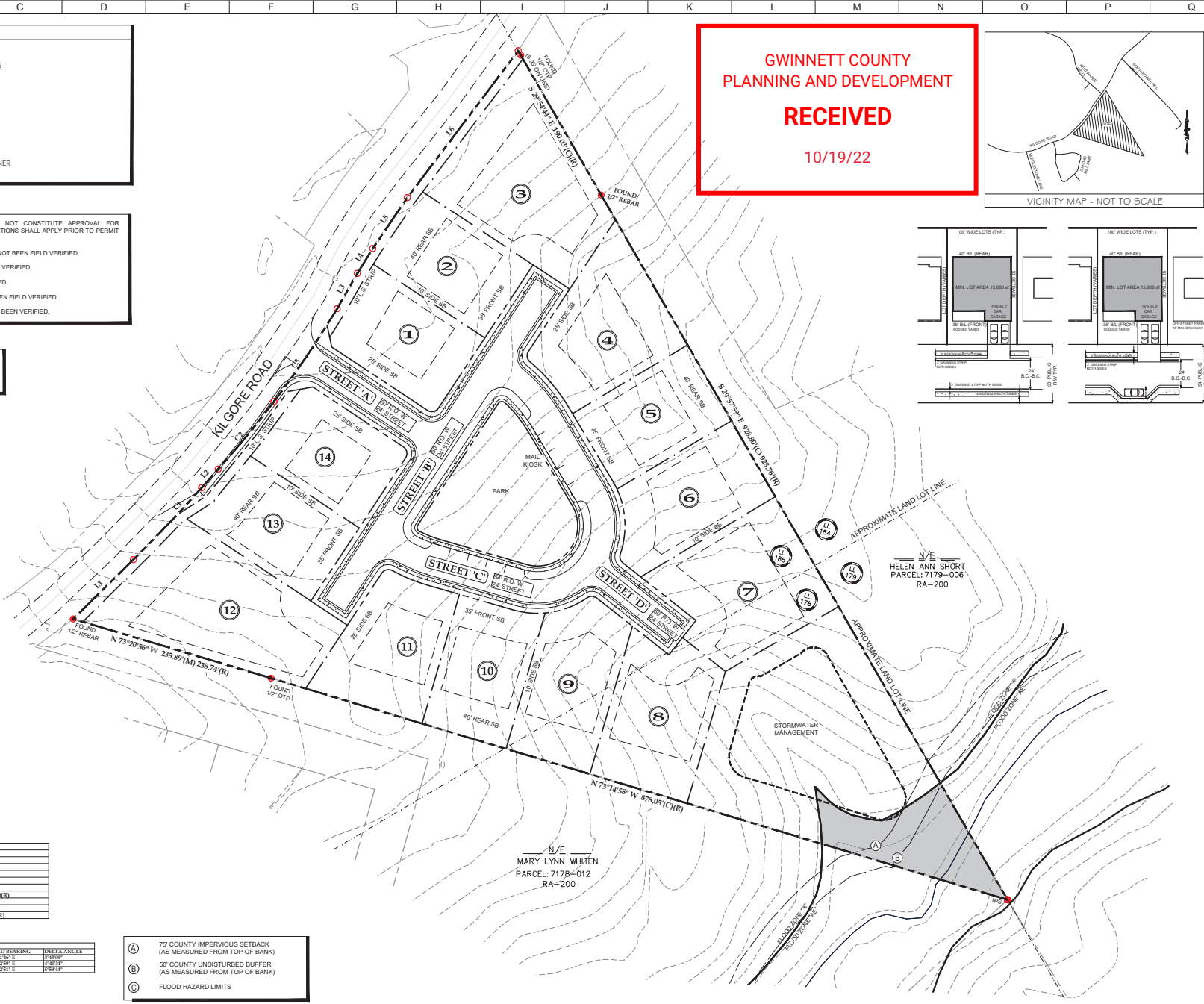
**WATER NOTE:**  
EXISTING WATER LINE LOCATED WITHIN KILGORE RD RIGHT OF WAY AND PROVIDED BY GWINNETT COUNTY.

**VARIANCES:**  
NO VARIANCES ARE REQUESTED AT THIS TIME.

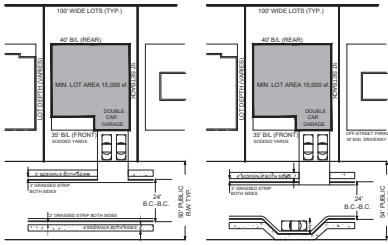
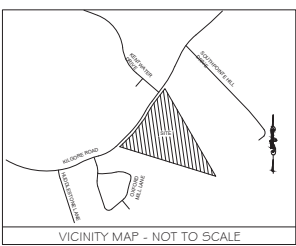
LINE TABLE				
LINE	BEARING	DISTANCE		
L1	N 83° 32' 00" E	26.80 (C) (R)		
L2	N 41° 38' 36" E	28.18 (C) (R)		
L3	N 29° 42' 00" E	46.31 (C) (R)		
L4	N 31° 42' 55" E	33.00 (C) (R)		
L5	N 34° 11' 43" E	70.09 (C) (R)		
L6	N 37° 02' 24" E	120.16 (C) (R) (R)		
L7	S 53° 38' 33" E	178.35 (C) (R)		
L8	S 53° 38' 33" E	18.71		
L9	N 47° 38' 54" W	85.19 (C) (R) (R)		

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	124.86	111.82	111.82	N 53° 31' 41" E	7° 38' 09"
C2	124.86	100.04	100.00	N 39° 38' 59" E	6° 40' 31"
C3	124.86	126.28	126.25	N 34° 12' 51" E	5° 59' 44"

- (A) 75' COUNTY IMPERVIOUS SETBACK (AS MEASURED FROM TOP OF BANK)
- (B) 50' COUNTY UNDISTURBED BUFFER (AS MEASURED FROM TOP OF BANK)
- (C) FLOOD HAZARD LIMITS



**GWINNETT COUNTY  
PLANNING AND DEVELOPMENT**  
  
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LANDSCAPE ARCHITECTURE  
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770.225.4730 | www.alliance.com

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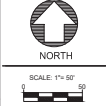
NOT  
RELEASED  
FOR  
CONSTRUCTION

SURVEYING BY:  
XXX  
PHONE: 0000 000-0000  
CONTACT: 0000 0000

AMAZING HOME  
CONSTRUCTION

Zoning Plan for  
Kilgore Road Property  
LL 178, 185 - 3rd DISTRICT, 1st SECTION  
PARCEL # 7185 136

Orig. Issue 3.1.21  
Designed by BW  
Checked by BW



Zoning  
Exhibit

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## **Applicant's Letter of Intent**

### Change in Conditions – Kilgore Road

The Applicant, Amazing Home Constructions LLC, requests a change in conditions of the existing zoning conditions on a 9.5-acre tract on Kilgore Road. On May 25, 2021, the Board of Commissioners unanimously approved case RZR2021-00013 with conditions to rezone the subject property from RA-200 to R-100 to construct a 14-lot single-family subdivision. The Applicant requests to amend the existing conditions to allow for an updated layout. Specifically, the Applicant, requests to amend conditions 1 and 2 to reference the attached updated site plan.

In the engineering phase, after the initial rezoning, it was determined that the approved layout was not feasible due to the topography of the site, in addition to the limits of the stream and accompanying buffers at the rear of the site. As an alternative, the Applicant is requesting to subdivide the property into only seven lots, instead of the previous fourteen lots. At seven lots, and a reduced density of 0.74 units per acre, each lot will have an area of at least one acre and will require significantly less land disturbance throughout its development. Apart from the proposed condition changes, the Applicant will abide by all remaining conditions of zoning.

The Applicant appreciates the consideration for approval of this change in conditions request and would be happy to address any questions or concerns. Attached are the existing conditions in addition to the Applicant's proposed condition changes.

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## Standards Governing the Exercise of the Zoning Power

To further demonstrate that the proposed rezoning and land use is consistent with the intent of the UDO and 2040 Unified Plan, the applicant submits its response to the Standards Governing Exercise of the Zoning Power as follows:

**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 permits a use that is suitable in the view of the use and development of adjacent and nearby property. The use, which was previously approved by the Board of Commissioners, will not change due to an approved CIC.

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

A change in conditions will not adversely affect the existing use or usability of adjacent or nearby property. The proposed change will reduce the number of lots, and minimize impact on the surrounding properties.

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

The current zoning category is a result of an approved rezoning in 2021. Because of the reasonable economic use, the applicant only requests minor changes to the existing conditions. The use will remain as single-family dwellings.

**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:**

The proposed change in conditions will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. As proposed, the plan will have less lots than what was previously approved.

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

The proposed change in conditions is in conformity with the intent of the 2040 Unified Plan. The proposed modified conditions and layout will not affect the use of the property, or its conformity with the character area.

**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:**

Please see letter of intent.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

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### Proposed Condition Changes

1. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed ~~14~~ 7 lots.
2. The site shall be developed in general accordance with the submitted site plan ~~received by Planning and Development on March 3, 2021~~ dated October 4, 2022.
3. The minimum heated floor area per dwelling unit shall be 2,600 square feet.
4. Homes shall be constructed with a mixture of brick or stacked stone on front fa9ades, with accents of fiber-cement siding or shake. The balance of the home may be the same or of fiber-cement siding with a minimum two-foot-high brick or stacked stone water table.
5. All dwellings shall have at least a double-car garage.
6. All grassed areas shall be sodded.
7. Underground utilities shall be provided throughout the development.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. Sewer easements shall be provided for unsewered upstream properties. Sewer easement plans shall be subject to review and approval by the Director of Planning and Development.

## Kilgore Road – Overall Legal Description

A parcel of land lying in Land Lots 178 and 185, of the 7<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

Commence at a point being the center line Intersection of Kentwater Drive (50' right-of-way) and Kilgore Road (60' right-of-way); thence leaving said intersection run North 64 degrees 10 minutes 02 seconds East for a distance of 70.66 feet to a set 5/8" capped rebar (L.S.F. #1322) lying at the intersection of the easterly right-of-way of the aforementioned Kilgore Road and the line common to Land Lots 184 and 185; thence leaving said intersection run South 29 degrees 54 minutes 44 seconds East along said common line for a distance of 190.03 feet to a found 1/2" rebar South 29 degrees 57 minutes 59 seconds East along said common line for a distance of 928.80 feet to a set 5/8" capped rebar (L.S.F. #1322) lying on the line common to land lots 178 and 179; thence leaving said common line run North 73 degrees 14 minutes 58 seconds West for a distance of 878.05 feet to a found open top pipe; thence run North 73 degrees 20 minutes 56 seconds West for a distance of 235.89 feet to a found 1/2" rebar lying on the aforementioned easterly right-of-way of Kilgore Road; thence run North 45 degrees 23 minutes 22 seconds East for a distance of 96.46 feet to a point, said point lying on a curve to the left, said curve having a radius of 1,749.04 feet, a central angle of 03 degrees 43 minutes 39 seconds, a chord bearing of North 43 degrees 39 minutes 02 seconds East, and a chord length of 113.77 feet; thence run along the arc of said curve and said right-of-way for a distance of 113.79 feet to a found 1/2" rebar; thence run North 41 degrees 43 minutes 00 seconds East along said right-of-way for a distance of 28.17 feet to a point, said point lying on a curve to the left, said curve having a radius of 1,225.95 feet, a central angle of 04 degrees 40 minutes 37 seconds, a chord bearing of North 39 degrees 18 minutes 00 seconds East, and a chord length of 100.05 feet; thence run along the arc of said curve and said right-of-way for a distance of 100.07 feet to a found 1/2" rebar, said point lying on a curve to the left, said curve having a radius of 1,225.95 feet, a central angle of 50 degrees 58 minutes 51 seconds, a chord bearing of North 34 degrees 12 minutes 11 seconds East, and a chord length of 127.91 feet; thence run along the arc of said curve and said right-of-way for a distance of 127.97 feet to a found 1/2" rebar; thence run North 29 degrees 49 minutes 29 seconds East along said right-of-way for a distance of 46.30 feet to a point; thence run North 31 degrees 50 minutes 57 seconds East along said right-of-way for a distance of 33.60 feet to a point; thence run North 34 degrees 14 minutes 45 seconds East along said right-of-way for a distance of 70.08 feet to a found 1/2" rebar; thence run North 37 degrees 03 minutes 31 seconds East along said right-of-way for a distance of 210.23 feet to the POINT OF BEGINNING.

Said parcel contains 416,234 square feet, or 9.555 acres.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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10/19/22



**SITE DATA**

EXISTING ZONING: R-100  
 PROPOSED ZONING: R-100  
 TOTAL SITE AREA: +/-9.55 ACRES  
 LOTS PROVIDED: 7  
 GROSS DENSITY: +/- 0.74 U/A  
 NET DENSITY: +/- 0.74 U/A  
 MINIMUM LOT AREA REQ'D: 15,000 SF.  
 MINIMUM LOT WIDTH: 100' (AT FRONT BLDG. SETBACK)  
 MINIMUM HEATED FLOOR AREA: 1,400 SF.

SETBACKS:  
 FRONT YARD: 35' (50' ARTERIAL)  
 REAR YARD: 40'  
 SIDE YARD: 10' / 25' CORNER  
 LANDSCAPE STRIP: 10'

THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

STREAMS AND WETLANDS ARE PER GIS DATA AND HAVE NOT BEEN FIELD VERIFIED.

TOPOGRAPHY IS PER GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

FLOODPLAIN IS PER GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

PROPERTY BOUNDARY IS PER GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

OPEN SPACE & COMMON AREA CALCULATIONS HAVE NOT BEEN VERIFIED.

- (A) 75' COUNTY IMPERVIOUS SETBACK (AS MEASURED FROM TOP OF BANK)
- (B) 50' COUNTY UNDISTURBED BUFFER (AS MEASURED FROM TOP OF BANK)

PARKING ANALYSIS		TOTAL PER	TOTAL	TOTAL
LOT TYPE	GARAGE/DRIVEWAY	HOUSE	LOT	SPACES
100' WIDE	2	2	4	7
TOTAL PARKING SPACES FOR RESIDENTIAL				28

PROPERTY ADDRESS:  
 2339, 2347, 2357, 2381, 2395 KILGORE RD  
 BUFORD GA, 30519

PROPERTY OWNERS:  
 PID: 7185 130 - Dorel Balciu  
 PID: 7185 163 - Dorel Balciu  
 PID: 7185 001 - Semenuc Construction LLC  
 PID: 7185 161 - Cornel Morosan  
 PID: 7185 012 - Cornel Morosan

SURVEY DATA:  
 BOUNDARY INFORMATION IS BASED ON THE BOUNDARY SURVEY FOR AMAZING HOME CONSTRUCTION BY ALLIANCE, DATED 3/1/2021.

GIS DATA:  
 TOPOGRAPHIC INFORMATION BASED ON GWINNETT COUNTY GIS.

FEMA NOTE:  
 A PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD AREA AS PER FEMA PANEL No. 13135C0026F, DATED SEPTEMBER 29, 2006.

PLAN NOTE:  
 THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

CANOPY:  
 EXISTING TREE CANOPY COVERS A PORTION OF THE SITE.

SEWER NOTE:  
 SEWER WILL BE A GRAVITY LINE. SEWER PROVIDED BY GWINNETT COUNTY.

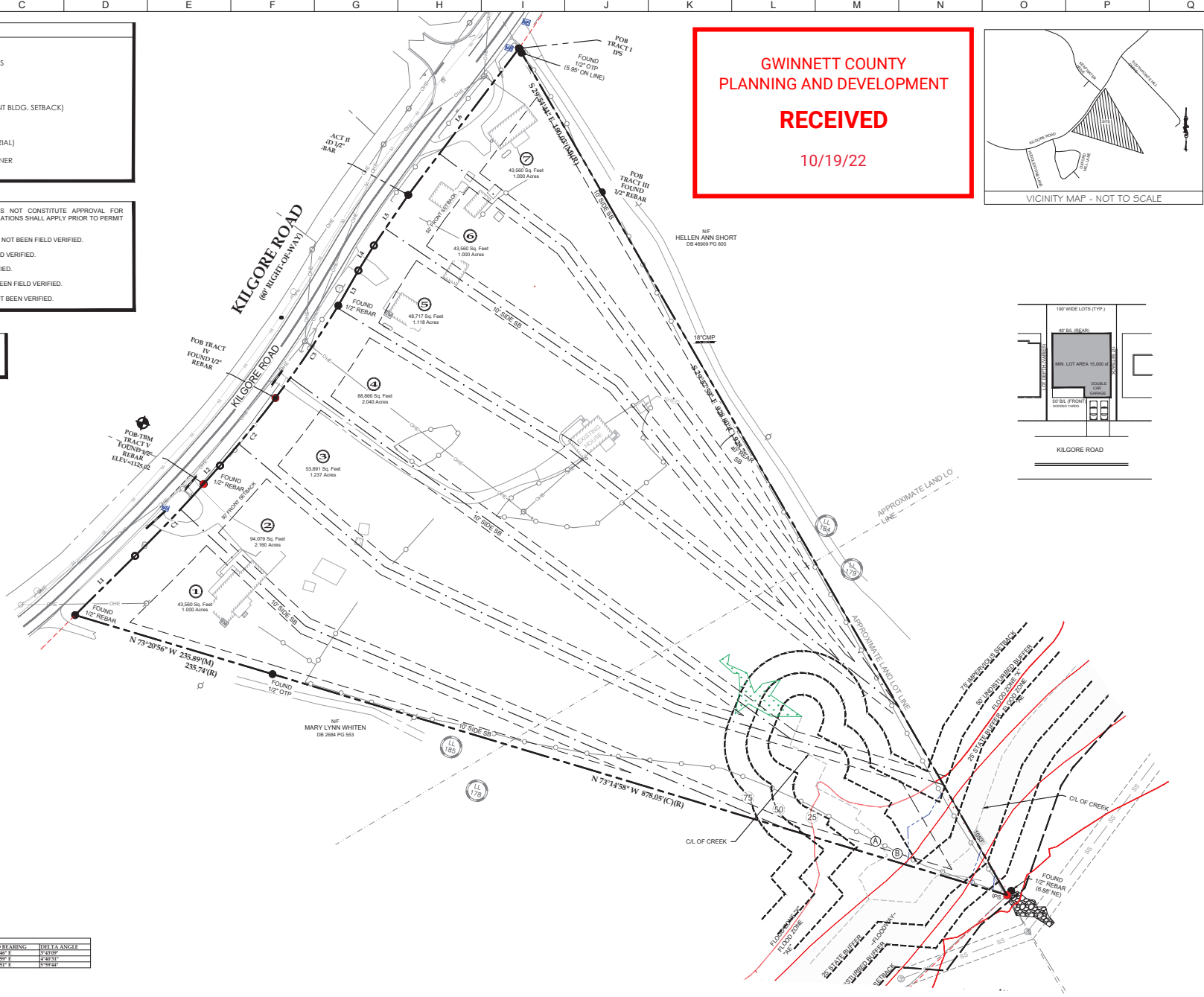
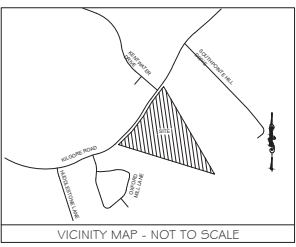
WATER NOTE:  
 EXISTING WATER LINE LOCATED WITHIN KILGORE RD RIGHT OF WAY AND PROVIDED BY GWINNETT COUNTY.

VARIANCES:  
 NO VARIANCES ARE REQUESTED AT THIS TIME.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 42° 23' 21" E	86.63 (C) (R)
L2	N 41° 38' 33" E	28.18 (C) (R)
L3	N 29° 40' 59" E	86.31 (C) (R)
L4	N 31° 42' 55" E	53.90 (C) (R)
L5	N 30° 11' 43" E	70.09 (C) (R)
L6	N 29° 03' 24" E	210.42 (C) (210.00) (R)
L7	S 53° 58' 13" E	176.35 (C) (R)
L8	S 53° 58' 13" E	50.71
L9	N 42° 58' 54" W	87.19 (C) (87.17) (R)

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	124.08	118.24	118.24	N 87° 32' 59" E	4° 30' 31"
C2	124.08	118.24	118.24	N 87° 32' 59" E	4° 30' 31"
C3	124.08	118.24	118.24	N 87° 32' 59" E	4° 30' 31"

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NOT RELEASED FOR CONSTRUCTION

AMAZING HOME CONSTRUCTION

Zoning Plan for Kilgore Road Property L.L. 178, 185 - 3rd DISTRICT, 1st SECTION PARCEL # 7185 130

Orig. Issue 3.1.21  
 Designed by BW  
 Checked by BW  
 Project #

NORTH  
 SCALE 1" = 50'  
 Zoning Exhibit

10.4.22