

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Stephen & Elaine Sulser</u>	NAME: <u>Stephen & Elaine Sulser</u>
ADDRESS: <u>2981 Berry Road</u>	ADDRESS: <u>2981 Berry Road</u>
CITY: <u>Loganville, GA 30052</u>	CITY: <u>Loganville, GA 30052</u>
STATE: <u>GA</u> ZIP: <u>30052</u>	STATE: <u>GA</u> ZIP: <u>30052</u>
PHONE: <u>770-891-3888</u>	PHONE: <u>770-891-3888</u>
CONTACT PERSON: <u>Elaine Sulser</u> PHONE: <u>770-891-3888</u>	
CONTACTS EMAIL: <u>balmybreezestitches@gmail.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 DISTRICTS(S): <u>R100</u> REQUESTED ZONING DISTRICT: <u>RA-200</u>	
PARCEL NUMBER(S): <u>R5188 075</u> ACREAGE: <u>2.5</u>	
ADDRESS OF PROPERTY: <u>2981 Berry Road, Loganville, GA 30052</u>	
PROPOSED DEVELOPMENT <u>I am applying for a Re Zoning to RA-200 to allow the horse training Center to remain on a property with less than 3 acres in area and stables less than 100 feet from the property lines. Section 230-130.3 EE</u>	

RESIDENTIAL DEVELOPMENT	NONRESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>1</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1780</u>	Total Building Sq. Ft. _____
Gross Density: <u>.04</u>	Density: _____
Net Density: <u>.04</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Letter of Intent

I started having horses on this property in the early 2000's. At that time, most of the property owners on Berry Road had horses. Berry Road itself was a small dirt road. The surrounding area was very rural....so rural, that we and our neighbors would ride our horses to Tribble Mill park and back. We did not worry about traffic, because there was very little!

When my the neighbor behind my house sold his horses, I started leasing his barn. We tried to purchase this barn and about 3/4 of an acre from him. We knew he was a builder and was struggling with the crash of the housing market after 2006. Although we paid an attorney to assist with the purchase, his mortgage company would not allow a partial sale of the property. Shortly after that, we found out he lost his house to foreclosure. After that (August 2014), we put up a barn in our back yard and moved our miniature horses on to our property. Even in 2014, this area was still rural. Many of the properties on Berry Road still had horses and one neighbor on Sundays, drove his team of ponies all around our area. We now use approx 1 acre of the neighbors back yard to put our horses out on grass for a few hours a day.

I have not applied for a Business License because an equestrian facility of this size would not be profitable. Quite honestly, my primary motivation is to see the joy children find in working with and showing miniature horses. Today, so many children spend much of their time indoors playing on electronic devices. Letting children come over to work with these horses gets them out of the house and off their electronic devices. Also, I work with children and young teens who have health issues. Working with these miniature horses helps these kids build self esteem and gain confidence in themselves. A number of children who have come here had parents could not afford lessons or show fees, but had a son or daughter who loved horses. I have given them lessons for free or for what they can afford to pay. In several cases, I have asked friends to help cover their show fees so these children could attend a show.

This equestrian training facility is not about a having a business....it is about helping children learn that hard work leads to success. I have had several of these children win World Championships. That is my real reward....the look on their face when the World Show announcer says their name with the words, "World Champion!" That and the bear hugs they give me before they grab their horse and run to the Winners Circle to get their picture taken, and collect the World Champion Trophy! I sincerely believe that these children have a brighter future because of the skills they have acquired here and the loving bonds they have with my miniature horses.

If you approve this Variance but feel a Business License is appropriate, I will gladly do so. Currently, the income from this equestrian facility covers only a fraction of the cost to pay for feed, hay, and vet bills. I have been a client of Dr. Daniel Carter, owner of Countryside Veterinary Sevices in Covington, Georgia for many years. I have discussed this Variance Application with Dr, Carter and he is willing to write the Gwinnett County Planning and Zoning Department a Letter of Support for me as well as attending the Zoning Meeting with me. Dr Carter will attest to the level of care that my horses receive and that the types of stabling, pasturage and turn-out that my miniature horses have are appropriate for their heath, safety and happiness.

We currently have 16 Stalls in our 2 barns, and 14 miniature horses, and 2 very small ponies.

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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:
The property has been used for this purpose for the last 20+ years. Most of the nearby properties have acres and have had horses on them in the past.
- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
The property has been used for this purpose for the last 20+ years. These changes will not affect the existing use or Usability of adjacent or nearby properties.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
There is no Reasonable Economic Use as R100. RA200 will allow the property to be used as it has for the last 20+ years.
- (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:
The rezoning will not create any additional burden on the streets, transportation facilities, Utilities, or Schools.
- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
RA200 will allow the horses, their housings, my students and I to continue using the property as we have for years.
- (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
Changing the zoning to Ra200 will allow my students to continue to take lessons and work hard toward achieving their goals of winning AMHA World Champion titles.

COUNTRYSIDE

VETERINARY SERVICES

To whom it may concern,

Regarding the care and wellbeing of Ms. Elaine Sulser's ponies, including the ones that are there for board or training. It is my medical opinion that these animals are being properly taken care of, are well within the standards of a healthy miniature horse and receive routine veterinary care. There is plenty of room on Ms. Sulser's property for the ponies to move freely without being overcrowded or able to receive the nutrients they need. Ms. Sulser has talked with our other veterinarians, including myself, numerous times regarding the health and well-being of these ponies and how to properly care for them. For this specific breed, being kept on a dry lot and let out to graze in the pasture in a controlled setting is crucial to maintaining a healthy weight and quality of life for the size of these ponies.

In the case of an emergency, Ms. Sulser is quick to call and have a veterinarian on the premises to assess the problems at hand in a timely manner. If any aftercare is needed, she follows the steps needed to make sure the animal makes a full recovery, and she is sure to keep us up to date on the status of the pony's recovery. Due to the size of these ponies and the fact that some of the animals have had severe reactions to vaccines in the past, it has been advised that these horses only get vaccinated once a year. If the pony is actively showing and leaving the property, she will call our clinic to have a veterinarian come out and give vaccines and perform the necessary examinations to make sure that the pony is healthy and safe to travel, and she has all the required documents to do so. If the ponies no longer leave the property due to retirement or not showing that current year, Ms. Sulser will call and provide us with the vaccines that she administered and on what date to assure that records on the ponies stay up to date.

Any ponies that are either boarding, training, or just coming in for lessons are required to be fully vaccinated and have written proof stating so before arrival for the safety of all animals on the premises. If a pony requires special routine care Elaine makes sure to keep treatment on a timely schedule and has the proper medication to treat with. Under no circumstances am I worried that these ponies are being neglected in any way and they all exceed my expectations for the breed standards. In my experience, there are not many people I have come across that take the time and effort it takes to maintain a miniature horses' weight, which can lead to many health issues included founder and laminitis that can be life threatening if not addressed in a timely manner. Ms. Sulser is a great example of an exemplary owner of this breed, and I do not believe you could find any better care for these animals than with her.

Dr. Angelia Zoë Latimer

X

 Angelia Zoë Latimer, DVM

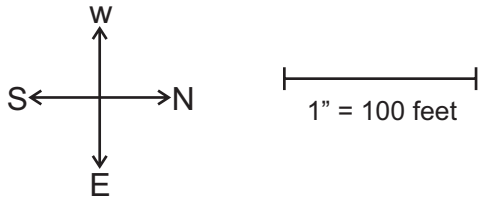
Countryside Veterinary Services

3435 Maughon Road • Covington GA • 30014

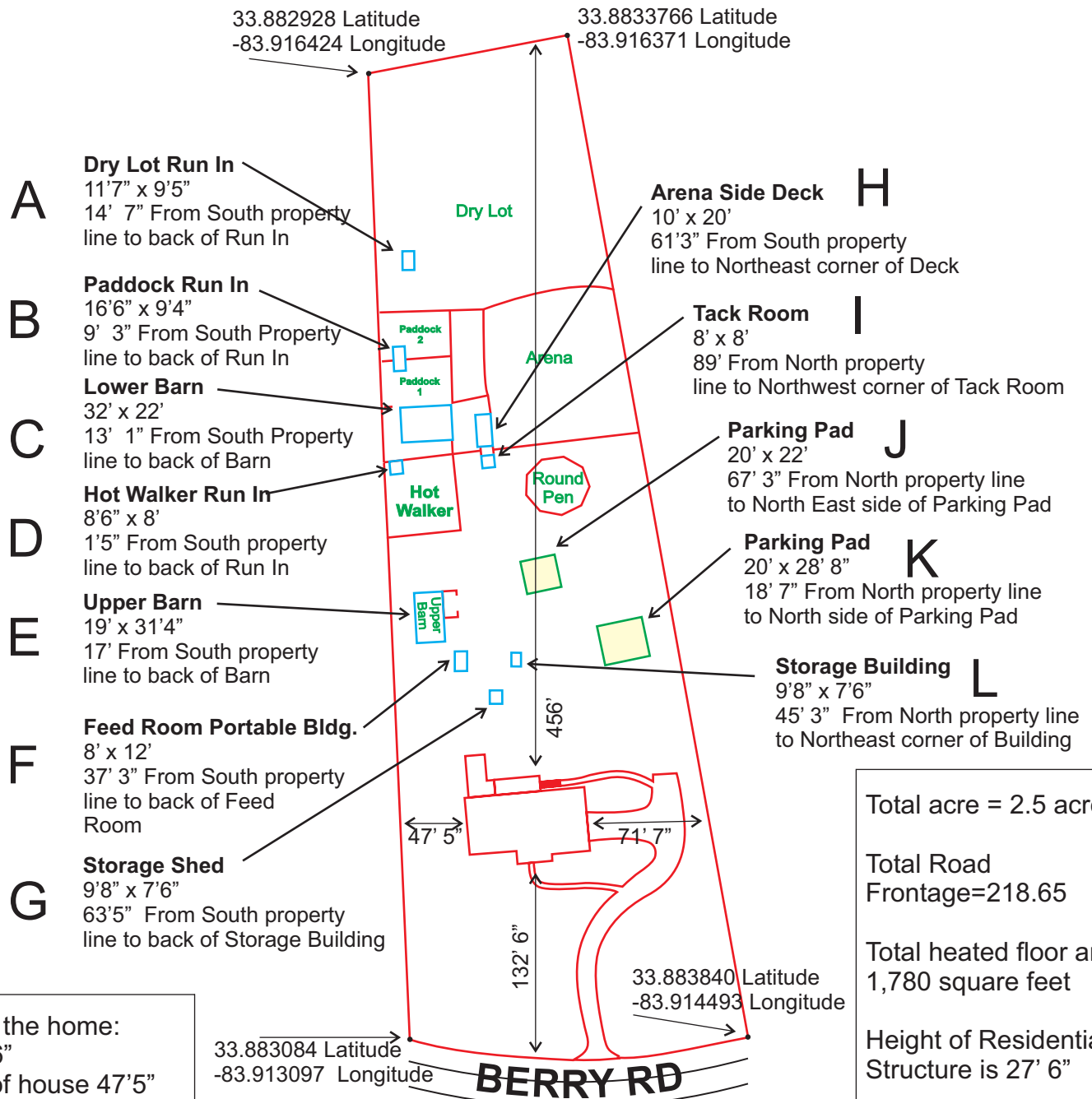
Countrysidevets.com • info@countrysidevets.com • (770) 788-7387

Exhibit C Site Plan

2981 Berry Road, Loganville, GA30052



If the rezoning is approved for RA-200, I will apply for a variance for our stables, corrals, riding rings and other similar facilities.



Set back of the home:
 Front 132' 6"
 Right side of house 47' 5"
 Left side of the house 71' 7"
 Back of the home 456'

Total acre = 2.5 acres

Total Road
 Frontage=218.65

Total heated floor area is
 1,780 square feet

Height of Residential
 Structure is 27' 6"

Exhibit D

	Building/other	Length	Width	Distance from Property Line	Description	Purpose
A	Dry Lot Run In	11' 7"	9' 5"	14' 7" *(S)	4x4 Post in the ground with a metal shed roof.	Provides shelter for horses from rain/sun.
B	Paddock Run In	16' 6"	9' 4"	9' 3" *(S)	4x4 Post in the ground with a metal shed roof.	Provides shelter for horses from rain/sun.
C	Lower Barn	32'	22'	13' 1" *(S)	Metal sided building with gable roof.	Horse Stalls
D	Hot Walker Run In	8' 6"	8	1' 5" *(S)	4x4 Post in the ground with a metal shed roof.	Provides shelter for horses from rain/sun.
E	Upper Barn	19	31' 4"	17' *(S)	Metal sided building with gable roof, with over hang on east side.	Horse Stalls, Hay Storage,
F	Feed Room	8'	12'	37' 3" *(S)	Metal sides portable building with metal gable roof.	Horse Feed and Suppliments
G	Storage Shed	9' 8"	7' 6"	63' 5" *(S)	4x4x Post in the ground, enclosed on 3 sides with board siding and metal shed roof.	Farm Equipment Storage
H	Arena Deck	20'	10'	61' 3" *(S)	4x4 Post in the ground with a metal shed roof.	Provides shelter from Sun, rain, and a place to relax during lessons.
I	Tack Room	8'	8'	89'*(N)	Portable Building with shingle gable roof, wood siding	Storage of Equipment/Tack for horses.
J	Parking Pad 2	20	22	67' 3" *(N)	This is a pad made of #57 Stone, edged with a 4x4	Parking for Equipment and trailers.
K	Parking Pad 1	20'	28' 8"	18' 7" *(N)	This is a pad made of #57 Stone, edged with a 4x4	Parking for Equipment and trailers.
L	Storage Building	8' 8"	8' 4"	45' 3" *(N)	Portable Building Metal sides and gable roof.	Misc. Storage

*(N) *(S) North or South Property Line

Exhibit A2

Legal description that describes the metes and bounds of the property 2918 Berry Road, Loganville, GA 30052

All that tract or parcel of land lying and being in Land Lot(s) 188, 5th District, Gwinnett County, Georgia and being more particularly described as follows:

To find the Point of Beginning (PoB), commence at the western intersection of Briscoe Road (40 foot Right-of-Way) and the southern intersection of Berry Road (30 foot Right-of-Way) (33.8772.43, -83.911022); Thence along the right-of-way of Berry Road in a northwesterly direction a distance of 2,578.46 feet to an 5/8" Rebar Pin Found (RPF) on the southeastern corner of the property, said point being the Point of Beginning; Thence leaving said Berry Road right of way, South 85 degrees, 55 minutes, 00 seconds West for a distance of 608.73 feet to an 1/2 " Iron Pin Set (IPS); Thence North 12 degrees 29 minutes 53 seconds West for a distance of 128.41 feet to an 1/2 " Iron Pin Set (IPS); Thence North 77 degree 54 minutes 33 seconds East for a distance of 641.37 feet to an 1/2" Iron Pin Set (IPS) on the property line which is 30 feet from the centerline of Berry Road; Thence southerly for a distance of 218.65 feet to the 5/8" Rebar at the Point of Beginning along Berry Road.

Said parcel containing 108,900 Square Feet or 2.500 acres (including easements).

Survey of 2918 Berry Road, Loganville, GA30052

In my opinion, this Plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of the law.

George H. Pinion

Member Surveying and Mapping Society of Georgia

SCOTT A. COWAN
DB 4093 PG 82
PB 32 PG 173B

Georgia, Gwinnett County,
Clark's Office — Superior Court
I hereby certify that the within
Instrument was Filed for Record
at 11 A.M. 7-21-88
and recorded in Book 45
Page 298-B 7-31-88
G. H. Pinion, Clerk

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A SIX SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN ONE FOOT IN 378,270 FEET.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 77.22 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

MAGNETIC
NORTH

RONALD E. & DONNA
LYNNE PIERCE
DB 3483 PG 139
PB 35 PG 181

LEGEND

- 1" = 1" MEAN DIA. MET
- 2" = 2" MEAN DIA. MET
- 3" = 3" MEAN DIA. MET
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2.500
ACRES
(INCLUDING
EASEMENTS)

2578 40' Along E to 40'
BIN BRISCOE RD.

ARC = 50.13'
E = 414.33'
CH = 510'12" 20"W
50.10'

ARC = 131.15'
E = 408.75'
CH = 504'11" 52"E
130.16'

ARC = 37.53'
E = 3125.40'
CH = 5110'07"E
37.53'

30' ESMNT. BERRY RD.
(R IS E 20' GRAVEL ROAD)

This property is located on F.I.R.M.
No. 13022-0202B and (is not)
within a special flood hazard zone.

SURVEY for:

WILLIAM O. BULLOCH

REVISIONS



Being 2.500 Acres, Part of Tract No. 2
of Paul C. Bulloch Estate recorded in
Plat Book 24, Page 133, Gwinnett County Records

LAND LOT(S) 188
5TH DISTRICT, Gwinnett COUNTY, GA.
DATE: 5-18-88 SCALE: 1" = 100'

PINION & MCGAUGHEY, LAND SURVEYORS INC.
P.O. BOX 1656, LAWRENCEVILLE, GA. (404) 962-7750

R. CHIEF: WNL
DRAWN: S. COLE
CHECKED: G.P.
JOB NO. 8873
FILE NO.

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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

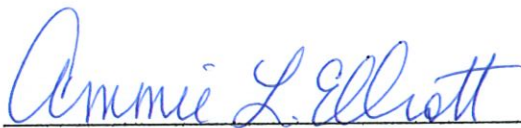
Elaine Sulser

11/19/21

Date

Stephen & Elaine Sulser, Owners

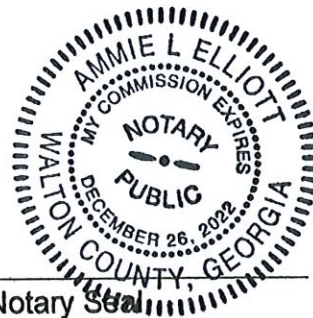
Type or Print Name and Title



Signature of Notary Public

11-19-21

Date



Notary Seal

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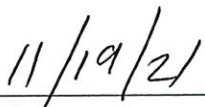
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REZONING PROPERTY OWNER'S CERTIFICATION

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.

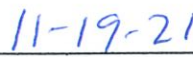

Signature of Property Owner


Date

Stephen & Elaine Sulser, Owners

Type or Print Name and Title


Signature of Notary Public


Date



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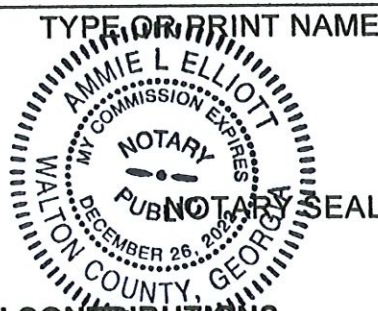
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 3667A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Stephen & Elaine Sulser 11/19/21 Stephen & Elaine Sulser Owner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Ammie L. Elliott 11-19-21
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

Stephen & Elaine Sulser

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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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)

_____ - R5188 075
District Land Lot Parcel

 11/19/2021
Signature of Applicant Date

Stephen & Elaine Sulser Owner

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)

Chris Nelson Senior Tax Services Associate
NAME TITLE
11-22-21
DATE