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Gwinnett County Planning Division

Change in Conditions Application

Last Updated 12/2020

**CHANGE IN CONDITIONS APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>OLUFEMI BALOGUN</u>	NAME: <u>OLUFEMI BALOGUN</u>
ADDRESS: <u>1501 ROCK DOVE RD</u>	ADDRESS: <u>1501 ROCK DOVE RD.</u>
CITY: <u>FORT WAYNE</u>	CITY: <u>FORT WAYNE</u>
STATE: <u>IN</u> ZIP: <u>46814</u>	STATE: <u>IN</u> ZIP: <u>46814</u>
PHONE: <u>(770) 910-7891</u>	PHONE: <u>(770) 910-7891</u>
CONTACT PERSON: <u>OLUFEMI BALOGUN</u> PHONE: <u>770-910-7891</u>	
CONTACT'S E-MAIL: <u>olufemi.a.Balogun @ icloud.com</u>	

NAME: \_\_\_\_\_ APPLICANT IS THE:

OWNER'S AGENT  PROPERTY OWNER  CONTRACT PURCHASER

ZONING DISTRICTS(S): RZT PRIOR ZONING CASE: RZM 2003-0026

PARCEL NUMBER(S): R7117 175 ACREAGE: 0.12 ACRES [AFTER GA DOT R/W TAKING]

ADDRESS OF PROPERTY: 2237 STAUNTON DRIVE, DULUTH, GA 30096

PROPOSED CHANGE IN CONDITIONS: To allow 20 ft rather than 30 ft setback from REVISED R/W DUE TO DOT TAKING. (PRIOR TO ANY VARIANCES)

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>1</u>	NO. OF BUILDINGS/LOTS: <u>N/A</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>3,097 sq ft</u>	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: <u>6.39 Lots per acre</u>	DENSITY: _____
NET DENSITY: <u>6.39 Lots per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

January 17, 2022

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1/18/22

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

Dear Sir/Madam,

**RE: Change in Condition Application (Letter of Intent to Build on Lot)**

I would like to request a change in condition on the side of the lot facing Hwy 120 (Duluth Hwy) to enable us build on parcel ID # R7117 175 in Gwinnett County. Our understanding is that there was a 30-ft setback from the original R/W (prior to DOT taking). As a result, we are respectfully requesting that it be reduced to a 20-ft setback from the new R/W for the reason explained in detail below.

The reason for the request is that the Lot size has been reduced as a result of a DOT-taking, to expand Duluth Hwy. Without the requested change in condition being granted, the buildable size of the lot will be too small to fit a house that will be approved by the Homeowner's Association of the sub-division in which the lot sits (Thornhill Commons sub-division in Duluth, GA). It is our understanding that granting us the desired change in condition will meet the general spirit and intent of Title 2 of the UDO - by not denying us the right to build on the lot.

On the other hand, if our application for a change in condition is denied, given the sub-division's uniformity requirements, based on something we have no control over (i.e. the taking of our lot and consequent reduction in buildable lot size) we will not be able to build our house on the lot. This is because the DOT taking will lead to a much smaller and oddly-shaped house which will not conform to the other houses in the sub-division and will not be approved by the HOA (please see attached Gwinnett County Opinion Request response dated March 24, 2020).

In other words, not granting us the change in condition applied for will create the significant hardship of leading us to abandon the lot, a substantial investment for us which we can ill-afford to lose.

As a result, we would greatly appreciate your kind consideration and consequent approval of our application for the requested change in condition, in order to allow us move-forward with our building of a single-family home on the lot. The acreage of the lot after the DOT taking is 0.1203 acres. Our understanding is that the current zoning classification is RZT (prior Zoning case was RZM 2003-0026). There is only one lot and we are proposing one dwelling unit of approximately 3,100 sq. ft.

Respectfully,

  
Olufemi A. Balogun

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1/3/22 9:02AM

**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:

YES, ADJACENT "PROPERTY" AFFECTED BY CHANGE IN CONDITIONS APPLICATION IS SUITABLE. (HWY 120)

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

NO.

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

EFFECTIVELY WILL NOT WITHOUT CHANGE IN CONDITIONS

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

NO

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

YES IT IS, TO THE BEST OF MY KNOWLEDGE

- (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:

THERE ARE NONE - TO THE BEST OF MY KNOWLEDGE

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1/3/22 9:02AM

**LEGAL DESCRIPTION OF 2237 STAUNTON DRIVE**

All that tract or parcel of land lying and being in Land Lot 117, of the 7th Land District of Gwinnett County, Georgia, being known and designated as Lot 70, Block "A" , of Thornhill Commons as more particularly described on that certain plat of survey recorded at Plat Book 103, Pages 244-245, Gwinnett County, Georgia Records, reference to said plat of survey and the record thereof being hereby made for a more complete legal description.

This property is commonly known as **2237 Staunton Dr. Duluth, GA 30096** according to the present system of numbering properties in Gwinnett County and has Tax Parcel ID **R7117175 aka 3845064.**

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REFERENCE MATERIAL

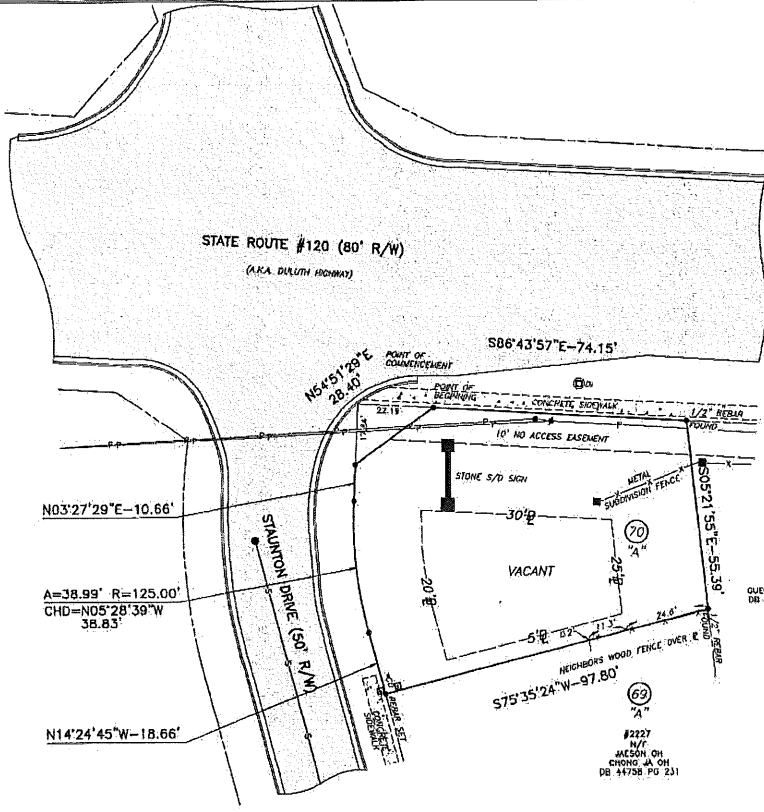
1. TAX SALE DEED IN FAVOR OF OLUFEMI BALOGUN DEED BOOK 31112 PAGE 356-351 DUNWOODY COUNTY, GEORGIA RECORDS

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.M. OFFICIAL FLOOD HAZARD MAPS.

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR ENCUMBRANCES OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.
3. THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAN DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR, NAMING SUCH PERSON, PERSONS OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAN IS BASED WAS GATHERED BY AN OPEN TRAVELER AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 66,113 FEET. A GEOMAX ZOOM 80 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
5. BEARINGS ARE BASED ON PLAT BOOK 108 PAGE 207-208.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
7. ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
8. THE EXISTENCE, SIZE, AND LOCATION OF SPERSON'S BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.



**LEGEND**

B	DENOTES BUILDING LINE
P	DENOTES PROPERTY LINE
R/W	DENOTES RIGHT-OF-WAY
CWP	DENOTES CONCRETE CURB
RCP	DENOTES REINFORCED CONCRETE PIPE
CP	DENOTES CORRUGATED METAL PIPE
LP	DENOTES LIGHT POLE
PP	DENOTES POWER POLE
OW	DENOTES OIL WIRE
N/T	DENOTES POWER METER
PB	DENOTES POWER BOX
FP	DENOTES FIBER OPTIC
A/C	DENOTES AIR CONDITION
TR	DENOTES TELEPHONE BOX
GI	DENOTES GAS METER
GV	DENOTES GAS VALVE
GLV	DENOTES GAS LINE VALVER
WV	DENOTES WATER METER
WV	DENOTES WATER VALVE
FW	DENOTES FIRE HYDRANT
WH	DENOTES WASTEWATER WELL
HW	DENOTES HEADWALL
SB	DENOTES SANITATION BOX
DI	DENOTES DRAIN INLET
SMH	DENOTES SANITARY SEWER MANHOLE
CO	DENOTES CLEAN OUT
P.O.B.	DENOTES POINT OF BEGINNING
P.O.C.	DENOTES POINT OF COMMENCEMENT
-X-X-	DENOTES FENCE LINE
-P-P-	DENOTES POWER LINE
-S-S-	DENOTES SANITARY SEWER LINE
-W-W-	DENOTES WATER LINE

**ZONING INFORMATION**

1. CURRENT ZONING AS DOCUMENTED ON PLAT BOOK 108 PAGE 207-208 IS R-1. SETBACK REQUIREMENTS EXCEPT AS OTHERWISE SHOWN: 20' FRONT YARD, 25' REAR YARD, 7.5' SIDE YARD. MINIMUM BUILDING SIZE=1,000 SQUARE FEET OF HEATED FLOOR AREA. MINIMUM LOT WIDTH AT BUILDING LINE=40 FEET. MAXIMUM BUILDING HEIGHT=40 FEET. LOTS ARE FOR SINGLE FAMILY USE ONLY. MUST BE VERIFIED BY DUNWOODY COUNTY BEFORE CONSTRUCTION.



**SURVEYOR'S CERTIFICATE**

This plat is a representation of an existing parcel or parcel of land and does not constitute an offer to create a new parcel or make any changes to any real property boundaries. The recording information of this document, maps, plans, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAN DOES NOT IMPLY APPROVAL OR ANY LOCAL JURISDICTION, AMALGAMATION OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical elements for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-87.

*Michael R. Nokes*  
Michael R. Nokes Georgia RLS No. 2848 11-1-21

NO.	REVISIONS	DATE

**McClung SURVEYING**

McClung Surveying Services, Inc.  
4837 South Gable Drive Suite 200  
Smyrna, Georgia 30080 (770) 424-3383  
www.mccclungsurveying.com Certificate of Authorization #LS000372

SURVEY FOR  
OLUFEMI BALOGUN

2237 STAUNTON DRIVE  
DULUTH, GEORGIA

TOTAL AREA=0.156±ACRES  
OR 6,810± SQ. FT.

SCALE IN FEET

LOT 70 BLOCK "A"  
PLAT OF  
THORNHILL COMMONS

LAND LOT 117  
7TH DISTRICT  
DUNWOODY COUNTY  
GEORGIA

PLAT PREPARED: 11-1-2021  
FIELD: 10-28-2021 SCALE: 1"=20' JOB#257224 BALOGUN

PB 108  
P. 207-208

LOT 68

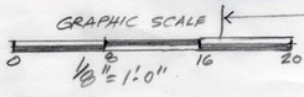
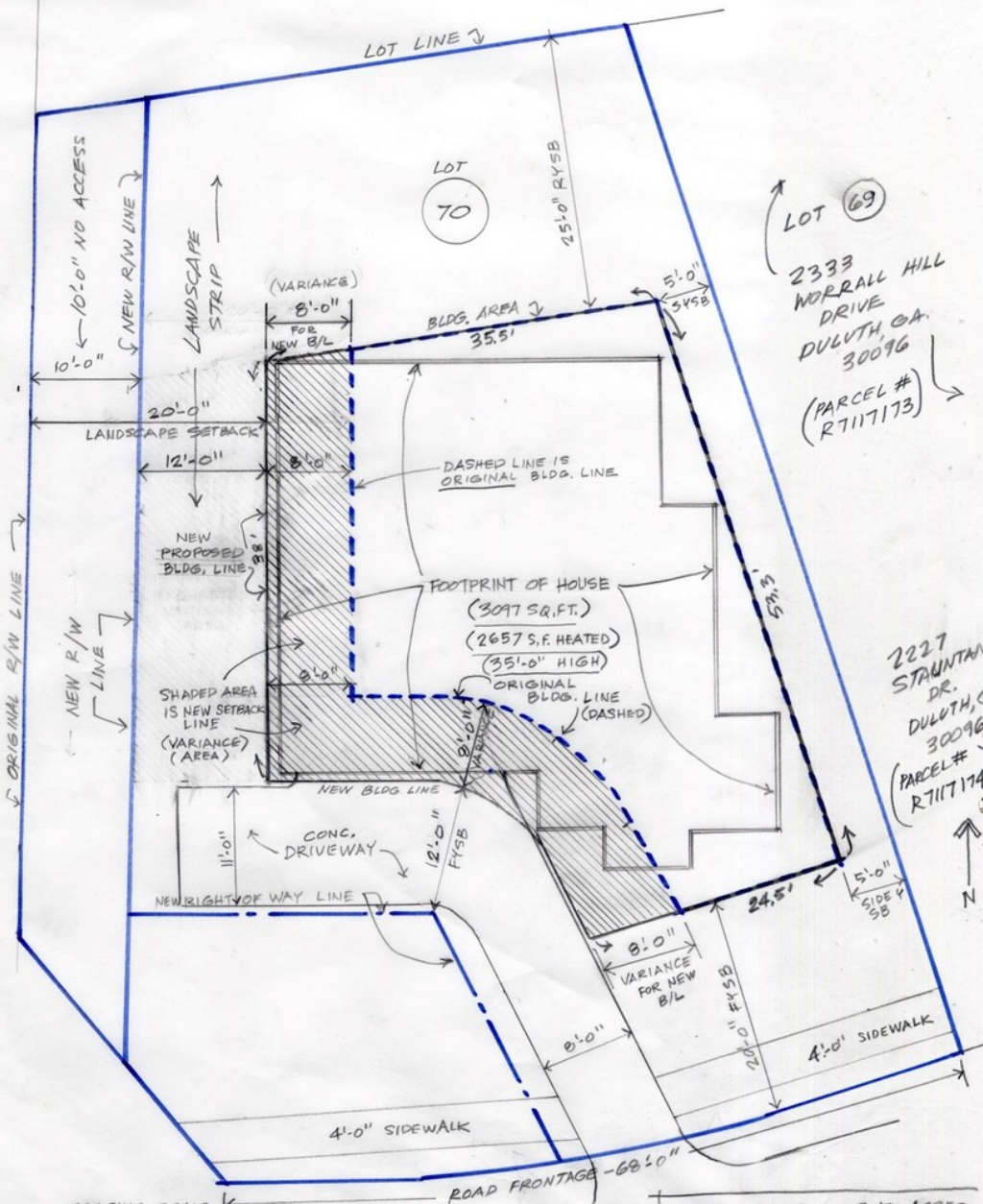
LOT 70

LOT 69

2333 WORRALL HILL DRIVE  
DULUTH, GA. 30096  
(PARCEL # RT117173)

2227 STAUNTON DR.  
DULUTH, GA. 30096  
(PARCEL # RT117174)

DULUTH HWY.



2237 STAUNTON DRIVE

SIZE OF LOT	0.156 ACRES
AFTER DOT TAKING	6810 S.F.
NEW LOT AREA WITHIN SETBACKS	2080 S.F.



GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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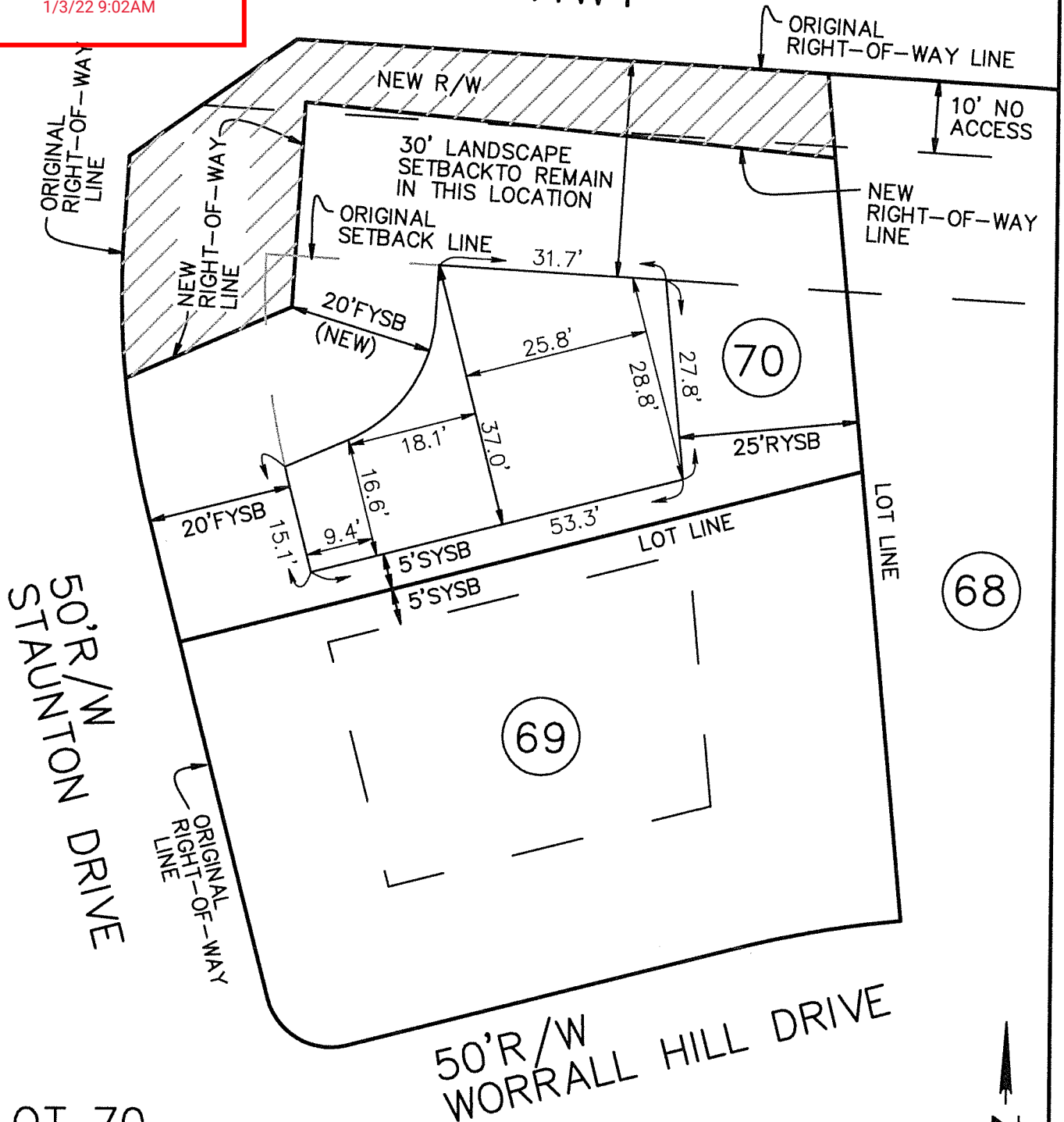
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# DULUTH HWY

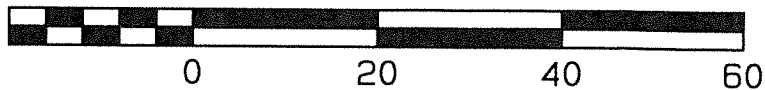


## LOT 70

- 6810 SQ FT = ORIGINAL LOT SIZE
- 2000 SQ FT = ORIGINAL LOT AREA WITHIN SETBACKS
- 1570 SQ FT = RIGHT-OF-WAY TAKE
- 5240 SQ FT = NEW LOT SIZE
- 1464 SQ FT = NEW LOT AREA WITHIN SETBACKS

GRAPHIC SCALE

1"=20'





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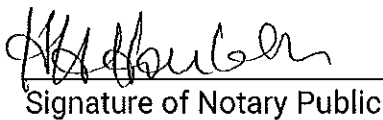
CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

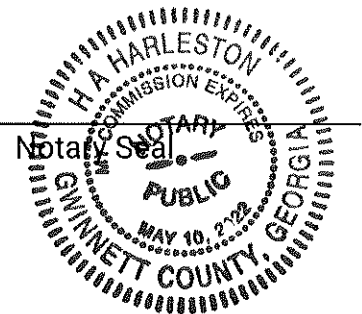
  
Signature of Applicant

12/13/21  
Date

OLUFEMI BALOGUN  
Type or Print Name and Title

  
Signature of Notary Public

12/13/2021  
Date



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1/3/22 9:02AM


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

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

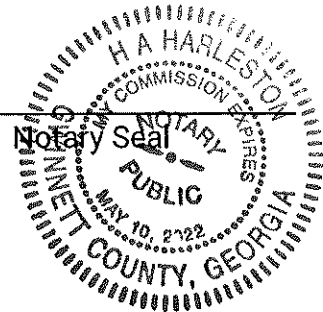
  
\_\_\_\_\_  
Signature of Property Owner

12/13/21  
\_\_\_\_\_  
Date

OLUFEMI BALOGUN  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

12/13/21  
\_\_\_\_\_  
Date





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**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<sup>TH</sup> - 117 - R7117 175  
(Map Reference Number) District Land Lot Parcel

[Signature] - 12/13/21  
Signature of Applicant Date

OLUFEMI BALDWIN  
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)

Tomia Harmon  
NAME

TSA  
TITLE

12.13.2021  
DATE