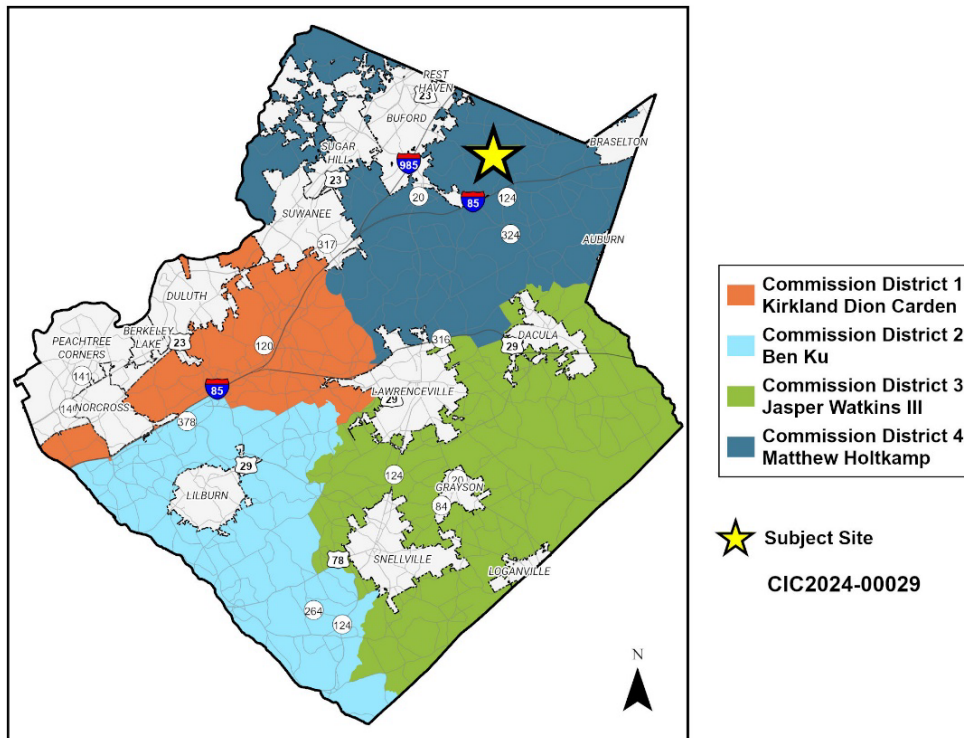


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2024-00029
Current Zoning: RA-200 (Agriculture-Residence District)
Request: Change in Conditions
Overlay District: Highway 124/324/Hamilton Mill Road Overlay District
Address: 3198 Hamilton Mill Road
Map Number: R1001 007A
Site Area: 3.67 acres
Square Feet: 4,276
Proposed Development: Special Events Facility
Commission District: District 4 – Commissioner Holtkamp
Future Development Type: Neighborhood Traditional

Staff Recommendation: DENIAL

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 9/3/2024 (Public Hearing Tabled to 10/1/2024)

Board of Commissioners Advertised Public Hearing Date: 9/24/2024 (Public Hearing Tabled to 10/22/2024)

Applicant: Four Oaks Manor c/o Andersen Tate & Carr
1960 Satellite Boulevard, Suite 4000
Duluth, GA 30097

Owners: Jose Fernandez
3198 Hamilton Mill Road
Buford, GA 30519

Contact: Melody A. Glouton

Contact Phone: 770.822.0900

Zoning History

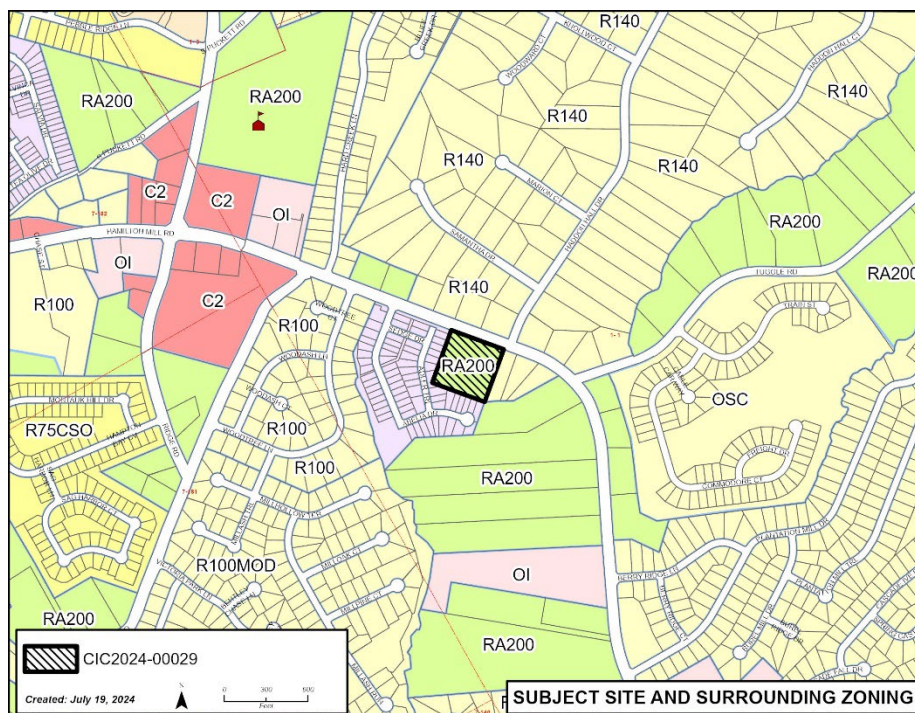
The subject property is zoned RA-200 (Agriculture-Residence District). In 2011, a special use permit was approved for a special events facility, pursuant to SUP2010-00063. The subject property is located in the Highway 124/324/Hamilton Mill Road Overlay District.

Existing Site Condition

The subject property is a 3.67-acre parcel located along Hamilton Mill Road, west of its intersection with Haddon Hall Drive. The property was first developed as a single-family home in 1921, with multiple additions and modifications thereafter. There is an accessory structure with patios, a gazebo, deck, and fire pit in the rear. The property has two entrances on Hamilton Mill Road, with the eastern entrance leading to a gravel parking area. A 6-foot-tall wooden privacy fence runs along the property lines of the adjacent single-family detached subdivision to the west and south of the site. There is no sidewalk along the Hamilton Mill Road frontage.

Surrounding Use and Zoning

The subject property is surrounded by single-family detached residences. The Edenmoor subdivision is to the south and west, the North Gwinnett Estates subdivision is to the north across Hamilton Mill Road, and residences are to the east. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Special Events Facility	RA-200	N/A
North	Single-Family Residential	R-140	0.60 units per acre
East	Single-Family Residential	R-100	1.15 units per acre
South	Traditional Neighborhood Development	TND	4.56 units per acre
West	Traditional Neighborhood Development	TND	4.56 units per acre

Project Summary

The applicant requests a change in conditions to eliminate condition 1.F of SUP2010-00063. This condition prohibits amplified sound from being heard outside the property except for outdoor wedding ceremonies from 10:00 a.m. to 9:00 p.m. with a maximum of 15-decibel for noise. In addition, the applicant requests a revision to Condition 2.D to remove the 48-hour maximum duration for temporary tents or buildings, and a revision of Condition 2.G to allow for a second monument sign.

The applicant plans to continue the use of the existing building, accessory structures, and grounds as a special events facility, without any changes to the structures or parking.

Zoning and Development Standards

The applicant is requesting a change in conditions for a special events facility on a property zoned RA-200. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Front Yard Setback	Minimum 35'	38.40'	YES
Side Yard Setback	Minimum 20'	>119.18'	YES
Rear Yard Setback	Minimum 40'	>40'	YES
Special Events Acreage	Minimum 3 Acres	3.67 Acres	YES

This property is located within the Highway 124/324/Hamilton Mill Road Overlay District, but since there are no site changes, overlay district standards would not be triggered.

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 G). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Change in Conditions Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. 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.

This property is surrounded by single-family residential subdivisions, including residences within the Edenmoor subdivision that abuts the outdoor spaces where events are held. The original special use permit conditions limit noise levels and hours of operation to reduce potential impacts on surrounding residential properties. Removing conditions limiting the amplified sound and timeframe that temporary tents or buildings may be erected would further the noise impacts on surrounding residential uses. A second monument sign within a predominately residential area would not be appropriate. This proposed change in conditions would permit a use that is not suitable in view of the use and development of adjacent and nearby property.

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

The original special use permit conditions are intended to mitigate any potential adverse noise impacts to adjacent residential properties. The applicant requests to abide by the Gwinnett County Noise Ordinance, which would allow for less restrictive noise regulations requiring that sound is not plainly audible to any person within 300 feet of the property line from 7:00 a.m. to 11:00 p.m. A second monument sign within a predominately residential area would not be appropriate. The proposed change in conditions would adversely affect the existing use or useability of adjacent or nearby property.

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

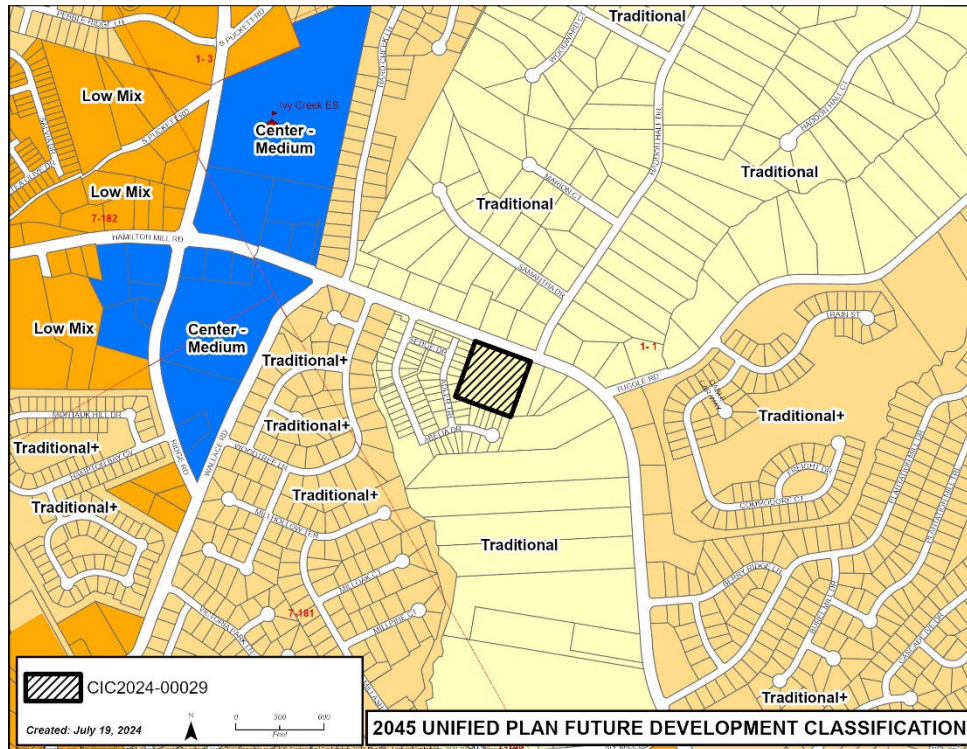
The property has a reasonable economic use as currently zoned.

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

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

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

The Unified Plan's Future Development Map identifies "Neighborhood Traditional" for the subject property, which anticipates single-family detached residential uses. The conditions of the original special use permit were intended to mitigate potential adverse impacts on the adjacent residential properties. Removing and amending these conditions would further impact single-family residential use, which is the most appropriate land use for the future development type. The proposed change in conditions is not in conformity with the policy and Intent of the Unified Plan and Future Development Map.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed change in conditions.

There are no other conditions giving support for approval or disapproval of the proposal.

Staff Recommendation

Based on the staff’s evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** 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)

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.

Approval as RA-200 (Agriculture-Residence District) for a special events facility, subject to the following conditions:

1. To restrict the use of the property as follows:
 - A. Single family residential and accessory uses, which may include a special events facility as a Special Use. Use of the special events facility shall be limited to community or private parties or gatherings; weddings, graduations, showers, business functions, charity events, and other functions of a similar nature.
 - B. Obtain all necessary development and building permits, and bring the site and building up to all applicable development and building codes within 90 days of zoning approval.
 - C. Any new construction or exterior renovations shall be traditional in appearance with a pitched roof. No building(s) shall exceed two stories in height. Building plans shall be subject to the review and approval of the Director of Planning and Development. This condition does not apply to general exterior maintenance or interior renovation of the existing buildings.
 - D. Guests shall be limited to no more than 200 (subject to any additional fire code limitations) on the property at any one time.
 - E. Special event hours of operation shall be limited to between 9 a.m. and 11 p.m.
 - F. **The property shall operate in accordance with the Gwinnett County Noise Ordinance.** ~~No amplified sounds shall be discernable from any adjacent property or right-of-way at any time. Amplified sounds may only be allowed in the outdoor ceremony area when wedding ceremonies take place. Ceremonies in this area shall be limited to the hours of 10:00 a.m. to 9:00 p.m., and amplified sounds during these ceremonies shall not exceed 15 decibels on a sound meter when measured from a point on any adjacent property or right-of-way.~~
 - G. Portable buildings or portable toilets shall be prohibited.
2. To satisfy the following site development considerations:
 - A. Provide a minimum 25-foot buffer, undisturbed except for existing encroachments, along the side and rear property lines.
 - B. Provide parking facilities for a minimum of 45 cars on the site. Parking shall be restricted to designated parking areas only. If located to the rear of the building, parking may be allowed on unpaved, hard-surfaced areas including grass and/or gravel. No parking shall be allowed outside of designated parking areas or along the Hamilton Mill Road right-of-way. All vehicular parking shall be subject to review and approval of the Director of Planning and Development.
 - C. New parking lot(s) shall be screened from adjacent residential neighbors by planting a double staggered row of evergreen screen trees, to consist of a minimum combination of Magnolia, Cryptomeria, Red Cedar, and Thuga Green Giant along the westerly property line to provide and effective visual screen. A six-foot high opaque wooden privacy fence shall be installed along the exterior side of the existing driveway that runs along the easterly property line.
 - D. No temporary tents, canopies or portable buildings shall be allowed on the site except that tents or canopies may be erected in the rear yard, within the interior tree buffers. ~~for a duration not to exceed 48 hours.~~

- E. Dumpsters shall be screened by a 100% opaque fence or wall. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
 - F. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into nearby residentially-zoned properties or rights-of-way.
 - G. Ground signs shall be limited to ~~a single~~ **no more than two**, externally-illuminated monument sign. Overall sign height shall not exceed 6-feet. Wall signs shall be prohibited.
 - H. No temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site except that temporary holiday displays associated with federally recognized holidays and Halloween shall be allowed for no more than a duration of 30 days and except for those needed for the day of an event.
 - I. Peddlers or parking lot sales shall be prohibited.
 - J. Owner shall repaint or repair any graffiti or vandalism that occurs that occurs on the property within 72 hours.
3. To abide by the following requirements, dedications and improvements:
- A. Project entrances shall be brought up to a commercial standard. Entrance design shall be subject review and approval by the Gwinnett DOT and the Director of Planning and Development.
 - B. Alcohol sales are allowed on the property.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Previously Adopted Resolution (SUP2010-00063)
- E. Letter of Intent and Applicant's Response to Standards
- F. Application and Disclosure of Campaign Contributions
- G. Internal and External Agency Review Comments
- H. Maps
- I. Documents Presented at the October 1, 2024, Planning Commission Public Hearing

Exhibit A: Site Visit Photos



View of fence line in Edenmoor



View of property



View into rear of property



View into rear of property

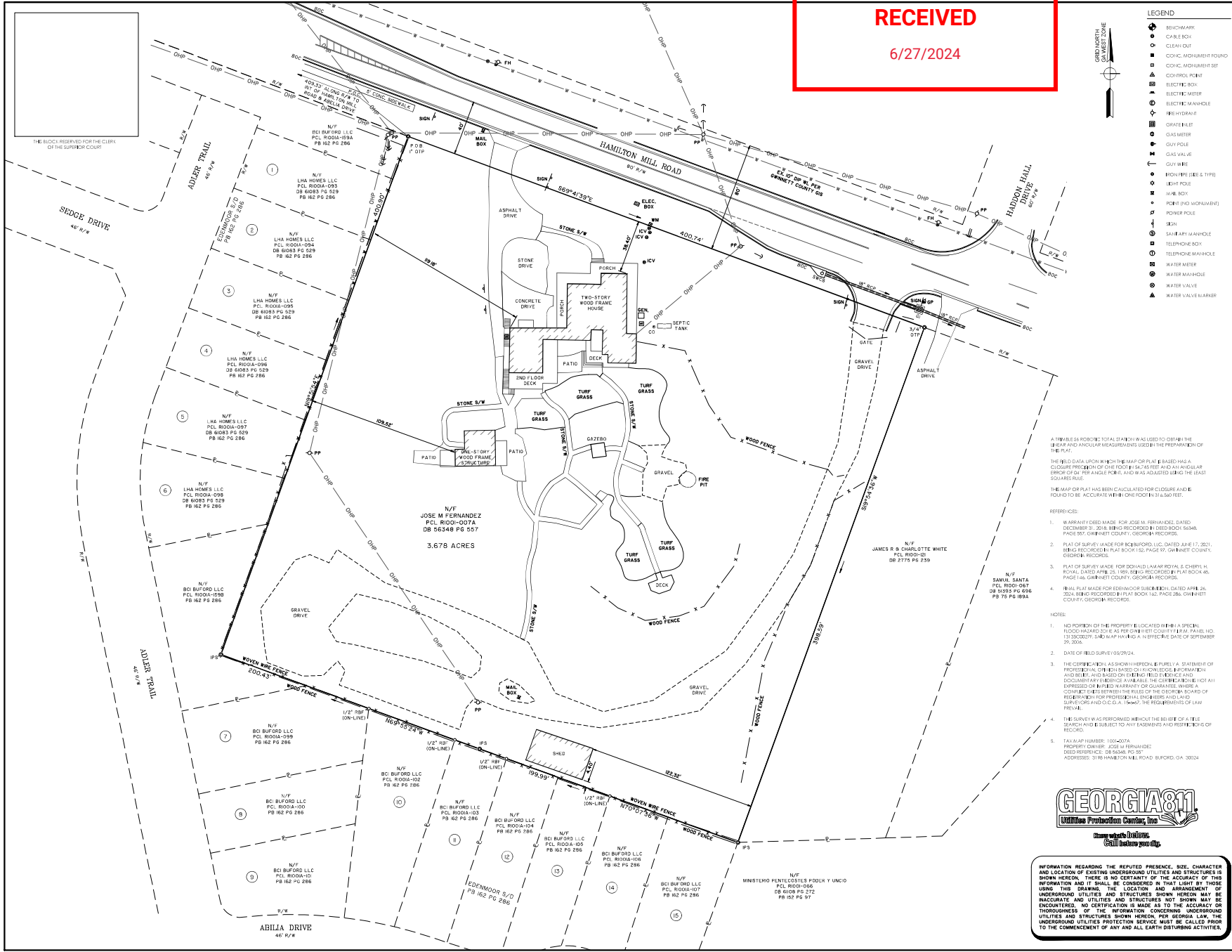
Exhibit B: Site Plan

[attached]

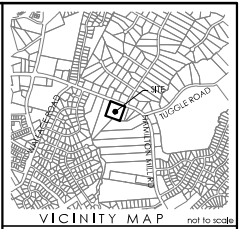
**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

RECEIVED

6/27/2024



- LEGEND**
- ⊙ BENCH MARK
 - ⊙ CABLE BOX
 - ⊙ CLEAN OUT
 - ⊙ CONC. MONUMENT FOUND
 - ⊙ CONC. MONUMENT SET
 - ⊙ CONTROL POINT
 - ⊙ ELECTRIC BOX
 - ⊙ ELECTRIC METER
 - ⊙ ELECTRIC MANHOLE
 - ⊙ FRESHWATER
 - ⊙ GRATE/BINET
 - ⊙ GAS METER
 - ⊙ GUY POLE
 - ⊙ GAS VALVE
 - ⊙ GUY WIRE
 - ⊙ IRON PIPE (BEE & TYPE)
 - ⊙ IRON PIPE
 - ⊙ MAIL BOX
 - ⊙ POINT (NO MONUMENT)
 - ⊙ POWER POLE
 - ⊙ SIGN
 - ⊙ SANITARY MANHOLE
 - ⊙ TELEPHONE BOX
 - ⊙ TELEPHONE MANHOLE
 - ⊙ WATER METER
 - ⊙ WATER MANHOLE
 - ⊙ WATER VALVE
 - ⊙ WATER VALVE W/ARMER



VICINITY MAP
not to scale

This document and all reproducible copies of this document are the property of Thomas & Hutton. Reproduction of this document in full or in part without written consent of Thomas & Hutton unless this document becomes a public record, ALL TESTS TO THIS DOCUMENT ARE NOT PERMITTED.

SURVEYOR'S CERTIFICATION

THE PLAT IS A REPRODUCTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SURVEY OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCELS OR PARCELS ARE THE HERON RECORDS OF THE PLAT BOOKS FOR THE APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PUBLIC COORDINATE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUBMITTAL FOR ANY LOCAL JURISDICTION. STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF PROFESSIONAL SURVEYORS AND LAND SURVEYORS AND AS SET FORTH BY O.G.S.A. SECTION 47-2-2 (b)(2).

06/26/24

CHRISTOPHER C. BALDWIN
GEORGIA REGISTERED
LAND SURVEYOR
RLS #3021 / LSP #145
cbaldwin@earthlink.net

BOUNDARY SURVEY
3198 HAMILTON MILL ROAD
G.M.D. 1397 (PUCKETT)
GWINNETT COUNTY, GEORGIA

A TRIPBLE 56 POUNDING TOTAL STATION WAS USED TO OBTAIN THE BEARING AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THE PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 56,745 FEET AND AN ANGULAR ERROR OF ONE SECOND OF AN ARC AND WAS ADJUSTED USING THE LEAST SQUARES RULE.

THE MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 56,745 FEET.

REFERENCES:

1. WARRANTY DEED MADE FOR JOSE M. FERNANDEZ, DATED DECEMBER 31, 2018, BEING RECORDED IN DEED BOOK 5634A, PAGE 597, GWINNETT COUNTY, GEORGIA RECORDS.
2. PLAT OF SURVEY MADE FOR HAMILTON MILL ROAD, DATED APRIL 17, 2021, BEING RECORDED IN PLAT BOOK 152, PAGE 97, GWINNETT COUNTY, GEORGIA RECORDS.
3. PLAT OF SURVEY MADE FOR DONALD LAMAR ROYALE, CHERYL M. ROYALE, DATED APRIL 25, 1994, BEING RECORDED IN PLAT BOOK 45, PAGE 146, GWINNETT COUNTY, GEORGIA RECORDS.
4. FINAL PLAT MADE FOR EDWIN CORNOR SENEK, DATED APRIL 26, 2024, BEING RECORDED IN PLAT BOOK 142, PAGE 286, GWINNETT COUNTY, GEORGIA RECORDS.

NOTES:

1. NO PORTION OF THE PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS PER THE FLOOD CONTROL FIRM PLAT NO. 1313000271, SAID MAP HAVING AN EFFECTIVE DATE OF SEPTEMBER 29, 2016.
2. DATE OF FIELD SURVEY: 05/09/24.
3. THE CERTIFICATE HAS SHOWN HEREON, EXCEPT A STATEMENT OF PROFESSIONAL OPINION BASED ON VISUAL INSPECTION INFORMATION AND BELIEF, AND BASED ON EXISTING RECORDS, EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATE IS NOT A CONTRACT OR WARRANTY OF ANY KIND, NOR IS IT A GUARANTEE WHERE A CONTRACT EXISTS BETWEEN THE FEE OF THE GEORGIA BOARD OF PROFESSIONAL SURVEYORS AND LAND SURVEYORS AND O.G.S.A. 47-2-2 (b)(2), THE REQUIREMENTS OF LAW PREVAIL.
4. THE SURVEY WAS PERFORMED WITHOUT THE BELIEF OF A TITLE SEARCH AND IS SUBJECT TO ANY EXEMPTIONS AND RESTRICTIONS OF RECORD.
5. TAX MAP NUMBER: 100-207A.
PROPERTY OWNER: JOSE M. FERNANDEZ
DEED REFERENCE: DB 5634A PG 597
ADDRESS: 3198 HAMILTON MILL ROAD, BUFORD, GA 30024



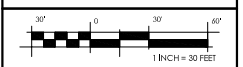
INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. NO CERTIFICATION IS MADE AS TO THE ACCURACY, THOROUGHNESS OR COMPLETENESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

No.	Revision	By	Date

THOMAS & HUTTON

5074 Bristol Industrial Way • Suite A
Buford, GA 30018 • 770-271-2868

www.thomasandhutton.com



1:30	drawn	revised	check
05/30/24	DBS	CCB	05/29/24
job 3212.0000	SHEET 1 OF 1		

Exhibit C: Building Elevations

[attached]

RECEIVED

6/27/2024



RECEIVED

6/27/2024



RECEIVED

6/27/2024



RECEIVED

6/27/2024



RECEIVED

6/27/2024



RECEIVED

6/27/2024



Exhibit D: Previously Adopted Resolution (SUP2010-00063)

[attached]

BOARD OF COMMISSIONERS
GWINNETT COUNTY
LAWRENCEVILLE, GEORGIA
RESOLUTION

READING AND ADOPTION:

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

<u>Present</u>	<u>VOTE</u>
Chairman	<u>VACANT</u>
Shirley Lasseter, District 1	<u>AYE</u>
Lynette Howard, District 2	<u>AYE</u>
Michael Beaudreau, District 3	<u>AYE</u>
John Heard, District 4	<u>AYE</u>

On motion of COMM. HEARD, which carried 4-0, the following resolution was adopted:

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

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 for a Special Use Permit by RANDY WEST for the proposed use of a SPECIAL EVENTS FACILITY on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Special Use Permit Application 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 JANUARY 25, 2011 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 15TH day of MARCH 2011 that the aforesaid application for a Special Use Permit is hereby **APPROVED** with the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Single family residential and accessory uses, which may include a special events facility as a Special Use. Use of the special events facility shall be limited to community or private parties or gatherings; weddings, graduations, showers, business functions, charity events, and other functions of a similar nature.
 - B. Obtain all necessary development and building permits, and bring the site and building up to all applicable development and building codes within 90 days of zoning approval.
 - C. Any new construction or exterior renovations shall be traditional in appearance with a pitched roof. No building(s) shall exceed two stories in height. Building plans shall be subject to the review and approval of the Director of Planning and Development. This condition does not apply to general exterior maintenance or interior renovation of the existing buildings.
 - D. Guests shall be limited to no more than 200 (subject to any additional fire code limitations) on the property at any one time.
 - E. Special event hours of operation shall be limited to between 9 a.m. and 11 p.m.
 - F. No amplified sounds shall be discernable from any adjacent property or right-of-way at any time. Amplified sounds may only be allowed in the outdoor ceremony area when wedding ceremonies take place. Ceremonies in this area shall be limited to the hours of 10:00 a.m. to 9:00 p.m., and amplified sounds during these ceremonies shall not exceed 15 decibels on a sound meter when measured from a point on any adjacent property or right-of-way.
 - G. Portable buildings or portable toilets shall be prohibited.

2. To satisfy the following site development considerations:
 - A. Provide a minimum 25-foot buffer, undisturbed except for existing encroachments, along the side and rear property lines.
 - B. Provide parking facilities for a minimum of 45 cars on the site. Parking shall be restricted to designated parking areas only. If located to the rear of the building, parking may be allowed on unpaved, hard-surfaced areas including grass and/or gravel. No parking shall be allowed outside of designated parking areas or along the Hamilton Mill Road right-of-way. All vehicular parking shall be subject to review and approval of the Director of Planning and Development.
 - C. New parking lot(s) shall be screened from adjacent residential neighbors by planting a double staggered row of evergreen screen trees, to consist of a minimum combination of Magnolia, Cryptomeria, Red Cedar, and Thuga Green Giant along the westerly property line to provide an effective visual screen. A six-foot high opaque wooden privacy fence shall be installed along the exterior side of the existing driveway that runs along the easterly property line.
 - D. No temporary tents, canopies or portable buildings shall be allowed on the site except that tents or canopies may be erected in the rear yard, within the interior tree buffers for a duration not to exceed 48 hours.
 - E. Dumpsters shall be screened by a 100% opaque fence or wall. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
 - F. Lighting shall be contained in cut-off type luminaries and shall be directed inward toward the property so as not to shine directly into nearby residentially-zoned properties or rights-of-way.
 - G. Ground signs shall be limited to a single, externally-illuminated monument sign. Overall sign height shall not exceed 6-feet. Wall signs shall be prohibited.
 - H. No temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site except that temporary holiday displays associated with federally recognized holidays and Halloween shall be allowed for no more than a duration of 30 days and except for those needed for the day of an event.
 - I. Peddlers or parking lot sales shall be prohibited.
 - J. Owner shall repaint or repair any graffiti or vandalism that occurs that occurs on the property within 72 hours.

3. To abide by the following requirements, dedications and improvements:
- A. Project entrances shall be brought up to a commercial standard. Entrance design shall be subject review and approval by the Gwinnett DOT and the Director of Planning and Development.
 - B. Alcohol sales are allowed on the property.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Shirley Lasseter
Shirley Lasseter, Vice Chairman

Date Signed: 3/22/11

ATTEST:

Diane Kemp
County Clerk/Deputy County Clerk


The seal of the Board of Commissioners of Gwinnett County, Georgia, is circular. It features a central emblem with a plow and a sheaf of wheat, surrounded by the text "BOARD OF COMMISSIONERS OF GWINNETT COUNTY, GEORGIA".

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

[attached]

RECEIVED

6/27/2024

June 27, 2024

LETTER OF INTENT
AND JUSTIFICATION FOR CHANGE IN CONDITIONS

Change in Conditions Application
Gwinnett County, Georgia

Applicant:
Four Oaks Manor

Property:
Tax Parcel ID R1001 007A
±3.678 Acres of Land
Located at 3198 Hamilton Mill Road, Buford, Georgia
(RA-200)

Submitted for Applicant by:
Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

RECEIVED

6/27/2024

INTRODUCTION

This Application for Change in Conditions is submitted for a 3.678-acre parcel of land located at 3198 Hamilton Mill Road, Buford, Georgia, and identified as Tax Parcel ID R1001 007A (hereinafter the “Property”). The Property is located on Hamilton Mill Road just west of its intersection with Tuggle Road.

The Property that is the subject of this Change in Conditions application is shown on the survey prepared by Thomas & Hutton, dated May 29, 2024. The Property is further identified as shown below from the Gwinnett County Geographical Information System:



The Property is currently zoned RA-200 (Agriculture-Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, Four Oaks Manor (the “Applicant”), now seeks approval of a Change in Conditions to the existing Special Use Permit to update the conditions associated with the Property. The Applicant is the owner and operator of an outdoor garden wedding and event venue that maintains the existing farmhouse built in 1920. The Change in Conditions will allow for the continued operation of the wedding and event venue which has been successfully operating for many years. As such, the Applicant is requesting to amend the following conditions of Zoning Resolution SUP2010-00063 (attached as Exhibit A) as follows:

1. To restrict the use of the property as follows:
 - F. ~~No amplified sounds shall be discernable from any adjacent property or right of way at any time. Amplified sounds may only be allowed in the outdoor ceremony area when wedding ceremonies take place. Ceremonies in this area shall be limited to the hours of 10:00 am to 9:00 pm, and amplified sounds during these ceremonies shall not exceed 15 decibels on a sound meter when measured from a point on any adjacent property or right of way.~~
2. To satisfy the following site development considerations:

RECEIVED

6/27/2024

- D. No temporary tents, canopies or portable buildings shall be allowed on the site except that tents or canopies may be erected in the rear yard, within the interior tree buffers. ~~for a duration not to exceed 48 hours.~~
- G. Ground signs shall be limited to no more than two —a single, externally-illuminated monument sign. Overall sign height shall not exceed 6-feet. Wall signs shall be prohibited.

This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a single parcel fronting Hamilton Mill Road in Buford, Georgia. It is a square tract with two access points to Hamilton Mill Road. The Property is surrounded by residential uses. The following is a summary of the surrounding zoning classifications:



The applicant requests a Change in Conditions to the existing Special Use Permit for a 3.67-acre property to bring an existing outdoor wedding and event venue into zoning compliance.

III. PROJECT SUMMARY

The subject property is developed with a two-story, wood-frame house that contains approximately 4,276 square feet, including several outdoor decks, a fire pit, wrap-around porches, and an accessory structure. The Property has been successfully operating as an outdoor wedding and event venue since 2010. As shown on the survey, the Property is accessed by two driveways along Hamilton Mill Road, one providing access to the venue from the main driveway and the other from an existing gravel drive that provides access to the rear of the Property and serves as the guest parking area. The Applicant does not propose any additional buildings, structures or parking areas.

RECEIVED

6/27/2024 The business has operated with no issues or complaints for the entirety of the time it has been open. However, in April 2024, a noise complaint was filed by the developer of the adjacent property to the west. The property to the west was rezoned from RA-200 to TND for the development of a subdivision with 66 lots (RZR2021-00006). During the rezoning of the adjacent property, the developer initially requested to eliminate the required 40-foot buffer in its entirety. Due to the existing use of the Property as a wedding and event venue, the Applicant expressed concern both before and during the public hearing regarding the elimination and/or reduction of any buffer. Despite those concerns, the developer was granted a 20-foot buffer reduction along the property line.

The Property is located in an area characterized by single-family homes and residential subdivisions. The wedding and event venue has co-existed in the residential community for approximately 15 years and the Applicant remains committed to preserving the quality of life of adjacent property owners. As such, the Applicant is requesting modifications to the existing Special Use Permit to continue operating the business. The Applicant submits it will comply with the updated Noise Control Ordinance enacted by the County in May 2021.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that the requested Change in Conditions, satisfies UDO § 270-20.5, entitled “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:

Yes, approval of the proposed Change in Conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The continued use of the Property as an outdoor wedding and event venue will complement the surrounding properties. The Property maintains the appearance of a residential home and is in keeping with the surrounding residential properties.

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

No, the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. The Property has been successfully operating as an outdoor wedding and event venue for approximately 15 years.

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

The Applicant submits that due to the existing size, location, layout, and natural features of the Property, it is not able to meet the conditions set forth in the existing Special Use Permit.

RECEIVED

6/27/2024

Accordingly, it does not have reasonable economic use. The Applicant's proposal would allow for the continued use of the Property as an outdoor wedding and event venue.

(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, the subject property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and state highways. The Change in Conditions is consistent with the existing uses as the wedding and event venue has been successfully operating for many years in the community.

(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 application is in conformity with the policy and intent of the Gwinnett County 2045 Unified Plan. The Property is located within the Traditional area of the Future Development Map and the continued use as an outdoor wedding and event venue is compatible with the existing uses in the community.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED CHANGE IN CONDITIONS:

The Applicant submits that the Property's direct access to Hamilton Mill Road, and its close proximity to commercial uses provide supporting reasons for approval of the change in conditions request.

V. JUSTIFICATION FOR CHANGE IN CONDITIONS

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or may classify the Subject Property which is the subject of the Change in Conditions application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's 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, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of

RECEIVED

6/27/2024

1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

The Subject Property is presently suitable for development under the RA-200 zoning classification with the requested change in conditions by the Applicant. A denial of the requested change in conditions would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests this Application for Change in Conditions be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 27th day of June, 2024.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/dwb
4892-9103-1499, v. 1

¹ *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

Exhibit F: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

6/27/2024

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: <u>Four Oaks Manor c/o Andersen Tate & Carr</u> Address: <u>1960 Satellite Blvd Suite 4000</u> City: <u>Duluth</u> State: <u>GA</u> ZIP: <u>30097</u> Phone: <u>770-822-0900</u> Email: <u>mglouton@atclawfirm.com</u>	Name: <u>Jose Fernandez</u> Address: <u>3198 Hamilton Mill Road</u> City: <u>Buford</u> State: <u>GA</u> ZIP: <u>30519</u> Phone: <u>678-943-3251</u> Email: <u>mickey@fouroaksmanor.com</u>
Contact Person: <u>Melody A. Glouton</u> Phone: <u>770-822-0900</u> Contact's Email: <u>mglouton@atclawfirm.com</u>	
APPLICANT IS THE: <input type="checkbox"/> Owner's Agent <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser	
Zoning District(s): <u>RA-200</u> Prior Zoning Case No.: <u>SUP2010-00063</u> Parcel Number(s): <u>R1001 007A</u> Acreage: <u>+/- 3.678</u> Property Address(es): <u>3198 Hamilton Mill Road, Buford, GA 30519</u> Proposed Change in Conditions: <u>Amend Conditions 1(F), 2(D), and 2(G)</u> Variance(s): _____ Waiver(s): _____	
RESIDENTIAL DEVELOPMENT: No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____ Density: _____ Floor Area Ratio (LRR, MRR, HRR): _____	NON-RESIDENTIAL DEVELOPMENT No. of Buildings: <u>1</u> Total Building Sq. Ft.: <u>4,276 SF</u> Floor Area Ratio: _____
MIXED-USE DEVELOPMENT No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____ Total Non-Residential Sq. Ft.: _____ Floor Area Ratio: _____	

RECEIVED

6/27/2024

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 six (6) months from the date of last action by the Board of Commissioners.

Melody A. Glouton 06/27/2024
Signature of Applicant Date

Melody A. Glouton, Attorney for Applicant
Type or Print Name and Title

D. Wilson 06/27/2024
Signature of Notary Public Date



RECEIVED

6/27/2024

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 six (6) months from the date of last action by the Board of Commissioners.



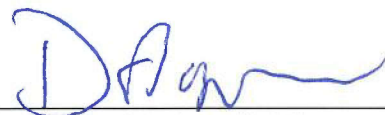
Signature of Property Owner

06/27/2024

Date

Melody A. Glouton, Attorney for Applicant & Property Owner

Type or Print Name and Title



Signature of Notary Public

06/27/2024

Date



RECEIVED

6/27/2024

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contribution Was Made (within last two years)
Nicole Love Hendrickson and/or Love4Gwinnett	\$1,500.00 \$1,000.00 \$800.00	03/03/2023 06/07/2023 10/05/2023
Kirkland Carden and/or Kirkland 4 Gwinnett, LLC Kirland 4 Gwinnett, LLC	\$500.00 \$2,000.00 \$800.00	05/05/2022 07/17/2023 02/05/2024
Ben Ku and/or Ku For You	\$1,000.00 \$1,500.00	03/25/2022 10/06/2022
Matthew Holtkamp and/or Matthew For Gwinnett	\$2,500.00 \$800.00	9/15/2023 01/24/2024

4864-7245-2500, v. 1

RECEIVED

6/27/2024

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

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 Gwinnett County Tax Commissioner. In no case shall an application or reapplication for change in conditions be processed without such property verification.

A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE CHANGE IN CONDITIONS REQUEST.

Parcel I.D. Number: R1001 007A
(Map Reference Number)

Melody A. Glouton May 23, 2024
Signature of Applicant Date

Melody A. Glouton, Attorney for Applicant
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. THIS FORM MUST BE SIGNED BY A REPRESENTATIVE OF THE TAX COMMISSIONER'S OFFICE.

TAX COMMISSIONERS USE ONLY

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.

Kathy Lyles TSA
Name Title
5/23/2024
Date

Exhibit G: Internal and External Agency Review Comments

[attached]

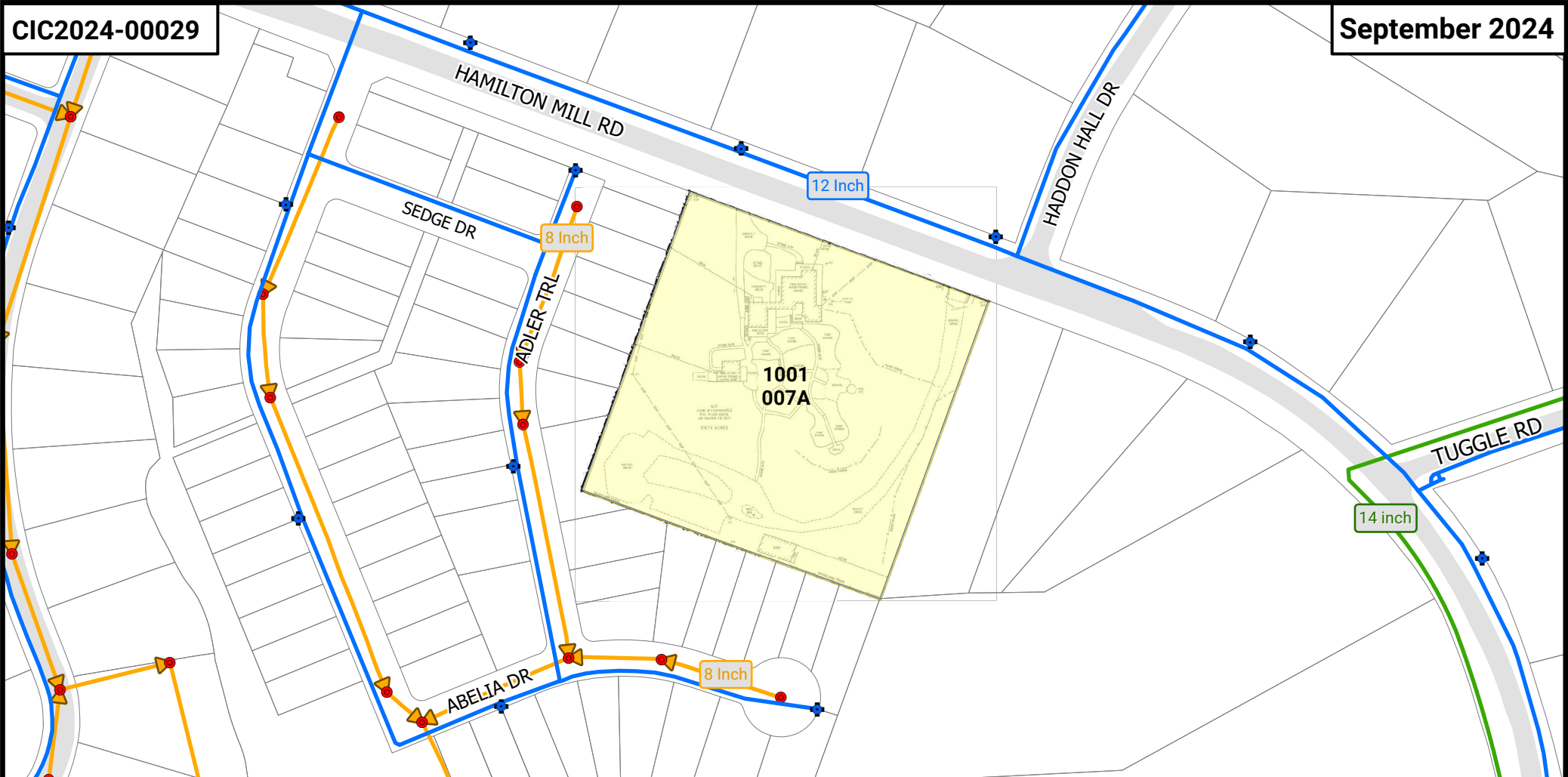


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:			
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com	
Case Number:		CIC2024 -00029	
Case Address:		3198 Hamilton Mill Road	
Comments:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
1	Water: GCDWR does not have comments for this Change in Conditions Permit. The existing facility is connected to public water.		
2	Sewer: GCDWR does not have comments for this Change in Conditions case. The existing facility is on septic and will remain on septic.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

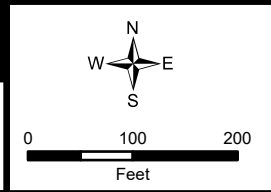


LEGEND

- Water Main
- Hydrant
- Manhole
- Sewer Collector

3198 Hamilton Mill Rd
RA-200

Water & Sewer Utility Map



LOCATION

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

Sewer Comments: GCDWR does not have comments for this Change in Condition Permit. The existing facility is on septic and will remain on septic.

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

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

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

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

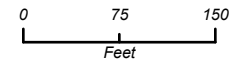
Exhibit H: Maps

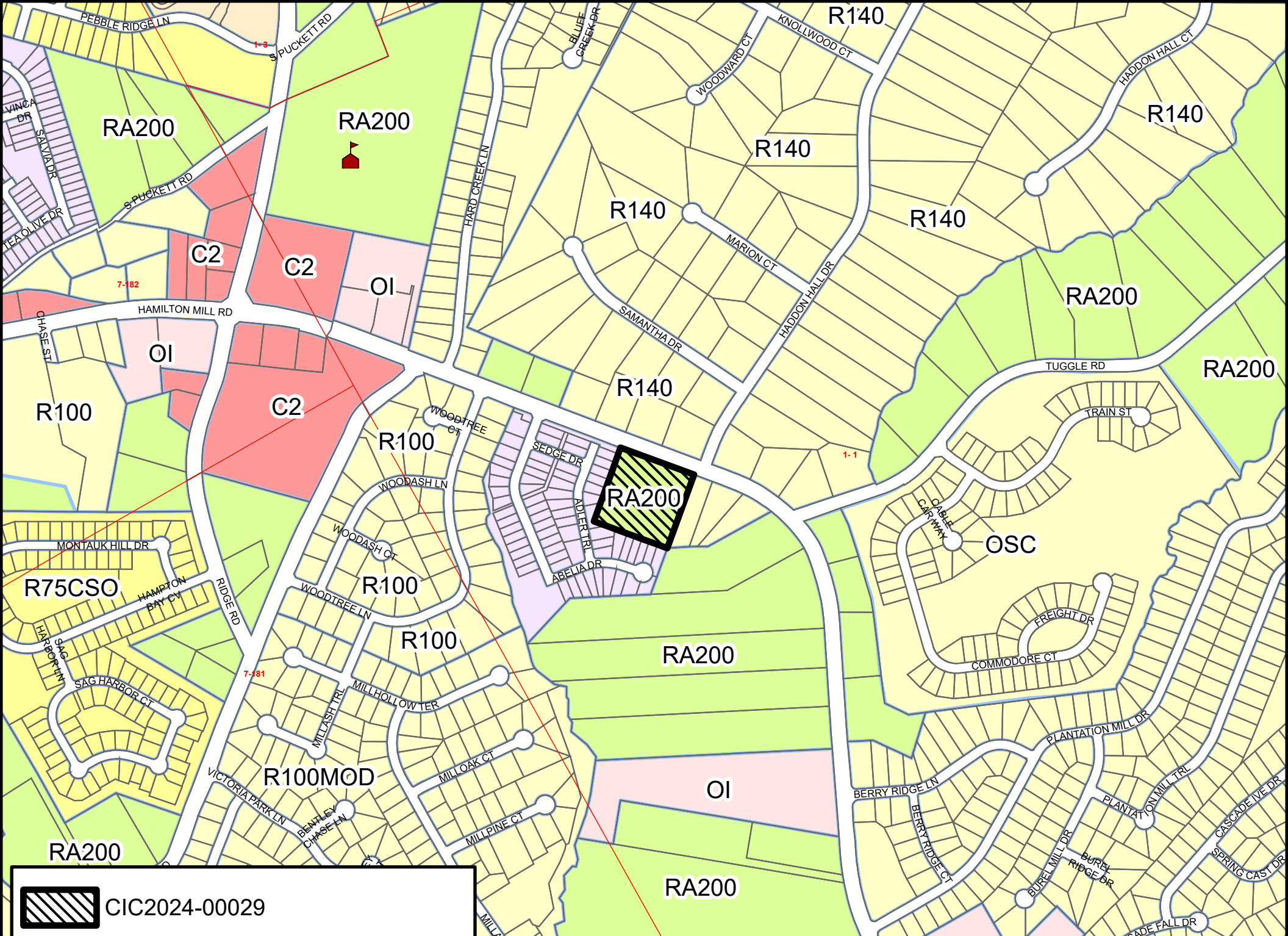
[attached]




CIC2024-00029


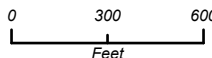
Created: July 19, 2024



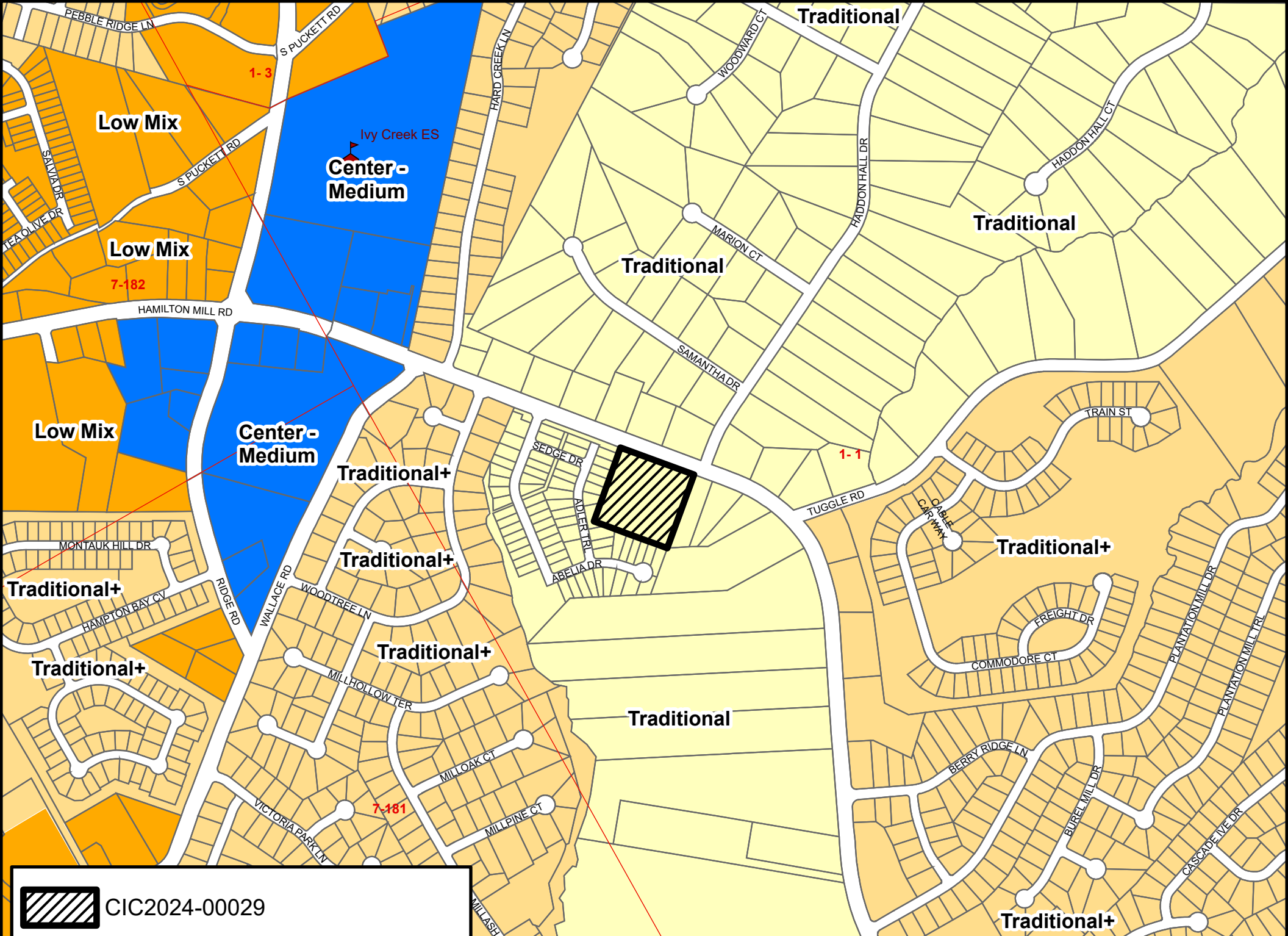


 **CIC2024-00029**

Created: July 19, 2024

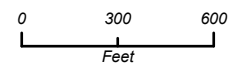
 

SUBJECT SITE AND SURROUNDING ZONING



 CIC2024-00029

Created: July 19, 2024



2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

Exhibit I: Documents Presented at the October 1, 2024, Planning Commission Public Hearing

[attached]

RECEIVED

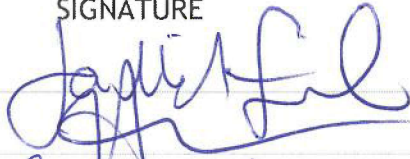



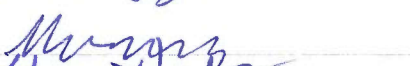

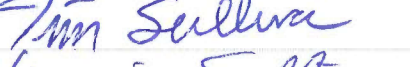



10/1/2024

FOUR OAKS MANOR

Change in Conditions

Case Number-CIC2024-00029

Proposed Use-Special Event/Banquet Facility or Rental Hall

NO.	HOMEOWNER NAME	SIGNATURE	HOME ADDRESS
1	Jose Miguel Fernandez		3198 Hamiltan Mill Rd Buford, GA
* 2	Aubrey Golch		3307 Abelia Dr Buford, GA 30519
* 3	Candice Cook		3519 Adler Trl Buford, GA. 30519
* 4	Sholai Toyame		3511 Adler Trail, Buford GA. 30519
* 5	Minh Nguyen		3442 Adler Trail, Buford GA 30519
6	LIAN HATKER		3538 SAMANTHA DR. 30519
7	TIM SULLIVAN		3477 SAMANTHA DR BUFORD 30519
8	Veronica Sullivan		3477 Samantha, Ar. 30519
9	Sam Jan		3469 SAMANTHA DR
10	Mike Martin		3457 Samantha Dr. 30519

ORGANIZATION

Four Oaks Manor

TIME

7pm

EVENT DATE

October 1, 2024

LOCATION

75 Langley Drive, Lawrenceville, GA 30046

RECEIVED







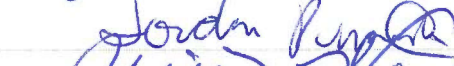



10/1/2024

FOUR OAKS MANOR

Change in Conditions

Case Number-CIC2024-00029

Proposed Use-Special Event/Banquet Facility or Rental Hall

NO.	HOMEOWNER NAME	SIGNATURE	HOME ADDRESS
1	McKenzie Julian		3105 Northcliff Dr Suwanee, GA 30024
2	Victoria Eaton		3556 Marion court Buford, GA 30519
3	Tammy Eaton		3556 Marion Ct Buford, GA 30519
4	STEPHEN E. MCNIFF		3536 MARION CT BUFORD 30519
5	DeAnna Rowand		3496 Marion Ct Buford 30519
6	Phillip Dumond		3475 marion ct, Buford 30519
7	Jordan Dumond		3475 marion ct, Buford 30519
8	Craig Weimann		444 WAGERS RD AUBURN, GA 30011
9	Jenny Rung		1542 Marisay Ct. SE
10	Sandra Grissom		3395 Ivey Ridge Rd. Buford 30519

ORGANIZATION

Four Oaks Manor

TIME

7pm

EVENT DATE

October 1, 2024

LOCATION

75 Langley Drive, Lawrenceville, GA 30046

RECEIVED


10/1/2024

FOUR OAKS MANOR

Change in Conditions

Case Number-CIC2024-00029

Proposed Use-Special Event/Banquet Facility or Rental Hall

NO.	HOMEOWNER NAME	SIGNATURE	HOME ADDRESS
1	Lillian Rodriguez		41005 Biltmore ^{Bufford 30519} Cove Way
2	Jennifer Montana		3198 Hamilton Mill Rd Buford 30519
3			
4			
5			
6			
7			
8			
9			
10			

ORGANIZATION	TIME	EVENT DATE	LOCATION
Four Oaks Manor	7pm	October 1, 2024	75 Langley Drive, Lawrenceville, GA 30046