

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Richardson Housing Group</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>Brand Banking Company</u> <u>c/o Mill Creek Consulting</u>
ADDRESS: <u>4480 Commerce Dr., Suite A</u>	ADDRESS: <u>4480 Commerce Drive, Suite A</u>
CITY: <u>Buford</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30518</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-614-6511</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
APPLICANT'S E-MAIL: <u>millcreekconsulting@gmail.com</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:		
<u> </u> OWNERS AGENT	<u> </u> PROPERTY OWNER	<u> X </u> CONTRACT PURCHASER
PRESENT ZONING DISTRICT (S): <u>R-100 CSO</u>		PRIOR ZONING CASE: <u>RZR-04-050</u>
LAND DISTRICT (S): <u> 2 </u>	LAND LOT (S): <u> 002 </u>	ACREAGE: <u>#1-.140 #59-.130</u>
ADDRESS OF PROPERTY: <u>Whitfield Oak Road</u>		
PROPOSED DEVELOPMENT: <u>Remove 3 sided brick condition of first 2 homes</u>		
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:	
NO. OF LOTS/DWELLING UNITS: <u> 2 </u>	NO. OF BUILDINGS/UNITS: <u> </u>	
DWELLING UNIT SIZE (SQ. FT.): <u> 2,400 </u>	TOTAL GROSS SQUARE FEET: <u> </u>	
GROSS DENSITY: <u> 2.7 units\ac </u>	DENSITY: <u> </u>	
NET DENSITY: <u> 2.7 units\ac </u>		

RECEIVED BY LETTER OF INTENT
PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED
APR 04 2013

Legal Description Whitfield Estates Lot 1

All that tract or parcel of land containing 0.140 acres lying and being in Land Lot 2 of the 2nd District, located in Gwinnett County, Georgia, being Lot 1, Whitfield Estates, A.K.A. 802 Whitfield Oak Road, and being more particularly described as follows:

Beginning at a point where the westerly right of way of Whitfield Oak Road intersects the northerly right of way of Fence Road, and running thence along right of way of Whitfield Oak Road **North** 33 degrees 59 minutes 03 seconds **East** a distance of 29.70 feet to a point; running thence **North** 07 degrees 55 minutes 36 seconds **West** a distance of 29.21 feet to the **True Point of Beginning**.

Thence from the **True Point of Beginning** as thus established and leaving said right of way of Whitfield Oak Road and running **South** 87 degrees 26 minutes 54 seconds **West** a distance of 25.91 feet to a point; running thence **North** 81 degrees 58 minutes 37 seconds **West** a distance of 66.99 feet to a point; running thence **North** 08 degrees 01 minutes 23 seconds **East** a distance of 68.98 feet to a point; running thence **South** 80 degrees 57 minutes 11 seconds **East** a distance of 72.77 feet to a point; running thence **South** 69 degrees 25 minutes 14 seconds **East** a distance of 21.22 feet to a point on the right of way of Whitfield Oak Road; continuing along right of way of Whitfield Oak Road along a curve to the left having a radius of 144.88 feet and an arc length of 58.73, said arc subtended by a chord bearing **South** 09 degrees 00 minutes 50 seconds **West** a distance of 58.32 feet to the **True Point of Beginning**.

All being as described on the recorded final plat for Whitfield Estates Subdivision dated 07/06/12 and recorded in Plat Book 129, Pages 65-68 Gwinnett Country Records.

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CIC 19 00 9

Legal Description Whitfield Estates Lot 59

All that tract or parcel of land containing 0.130 acres lying and being in Land Lot 2 of the 2nd District, located in Gwinnett County, Georgia, being Lot 59, Whitfield Estates, A.K.A. 813 Whitfield Oak Road, and being more particularly described as follows:

Beginning at a point where the easterly right of way of Whitfield Oak Road intersects the northerly right of way of Fence Road, and running thence along right of way of Whitfield Oak Road **North** 53 degrees 29 minutes 13 seconds **West** a distance of 26.51 feet to a point; running thence **North** 10 degrees 42 minutes 51 seconds **West** a distance of 13.26 feet to a point; running thence along a curve to the right having a radius of 94.85 feet and an arc length of 58.93 feet, said arc subtended by a chord bearing **North** 07 degrees 03 minutes 23 seconds **East** a distance of 57.99 feet to the **True Point of Beginning**.

Thence from the **True Point of Beginning** as thus established and continuing along the right of way of Whitfield Oak Road along a curve to the right having a radius of 94.86 feet and an arc length of 7.23 feet, said arc subtended by a chord bearing **North** 27 degrees 00 minutes 26 seconds **East** a distance of 7.23 feet to a point; running thence **North** 29 degrees 11 minutes 15 seconds **East** a distance of 53.74 to a point; running thence along a curve to the left having a radius of 144.67 feet and an arc length of 3.73 feet, said arc subtended by a chord bearing **North** 28 degrees 27 minutes 01 seconds **East** a distance of 3.73 to a point; thence leaving said right of way of Whitfield Oak Road and running **South** 62 degrees 17 minutes 12 seconds **East** a distance of 90.00 feet to a point; running thence **South** 32 degrees 40 minutes 34 seconds **West** a distance of 56.24 feet to a point; running thence **South** 88 degrees 53 minutes 12 seconds **West** a distance of 21.37 feet to a point; running thence **North** 60 degrees 53 minutes 22 seconds **West** a distance of 67.78 feet to the **True Point of Beginning**.

All being as described on the recorded final plat for Whitfield Estates Subdivision dated 07/06/12 and recorded in Plat Book 129, Pages 65-68 Gwinnett Country Records.

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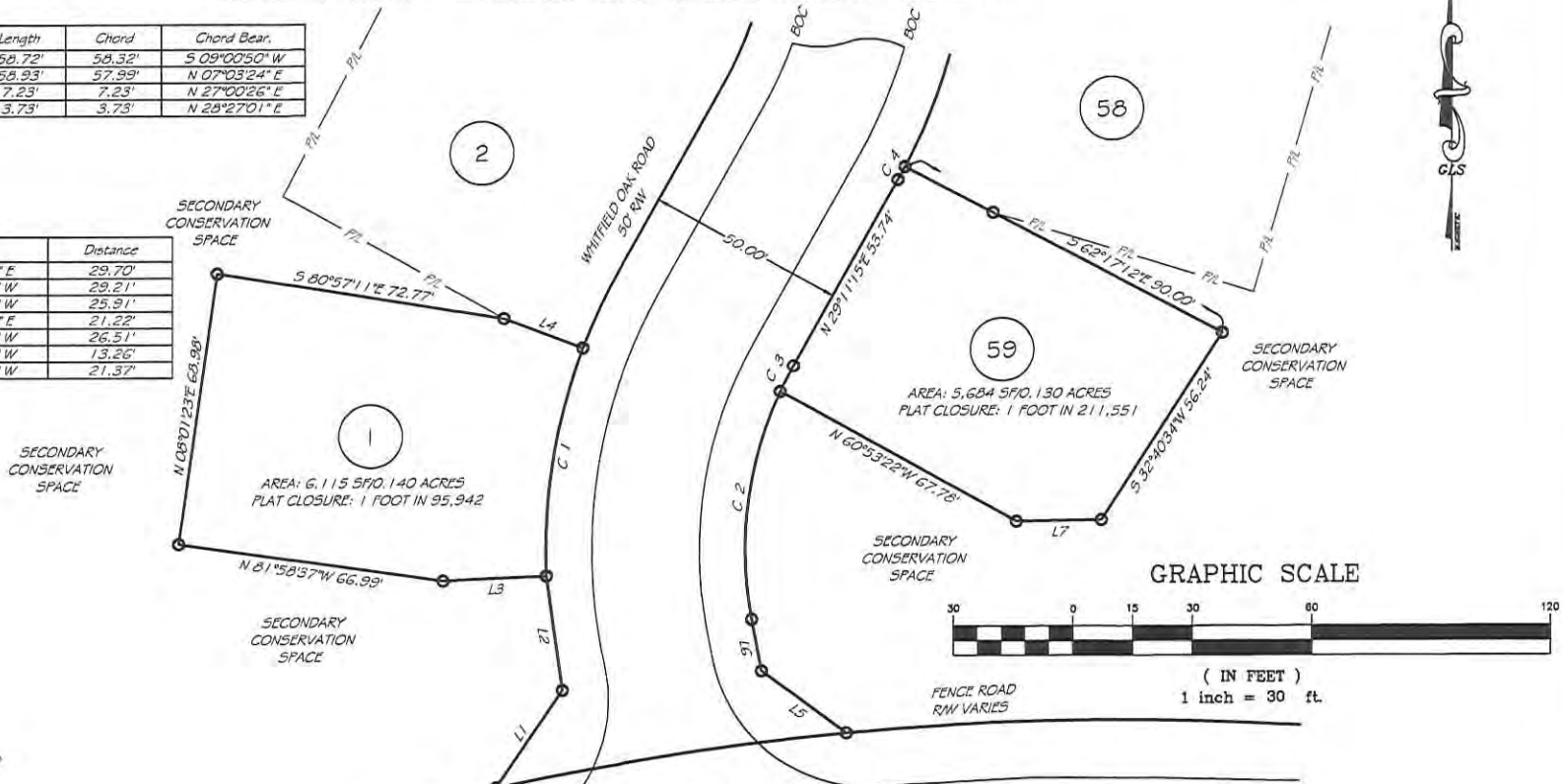
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NO PORTION OF THIS PROPERTY LIES WITHIN A F.I.R.M. FLOOD HAZARD AREA.
 AS PER FIRM PANEL NO. 13135C0049F DATED 9/29/06
 FIELD CLOSURE = ONE FOOT IN 22,969 FEET ANGLE ERROR = 2" PER ANGLE POINT
 EQUIPMENT = TOPCON GTS-312 ADJUSTED BY LEAST SQUARES PLAT CLOSURE = ONE FOOT IN SEE CHART FEET

Curve	Radius	Length	Chord	Chord Bear.
C1	144.88'	58.72'	58.32'	S 09°00'50" W
C2	94.85'	58.93'	57.99'	N 07°03'24" E
C3	94.86'	7.23'	7.23'	N 27°00'26" E
C4	144.67'	3.73'	3.73'	N 28°27'01" E

Course	Bearing	Distance
L1	N 33°59'03" E	29.70'
L2	N 07°55'34" W	29.21'
L3	S 87°26'54" W	25.91'
L4	S 69°25'14" E	21.22'
L5	N 53°29'13" W	26.51'
L6	N 10°42'51" W	13.26'
L7	S 88°53'12" W	21.37'



- LEGEND**
- CMF = CONCRETE MONUMENT FOUND
 - CTF = CEMENT TOP PIPE
 - IPF = IRON PIN FOUND
 - OTF = OPEN TOP PIPE
 - RFM = REBAR PIN FOUND
 - RFSD = 1/2" REBAR PIN SET
 - PC = PAINT SPOT ON SIDEWALK
 - RW = RIGHT OF WAY
 - LL = LAND LOT
 - LL = LAND LOT LINE
 - SSC = SANITARY SEWER EASEMENT
 - DE = DRAINAGE EASEMENT
 - UE = UTILITY EASEMENT
 - P = PROPERTY LINE
 - B = BUILDING LINE
 - C = CENTERLINE
 - EP = EDGE OF PAVEMENT
 - MH = MAN HOLE
 - CS = CATCH BASIN
 - JD = JUNCTION BOX
 - DI = DRAINAGE INLET
 - FW = FENCE WALL
 - FR = FIRE HYDRANT
 - E = ELEVATION
 - FE = FINISHED FLOOR ELEVATION
 - SE = SANITARY SEWER LINE PIPE
 - SD = STORM SEWER LINE PIPE
 - FL = FENCE LINE
 - FZ = FLOOD HAZARD ZONE LINE
 - NP = NON DEFORMABLE
 - DL = DISTRICT LAND LOT PARCEL #
 - ICALL = DEED OR PLAT CALL
 - ATF = AS PER FINAL PLAT



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.

Jeff H. Griffin
 MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

802 & 813 WHITFIELD OAK ROAD
 WHITFIELD ESTATES
 UNIT ONE
 BLOCK A
 LOT 1 & 59

SUBDIVISION FINAL PLAT RECORDED
 07/06/12, GWINNETT COUNTY, GA.
 PLAT BOOK 129, PAGE 65-68

ZONING EXHIBIT FOR:
 WHITFIELD ESTATES LOTS 1 & 59

GRIFFIN LAND SURVEYING, INC.
 2274 AZALEA DRIVE, SUITE A
 LAWRENCEVILLE, GEORGIA 30043
 (770) 995-9723
 WWW.GRIFFINLANDSURVEYING.COM

DATE: 03/22/13	LAND LOT: 2	DISTRICT: 2ND
COUNTY: GWINNETT, GA	SCALE: 1"=30'	GLS
DRAWN BY: JRG	CHECKED BY: JHG	
JOB NO. AG163	FILE NUMBER:	

No.	By	Date	Revision

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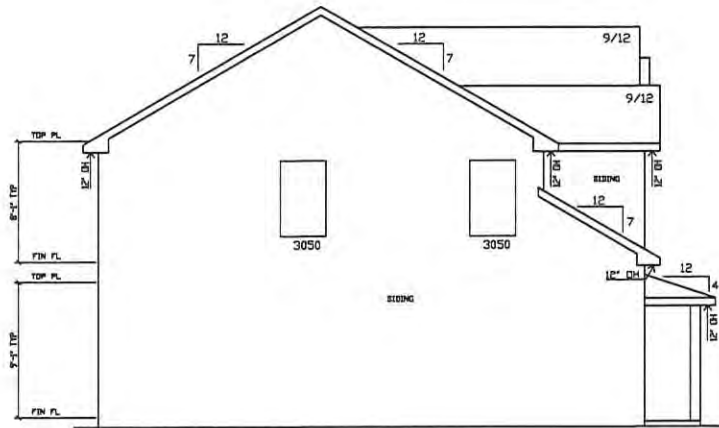
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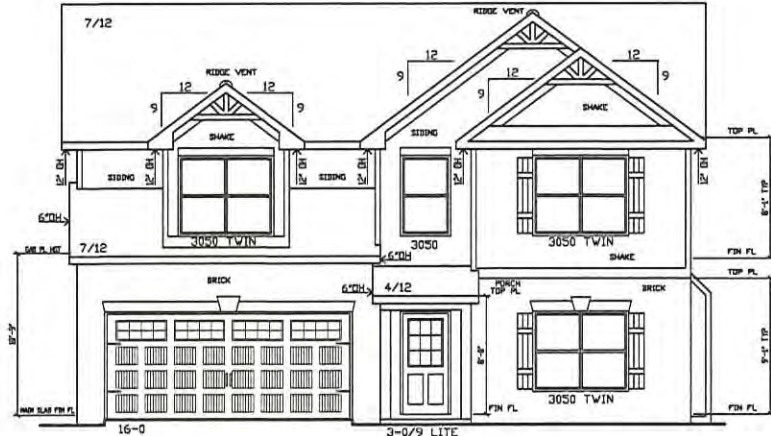
CIC'13009



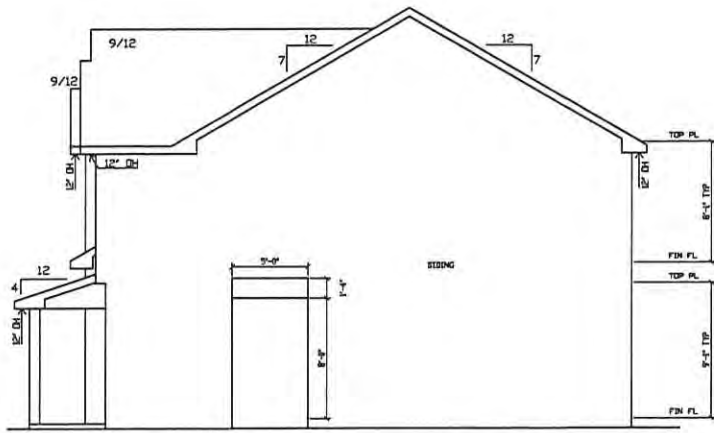
CIC '13009



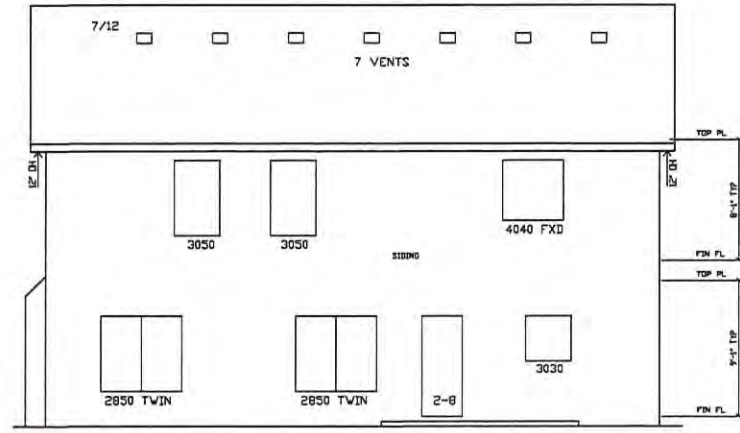
LEFT SIDE ELEVATION
1/8"=1'-0"



FRONT ELEVATION "A"/L/S
1/8"=1'-0"



RIGHT SIDE ELEVATION
1/8"=1'-0"



REAR ELEVATION
1/8"=1'-0"

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CIC'13 009

6/7/12

WESTON "A"/L/S
WP

LOT

RICHARDSON HOUSING GROUP
4562 LAWRENCEVILLE HWY, SUITE 201
LILBURN, GA 30147
TEL: 770-931-4131
FAX: 770-931-4132

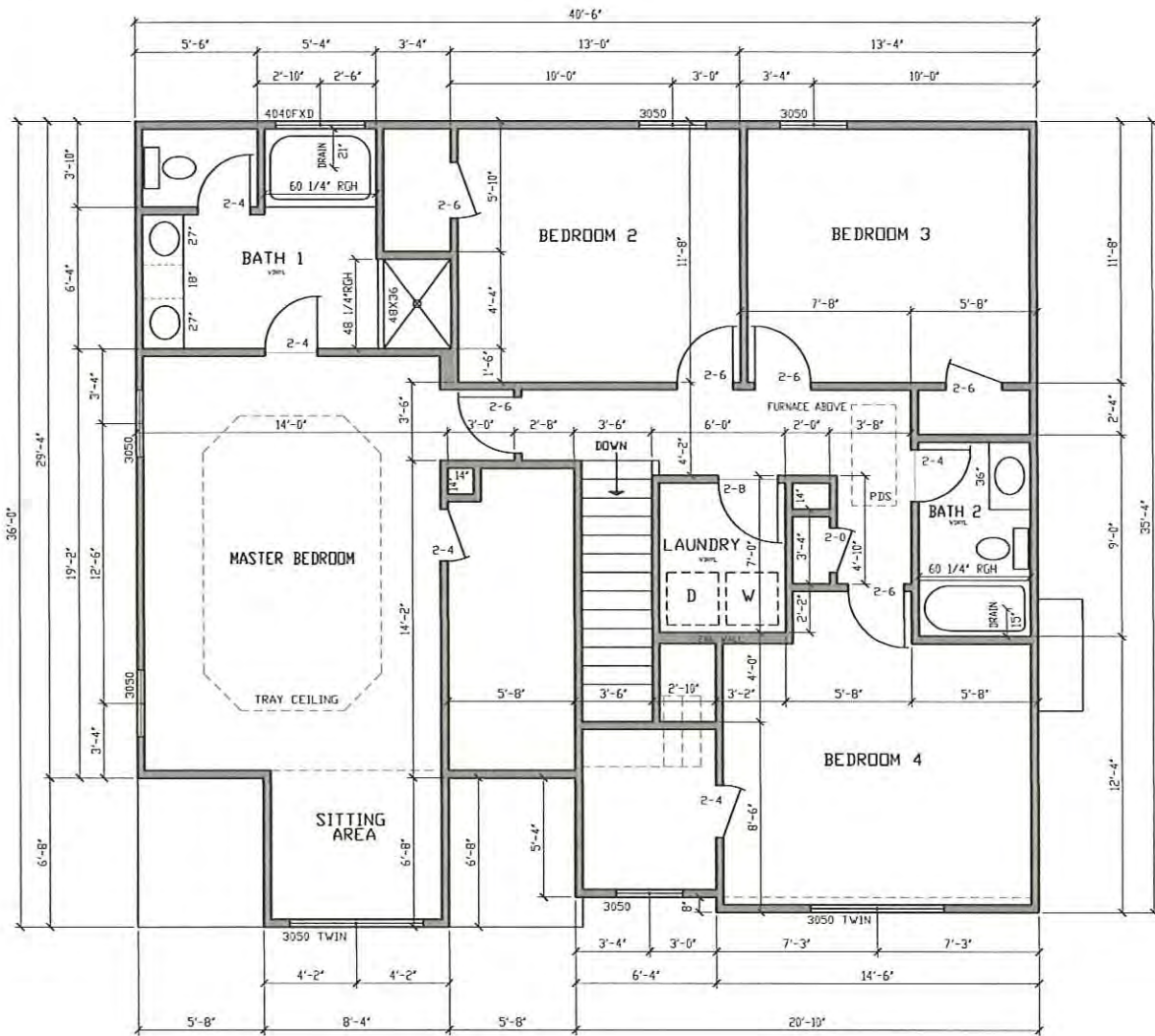
A4

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2ND FLOOR PLAN
3/16" = 1'-0"

A3

RICHARDSON HOUSING GROUP
4562 LAWRENCEVILLE HWY. SUITE 201
LILBURN, GA 30047
TEL 770-931-4131 FAX 770-931-4132

LOT

WESTON 'A'/L/S
WP

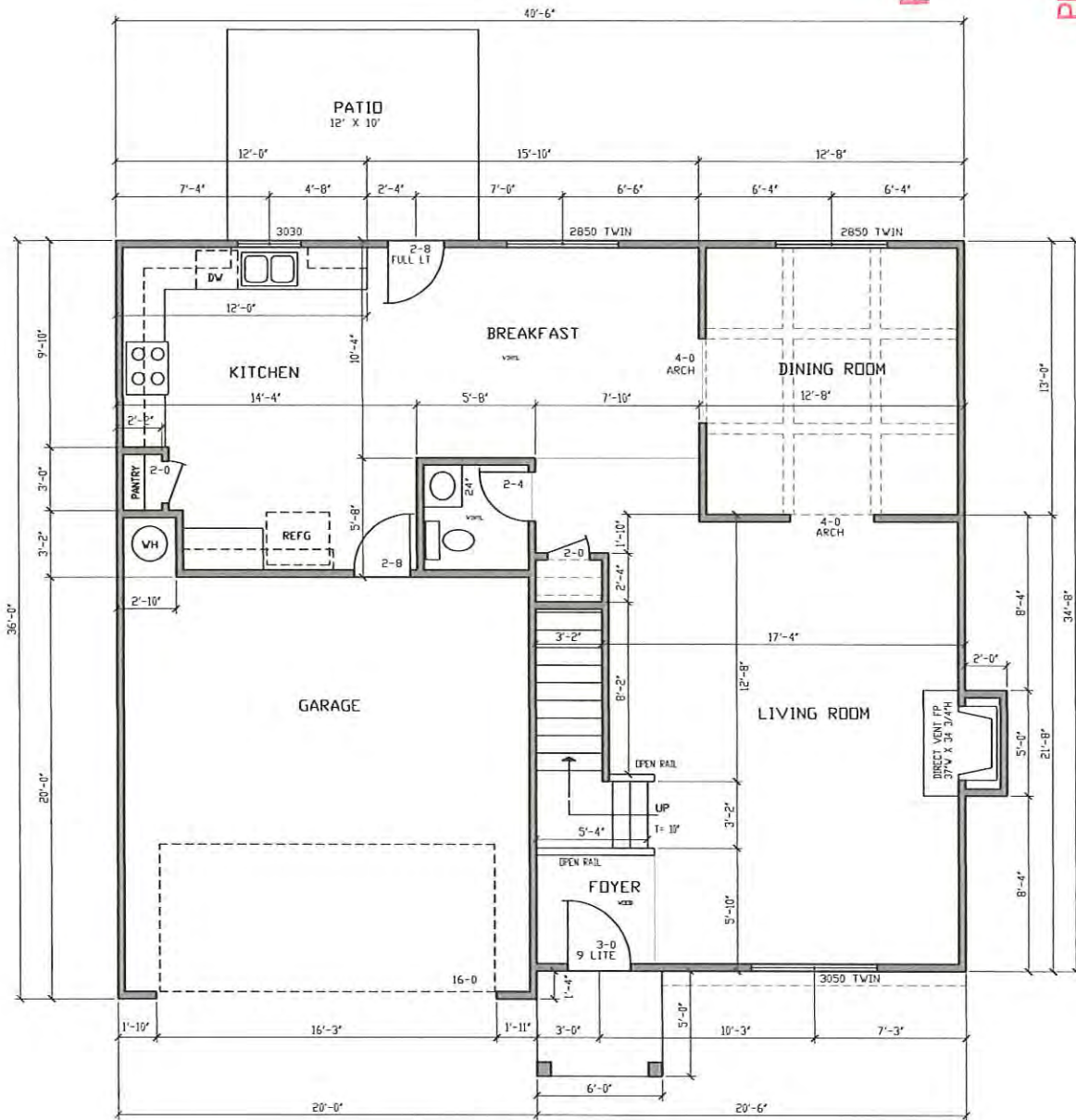
6/7/12 RH

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1ST FLOOR PLAN
3/16" = 1'-0"

1ST FL	1039SF
2ND FL	1365SF
TOTAL HTD	2404SF
GARAGE	395SF

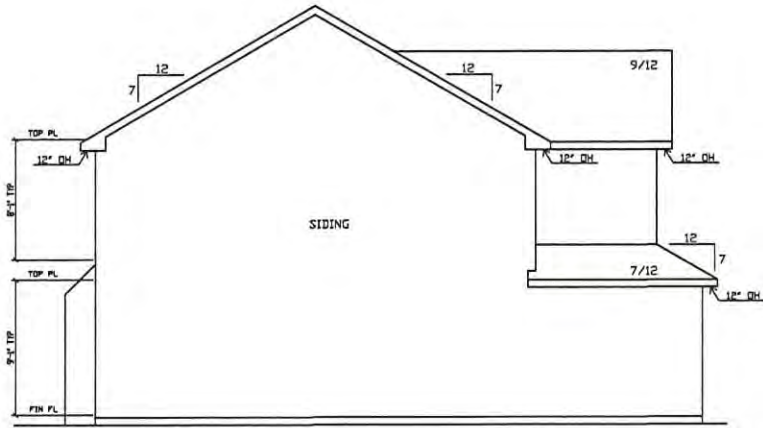
A2

RICHARDSON HOUSING GROUP
4562 LAWRENCEVILLE HWY. SUITE 201
LILBURN, GA 30047
TEL. 770-931-4131 FAX 770-931-4132

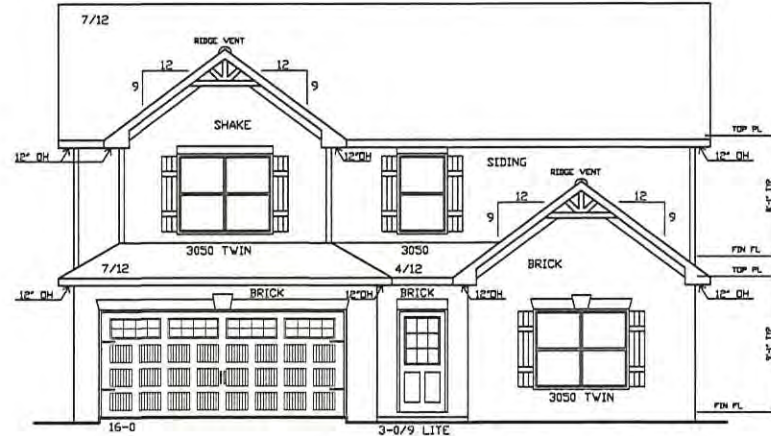
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WESTON 'A'/L/S
WP

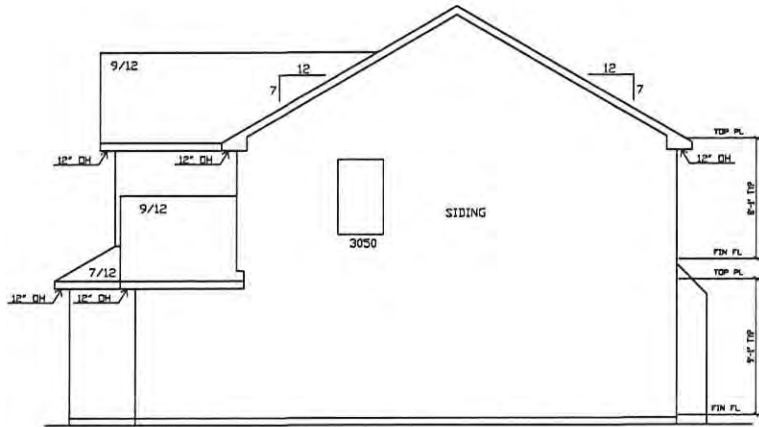
6/7/12 RH



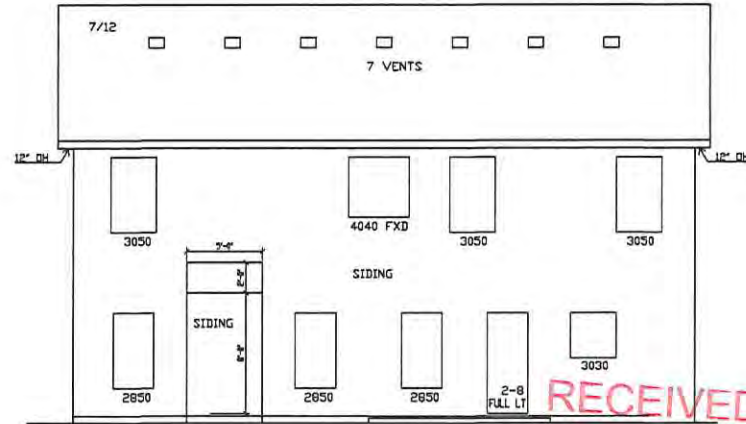
LEFT SIDE ELEVATION
1/8"=1'-0"



FRONT ELEVATION "A"/L/S
1/8"=1'-0"



RIGHT SIDE ELEVATION
1/8"=1'-0"



REAR ELEVATION
1/8"=1'-0"

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CIC 13009

RH
6/8/12

GLENWOOD "A"/L/S
WP

LOT

RICHARDSON HOUSING GROUP
4562 LAWRENCEVILLE HWY. SUITE 201
LILBURN, GA 30047
TEL: 770-931-4131
FAX: 770-931-4132

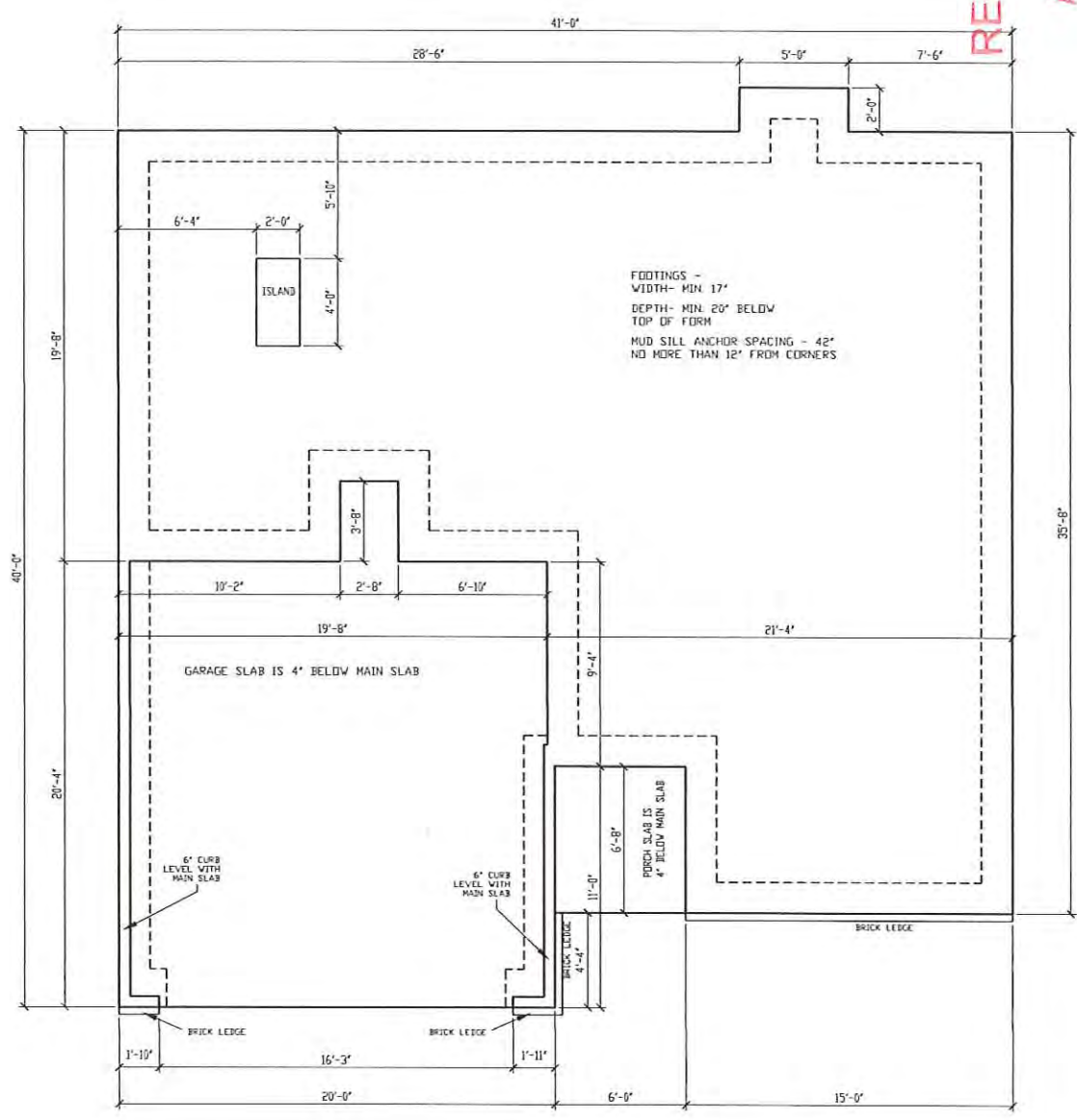
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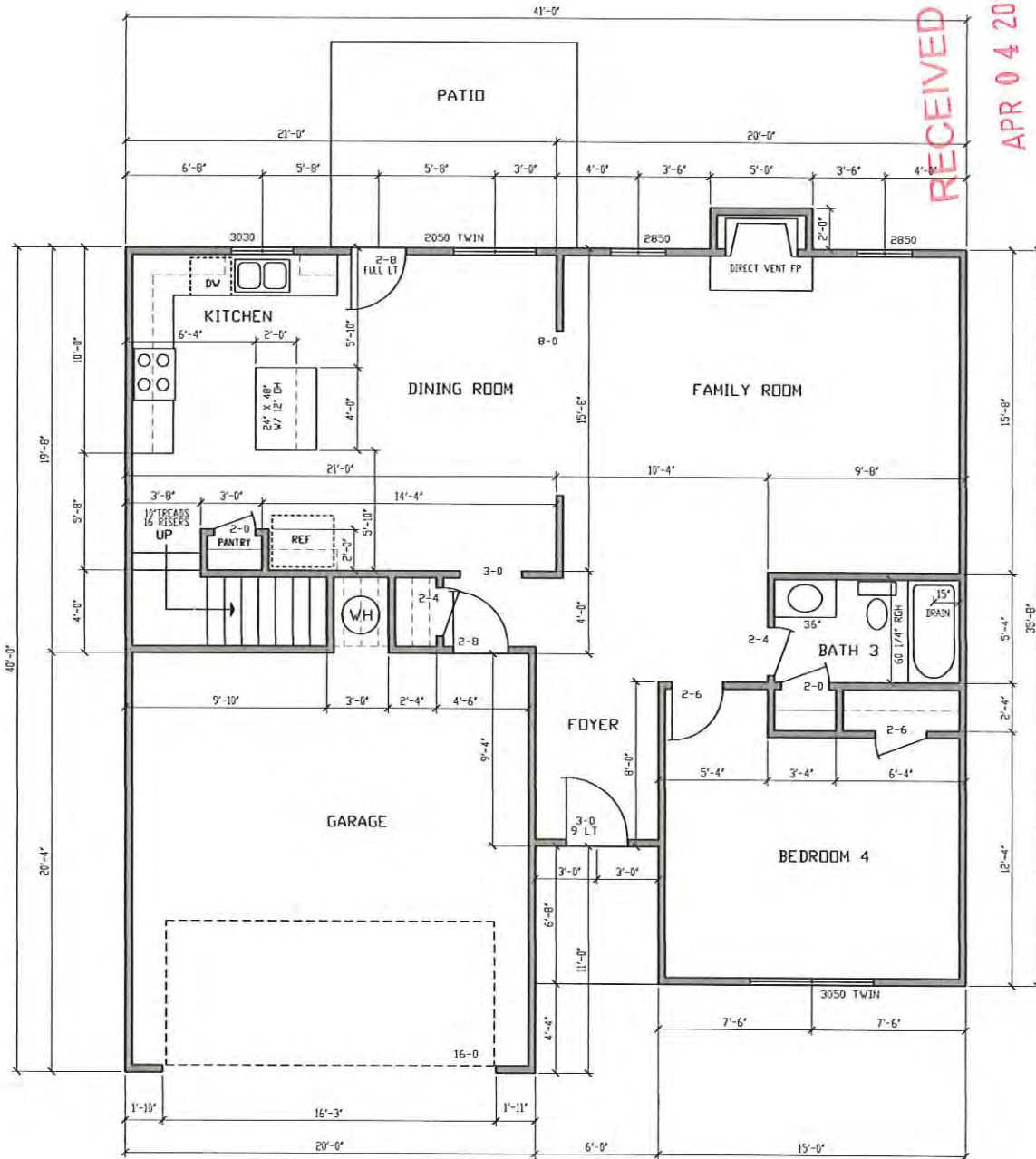
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SLAB PLAN
3/16" = 1'-0"

A 1	RICHARDSON HOUSING GROUP 4562 LAWRENCEVILLE HWY. SUITE 201 LILBURN, GA 30047 TEL 770-931-4131 FAX 770-931-4132	LOT	GLENWOOD 'A'/L/S WP	6/8/12 RH
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1ST FLOOR PLAN
3/16" = 1'-0"

1ST FL	1106SF
2ND FL	1301SF
TOTAL HTD	2407SF
GARAGE	404SF

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

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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 APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE WITHOUT THE CHANGE IN CONDITIONS.

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

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS RUAL ESTATE 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 REZONING:

SEE LETTER OF INTENT.

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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 P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Richardson Housing Group, requests a change in conditions of RZR-04-050. This property was rezoned in December of 2004 and Condition 1. C. states the following:

All homes within the subdivision shall have front facades of brick, stacked stone or stucco. The remaining sides may be the same or a fiber-cement type masonry material. Homes nearest Fence Road on the entrance street shall have three sides brick, stone or stucco.

The request is to be allowed to build a similar product on lots 1 and 59 as to what is currently being built in the subdivision. There are no homes with three sides' brick, stone or stucco. The subdivision is known as Whitfield Estates and there are no other changes proposed and all the other existing conditions will be followed.

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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 3/25/13
Date

MARK RICHARDSON MANAGER

Type or Print Name and Title



Signature of Notary Public 3/25/13
Date



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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.

[Handwritten Signature] 3/22/13
Signature of Property Owner Date
Brand Bank

John H. Barnard III SVP
Type or Print Name and Title

[Handwritten Signature] 3-22-13
Signature of Notary Public Date Notary



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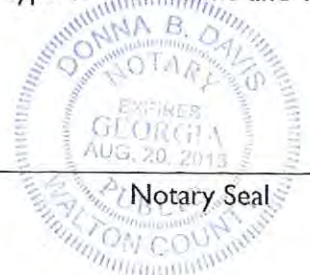
CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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.

[Signature] 3/25/13 MARK RICHARDSON MANAGER
Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

[Signature] 3/25/13 [Notary Seal]
Signature of Notary Public Date Notary Seal



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES NO MARK RICHARDSON
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)

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

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Lot 1

**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: 2 - 002 - 785
(Map Reference Number) District Land Lot Parcel

[Signature] 3/25/13
Signature of Applicant Date

MARK RICHARDSON MANAGER
Type or Print Name and Title

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)

Jarvis Crowe TSA
NAME TITLE

04/04/13 **GWINNETT COUNTY TAX COMMISSIONER**
DATE

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CIC '13009
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Lot 59

**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: 2 - 002 - 843
(Map Reference Number) District Land Lot Parcel

[Signature] 3/25/13
Signature of Applicant Date

MARK RICHARDSON MANAGER
Type or Print Name and Title

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)

Jarvis Crowe TSA
NAME TITLE

04/04/13
DATE

**GWINNETT COUNTY
TAX COMMISSIONER**

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