

**CHANGE IN CONDITIONS APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Jahan Properties, LLC</u> ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> CITY: <u>Duluth</u> STATE: <u>Georgia</u> ZIP: <u>30097</u> PHONE: <u>(770) 822-0900</u>	NAME: <u>Wycliffe Bible Translators, Inc.</u> ADDRESS: <u>P.O. Box 628200</u> CITY: <u>Orlando</u> STATE: <u>Florida</u> ZIP: <u>32862-8200</u> PHONE: <u>(800) 992-5433</u>
CONTACT PERSON: <u>Marian C. Adeimy, Esq.</u> PHONE: <u>(770) 822-0900</u> CONTACT'S E-MAIL: <u>madeimy@atclawfirm.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

ZONING DISTRICTS(S): O&I/RM6/R-100   
 PRIOR ZONING CASE: RZ-87-86 and RZ-1978-00126  
/ RZ-126-78

LAND DISTRICT(S): 6th   
 LAND LOT(S): 26   
 ACREAGE: Approx. 14.614

ADDRESS OF PROPERTY: 3225 Wycliffe Way, Stone Mountain, Georgia 30087

PROPOSED CHANGE IN CONDITIONS: Remove condition limiting use to Christian Service Organization and remove conditions limiting buildings to one quadriplex. Remove condition limiting ownership of RM6 structure to Wycliffe Bible Translators.

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>3</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: <u>Approx. 12,972</u>
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

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

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**LEGAL DESCRIPTION**  
**3225 WYCLIFFE WAY**

All that tract or parcel of land lying and being in Land Lot 26 of the 6<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at an iron pin set on the northerly right-of-way of Wycliffe Way (50' R/W), said point being located total distance of 428.82 feet as measured southeasterly then northeasterly along the northeasterly right-of-way of Wycliffe Way from the intersection with the southeasterly right-of-way of Wycliffe Drive (50' R/W), said point being THE TRUE POINT OF BEGINNING;

THENCE North 08 degrees 41 minutes 03 seconds West for a distance of 170.88 feet leaving said right-of-way along property now or formerly Lot 1, Unit 1, Wycliffe Center Subdivision to a 1" open top pipe found;

THENCE North 60 degrees 36 minutes 06 seconds East for a distance of 11.28 feet along property now or formerly Lot 2, Unit 2, Manor Estates Subdivision to a 1" open top pipe found;

THENCE North 81 degrees 19 minutes 17 seconds East for a distance of 553.51 feet along property now or formerly Lots 13, 22, 21 & 20, Unit 2, Nappa Valley Subdivision to a ½" re-bar found;

THENCE South 75 degrees 34 minutes 39 seconds East for a distance of 235.03 feet along property now or formerly Lots 20 & 19, Unit 2, Nappa Valley Subdivision to a 5/8" re-bar found;

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Said property contains 14.603 acres more or less.

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**CHANGE IN CONDITIONS APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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- (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:

See Exhibit "B".

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

See Exhibit "B".

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- (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:

See Exhibit "B".

---

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**APPLICANT'S RESPONSE**  
**FOR SPECIAL USE PERMIT AND CHANGE IN CONDITIONS APPLICATION**

- A) WHETHER A PROPOSED REZONING / SPECIAL USE PERMIT OR CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. This is a large, approximately 14 acre tract, previously used as a group home. There would be no exterior evidence of any change in the buildings containing the Group Home and there would be no impact on adjacent and nearby residential property uses.

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

No. There will be no exterior evidence of the group home's presence. There would be little to no impact on adjacent and nearby property and will not adversely affect these properties.

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

No. The property had been previously used and developed as a group home and meeting place for a mission and was previously rezoned for that use, but without the necessary special use permit now required for a Group Home.

- D) WHETHER THE PROPOSED SPECIAL USE PERMIT OR 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 proposed Group Home would not cause any additional or excessive use of existing streets, transportation facilities or utilities and there would be no impact on the schools.

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

Yes. The Gwinnett 2030 Unified Plan has designated the area within which the subject property is located for existing/emerging suburban uses and the proposed Group Home is contemplated as a potential use on properties zoned residential and office and institutional, making this request entirely consistent with the Plan's guidelines for this area. The Comprehensive Plan, as part of the 2030 Unified Plan, specifically supports the goals of the Applicant in this request, "[to] provide housing opportunities for at-risk populations."

- 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 SPECIAL USE PERMIT OR CHANGE IN CONDITIONS.

Yes. The subject property has been previously used and developed for a group home use, and is zoned for is located between two well travelled arterial roads. The proposed use is entirely appropriate in light of existing and emerging development patterns, the size of the property, and the land uses in the surrounding area.

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**JUSTIFICATION FOR SPECIAL USE PERMIT AND CHANGE IN CONDITIONS /  
CONSTITUTIONAL OBJECTIONS**

The portions of the Gwinnett County Zoning Resolution and/or zoning conditions which presently restrict the property which is the subject of the Applications for Special Use Permit and Change in Conditions (the "Property") to its currently permitted uses are or would be unconstitutional in that they would destroy the Applicant Jahan Properties' (the "Applicant") 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, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Gwinnett County Zoning Resolution and/or zoning conditions which presently restrict the property to its currently permitted uses is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner'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, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development as a Group Home, as requested by the Applicant, has been developed and used as such by prior owners, and is not economically suitable for development with only the currently permitted uses and conditions. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore and contrary to other recent Board of Commissioners actions, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph 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.

A refusal by the Gwinnett County Board of Commissioners to allow the requested special use, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of a Special Use Permit and Change in Conditions for the subject Property, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the Special Use Permit and Change in Conditions Applications submitted by the Applicant relative to the Property be granted and that the requested special use and change in conditions be permitted on the subject Property as requested therein.

This 5<sup>th</sup> day of September 2013,

ANDERSEN, TATE & CARR, P.C.



Marian C. Adeimy  
Attorney for Applicant

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# ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.  
ONE SUGARLOAF CENTRE  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GEORGIA 30097  
(770) 822-0900  
FACSIMILE: (770) 236-9702  
www.atclawfirm.com

MARIAN C. ADEIMY

E-mail: madeimy@atclawfirm.com

## **LETTER OF INTENT** **FOR GROUP HOME SPECIAL USE PERMIT AND CHANGE IN CONDITIONS** **3225 and 3280 Wycliffe Way, Stone Mountain, Georgia**

The Applicant, Jahan Properties, LLC (hereinafter, the "Applicant"), submits this request for a Special Use Permit and Change in Conditions for a Group Home on an approximately 14 acres of land (hereinafter, the "Property") located at 3225 and 3280 Wycliffe Way, Stone Mountain, Georgia. The subject property included in this Application is currently zoned R-100, and RM-6, and O&I and was previously conditioned and rezoned under RZ-87-86 and RZ-126-78.

The proposed Group Home is at the end of a cul-de-sac on extensive acreage with existing natural buffers. The Property previously been used as a Group Home and center for Wycliffe Bible Translator, Inc. The Group Home would be targeted at providing counseling, therapy, and a supportive, alcohol and drug-free environment in a community setting for individuals in a substance addiction recovery program. The proposed group home would be essentially invisible to anyone not inside the existing buildings.

As part of this request, the Applicant has also submitted a request for Change in Conditions to remove conditions found under RZ-87-86 and RZ-126-78, including the conditions limiting the uses and ownership by a Christian Service Organization and by Wycliffe Bible Translators; removing the condition limiting the Property to one quadplex, where two buildings currently exist; removing the condition requiring one story facing Wycliffe Way; and removing the condition requiring a 200 foot buffer surrounding the Property zoned O&I.

The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and a limited access highway. The subject property is also located near public transportation routes and locations already existing and being considered in Gwinnett County.

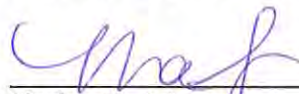
### **CONCLUSION**

The subject property is an appropriate location for the proposed Group Home and would have little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 5 day of September, 2013.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.



Marian C. Adeimy  
Attorney for the Applicant

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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.

9-3-2013

Signature of Property Owner

Date

Frederic M. West, Wycliffe USA Corporation Secretary

Type or Print Name and Title

9-3-13

Signature of Notary Public

Date

Notary Seal

**JACQUI COWLES**  
Notary Public, State of Michigan  
County of Van Buren  
My Commission Expires 07-28-2014  
Acting In the County of Van Buren

CIC '13 02 3

**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.

*Marian C. Adeimy*      9-5-13      Marian C. Adeimy, Attorney for Applicant  
 Signature of Applicant      Date      Type of Print Name and Title

*Marian C. Adeimy*      9-5-13      Marian C. Adeimy, Attorney  
 Signature of Applicant's Attorney or Representative      Date      Type or Print Name and Title

*Pamela R. Morrow*      9-5-13  
 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      Andersen, Tate & Carr, P.C.  
 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)
See Exhibit "C".		

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

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**EXHIBIT "C"**  
**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS BY ANDERSEN, TATE & CARR, P.C.**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE CONTRIBUTION WAS MADE
Charlotte Nash, Chairman	\$1,000 \$1,000 \$500	February 22, 2011 November 16, 2011 February 20, 2013
Jace Brooks, District 1 Commissioner	\$500 \$500	March 15, 2012 December 20, 2012
Lynette Howard, District 2 Commissioner	\$1,000 \$1,000	May 25, 2010 October 27, 2011
Tommy Hunter, District 3 Commissioner	\$1,500 \$500 \$1,500	October 1, 2012 December 28, 2012 August 22, 2013
John Heard, District 4 Commissioner	\$1,000 \$1,000	February 16, 2010 August 25, 2011

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CIC 13023**

**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:**  
(Map Reference Number)

6 - 26 - 007 & 275  
District Land Lot Parcel



Signature of Applicant

9-5-13

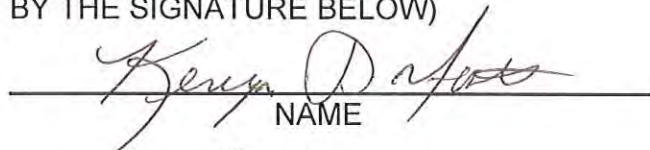
Date

Marian C. Adeimy, Attorney for Applicant

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)

  
NAME

**GWINNETT COUNTY  
TAX COMMISSIONER**

TITLE

9-5-2013  
DATE

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**SPECIAL USE PERMIT APPLICATION**

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

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CITY: <u>Duluth</u>	CITY: <u>Orlando</u>
STATE: <u>Georgia</u> ZIP: <u>30097</u>	STATE: <u>Florida</u> ZIP: <u>32862-8200</u>
PHONE: <u>(770) 822-0900</u>	PHONE: <u>(800) 992-5433</u>
CONTACT PERSON: <u>Marian C. Adeimy, Esq.</u> PHONE: <u>(770) 822-0900</u>	
CONTACT'S E-MAIL: <u>madeimy@atclawfirm.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:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>O&amp;I/R-100/</u>	BUILDING/LEASED SQUARE FEET: <u>Approx. 12,972</u>
<u>&amp; RM6</u>	
LAND DISTRICT(S): <u>6th</u>	LAND LOT(S): <u>26 007 &amp; 26 275</u> ACREAGE: <u>Approx. 14.614</u>
ADDRESS OF PROPERTY: <u>3225 and 3280 Wycliffe Way, Stone Mountain, Georgia 30087</u>	
SPECIAL USE REQUESTED: <u>Group Home and Change in Conditions (removing the conditions in RZ1978-00126 / RZ-126-78 and RZ-87-86, limiting the use by a Christian Service Organization, limiting property to one quadriplex, and limiting ownership of structures to Wycliffe Bible Translators.</u>	

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- A) WHETHER A PROPOSED REZONING / SPECIAL USE PERMIT OR CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. This is a large, approximately 14 acre tract, previously used as a group home. There would be no exterior evidence of any change in the buildings containing the Group Home and there would be no impact on adjacent and nearby residential property uses.

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

No. There will be no exterior evidence of the group home's presence. There would be little to no impact on adjacent and nearby property and will not adversely affect these properties.

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

No. The property had been previously used and developed as a group home and meeting place for a mission and was previously rezoned for that use, but without the necessary special use permit now required for a Group Home.

- D) WHETHER THE PROPOSED SPECIAL USE PERMIT OR 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 proposed Group Home would not cause any additional or excessive use of existing streets, transportation facilities or utilities and there would be no impact on the schools.

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

Yes. The Gwinnett 2030 Unified Plan has designated the area within which the subject property is located for existing/emerging suburban uses and the proposed Group Home is contemplated as a potential use on properties zoned residential and office and institutional, making this request entirely consistent with the Plan's guidelines for this area. The Comprehensive Plan, as part of the 2030 Unified Plan, specifically supports the goals of the Applicant in this request, "[to] provide housing opportunities for at-risk populations."

- 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 SPECIAL USE PERMIT OR CHANGE IN CONDITIONS.

Yes. The subject property has been previously used and developed for a group home use, and is zoned for is located between two well travelled arterial roads. The proposed use is entirely appropriate in light of existing and emerging development patterns, the size of the property, and the land uses in the surrounding area.

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**JUSTIFICATION FOR SPECIAL USE PERMIT AND CHANGE IN CONDITIONS /  
CONSTITUTIONAL OBJECTIONS**

The portions of the Gwinnett County Zoning Resolution and/or zoning conditions which presently restrict the property which is the subject of the Applications for Special Use Permit and Change in Conditions (the "Property") to its currently permitted uses are or would be unconstitutional in that they would destroy the Applicant Jahan Properties' (the "Applicant") 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, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Gwinnett County Zoning Resolution and/or zoning conditions which presently restrict the property to its currently permitted uses is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner'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, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development as a Group Home, as requested by the Applicant, has been developed and used as such by prior owners, and is not economically suitable for development with only the currently permitted uses and conditions. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore and contrary to other recent Board of Commissioners actions, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph 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.

A refusal by the Gwinnett County Board of Commissioners to allow the requested special use, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of a Special Use Permit and Change in Conditions for the subject Property, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the Special Use Permit and Change in Conditions Applications submitted by the Applicant relative to the Property be granted and that the requested special use and change in conditions be permitted on the subject Property as requested therein.

This 5<sup>th</sup> day of September 2013,

ANDERSEN, TATE & CARR, P.C.



Marian C. Adeimy  
Attorney for Applicant

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# ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.  
ONE SUGARLOAF CENTRE  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GEORGIA 30097  
(770) 822-0900  
FACSIMILE: (770) 236-9702  
www.atclawfirm.com

MARIAN C. ADEIMY

E-mail: madeimy@atclawfirm.com

## **LETTER OF INTENT** **FOR GROUP HOME SPECIAL USE PERMIT AND CHANGE IN CONDITIONS** **3225 and 3280 Wycliffe Way, Stone Mountain, Georgia**

The Applicant, Jahan Properties, LLC (hereinafter, the "Applicant"), submits this request for a Special Use Permit and Change in Conditions for a Group Home on an approximately 14 acres of land (hereinafter, the "Property") located at 3225 and 3280 Wycliffe Way, Stone Mountain, Georgia. The subject property included in this Application is currently zoned R-100, and RM-6, and O&I and was previously conditioned and rezoned under RZ-87-86 and RZ-126-78.

The proposed Group Home is at the end of a cul-de-sac on extensive acreage with existing natural buffers. The Property previously been used as a Group Home and center for Wycliffe Bible Translator, Inc. The Group Home would be targeted at providing counseling, therapy, and a supportive, alcohol and drug-free environment in a community setting for individuals in a substance addiction recovery program. The proposed group home would be essentially invisible to anyone not inside the existing buildings.

As part of this request, the Applicant has also submitted a request for Change in Conditions to remove conditions found under RZ-87-86 and RZ-126-78, including the conditions limiting the uses and ownership by a Christian Service Organization and by Wycliffe Bible Translators; removing the condition limiting the Property to one quadriplex, where two buildings currently exist; removing the condition requiring one story facing Wycliffe Way; and removing the condition requiring a 200 foot buffer surrounding the Property zoned O&I.

The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and a limited access highway. The subject property is also located near public transportation routes and locations already existing and being considered in Gwinnett County.

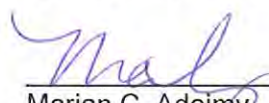
### **CONCLUSION**

The subject property is an appropriate location for the proposed Group Home and would have little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 5 day of September, 2013.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.

  
\_\_\_\_\_  
Marian C. Adeimy  
Attorney for the Applicant

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**SPECIAL USE PERMIT 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.

Mary 9-5-13  
Signature of Applicant Date

Marian C. Adeimy, Attorney for Applicant  
Type or Print Name and Title

P 9-5-13  
Signature of Notary Public Date



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**SPECIAL USE PERMIT 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

9-3-2013

Date

Frederic M. West, Wycliffe USA Corporation Secretary

Type or Print Name and Title

Signature of Notary Public

9-3-13

Date

Notary Seal

**JACQUI COWLES**  
Notary Public, State of Michigan  
County of Van Buren  
My Commission Expires 07-28-2014  
Acting in the County of Van Buren

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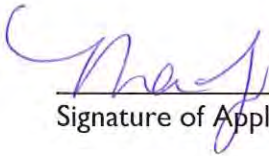
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**SPECIAL USE PERMIT IN A  
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.



\_\_\_\_\_  
Signature of Applicant

Marian C. Adeimy, Attorney for Applicant

\_\_\_\_\_  
Type or Print Name

9-5-13

\_\_\_\_\_  
Date



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

9-5-13

\_\_\_\_\_  
Date



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**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

The undersigned below, making application for a Special Use Permit, 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.

Marian C. Adeimy      9-5-13      Marian C. Adeimy, Attorney for Applicant  
 SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

Marian C. Adeimy      9-5-13      Marian C> Adeimy, Attorney for Applicant  
 SIGNATURE OF APPLICANT'S      DATE      TYPE OR PRINT NAME AND TITLE  
 ATTORNEY OR REPRESENTATIVE

P. [Signature]      9-5-13  
 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    Andersen, Tate & Carr, P.C.  
 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)
See Exhibit "C".		

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Attach additional sheets if necessary to disclose or describe all contributions

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**EXHIBIT "C"**  
**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS BY ANDERSEN, TATE & CARR, P.C.**

<b>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</b>	<b>CONTRIBUTIONS</b>	<b>DATE CONTRIBUTION WAS MADE</b>
Charlotte Nash, Chairman	\$1,000 \$1,000 \$500	February 22, 2011 November 16, 2011 February 20, 2013
Jace Brooks, District 1 Commissioner	\$500 \$500	March 15, 2012 December 20, 2012
Lynette Howard, District 2 Commissioner	\$1,000 \$1,000	May 25, 2010 October 27, 2011
Tommy Hunter, District 3 Commissioner	\$1,500 \$500 \$1,500	October 1, 2012 December 28, 2012 August 22, 2013
John Heard, District 4 Commissioner	\$1,000 \$1,000	February 16, 2010 August 25, 2011

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