

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>KEN AZEVEDO</u>	NAME: <u>KEN AZEVEDO</u>
ADDRESS: <u>1911 Grayson Hwy, Ste 8-335</u>	ADDRESS: <u>1911 Grayson Hwy, Ste 8-335</u>
CITY: <u>Grayson</u>	CITY: <u>Grayson</u>
STATE: <u>GA</u> ZIP: <u>30017</u>	STATE: <u>GA</u> ZIP: <u>30017</u>
PHONE: <u>770-963-6909</u>	PHONE: <u>770-963-6909</u>
CONTACT PERSON: <u>Tracey Mason</u> PHONE: <u>770-963-6909</u>	
CONTACT'S E-MAIL: <u>traceydmason@gmail.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R100 REQUESTED ZONING DISTRICT: RA200

LAND DISTRICT(S): 5th LAND LOT(S): 183 ACREAGE: 10.103

ADDRESS OF PROPERTY: 1458 Bowman Road, Tax Parcel 5183 020

PROPOSED DEVELOPMENT: Horse Riding Stable

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>2</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>5,000 s.f.</u>
Gross Density: _____	Density: <u>495 s.f./acre</u>
Net Density: _____	

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

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## Legal Description

All that tract or parcel of land Lying and being in Land Lot 183 of the 5<sup>th</sup> Land District of Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the Land Lot corner common to Land Lots 183, 184, 201 & 202, running thence along the Land Lot line common to Land Lots 183 and 184 South 58 degrees 25 minutes 14 seconds West a distance of 198.50 feet to a point, thence South 59 degrees 40 minutes 14 seconds West a distance of 522.90 feet to a 3 inch pipe found and the True Point of Beginning, thence continuing along said Land Lot line South 60 degrees 01 minutes 14 seconds West a distance of 510.60 feet to a ½ inch rebar found, thence South 59 degrees 59 minutes 26 seconds West a distance of 225.89 feet to a 5/8 inch rebar found, thence North 30 degrees 01 minutes 35 seconds West a distance of 210.05 feet to a 5/8 inch rebar found, thence North 66 degrees 50 minutes 12 seconds East a distance of 241.17 feet to a ½ inch rebar, thence North 25 degrees 44 minutes 59 seconds West a distance of 312.53 feet to a ½" rebar, thence North 39 degrees 51 minutes 13 seconds West a distance of 538.38 feet to a nail found in an asphalt drive on the southeasterly right of way of Bowman Road, a 60 foot right of way, thence running along said southeasterly right of way of Bowman Road, 47.85 feet along the arc of a 2,018.95 foot radius curve to the right, said curve being subtended by a chord of North 54 degrees 46 minutes 04 seconds East a distance of 47.85 feet to a point, thence North 55 degrees 26 minutes 48 seconds East a distance of 104.33 feet to a point, thence 107.81 feet along the arc of a 2,440.64 foot radius curve the left, said curve being subtended by a chord of North 54 degrees 10 minutes 53 seconds East a distance of 107.80 feet to a ½ inch rebar set, thence leaving the aforesaid right of way, South 38 degrees 29 minutes 50 seconds East a distance of 335.43 feet to a 1 inch pipe, thence North 52 degrees 42 minutes 32 seconds East a distance of 129.50 feet to a ½ inch rebar, thence South 39 degrees 44 minutes 05 seconds East a distance of 196.20 feet to a ½ inch rebar set, thence South 40 degrees 06 minutes 36 seconds East a distance of 546.98 feet to a 3" pipe and the True Point of Beginning.

Said tract contains 10.103 acres and is more particularly shown on a Boundary Survey for Ken Azevedo, prepared by Alcovy Surveying & Engineering, Inc., dated 10/18/2012.

RZR '14 0 0 2

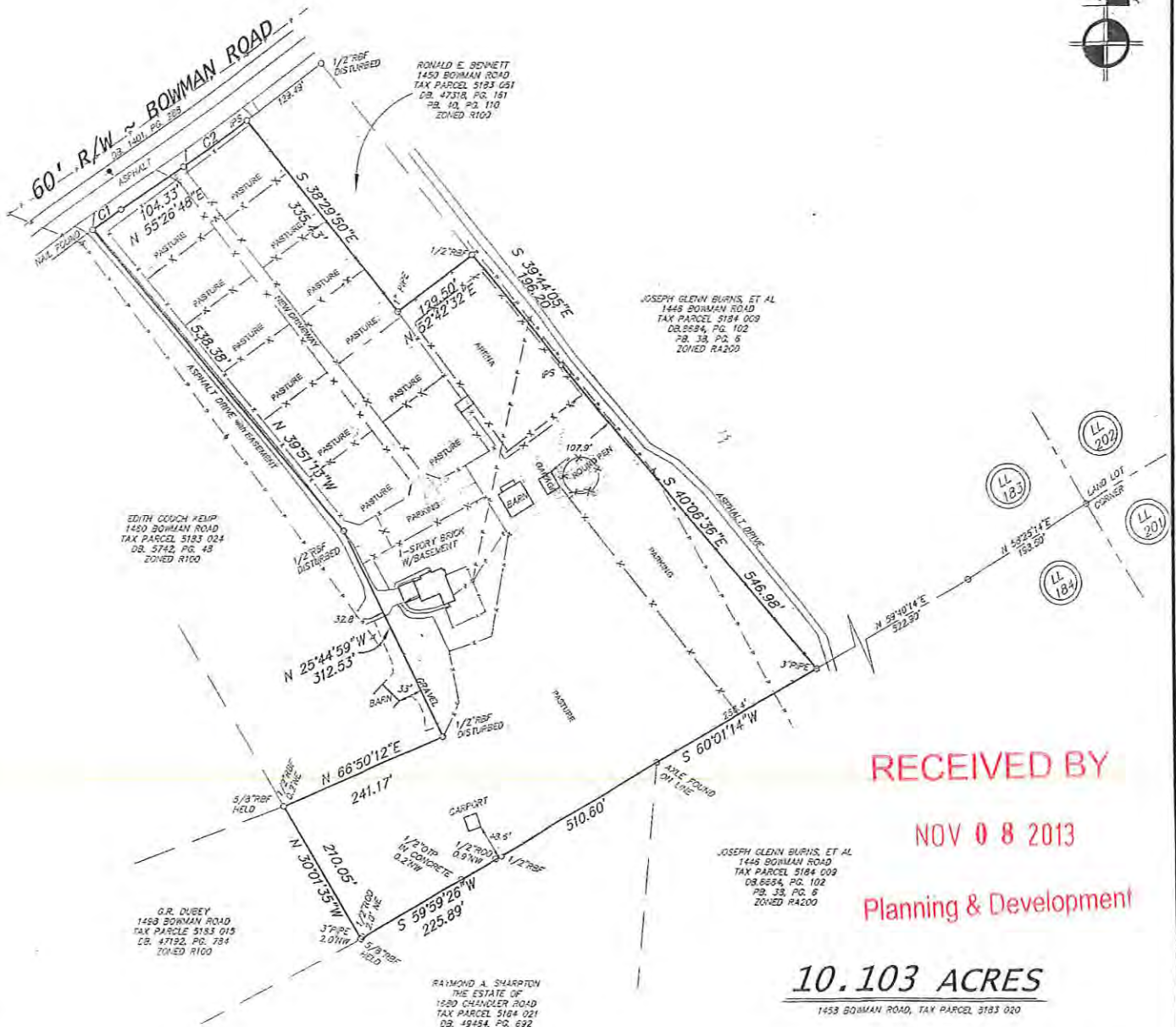
**LEGEND**

- I.P.F. = IRON PIN FOUND
- I.P.S. = IRON PIN SET (1/2" RE-BAR)
- R.B.F. = RE-BAR FOUND
- R.B.S. = RE-BAR SET
- O.T. = OPEN TOP
- G.T. = GRADED TOP
- R/W = RIGHT OF WAY
- P.L. = PROPERTY LINE
- C.L. = CENTER LINE
- B.L. = BUILDING LINE
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- G.O.D. = GEORGIA OILITA DISTRICT
- P.P. = POWER POLE
- P.L. = POWER LINE
- F.L. = FENCE LINE
- R. = RADIUS
- CH. = CHAIN
- TAIL. = TANGENT
- N/F. = NOW OR FORMERLY
- D.S. = DEED BOOK
- P.B. = PLAT BOOK
- P.P. = PAGE
- D.E. = DRAINAGE EASEMENT
- S.E. = SEWER EASEMENT
- M.H. = FIRE HYDRANT
- M.H. = MANHOLE
- C.B. = CATCH BASIN
- E.S. = EXISTING SPOT ELEVATION
- F.S. = FINISHED SPOT ELEVATION
- P.S. = PROPOSED SPOT ELEVATION
- F.F.E. = FINISHED FLOOR ELEVATION
- = DIRECTION OF SURFACE DRAINAGE

NOTE: NO PORTION OF THE PROPERTY SHOWN HEREON IS IN A DESIGNATED FLOOD HAZARD AREA, ACCORDING TO THE FLHM. NO. 1313500105F DATED 9/29/2005

Curve	Radius	Length	Chord	Chord Bear.
C1	2018.95'	47.85'	47.85'	N 54°46'04" E
C2	2440.64'	107.81'	107.80'	N 54°10'53" E

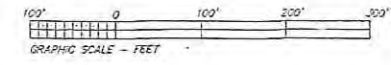
MAGNETIC NORTH



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10.103 ACRES

1458 BOWMAN ROAD, TAX PARCEL 5183 020



A TOPCON 225 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 55,101 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 115,070 FEET.

RZR '14 0 0 2



BOUNDARY SURVEY FOR:

KEN AZEVEDO

LAND LOT(S) 183	5th DISTRICT	GWINNETT COUNTY, GEORGIA
SCALE: 1" = 100'		FIELD WORK DATE: 10/15/12
ALCOY SURVEYING AND ENGINEERING, INC.		DATE: 10/18/2012
2205 HWY. 81 S., LOGANVILLE, GA. 30052		JOB NO. 12-087
PHONE 70-468-4002		

**REZONING 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 REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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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 REZONING:

Please see attached.

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REZONING APPLICANT'S RESPONSE  
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER  
REZONING APPLICATION OF KEN AZEVEDO

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

This property was previously zoned RA200. The area remains largely rural in character with large tracts predominately in the area.

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

This Applicant/Owner plans to install a new driveway to eliminate the need to share a driveway with the neighboring property owner. Other properties are primarily large tract residences that will not be adversely affected by this rezoning.

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

The economics of this property has been affected by the Applicant/Owner's reliance on the erroneous information that this property was already zoned RA200. He would suffer a significant financial hardship in the event that the property was not rezoned from R100 to RA200.

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

The proposed use here will not cause excessive or burdensome use of existing streets, transportation facilities, or utilities. The use will have no effect on schools. Any additional use of a driveway will be diverted from the existing shared driveway to the new driveway which will be installed by the Applicant/Owner.

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

This property was previously zoned RA200, and an RA200 zoning would be in conformity with other uses in the 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:

The Applicant/Owner relied on the erroneous information that this property was already zoned RA200. He would suffer a significant financial hardship in the event that the property was not rezoned from R100 to RA200.

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LETTER OF INTENT TO REZONING APPLICATION  
OF KEN AZEVEDO

November 7, 2013

Gwinnett County Department of  
Planning and Development  
One Justice Square  
446 West Crogan Street  
Lawrenceville, GA 30046

RE: Rezoning Application of Ken Azevedo, concerning property located  
at 1458 Bowman Road; Gwinnett County, Georgia

Dear Planning Department:

This letter of intent is being submitted with the rezoning application of Ken Azevedo, the owner of 10.103 acres, located at 1458 Bowman Road in Gwinnett County, Georgia. The subject property consists of one parcel with an existing house and an existing barn, and the Applicant/Owner resides at this location. When the Applicant/Owner purchased this property, his understanding was that the property was zoned RA200 to allow for the operation of a horse riding stable. He later obtained a zoning letter which stated that the property was zoned RA200. Relying on this information, the Applicant/Owner made a significant investment in the property to develop it as a horse riding stable. Since then, the Applicant/Owner has been informed that the property is, in fact, zoned R100.

Therefore, the Applicant/Owner is respectfully requesting that this property be rezoned to RA200 so that he can continue to make the changes necessary to use this property as a horse riding stable. Specifically, the Applicant/Owner proposes to expand the existing one-story barn which, together with the house, results in a density of approximately 495 s.f. per acre. He would add a small parking area and fencing. Currently, the property shares a driveway with a neighboring homeowner. The Applicant/Owner plans to install a new driveway for the exclusive use of this property.

The Applicant/Owner is available to meet with you to discuss any questions or concerns that you may have.

Respectfully submitted,

TRACEY D. MASON, LLC



Tracey Mason  
Attorney for Ken Azevedo, the  
Applicant/Owner

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cc: Mr. Ken Azevedo

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**REZONING APPLICANT'S CERTIFICATION**

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

*Ken Azevedo* 11.7.2013  
Signature of Applicant Date

Ken Azevedo  
Type or Print Name and Title

*Cynthia H. Anderson* 11/7/2013  
Signature of Notary Public Date



Notary Seal  
*expires 09/27/2017*

**REZONING PROPERTY OWNER'S CERTIFICATION**

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

*Ken Azvedo* 11.7.2013  
Signature of Property Owner Date

Ken Azvedo  
Type or Print Name and Title

*Cynthia H Anderson* 11/7/13   
Signature of Notary Public Date Notary Seal

*expires 09/27/2017*

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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Ken Azevedo                      11-7-2013                      Ken Azevedo  
 SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

\_\_\_\_\_  
 SIGNATURE OF APPLICANT'S                      DATE                      TYPE OR PRINT NAME AND TITLE  
 ATTORNEY OR REPRESENTATIVE

Cynthia H Anderson                      11/7/2013                      expired  
 SIGNATURE OF NOTARY PUBLIC                      DATE                      09/27/2013



**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    Ken Azevedo  
 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)

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

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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	11.7.2013	Tracey D. Mason, LLC By: Tracey Mason, Managing Member
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	11/7/2013	
SIGNATURE OF NOTARY PUBLIC	DATE	



*expuis*  
 9/27/2017

**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    Tracey D. Mason, LLC  
 \_\_\_\_\_  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Please see attached.		

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

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING  
REZONING APPLICATION OF KEN AZVEDO

Contributions made by Tracey D. Mason, LLC

Tommy Hunter

\$250

Summer 2013

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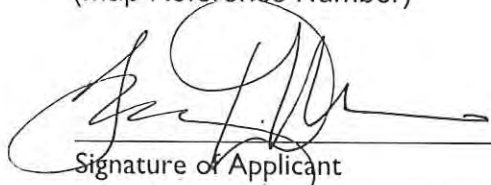
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**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

**PARCEL I.D. NUMBER:**                      5                      183                      020  
(Map Reference Number)                      District                      Land Lot                      Parcel



Signature of Applicant

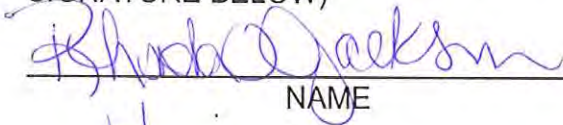
Date

Tracey Mason, Attorney for Applicant/Owner

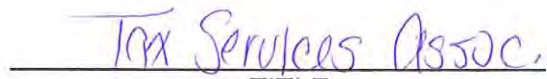
Type or Print Name and Title

**TAX COMMISSIONERS USE ONLY**

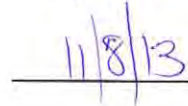
(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)



NAME



TITLE



DATE

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