CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: DARYL COOK	NAME: SUGARLOAF 316 LLC
ADDRESS: 1180 BELLS FERRY RD.	ADDRESS: PO BOX 888632
CITY: MARIETTA	CITY: ATLANTA
STATE: GA ZIP: 30066	STATE: GA ZIP: 30356
PHONE: 404-354-9188	PHONE: 678-324-6192

CONTACT PERSON: DARYL COOK PHONE: 404-354-9188

CONTACT'S E-MAIL: DCOOK@WBENGR.COM

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

APPLICANT IS THE:

☑ OWNER'S AGENT ☐ PROPERTY OWNER ☐ CONTRACT PURCHASER

ZONING DISTRICTS(S): R-100 PRIOR ZONING CASE: RZR-06-014

LAND DISTRICT(S): 5 LAND LOT(S): 266 & 267 ACREAGE: 41.00

ADDRESS OF PROPERTY: EWING CHAPEL ROAD

PROPOSED CHANGE IN CONDITIONS: PER ATTACHED

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: 71	NO. OF BUILDINGS/LOTS:
DWELLING UNIT SIZE (Sq. Ft.): VARIES	TOTAL GROSS SQUARE FEET:
GROSS DENSITY: 1.73	DENSITY:
NET DENSITY: 1.73	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

Ewing Chapel Tract

Point of Commencement is the northwest corner of the intersection of Ewing Chapel Road (80' R/W) and Brooks Road (Variable R/W) in land lot 266 of the 5th district of Gwinnett County, Georgia.

From the Point of Commencement thence north along the western right of way of Ewing Chapel Road (80' R/W) a distance of 1209.79 feet to the Point of Beginning; thence leaving the right of way of Ewing Chapel Road (80' R/W) N67 23' 16" W a distance of 1932.18 feet to a point at the intersection of land lots 246, 247, 266 and 267; thence N 31 07' 37" W a distance of 1097.10 feet to a point, thence N 31 44' 08" W a distance of 625.89 feet to a point; thence N 59 29' 04" E a distance of 625.23 feet to a point; thence S 30 23' 56" E a distance of 1684.13 feet to a point, thence S 67 25' 35" E a distance of 36.79 feet to a point, thence S 68 14' 47" E a distance of 536.01 feet to a point, thence S 32 07' 46" W a distance of 157.35 feet to a point, thence S 67 29' 34" E a distance of 1113.91 feet to a point on the western right of way of Ewing Chapel Road (80' R/W), thence running south along the west right of way of Ewing Chapel Road (80' R/W) along a curve to the left, said curve having a radius of 3000.70 feet, chord distance of 356.44 feet and bearing of S 26 43' 49" W and having an arc length a distance of 356.65 feet to the Point of Beginning.

Said tract containing 41.00 acres as shown on the Plat for Sugarloaf 316, LLC and Scott and Christy Goodwin by Landman Inc. dated 5/23/14, sealed and signed by Larry Bollinger RLS.

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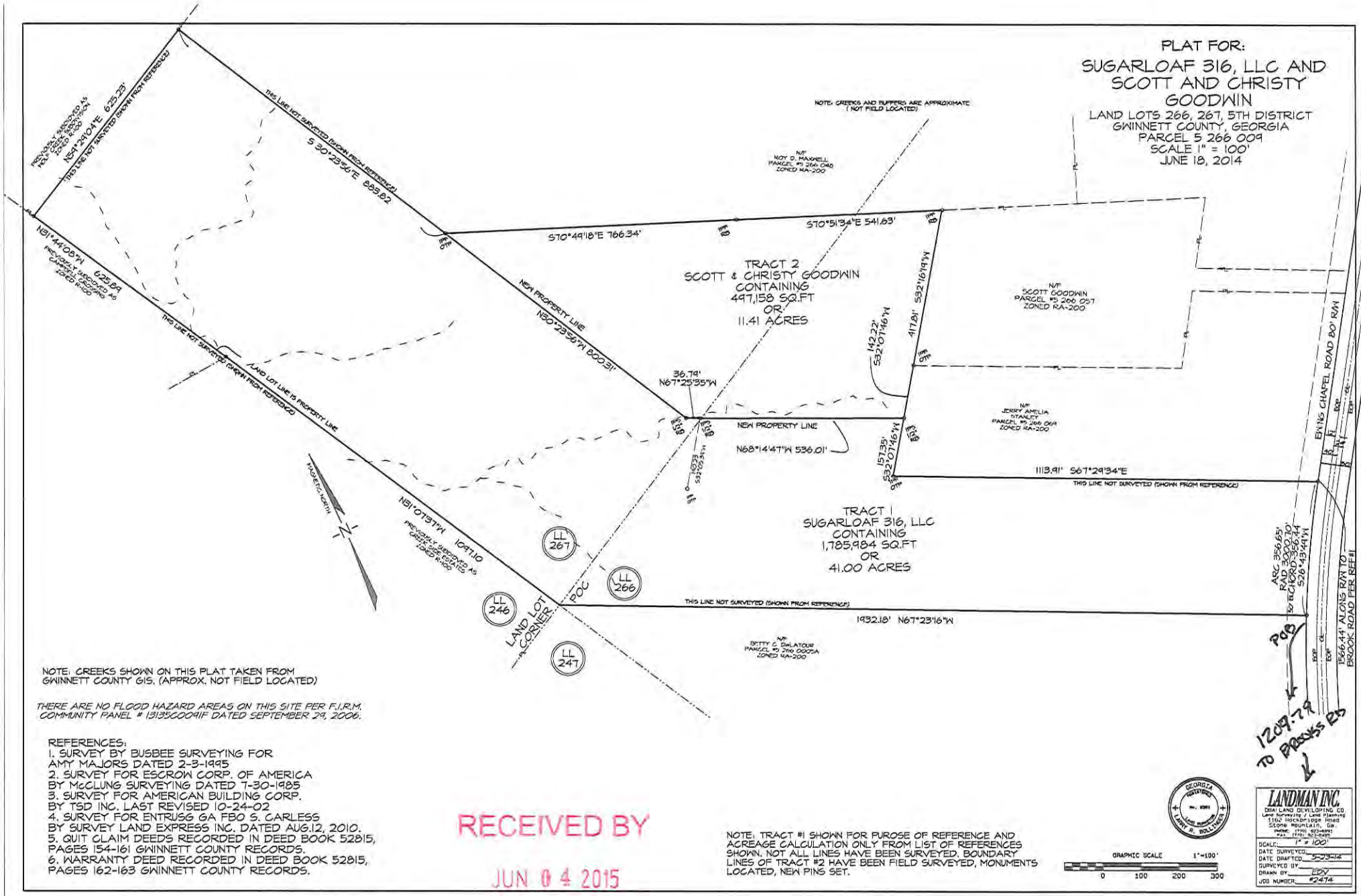
PLAT FOR:
SUGARLOAF 316, LLC AND SCOTT AND CHRISTY GOODWIN

LAND LOTS 266, 267, 5TH DISTRICT
GWINNETT COUNTY, GEORGIA
PARCEL 5 266 009
SCALE 1" = 100'
JUNE 18, 2014



NOTE: CREEKS SHOWN ON THIS PLAT TAKEN FROM GWINNETT COUNTY GIS. (APPROX. NOT FIELD LOCATED)

THERE ARE NO FLOOD HAZARD AREAS ON THIS SITE PER F.I.R.M. COMMUNITY PANEL # 13135C0091F DATED SEPTEMBER 29, 2006.

REFERENCES:
1. SURVEY BY BUSBEE SURVEYING FOR AMY MAJORS DATED 2-3-1995
2. SURVEY FOR ESCROW CORP. OF AMERICA BY McCLUNG SURVEYING DATED 7-30-1985
3. SURVEY FOR AMERICAN BUILDING CORP. BY TSD INC. LAST REVISED 10-24-02
4. SURVEY FOR ENTRUSG GA FBO S. CARLESS BY SURVEY LAND EXPRESS INC. DATED AUG.12, 2010.
5. QUIT CLAIM DEEDS RECORDED IN DEED BOOK 52815, PAGES 154-161 GWINNETT COUNTY RECORDS.
6. WARRANTY DEED RECORDED IN DEED BOOK 52815, PAGES 162-163 GWINNETT COUNTY RECORDS.

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NOTE: TRACT #1 SHOWN FOR PUROSE OF REFERENCE AND ACREAGE CALCULATION ONLY FROM LIST OF REFERENCES SHOWN. NOT ALL LINES HAVE BEEN SURVEYED. BOUNDARY LINES OF TRACT #2 HAVE BEEN FIELD SURVEYED, MONUMENTS LOCATED, NEW PINS SET.

GRAPHIC SCALE 1"=100'
0 100 200 300

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 2981 LARRY R. BOLLINGER

LANDMAN INC.
DEAL LAND DEVELOPING CO
Land Surveying / Land Planning
1162 Rockridge Road
Stone Mountain, Ga.
PHONE (770) 923-4080
FAX (770) 923-9189

SCALE	1" = 100'
DATE SURVEYED	
DATE DRAFTED	5-23-14
SURVEYED BY	
DRAWN BY	EDV
JOB NUMBER	#2414

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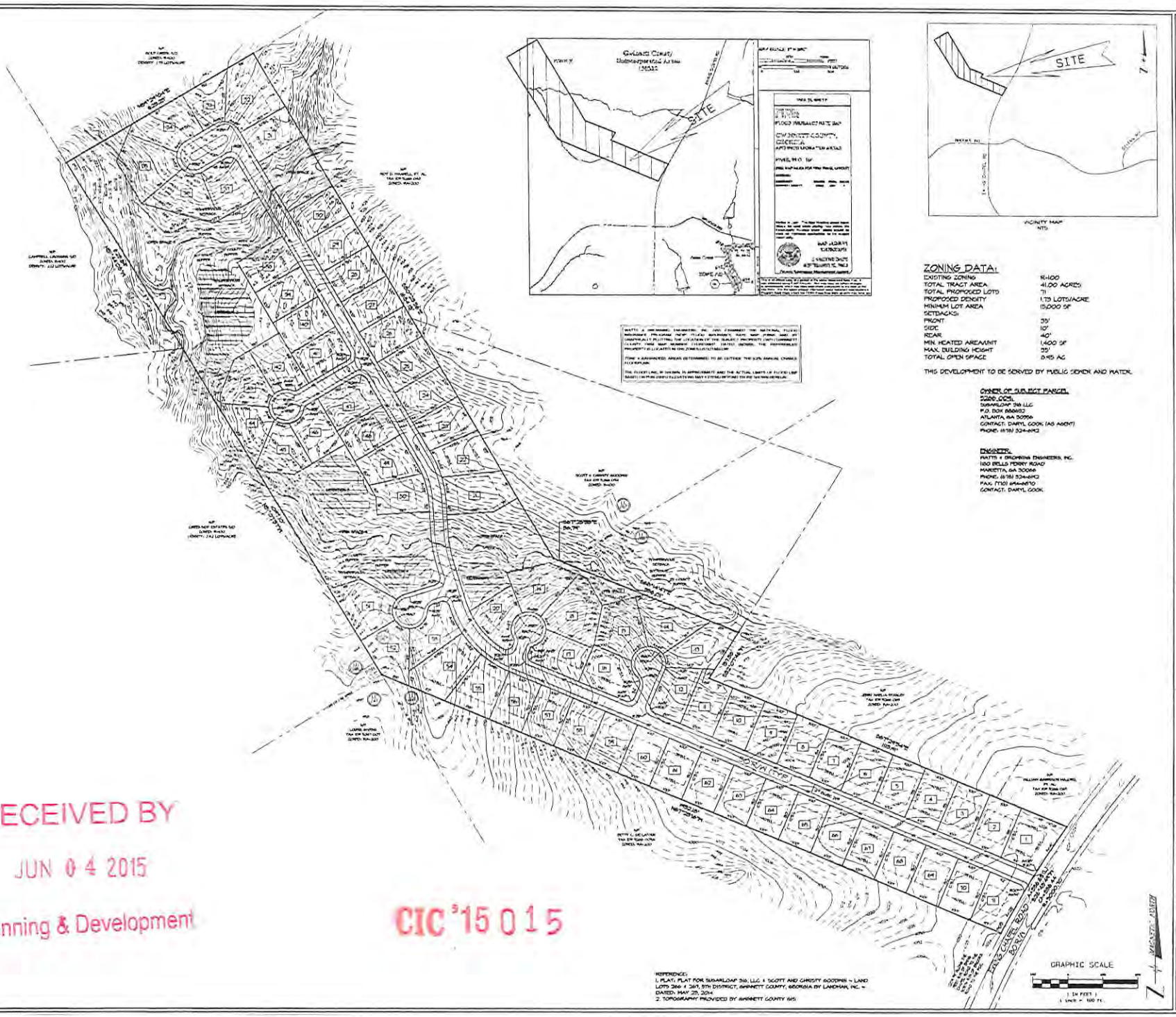

ZONING DATA:

EXISTING ZONING	R-100
TOTAL TRACT AREA	41.00 ACRES
TOTAL PROPOSED LOTS	71
PROPOSED DENSITY	1.73 LOTS/ACRE
MINIMUM LOT AREA	15,000 SF
SETBACKS:	
FRONT	35'
SIDE	10'
REAR	40'
MIN. HEATED AREA/UNIT	1,400 SF
MAX. BUILDING HEIGHT	35'
TOTAL OPEN SPACE	8.45 AC

THIS DEVELOPMENT TO BE SERVED BY PUBLIC SEWER AND WATER.

OWNER OF SUBJECT PARCEL
5266 004:
SUGARLOAF 316 LLC
P.O. BOX 888652
ATLANTA, GA 30356
CONTACT: DARYL COOK (AS AGENT)
PHONE: (678) 524-6142

ENGINEER:
WATTS & BROWNING ENGINEERS, INC.
1180 BELLS FERRY ROAD
MARIETTA, GA 30066
PHONE: (678) 524-6142
FAX: (770) 694-6870
CONTACT: DARYL COOK

REFERENCE:
1. PLAT: PLAT FOR SUGARLOAF 316, LLC & SCOTT AND CHRISTY GOODWIN - LAND LOTS 266 & 267, 5TH DISTRICT, GWINNETT COUNTY, GEORGIA BY LANDMAN, INC. - DATED: MAY 29, 2014
2. TOPOGRAPHY PROVIDED BY GWINNETT COUNTY GIS

CHANGE IN CONDITIONS EXHIBIT FOR
SUGARLOAF 316 LLC
LOCATED IN
LAND LOTS 266 & 267
5TH DISTRICT
GWINNETT COUNTY, GEORGIA

GEORGIA
DARYL H. COOK

REVISIONS			
NO.	DATE	BY	DESCRIPTION

W&B
WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1180 BELLS FERRY ROAD
MARIETTA, GEORGIA 30066-6030
PHONE: (678) 524-6142
FAX: (770) 694-6870
WWW.WBENGR.COM
SF000426 - PF000714

SCALE	1" = 100'
DATE SURVEYED	N/A
DATE UPDATED	N/A
SURVEYED BY	OTHERS
DATE DRAFTED	05/15/2015
UPDATE DRAFTED	N/A
DRAWN BY	JJS
CHECKED BY	CPC
FIELD BOOK #	N/A
JOB NUMBER	150335
FOLDER NUMBER	150335
CDM FILE	N/A
DTIC FILE	G:\WBENGR\150335\150335-ZONING-EXHIBIT
COUNTY/LL/DIS	GWINNETT/266/267
PLAT FILE	0
SHEET	1 OF 1

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CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

SEE ATTACHED

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

"

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS 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:

"

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

"

(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:

"

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CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

For Case Number RZR-06-014

Responses to standards (A) through (F)

(A) "Suitable Use": We believe that the proposed change in conditions actually make this property more suitable in view of the proposed use AND existing development of the adjacent properties in that the conditions proposed more closely mimic those of the surrounding residential subdivisions in yield, composition and conditions.

(B) "Adverse Affect": We believe that the proposed change in conditions will NOT adversely affect the adjacent or nearby properties but will rather support and enhance them due to the similar conditions and zonings imposed on each.

(C) "Economic Use": While the property as currently zoning has an economic use, it is not a use consistent with the surrounding properties and therefore begs these change in conditions to allow similar economic use.

(D) "Excessive or Burdensome Use": In my opinion the proposed change in conditions will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The proposed increase in overall yield is very minor in comparison to the overall pattern of street, traffic, utilities and school use. Rather, the proposed use will be more in conformity with surrounding property's uses and needs. There is currently no known issues with capacity of existing streets, utilities, traffic or schools that would be affected in an excessive or burdensome way by the proposed change in conditions.

(E) "Conformity": There are no known issues with respect to policy and intent of the land use plan that would be impacted by the proposed change in conditions. Rather, the proposed change in conditions would cause this property to better conform to said plan and policy

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since it would be more consistent with the surrounding development's uses and intensities.

(F) "Supporting Grounds": Existing and changing conditions affecting the use and development of the property do give supporting grounds for approval of the change in conditions in that the surrounding properties have been developed to higher densities and the economic downturn and partial recovery of the last 10 years support the change in conditions supporting consistent and similar density yield and conditions to allow for a successful development rather than severely limiting and inconsistent conditions that currently exist for this property. Currently the property's conditions do not allow an economically feasible development now or in the foreseeable future.

6/2/15

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5582 Peachtree Road · Atlanta, Georgia 30341 · Phone: 770-451-7453 · Facsimile: 770-455-3955

Watts & Browning Engineers, Inc.

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June 4, 2015

Gwinnett County Board of Commissioners
C/O Bryan Lackey, Director
Gwinnett County Department of Planning & Development
446 West Crogan Street
Suite 250
Lawrenceville, Ga 30046

Re: Case Number RZR-06-014
Change in Conditions

Dear Commissioners:

Please accept this letter as notification of our request for a proposed change in conditions for the subject property located on Ewing Chapel Road approximately 1,200-ft north of Brooks Road in Land Lots 266 and 267 of the 5th District, Gwinnett County, GA.

The site consists of 41.00 acres and the proposed development will comprise of 71 single-family lots with a minimum area of 15,000 sf. The proposed density is 1.73 units per acre.

The subject property was re-zoned from RA-200 & R-100 to R-100 with conditions on April 25, 2006 and the following are the proposed change in conditions:

1. Property Restriction:
   A. Approved condition: Single-family detached dwellings and accessory uses and structures with a density not to exceed one unit per acre
   ***Proposed change:* Single-family detached dwellings and accessory uses and structures with a density of 1.73 units per acre**

   B. Approved condition: The minimum heated floor area per dwelling unit shall be 2,200 sf for one-story and 2,400 sf for two-story homes
   ***Proposed change:* The minimum heated floor area per dwelling unit shall be 2,400 sf**

   C. Approved condition: Homes shall be constructed of brick, stacked stone, stucco or fiber cement cedar shakes, including combinations of these

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materials. The balance of the home may be the same or fiber-cement siding

Proposed condition: ***The front of all homes shall be constructed of materials such as brick, stacked stone, stucco and/or fiber cement cedar shakes, including combinations of these materials. The sides shall have water tables which may be of the same materials as the front. The balance of the home may be of the same materials, fiber-cement siding, or similar. No vinyl siding will be allowed.***

2. Site Development Considerations:
   A. Approved condition: Houses shall maintain a minimum 100-ft setback from Ewing Chapel Road
   Proposed change: ***Houses shall maintain a minimum 35-ft setback from Ewing Chapel Road***

   B. Approved condition: Provide a 50-ft wide construction buffer along Ewing Chapel Road
   Proposed change: ***Delete condition***

   C. Approved condition: Provide a 25-ft wide construction buffer around the perimeter of the site
   Proposed change: ***Provide 25-ft wide construction buffer. Said buffer expires upon approval of final plat***

   H. Approved condition: Provide a black 6-ft high chain link fence along the north and east boundaries of the property from Ewing Chapel Road to Wolf Creek Subdivision
   Proposed change: ***Delete condition.***

We trust that the proposed changes listed above will meet with your approval. Further, please note that the owner hereby reserves all rights and remedies available to it under the Constitution of the United States, the Constitution of the State of Georgia, all applicable federal, state and local laws and ordinances, and in equity with respect to this Change in Conditions request. Thank you for your consideration.

Sincerely,

Daryl R. Cook P.E., LEED© AP B+C
President/CEO

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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 — Date: 6/2/15

DARYL R. COOK, AGENT
Type or Print Name and Title

James M. Holmes — Date: 6/02/15
Signature of Notary Public — Date — Notary Seal
Signature of Notary Public — Date — Notary Seal

JAMES M. HOLMES
NOTARY PUBLIC
COBB COUNTY, GEORGIA

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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.

X A Ramos — 6-3-15

Signature of Property Owner — Date

SUGARLOAF 316 LLC

Type or Print Name and Title

Bruce C Pury — 6-3-15

Signature of Notary Public — Date — Notary Seal

BRUCE C PURYEAR NOTARY PAULDING COUNTY, GEORGIA

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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.

	6/2/15	DARYL R. COOK, AGENT
Signature of Applicant	Date	Type of Print Name and Title
SAME AS APPLICANT		
Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title
James M. Holmes	6/2/2015	
Signature of Notary Public	Date	Notary Seal

JAMES M. HOLMES
NOTARY PUBLIC
COBB COUNTY, GEORGIA

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 DARYL R. COOK

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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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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 SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number)

District	Land Lot	Parcel
5	266	009

Signature of Applicant — Date: 6/2/15

DARYL COOK, AS AGENT FOR 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)

Diane Fox — NAME
TSA II — TITLE
6/3/2015 — DATE

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PROPERTY TAX DIVISION
TAX COMMISSIONER'S OFFICE