CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Richardson Housing Group c/o Mill Creek Consulting	NAME: Gwinnett Community Bank
ADDRESS: 4480 Commerce Dr., Suite A	ADDRESS: Same
CITY: Buford	CITY:
STATE: GA ZIP: 30518	STATE: ZIP:
PHONE: 770-614-6511	PHONE:

CONTACT PERSON: MITCH PEEVY PHONE: (770) 614-6511

APPLICANT'S E-MAIL: millcreekconsulting@gmail.com

*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:

_____ OWNERS AGENT _____ PROPERTY OWNER _X_ CONTRACT PURCHASER

PRESENT ZONING DISTRICT (S): R-ZT PRIOR ZONING CASE: RZM04-002

LAND DISTRICT (S): 5 LAND LOT (S): 130 ACREAGE: 0.814

ADDRESS OF PROPERTY: 771, 781, 778 Sweet Ashley Way

PROPOSED DEVELOPMENT: Three 2 story homes

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: 3	NO. OF BUILDINGS/UNITS:
DWELLING UNIT SIZE (SQ. FT.): 1,800	TOTAL GROSS SQUARE FEET:
GROSS DENSITY: 5.4 for entire subdivision	DENSITY:
NET DENSITY: 5.4 for entire subdivision	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Legal Description Kelly Mill Lots 37-39

All that tract or parcel of land containing 0.814 acres lying and being in Land Lot 130 of the 5th District, located in Gwinnett County, Georgia, being Lots 37-39, Kelly Mill Subdivision, A.K.A. 771, 781, 778 Sweet Ashley Way, and being more particularly described as follows:

Beginning at a point where the northerly right of way of Sweet Ashley Way intersects the lot line common to lots 39 and 40, this point being the **True Point of Beginning.**

Thence from the **True Point of Beginning** as thus established, leaving said right of way of Sweet Ashley Way, and running thence **North** 02 degrees 46 minutes 10 seconds **West** a distance of 140.72 feet to a point; running thence **North** 45 degrees 14 minutes 42 seconds **East** a distance of 8.11 feet to a point; running thence **North** 88 degrees 58 minutes 14 seconds **East** a distance of 81.36 feet to a point; running thence **South** 35 degrees 51 minutes 34 seconds **East** a distance of 311.19 feet to a point; running thence **South** 60 degrees 11 minutes 02 seconds **West** a distance of 15.78 feet to a point; running thence **North** 76 degrees 06 minutes 40 seconds **West** a distance of 202.40 feet to a point on the right of way of Sweet Ashley Way; continuing thence along said right of way of Sweet Ashely Way along a curve to the left having a radius of 50.00 feet and an arc length of 97.08 feet, said arc subtended by a chord bearing **North** 39 degrees 26 minutes 25 seconds **West** a distance of 82.53 feet to the **True Point of Beginning.**

All being as described on the recorded final plat for Kelly Mill Subdivision recorded 04/18/14 in Plat Book 131, Pages 185-186 Gwinnett Country Records.

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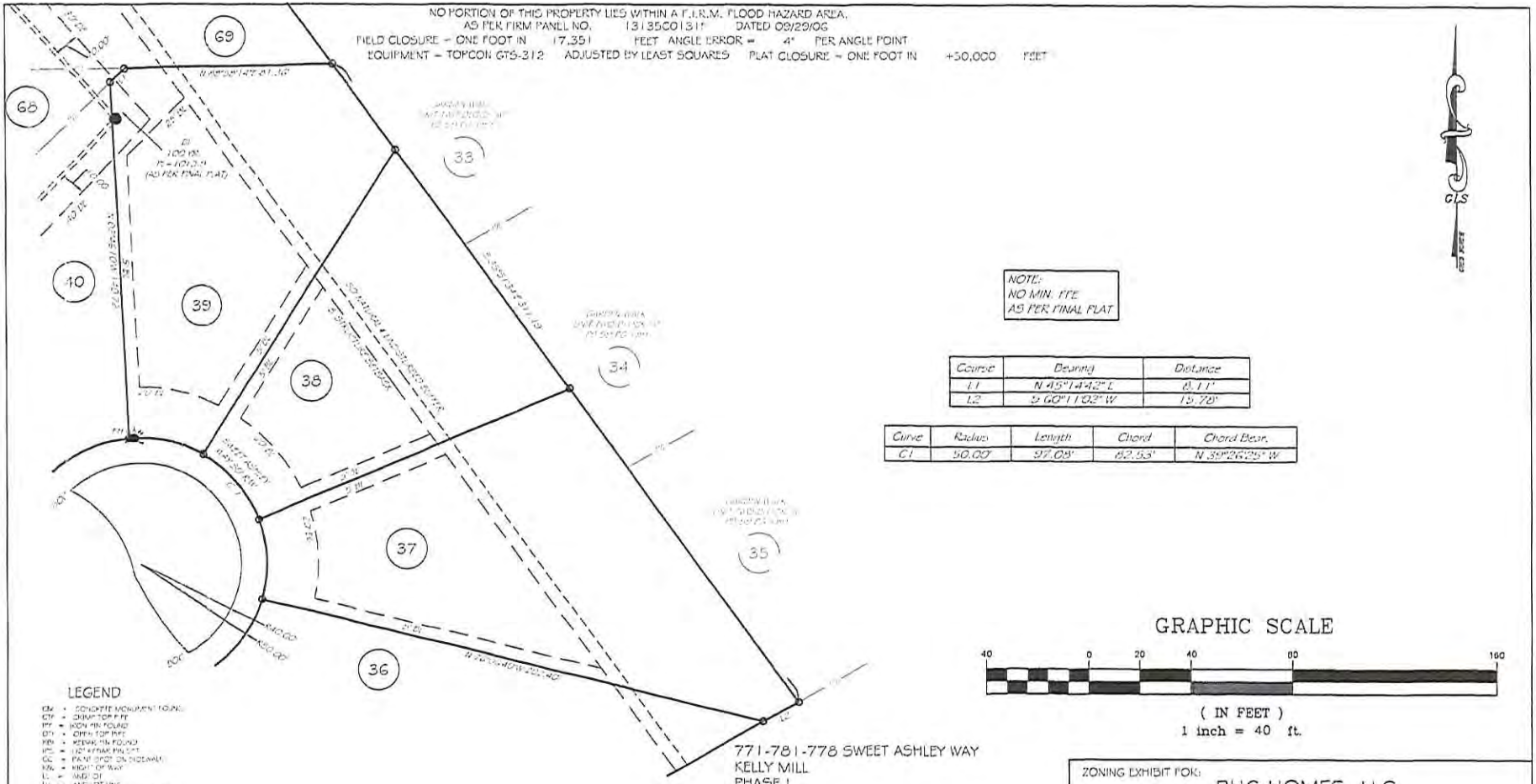

Course	Bearing	Distance
L1	N 45°14'42" E	8.11'
L2	S 60°11'02" W	15.78'

Curve	Radius	Length	Chord	Chord Bear.
C1	50.00'	97.08'	82.53'	N 35°26'05" W

771-781-778 SWEET ASHLEY WAY
KELLY MILL
PHASE I
BLOCK A
LOT 37-39
0.814 ACRES

SUBDIVISION FINAL PLAT RECORDED
04/18/14 . GWINNETT COUNTY . GA.
PLAT BOOK 131 .PAGE 185-186

GEORGIA REGISTERED NO. 2503 LAND SURVEYOR JEFF H. GRIFFIN

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

MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

No.	By	Date	Revision

ZONING EXHIBIT FOR:
RHG HOMES, LLC

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

DATE: 1/20/15 LAND LOT: 130 DISTRICT: 5TH
COUNTY: GWINNETT,GA SCALE: 1"=30'
DRAWN BY: JRG CHECKED BY: JHG
JOB NO. KELLY5D FILE NUMBER:

GLS

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341
PRIVATE
RESIDENCE

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 EXISTING EMERGING SUBURBAN.

(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.

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PLANNING DIVISION USE ONLY

CASE NUMBER _____ RECEIVED BY:_____

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Richardson Housing Group, requests a change in conditions of RZM-04-002. This property was rezoned in March of 2004 and Condition 1. E. states the following:

Lots within the development that are adjacent to tax parcels 5-159-081, 5-159-082 and 5-159-083 shall be limited to single story homes. A 50-foot undisturbed buffer shall also be provided along the easterly property line common to the aforementioned tax parcels.

The request is to be allowed to build a similar product on lots 37, 38 and 39 as to what is currently being built and what has been built in the subdivision. There are no single story homes within the subdivision and all of the homes are 2,000 square feet or larger. If single story homes are going to be built on these three lots then they will all have to be in the 1,700 square foot range and will be less expensive than the $170,000 plus two story homes that the applicant wants to build on the lots. The 50-foot undisturbed buffer will be maintained as currently required and there are no other changes proposed as 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 — Date: 1/21/15

MARK RICHARDSON - PRESIDENT
Type or Print Name and Title

Signature of Notary Public — Date: 1/21/15 — Notary Seal

DONNA B. DAVIS NOTARY PUBLIC WALTON COUNTY GEORGIA EXPIRES AUG. 20, 2016

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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.

ON BEHALF OF GWINNETT COMMUNITY BANK		1/20/2015
Signature of Property Owner		Date

MIKE BALLENGER, VICE PRESIDENT

Type or Print Name and Title

1-20-15	DEBRA T BROWN NOTARY EXPIRES GEORGIA JANUARY 31, 2018 PUBLIC FORSYTH COUNTY	DEBRA T BROWN NOTARY EXPIRES RGIA PUBLIC FORSYTH COUNTY	
Signature of Notary Public	Date	Notary Seal	

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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 of Applicant	Date	Type of Print Name and Title
	1/21/15	MARK RICHARDSON - PRESIDENT

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

Signature of Notary Public	Date	Notary Seal
Donna B Davis	1/21/15	DONNA B. DAVIS NOTARY PUBLIC WALTON COUNTY GEORGIA EXPIRES AUG. 20, 2016

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)
TOMMY HUNTER	$250	8/20/13
JOHN HEARD	$100	5/6/14

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

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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)

←	130	456
District	Land Lot	Parcel

Signature of Applicant — 1/21/15 Date

MARK RICHARDSON - PRESIDENT
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
1/28/2015 — DATE

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PROPERTY TAX DIVISION
TAX COMMISSIONER'S OFFICE

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

5 - 130 - 457

District - Land Lot - Parcel

Signature of Applicant — 1/21/15 Date

MARK RICHARDSON - PRESIDENT

Type or Print Name and Title

TAX COMMISSIONERS USE ONLY

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1/28/2015 — DATE

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PARCEL I.D. NUMBER: (Map Reference Number) 5 (District) - 130 (Land Lot) - 458 (Parcel)

Signature of Applicant — 1/21/15 (Date)

MARK RICHARDSON - PRESIDENT
Type or Print Name and Title

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