

SPECIAL USE PERMIT APPLICATION

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

| APPLICANT INFORMATION | PROPERTY OWNER INFORMATION* |
|--|---|
| NAME: <u>PERTITA MATASARU</u> | NAME: <u>SARA MATASARU</u> |
| ADDRESS: <u>5215 LAKE CARLTON RD</u> | ADDRESS: <u>5215 LAKE CARLTON RD. S</u> |
| CITY: <u>LOGANVILLE</u> | CITY: <u>LOGANVILLE</u> |
| STATE: <u>GA</u> ZIP: <u>30052</u> | STATE: <u>GA</u> ZIP: <u>30052</u> |
| PHONE: <u>(404) 557-7784</u> | PHONE: <u>(404) 819-5688</u> |
| CONTACT PERSON: <u>PERTITA MATASARU</u> PHONE: <u>404 557 7784</u> | |
| CONTACT'S E-MAIL: <u>PERTITAM@YAHOO.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 checked="" type="checkbox"/> OWNER'S AGENT | <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER |
| EXISTING/PROPOSED ZONING: <u>R-100</u> BUILDING/LEASED SQUARE FEET: <u>3107</u> | |
| PARCEL NUMBER(S): <u>032</u> ACREAGE: <u>1.96</u> | |
| ADDRESS OF PROPERTY: <u>5215 LAKE CARLTON RD. S</u> | |
| SPECIAL USE REQUESTED: <u>FAMILY PERSONAL CARE HOME</u> | |

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

SUP '17 048

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RETURN TO:
Attn: REO Dept
SHAPIRO PENDERGAST & HASTY, LLP
211 Perimeter Center Parkway NE
Ste 300
Atlanta, GA 30346
File#: 16-056594

SPECIAL WARRANTY DEED

STATE OF GEORGIA
COUNTY OF DEKALB

THIS INDENTURE made this 8th day of April, 2016, between

FANNIE MAE AKA FEDERAL NATIONAL MORTGAGE ASSOCIATION
PO Box 650043, Dallas, Tx 75265-0043

as party or parties of the first part, hereinafter called Grantor and

SARA MATASARU an unmarried woman

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION
ATTACHED HERETO AND INCORPORATED HEREIN
BY THIS REFERENCE

Subject to all easements, covenants and restrictions of record.

Said property being known as 5215 LAKE CARLTON ROAD S, LOGANVILLE, GA 30052, together with all fixtures and personal property attached to and constituting a part of said property, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

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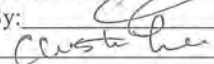
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AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

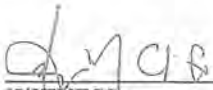
IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

FANNIE MAE AKA FEDERAL NATIONAL
MORTGAGE ASSOCIATION BY
Shapiro Pendergast & Hasty, LLP
ITS ATTORNEY IN FACT

By: , ATTORNEY AT LAW

PURSUANT TO THAT LIMITED POWER OF
ATTORNEY AS RECORDED IN DEED BOOK
55453, PAGE 47, FULTON COUNTY, GEORGIA
RECORDS


WITNESS


NOTARY PUBLIC
My Commission Expires:

Notary Seal



SUP '17 048

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EXHIBIT "A"

16-056594

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 129 AND 130 OF THE 5TH DISTRICT, GWINNETT COUNTY, GEORGIA, AND ENCOMPASSING 1.96 ACRES, MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AND DELINEATED ACCORDING TO A PLAT AND SURVEY PREPARED BY VON ITTER & ASSOCIATES, CERTIFIED BY ROBERT W. VON ITTER, GEORGIA REGISTERED SURVEYOR NO. 2251, DATED APRIL 18, 1984 AND REVISED DECEMBER 10, 1986, ENTITLED "SURVEY FOR HENRY D. MARTIN & PATRICIA A. MARTIN," SAID PLAT BEING OF RECORD IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA, IN PLAT BOOK 38, PAGE 300B AND REVISED IN PLAT BOOK 57, PAGE 67, WHICH SAID PLAT AND THE RECORDING THEREOF ARE BY REFERENCE HERETO INCORPORATED HEREIN FOR A MORE COMPLETE AND DETAILED DESCRIPTION.

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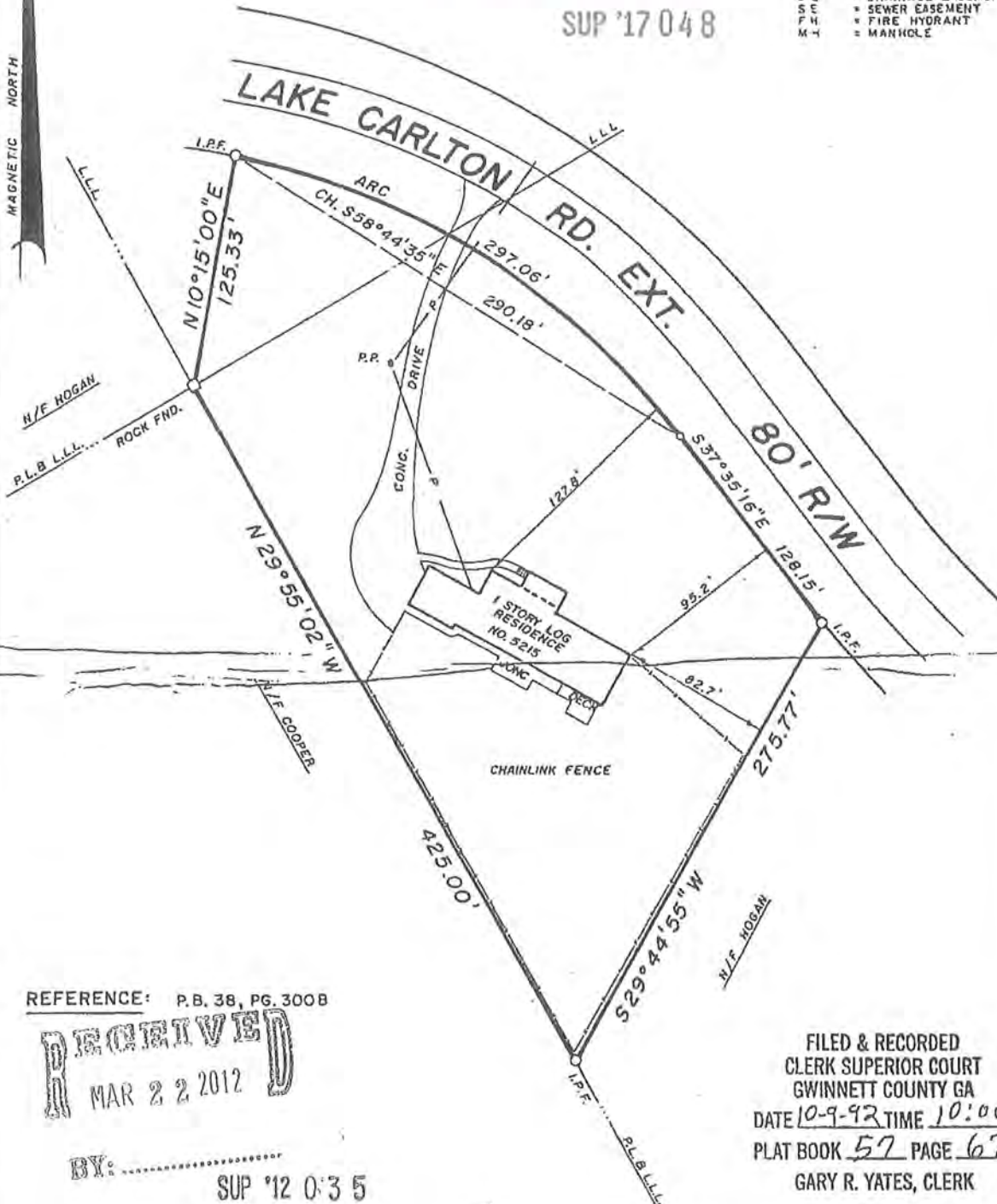
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| LEGEND | |
|--------|---------------------|
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| I.P.S. | = IRON PIN SET |
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| F.H. | = FIRE HYDRANT |
| M-H | = MANHOLE |

MAGNETIC NORTH



REFERENCE: P.B. 38, PG. 300B

RECEIVED
MAR 22 2012

BY:
SUP '12 035

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY GA
DATE 10-9-92 TIME 10:00 AM
PLAT BOOK 57 PAGE 67
GARY R. YATES, CLERK

1.96 ACRES

NOTE: THE DESCRIBED PROPERTY IS NOT IN
A DESIGNATED FLOOD HAZARD AREA

38955-56



SURVEY FOR: HENRY D. MARTIN & PATRICIA A. MARTIN

LAND LOT(S) 129 & 130 5th. DISTRICT GWINNETT COUNTY, GEORGIA

SCALE: 1" = 60'

DATE: 9-30-92

VON ITTER & ASSOCIATES

1829 Youth-Jersey Road

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT 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 SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, as there will be no change except for the licensing and 5 additional people living in the home.

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

There would be no adverse affect to the existing use or usability of adjacent or nearby properties.

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

The property does have economic use, as it will house 5 elderly individuals.

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

There will be no burden or excessive use of existing streets, transportation facilities, utilities or schools.

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

The Special Use Permit is in conformity as land will remain residential. Land will still be used a residence as it meets the requirements for the Special Use Permit.

- (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 SPECIAL USE PERMIT:

There are no existing or changing conditions that would affect the use and development of the property. The home would be used as a residential dwelling for 5 elderly individuals.

LETTER OF INTENT

August 04, 2017

Gwinnett County
Department of Planning & Development
Planning Division
466 West Crogan Street.
Suite 250
Lawrenceville, GA

RE: 5215 LAKE CARLTON RD S LOGANVILLE, GA 30052

Dear Sirs/Madam:

The purpose of this letter is to ask for a Special Use Permit for the property located at 5215 Lake Carlton Rd S Loganville, GA 30052 for the use of a Community Living Arrangement.

We feel that because of the lot size being 1.96 acres we are within the zoning requirements for the R-100 zoning classification.

We are not requesting a new zoning classification, but to be granted a special use permit for our property.

The number of lots and dwelling units would remain the same (one lot, one dwelling unit) for the 3107 square foot log cabin home.

The home sits on a 1.96 acre lot and the square footage of the home is 3107. All aspects of the home and lot would be used for the dwelling of 5 elderly individuals.

The home as it stands has room for 6 car parking and would remain the same.

The building is a one story ranch log cabin style home.

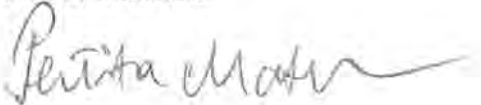
There would be no requested change in buffers.

Granting the Special Use Permit would allow for 5 elderly individuals the luxury of living in a home that they could call their own. The Special Use permit would be within the purpose of the land use ordinance because it would not be injurious to the area or otherwise detrimental to the public welfare.

We, therefore, respectfully request that you grant us the Special Use Permit.

Sincerely,

Pertita Matasaru



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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.

Pertita Matasar Pertita Matasar 8-4-17
Signature of Applicant Date

PERTITA MATSARU
Type or Print Name and Title

Dallas A. Howard 8-4-17
Signature of Notary Public Date

Dallas A. Howard
Notary Public, Clarke County, Georgia
My Commission Expires June 4, 2021



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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.

Sara Matasaru

Signature of Property Owner

8-4-17

Date

Sara Matasaru

Type or Print Name and Title

8-4-17

Dallas A. Howard

Signature of Notary Public

8-4-17

Date

Dallas A. Howard
Notary Public, Clarke County, Georgia
My Commission Expires June 4, 2021

Notary Seal



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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.

Pertita Matasar Pertita Matasar
Signature of Applicant

PERTITA MATASARU
Type or Print Name

8-4-17
Date

Dallas A Howard 8-4-17
Signature of Notary Public Date

Dallas A. Howard
Notary Public, Clarke County, Georgia
My Commission Expires June 4, 2021
Notary Seal



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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.

Pertita Matasar Pertita Matasar PERTITA MATASARU
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

M/A
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

Dallas A. Howard 8-4-17
SIGNATURE OF NOTARY PUBLIC DATE

Dallas A. Howard
Notary Public, Clarke County, Georgia
My Commission Expires June 4, 2021



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 PERTITA MATASARU
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) |
|---|---|--|
| | | |
| | | |
| | | |

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

SUP '17 048 7

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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: 5 - 129 - 032
(Map Reference Number) District Land Lot Parcel

Pertita Matasar B
Signature of Applicant Date

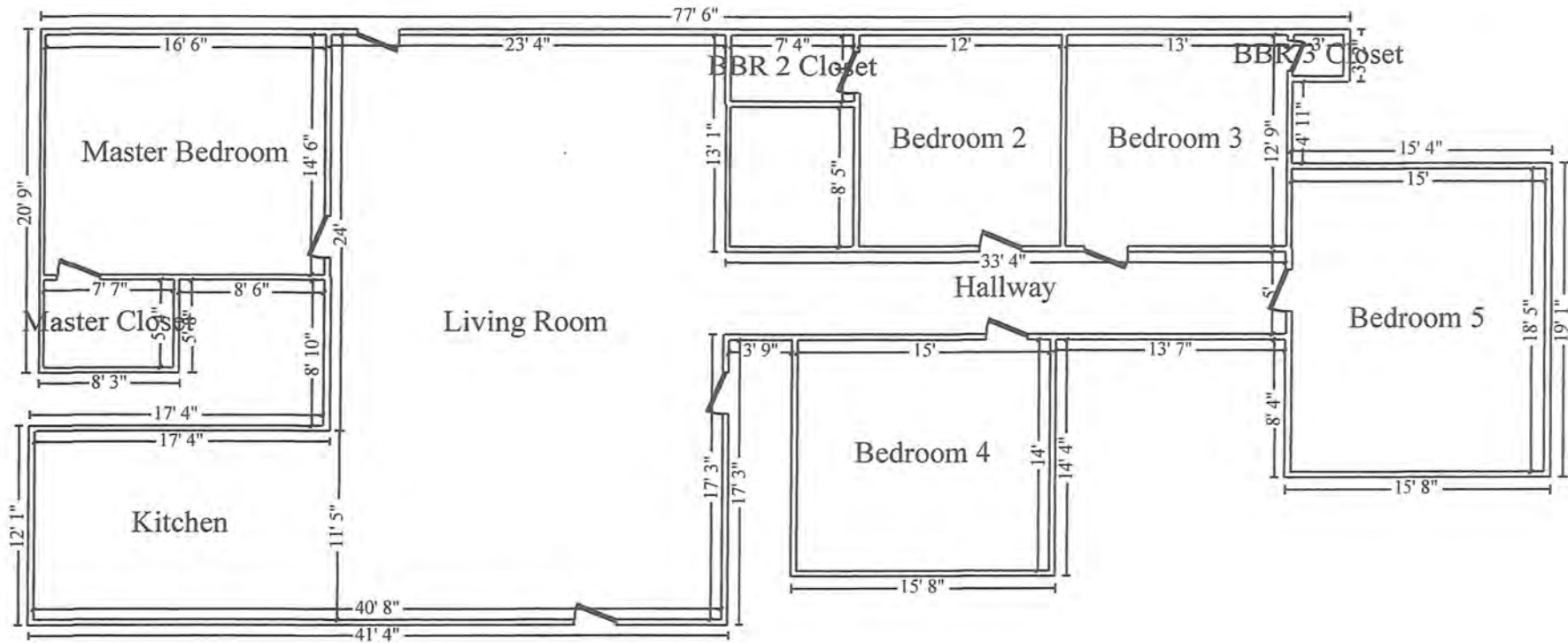
PERTITA MATASARU
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

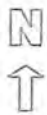
[Signature] TSA II
NAME TITLE
8/4/17 8/4/17
DATE DAY



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AUG 04 2017

SUP '17 048



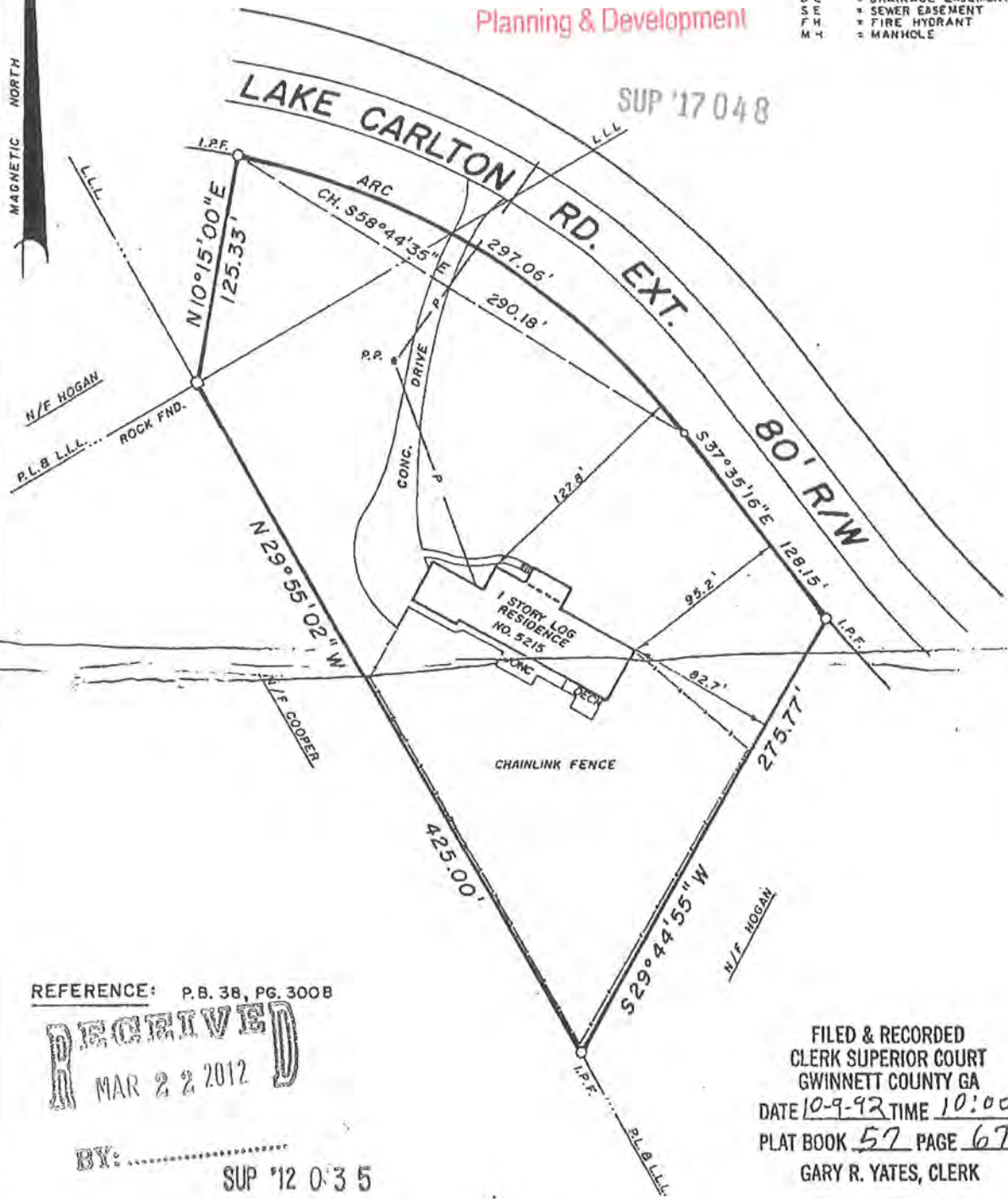
Main Level

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LEGEND
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S.E. = SEWER EASEMENT
F.H. = FIRE HYDRANT
M.H. = MANHOLE



REFERENCE: P.B. 38, PG. 300B

RECEIVED
MAR 22 2012

BY:
SUP '12 03 5

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY GA
DATE 10-9-92 TIME 10:00 AM
PLAT BOOK 57 PAGE 67
GARY R. YATES, CLERK

1.96 ACRES

38955-56

NOTE: THE DESCRIBED PROPERTY IS NOT IN
A DESIGNATED FLOOD HAZARD AREA



SURVEY FOR:

HENRY D. MARTIN & PATRICIA A. MARTIN

LAND LOT(S) 129 & 130

5th. DISTRICT

GWINNETT COUNTY, GEORGIA

SCALE: 1" = 60'

DATE: 9-30-92

VON ITTER & ASSOCIATES

1829 Youth Jersey Road

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VON ITTER & ASSOCIATES

1829 Youth-Jersey Road

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LAND LOT(S) 129 & 130 5th. DISTRICT GWINNETT COUNTY, GEORGIA

SCALE: 1" = 60' DATE: 9-30-92

VON ITER & ASSOCIATES 1829 Youth-Jersey Road

Department of Planning and Development

446 West Crogan Street • Lawrenceville, GA 30046-2440
(tel) 678.518.6000
www.gwinnettcounty.com



gwinnettcounty

APPLICATION ACCEPTANCE FORM

The Current Planning Division has accepted your zoning application on this date. There will be two (2) public hearings to consider your request: the first, before the Planning Commission, and the second, before the Board of Commissioners. The Board of Commissioners makes the official final decision (permits may not be obtained until the Board of Commissioners has taken final action on the request.).

On the following dates, it is required that you be present or that you be represented at these public hearings:

| | <u>DATE</u> | <u>TIME</u> |
|------------------------|-----------------|------------------|
| PLANNING COMMISSION | <u>10-3-17</u> | <u>7:00 p.m.</u> |
| BOARD OF COMMISSIONERS | <u>10-24-17</u> | <u>7:00 p.m.</u> |

Both public hearings will be held at the Gwinnett Justine and Administration Center Auditorium, located at 75 Langley Drive, Lawrenceville, Georgia.

If you have any questions, please contact Current Planning Staff at 678-518-6000.

Am
ACCEPTED BY

SUP 2017-00048
CASE NUMBER(S)

The Applicant is responsible for public notification for this case(s), and will be provided a zoning sign and a mailing list of nearby parcels. The Applicant must post and document the sign on the subject property, and mail notifications to property owners of record within 1,000 feet of the subject property per instructions provided by the Current Planning Division. Failure to follow these procedures will result in the application being delayed or administratively withdrawn. In order to receive the refundable portion of the sign deposit, the sign must be returned to the Current Planning Division within fifteen (15) days of the final Board of Commissioners Public Hearing.

Penita Mo
ACKNOWLEDGED BY



GWINNETT COUNTY

ONE JUSTICE SQUARE

446 West Crogan Street, Lawrenceville, Georgia 30046

Phone: 678-518-6020 Fax: 678-518-6028

RECEIPT NUMBER : 462811 - PLAN2

DATE : 8/4/2017

Line Items:

| Case No. | Description | Revenue Account No. | Invoice No. | Amount Paid |
|---------------------------------|---|---------------------|-------------|-------------|
| SUP2017-00048 | Sign Deposit Fee - Z9 | 40404002 | 554411 | \$150.00 |
| SUP2017-00048 | SUP Low Density Residential Application Fee -Z1 | 40404002 | 554412 | \$500.00 |
| GRAND TOTAL FOR THE LINE ITEMS: | | | 1108823 | \$650.00 |

Payments:

| Method | Payor | Cashier | Check No. | Amount Paid |
|-----------------|----------------------|------------|-----------|-------------|
| Check | BUDGET FLOORING, LLC | CMCALLAWAY | 1058 | \$650.00 |
| TOTAL PAYMENTS: | | | | \$650.00 |

Comment: AM