

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>NAKITA HEMINGWAY</u>	NAME: <u>JONATHAN HEMINGWAY</u> + <u>NAKITA HEMINGWAY</u>
ADDRESS: <u>2357 PEACH SHOALS CIR</u>	ADDRESS: <u>2357 PEACH SHOALS CIR</u>
CITY: <u>DACULA</u>	CITY: <u>DACULA</u>
STATE: <u>GA</u> ZIP: <u>30019</u>	STATE: <u>GA</u> ZIP: <u>30019</u> <u>678.520.7049</u>
PHONE: <u>(404) 983-5351</u>	PHONE: <u>(404) 983-5351</u>
CONTACT PERSON: <u>NAKITA HEMINGWAY</u> PHONE: <u>404.983.5351</u>	
CONTACT'S E-MAIL: <u>NAKITA.HEMINGWAY@GMAIL.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 checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>RA-200</u>	BUILDING/LEASED SQUARE FEET: <u>VARIES SEE SITE PLAN</u>
PARCEL NUMBER(S): <u>R 5245 140</u>	ACREAGE: <u>6.706</u>
ADDRESS OF PROPERTY: <u>W CAMPBELL ROAD</u>	
SPECIAL USE REQUESTED: <u>EVENT VENUE, BED N' BREAKFAST</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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**WEST CAMPBELL ROAD TRACT**  
**Lawrenceville, Georgia**

**ALL** that tract or parcel of land lying and being in Land Lot 245 of the 5th District, Gwinnett County, Georgia, containing 6.71-acres, as shown on a Boundary Survey by Sibley-Miller Surveying and Planning, Inc. dated March 27, 2018, and being more particularly described as follows:

Beginning at an iron pin at the intersection of West Campbell Road and Sugarloaf Parkway On-Ramp, on the southwest margin of the public right-of-way (right-of-way varies), having state plane coordinates of N:1441492.38, E:2373948.72, Georgia West Zone; said iron pin being the **TRUE POINT OF BEGINNING**; thence continuing along said right-of-way South 00 degrees 33 minutes 28 seconds West, 59.62 feet to an iron pin set on the northwest margin of the public right-of-way of Sugarloaf Parkway On-Ramp; thence continuing along said right-of-way South 38 degrees 03 minutes 28 seconds West, 129.59 feet to a point; thence 234.87 feet along the arc of a curve to the left having a radius of 764.00 feet and a chord bearing and distance of South 29 degrees 15 minutes 03 seconds West, 233.95 feet to a point; thence South 17 degrees 24 minutes 25 seconds West, 74.18 feet to an iron pin set; thence departing said right-of-way South 79 degrees 08 minutes 13 seconds West, 139.33 feet to a rebar found; thence North 30 degrees 30 minutes 38 seconds West, 727.57 feet to a rebar found; thence North 83 degrees 16 minutes 53 seconds East, 211.13 feet to a rebar found; thence North 83 degrees 17 minutes 08 seconds East 154.50 feet to a rebar found; thence North 83 degrees 16 minutes 48 seconds East, 211.97 feet to an iron pin found with cap, on the southwest margin of the public right-of-way of West Campbell Road (right-of-way varies); thence continuing along said right-of-way South 23 degrees 59 minutes 10 seconds East, 87.65 feet to a point; thence South 36 degrees 56 minutes 32 seconds East, 189.55 feet to the **TRUE POINT OF BEGINNING**.

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OK 55851 00203

FILED AND RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA

2018 APR 30 PM 12:38

RICHARD ALEXANDER, CLERK

PT-61 # 67-2018-008941  
GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX  
\$ 120.00  
RICHARD T. ALEXANDER, JR. CLERK OF  
SUPERIOR COURT

302695 - 97

Return To: JS-0072  
REGINALD A. HUDSPETH, LLC  
6340 Sugarloaf Pkwy, Suite 150  
Duluth, Georgia 30097  
(770) 925-1400

[ABOVE SPACE RESERVED FOR RECORDING DATA]

AFTER RECORDING, RETURN TO:  
Bank of the Ozarks  
17901 Chenal Parkway  
Little Rock, Arkansas 72223

**LIMITED WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF CHATHAM**

THIS INDENTURE is made effective this 12<sup>th</sup> day of April, 2018, between **BANK OF THE OZARKS** (hereinafter referred to as "**Grantor**") and **JONATHAN L. HEMINGWAY** (hereinafter referred to as "**Grantee**") to include their respective successors, legal representatives and assigns where the context required or permits.

**WITNESSETH:**

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey, and by these presents grants, bargains, sells and conveys to Grantee that certain real property located in Gwinnett County, Georgia, and more particularly described in Exhibit "A" which is attached hereto and incorporated herein (the "**Property**").

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

AND GRANTOR in lieu of all other warranties, express or implied, hereby covenants with Grantee that Grantor will forever warranty and defend the title to the Property against all lawful claims and encumbrances done or suffered by or through Grantor, but against none other whatsoever.

GRANTEE has fully examined and inspected the Property, and Grantor is conveying the Property in its existing condition with no representations or warranties of any kind with regard to

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its condition. Grantor is conveying the Property "as is, where is, and with all faults," and Grantee assumes all responsibility for the Property.

THIS CONVEYANCE is subject to all real estate ad valorem taxes and governmental assessments, all matters of record, including, but not limited to, all easements, covenants and restrictions of record, all matters as would be revealed by a current and accurate survey of the property herein conveyed, and all matters accruing prior to the date of acquisition of the Property by Grantor.

EXECUTED under seal as of the date above.

Signed, sealed, and delivered  
in the presence of

BANK OF THE OZARKS

*Judd Clark*  
Unofficial Witness

*Rhonda Clark, SVP*

By: Rhonda Clark  
Title: Senior Vice President—Special Assets

*Audrey Caraway*  
Notary Public

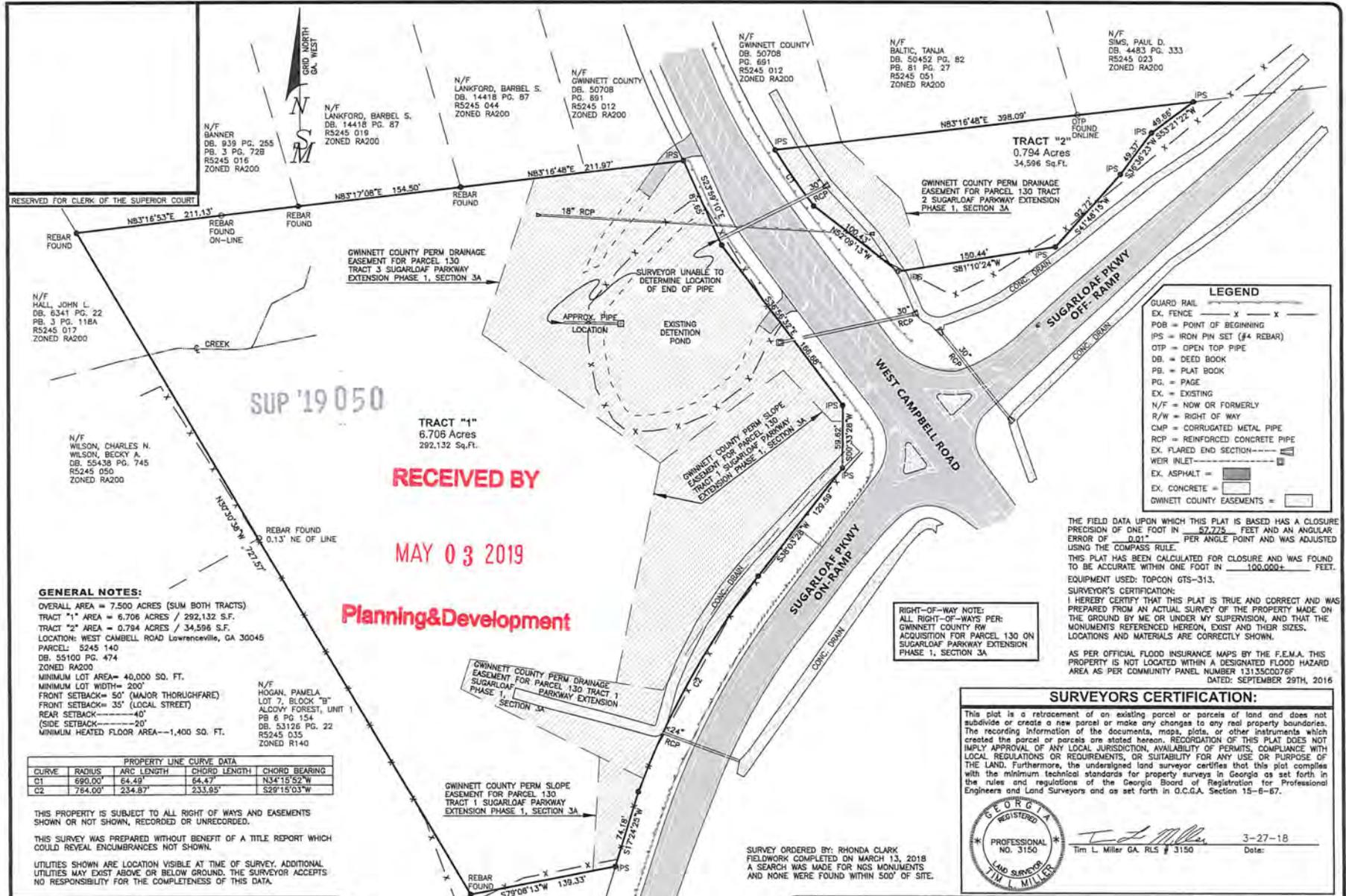
[BANK SEAL]

My Commission Expires: 2-15-2022

[NOTARY SEAL]



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**GENERAL NOTES:**  
 OVERALL AREA = 7.500 ACRES (SUM BOTH TRACTS)  
 TRACT "1" AREA = 6.706 ACRES / 292,132 S.F.  
 TRACT "2" AREA = 0.794 ACRES / 34,596 S.F.  
 LOCATION: WEST CAMPBELL ROAD Lawrenceville, GA 30045  
 PARCEL: 5245 140  
 DB: 55100 PG. 474  
 ZONED RA200  
 MINIMUM LOT AREA= 40,000 SQ. FT.  
 MINIMUM LOT WIDTH= 200'  
 FRONT SETBACK= 50' (MAJOR THOROUGHFARE)  
 FRONT SETBACK= 35' (LOCAL STREET)  
 REAR SETBACK= 40'  
 (SIDE SETBACK= 20'  
 MINIMUM HEATED FLOOR AREA= 1,400 SQ. FT.

PROPERTY LINE CURVE DATA				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	690.00'	64.49'	64.47'	N34°15'52"W
C2	784.00'	234.87'	233.95'	S29°15'03"W

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.  
 THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.  
 UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

**LEGEND**

- GUARD RAIL ——— X ——— X
- EX. FENCE ——— X ——— X
- POB = POINT OF BEGINNING
- IPS = IRON PIN SET (#4 REBAR)
- OTP = OPEN TOP PIPE
- DB. = DEED BOOK
- PG. = PAGE
- EX. = EXISTING
- N/F = NOW OR FORMERLY
- R/W = RIGHT OF WAY
- CMP = CORRUGATED METAL PIPE
- RCP = REINFORCED CONCRETE PIPE
- EX. FLARED END SECTION
- WER INLET
- EX. ASPHALT = [Symbol]
- EX. CONCRETE = [Symbol]
- GWINNETT COUNTY EASEMENTS = [Symbol]

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 87,773 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.  
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.  
 EQUIPMENT USED: TOPCON GTS-313.  
 SURVEYOR'S CERTIFICATION:  
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.  
 AS PER OFFICIAL FLOOD INSURANCE MAPS IT WAS FOUND THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY PANEL NUMBER 131350076F DATED: SEPTEMBER 29TH, 2016

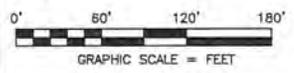
**RIGHT-OF-WAY NOTE:**  
 ALL RIGHT-OF-WAYS PER: GWINNETT COUNTY RW ACQUISITION FOR PARCEL 130 ON SUGARLOAF PARKWAY EXTENSION PHASE 1, SECTION 3A

**SURVEYOR'S CERTIFICATION:**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

**GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR**  
 T. L. MILLER  
 PROFESSIONAL NO. 3150  
 Tim L. Miller GA. RLS # 3150  
 Date: 3-27-18

SURVEY ORDERED BY: RHONDA CLARK  
 FIELDWORK COMPLETED ON MARCH 13, 2018  
 A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.



**SIBLEY-MILLER SURVEYING & PLANNING INC.**  
 2062 HWY. 42 NORTH  
 McDONOUGH, GA. 30253  
 PHONE: (770) 320-7555  
 FAX: (770) 320-7333  
 www.sibleysurveying.com

- \*TOPOGRAPHICAL SURVEYS
- \*LAND SURVEYING
- \*LAND PLANNING
- \*CONSTRUCTION LAYOUT
- \*LAND DEVELOPMENT DESIGN
- \*CIVIL ENGINEERING

**BOUNDARY SURVEY**  
**BANK OF THE OZARKS**  
 7.50 ACRES, WEST CAMPBELL ROAD  
 LAND LOT 245, 5th. DISTRICT  
 GWINNETT COUNTY, GEORGIA

PROJECT NO.: B18013  
 BOUNDARY SURVEY  
 DRAWN BY: JWS  
 SCALE: 1" = 60'  
 DATE: 3/27/18

**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

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

NO, THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF SURROUNDING PROPERTIES.

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

YES, THE PROPERTY HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED WITH APPROVED SPECIAL USE PERMIT

- (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:

NO

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

YES, THE PROPOSED USE INTENDED SUPPORTS A NEED AND OPPORTUNITY IDENTIFIED IN GWINNETT 2040 PLAN. PLEASE SEE LETTER OF INTENT

- (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:

YES, PLEASE SEE LETTER OF INTENT

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**Jonathan & Nakita Hemingway**

2357 Peach Shoals Cir  
Dacula, GA 30019  
(404) 983-5351  
nakita.hemingway@gmail.com

2nd May 2019

**Gwinnett County Department of Planning & Development**

446 W Crogan St  
Suite 150  
Lawrenceville, Georgia 30045

RE: Letter of Intent

Special Use Permit - 7.48 Acres (RA-200 Zoning) W Campbell Road at Sugarloaf Parkway  
For Nakita and Jonathan Hemingway to operate a Bed n' Breakfast & Event Venue as a part  
of their agricultural business (flower farm).

To whom it may concern:

Please use this Letter of Intent to give details of the proposed use of the above referenced property. The proposed use for the property is a Cut-flower farm with an onsite Event space and Bed n' Breakfast operation. The current zoning allows for the existence of a primary residence, greenhouses, a 1000 sq ft farm stand, secondary residential structures and other accessory structures (barn, storage shed, etc). Although the zoning allows for our business to operate an event space and bed n' breakfast, a special use permit is required. We propose to construct a 2400 sq ft barn at approximately 22 ft tall and (4) 350 sq ft guest cottages at approximately 14 ft tall.

The barn will be air conditioned and contain a prep kitchen, restrooms and small office. The cottages will provide 1-bedroom, 1 bath accommodations for up to 4 people. The proposed locations for each of these entities can be seen on our site plan along with the required 59 parking spaces, our farm stand and our primary residence.

Our intent is to create a place that enhances our community and has a positive impact on the environment. We plan to grow cut flowers and ornamentals that will be sold at our produce stand on the farm. Much of what we grow provides a natural food source and habitat for birds, bees, butterflies and other pollinators. In addition to being picturesque, flower farms are excellent venues for educational activities, weddings, bird watching and family gatherings.

Gwinnett's 2040 plan identified several goals that I believe our property helps the county achieve. These goals are:

- Preserve Rural and Agricultural properties within the county
- Protect green/low density development

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- Make Gwinnett a “Greener County”

Thank you for taking the time to review our request.

Sincerely,

Nakita & Jonathan Hemingway

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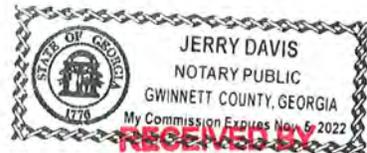
**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

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.

Nakita Hemingway Jonathan Hemingway 5.02.19  
Signature of Applicant Date

NAKITA HEMINGWAY / JONATHAN HEMINGWAY OWNER  
Type or Print Name and Title

Jerry Davis 5-2-19  
Signature of Notary Public Date Notary Seal





**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.

Nakita Hemingway  
Signature of Applicant

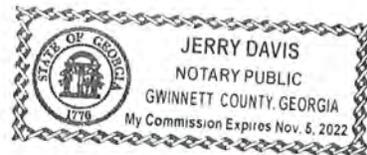
NAKITA HEMINGWAY  
Type or Print Name

5.2.19  
Date

Jerry Davis  
Signature of Notary Public

5-2-19  
Date

Notary Seal



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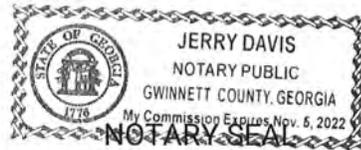
**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

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.

*Nakita Hemingway* *Jonathan L. Hemingway*  
NAKITA HEMINGWAY 5.2.19 NAKITA HEMINGWAY  
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

*Jerry Davis* *5-2-19*  
 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 NAKITA HEMINGWAY, JONATHAN HEMINGWAY  
 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

R 5245140 JMM

Signature of Applicant

Date

Type or Print Name and Title

*[Handwritten Signature]*

5/2/19

Jonathan L. Hemingway

**\*\*\*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)

NAME

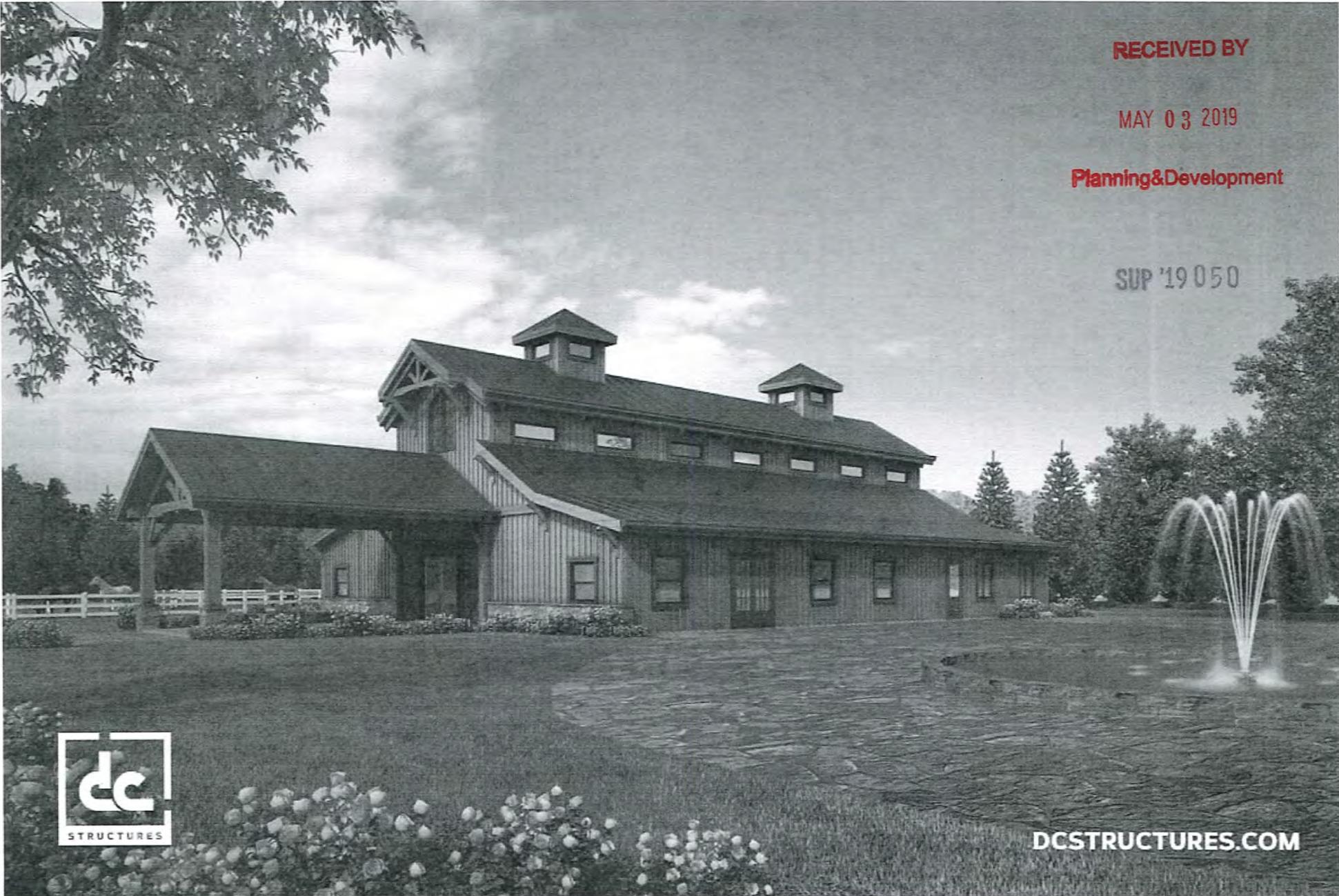
TITLE

DATE

*[Handwritten Signature]*  
4/30/19

Acting Service Tax Associate

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