

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Providence Baptist Church, Inc.</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>Victory In Jesus Baptist Church, Inc.</u> <u>DBA as Providence Baptist Church, Inc</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>2146 Buford Highway</u>
CITY: <u>Buford</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30097</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> CONTACT'S E-MAIL: <u>Mitchpeevy@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:		
____ OWNERS AGENT	<input checked="" type="checkbox"/> X PROPERTY OWNER	__ CONTRACT PURCHASER
PRESENT ZONING DISTRICT (S): <u>R-75</u>		REQUESTED ZONING DISTRICT: <u>SUP to allow church expansion w/Variances</u>
LAND DISTRICT (S): <u>7</u>	LAND LOT (S): <u>205</u>	ACREAGE: <u>6.33</u>
ADDRESS OF PROPERTY: <u>2146 Buford Highway</u>		
PROPOSED DEVELOPMENT: <u>Addition to existing church</u>		
	RECEIVED BY JUN 07 2019	

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

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SUP 19058

Mod. Agmt. 11/5/11-214
mod. Agmt. 75-46-62

92751WPK

TICOR TITLE INSURANCE

GEORGIA ENCROACHMENT TAX PAID

F40.00

9/25 1989

STATE OF GEORGIA

COUNTY OF WINNETT

K. L. Shreeve, Jr.
The Commissioner
Gwinnett County

BOOK 5674 PAGE 242 DEED TO SECURE DEBT

THIS DEED TO SECURE DEBT, made this 15th day of September in the Year of Our Lord One Thousand Nine Hundred Eighty-Nine, between VICTORY IN JESUS BAPTIST CHURCH, INC. ("Grantor") of the State of Georgia and County of Gwinnett, and CITIZENS BANK OF GEORGIA ("Grantee") of the State of Georgia and County of Gwinnett, (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for the consideration hereinafter set forth, in hand paid at and being the making and delivery of these presents, the receipt and sufficiency of which being hereby acknowledged by Grantee, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto Grantee, the following described real property, hereinafter referred to as the "Property," to wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 200 and 205 of the 7th Land District, Gwinnett County, Georgia, and being more particularly shown on a Plat of Survey prepared for Victory in Jesus Baptist Church by Sunbelt Engineering & Surveying, Inc., Russell L. Shreeve, Jr., Georgia Registered Land Surveyor No. 2157, dated September 13, 1989, said tract containing 6.9475 acres according to said Plat, said tract of land being more particularly described in accordance with said Survey as follows:

BEGINNING at a one-half inch rebar found on the Southeasterly side of the right-of-way of U. S. Highway No. 23 (having 100-foot right-of-way width) which rebar found is located 338.01 feet Southwesterly, as measured along the Southeasterly side of the right-of-way of U. S. Highway No. 23 (also known as Buford Highway) from the point formed by the intersection of the Land Lot line dividing Land Lots 205 and 206 of the 7th Land District, Gwinnett County, Georgia, with the Southeasterly side of the right-of-way of U. S. Highway No. 23; RUNNING THENCE FROM THE TRUE POINT OR PLACE OF BEGINNING SO ESTABLISHED South 33 degrees 56 minutes 00 seconds East a distance of 986.30 feet to a one-half inch rebar found; running thence South 50 degrees 34 minutes 15 seconds West a distance of 278.00 feet to a one-half inch rebar found; running thence North 37 degrees 25 minutes 33 seconds West a distance of 981.12 feet to a one-half inch rebar found on the Southeasterly side of the right-of-way of U. S. Highway No. 23; running thence North 49 degrees 12 minutes 27 seconds East along the Southeasterly side of the right-of-way of U. S. Highway No. 23 a distance of 5.20 feet to a point; continuing thence Northeasterly along the Southeasterly side of the right-of-way of U. S. Highway No. 23 an arc distance of 332.99 feet, said arc having a radius of 8048.98 feet and being subtended by a chord bearing of North 50 degrees 22 minutes 46 seconds East and a chord distance of 332.97 feet to a rebar found and THE TRUE POINT OR PLACE OF BEGINNING.

The above-described property is improved property having situate thereon a one-story church building together with drive and parking facilities and being known as 2146 Buford Highway, Duluth, Georgia, according to the present system of numbering in Gwinnett County, Georgia.

Also conveyed hereby are all of the permissions granted by Georgia Power Company by that certain Encroachment Agreement recorded at Deed Book 5165, Pages 95 through 98, inclusive, Gwinnett County Deed Records, permitting driveways, water lines and natural gas lines to cross the Georgia Power Transmission Line Easements described in said Encroachment Agreement as well as the benefits described in said Agreement.

The indebtedness secured hereby includes any renewal of the whole or any part of the above-described indebtedness, or any extension thereof, and any and all other indebtedness now due by Grantor to (THIS PROVISION IS CONTINUED ON PAGE 3 FOLLOWING SIGNATURE LINES...)

60625

AUTHORITY TO CANCEL THIS DEED

RECORDED D.B. 19310 PAGE 138

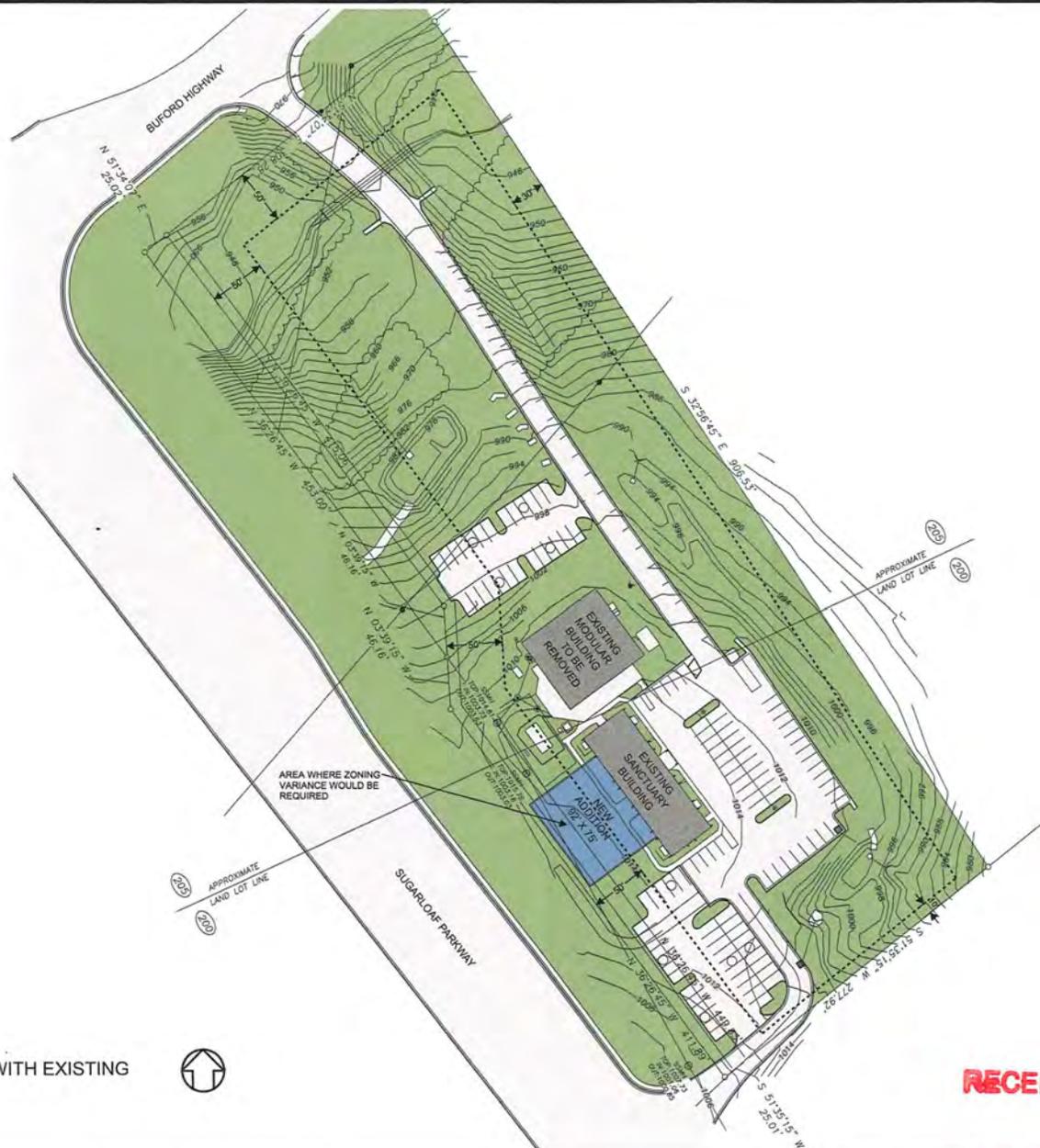
RECORDED D.B. 2013 PAGE 244
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CONCEPTUAL SITE PLAN - NEW WITH EXISTING
 SCALE: 1"=50'-0" (22X34) 1"=100'-0" (11X17)



RECEIVED BY PROVIDENCE CHURCH
 2146 BUFORD HIGHWAY, DULUTH, GA 30097

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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 DUE TO THE TOPO WITHOUT THE SPECIAL USE PERMIT.

(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 ESTABLISHED NEIGHBORHOODS.

(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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PLANNING DIVISION USE ONLY

CASE NUMBER _____

RECEIVED BY: _____ **JUN 07 2019**

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Providence Baptist Church, Inc., requests a Special Use Permit with Variances to allow them to expand their existing Church. The property meets the requirement by acreage that allows a church in residential property if it is over 5 acres and this property is 6.33 acres. The property is also located on a Major Arterial as it is at the corner of Sugarloaf and Highway 23. The variances start with the request to reduce the building setback from 50 feet to 10 feet along the frontage with Sugarloaf Parkway. The topographical features on this property are such that the only buildable area on the property is at the top of the hill adjacent to the existing sanctuary as the slope is to extreme on the rest of the property. Also, the right-of-way is so wide at that location that the request will not have any effect on the use and safety of Sugarloaf Parkway. Parking is also requested to be allowed in the front building setback area, as again the extreme topo does not allow the parking to be spread out over the property. The property also shares an entrance along Sugarloaf with the adjoining residentially zoned property and we are requesting that the 20-foot buffer along that property line be reduced to 0. Finally, the existing modular building will be removed from the property after the completion of the new addition to the sanctuary AND when donations are available to cover the expense of the removal.

The good news for the church is that they are growing and need additional space in their building to accommodate everyone. The bad news is the existing site is limited due to the slopes on the site. An example is the entrance on Highway 23 is almost 60 feet below the existing main sanctuary. Finally, none of the new proposed facilities are any closer to any existing homes than the current buildings.

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the rezoning 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 1, 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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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: 7 - 205 - 013
(Map Reference Number) District Land Lot Parcel

James ER 8/26/19
Signature of Applicant Date

James Rouse Chairman, Board of Elders
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)

Ingrid Espinal TSA II
NAME TITLE
05/30/19
DATE

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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.



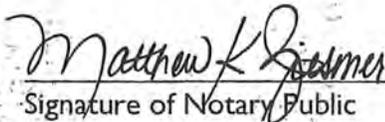
5/26/19

Signature of Applicant

Date

James Rouse Chairman, Board of Elders

Type or Print Name and Title



Signature of Notary Public

5/26/19
Date



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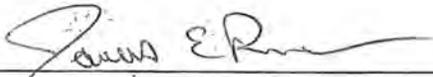
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SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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.



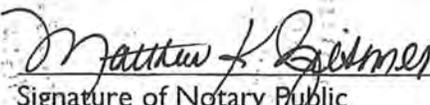
Signature of Property Owner

5/26/19

Date

James Rouse Chairman, Board of Elders

Type or Print Name and Title

Signature of Notary Public

5/26/19

Date



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