

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Lenora Ventures, LLC</u>	NAME: <u>Lenora Ventures, LLC</u>
ADDRESS: <u>P.O. Box 566</u>	ADDRESS: <u>P.O. Box 566</u>
CITY: <u>Snellville</u>	CITY: <u>Snellville</u>
STATE: <u>GA</u> ZIP: <u>30078</u>	STATE: <u>GA</u> ZIP: <u>30078</u>
PHONE: <u>770-985-0600</u>	PHONE: <u>770-985-0600</u>
CONTACT PERSON: <u>Jack Wilson</u> PHONE: <u>770.962.9780</u>	
CONTACT'S E-MAIL: <u>jwilson@rjwpclaw.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): <u>R-100</u>	PRIOR ZONING CASE: <u>RZR 2018-0016</u>
PARCEL NUMBER(S): <u>R5064 007</u>	ACREAGE: <u>34.293</u>
ADDRESS OF PROPERTY: <u>1987 Lenora Road</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Nine single family residential lots</u>	

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>9</u>	NO. OF BUILDINGS/LOTS: _____
DWELLING UNIT SIZE (Sq. Ft.): <u>2,600</u>	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: <u>0.262</u>	DENSITY: _____
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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**LEGAL DESCRIPTION
LENORA VENTURES, LLC**

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All that tract or parcel of land lying and being in Land Lot 64 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find **THE POINT OF COMMENCEMENT**, begin at PK Nail Set at the intersection formed by the Westerly Right-of-Way of Pate Road (80' R/W) and the Northerly Right-of-Way of Lenora Road (30' R/W), said point being **THE POINT OF BEGINNING**.

THENCE from said point as thus established and continuing along the aforesaid Right-of-Way of Lenora Road in a Westerly direction for the following nine (9) courses and distances along a curve to the left having a radius of 5149.31 feet and arc length of 115.62 feet being subtended by a chord of South 64 degrees 59 minutes 04 seconds West for a distance of 115.62 feet to a Point; THENCE South 61 degrees 49 minutes 56 seconds West for a distance of 91.49 feet to a Point; THENCE South 62 degrees 15 minutes 32 seconds West for a distance of 97.76 feet to a Point; THENCE along a curve to the right having a radius of 902.03 feet and arc length of 194.82 feet being subtended by a chord of South 69 degrees 18 minutes 12 seconds West for a distance of 194.44 feet to a Point; THENCE along a curve to the right having a radius of 7553.08 feet and arc length of 255.59 feet being subtended by a chord of South 75 degrees 46 minutes 35 seconds West for a distance of 255.58 feet to a Point; THENCE along a curve to the right having a radius of 843.16 feet and arc length of 78.96 feet being subtended by a chord of South 78 degrees 46 minutes 14 seconds West for a distance of 78.93 feet to a Point; THENCE along a curve to the left having a radius of 2065.89 feet and arc length of 137.36 feet being subtended by a chord of South 81 degrees 03 minutes 26 seconds West for a distance of 137.33 feet to a Point; THENCE along a curve to the left having a radius of 5843.08 feet and arc length of 358.94 feet being subtended by a chord of South 77 degrees 05 minutes 00 seconds West for a distance of 358.88 feet to a Point; THENCE South 74 degrees 29 minutes 03 seconds West for a distance of 297.64 feet to a Point on the Land Lot Line common to Land Lots 63 & 63; THENCE leaving said Right-of-Way and continuing along said Land Lot Line North 29 degrees 43 minutes 31 seconds West for a distance of 718.07 feet to a ½" Rebar Found; THENCE leaving said Land Lot Line North 60 degrees 38 minutes 42 seconds East for a distance of 1412.33 feet to a ½" OTP Found on the aforesaid Right-of-Way of Pate Road; THENCE continuing along said Right-of-Way the following three (3) courses and distances along a curve to the left having a radius of 4299.96 feet and arc length of 237.06 feet being subtended by a chord of South 35 degrees 53 minutes 26 seconds East for a distance of 237.03 feet to a Point; THENCE South 36 degrees 22 minutes 17 seconds East for a distance of 127.91 feet to a Point; THENCE South 37 degrees 21 minutes 28 seconds East for a distance of 129.84 feet to a ½" Rebar Found (Disturbed); THENCE leaving said Right-of-Way South 63 degrees 57 minutes 42 seconds West for a distance of 223.40 feet to a ½" RBF with HMB Cap; THENCE South 39 degrees 00 minutes 04 seconds East for a distance of 200.20 feet to a ½" RBF with HMB Cap; THENCE North 63 degrees 52 minutes 56 seconds East for a distance of 223.35 feet to an Iron Pin Set on the aforesaid Right-of-Way of Pate Road; THENCE continuing along said Right-of-Way the following three (3) courses and distances South 39 degrees 57 minutes 46 seconds East for a distance of

46.26 feet to a Point; THENCE along a curve to the left having a radius of 7889.43 feet and arc length of 185.03 feet being subtended by a chord of South 39 degrees 42 minutes 53 seconds East for a distance of 185.03 feet to a Point; THENCE along a curve to the left having a radius of 1894.11 feet and arc length of 161.37 feet being subtended by a chord of South 42 degrees 29 minutes 54 seconds East for a distance of 161.32 feet to a Point; said point being **THE POINT OF BEGINNING**,

And

All that tract or parcel of land lying and being in Land Lot 64 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find **THE POINT OF COMMENCEMENT**, begin at a ½" Rebar Found at the Land Lot Corner common to Land Lots 33, 64 and 274, said point being **THE TRUE POINT OF BEGINNING**. THENCE from said point as thus established, leaving said Land Lot Corner and continuing along aforesaid Land Lot Line North 29 degrees 49 minutes 59 seconds West for a distance of 321.97 feet to a ½" Rebar Found with Cap on the Southerly Right-of-Way of Lenora Road (30' R/W); THENCE continuing along said Right-of-Way the following three (3) courses and distances North 74 degrees 29 minutes 03 seconds East for a distance of 290.50 feet to a Point; THENCE along a curve to the right having a radius of 5813.08 feet and arc length of 356.79 feet being subtended by a chord of North 77 degrees 05 minutes 02 seconds East for a distance of 356.74 feet to a Point; THENCE along a curve to the right having a radius of 2035.89 feet and arc length of 121.95 feet being subtended by a chord of North 80 degrees 52 minutes 15 seconds East for a distance of 121.93 feet to a ½" Rebar Found on the Westerly Right-of-Way of Gresham Road (60' R/W); THENCE continuing along said Right-of-Way South 12 degrees 43 minutes 58 seconds East for a distance of 107.14 feet to a ½" Rebar Found (Disturbed) on Land Lot common to Land Lots 64 & 274; THENCE leaving said Right-of-Way and continuing along said Land Lot Line South 60 degrees 06 minutes 04 seconds West for a distance of 705.33 feet to a Point, said point being **THE POINT OF BEGINNING**.

And

All that tract or parcel of land lying and being in Land Lot 64 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find **THE POINT OF COMMENCEMENT**, begin at a ½" Rebar Found at the Land Lot Corner common to Land Lots 33, 64 and 274, THENCE North 60 degrees 06 minutes 04 seconds East for a distance of 705.33 feet to a ½" Rebar Found (Disturbed) on the Westerly Right-of-Way of Gresham Road (60' R/W); THENCE crossing Gresham Road North 60 degrees 54 minutes 52 seconds East for a distance of 62.53 feet to a point on the Easterly Right-of-Way of Gresham Road, said point being **THE TRUE POINT OF BEGINNING**.

THENCE from said point as thus established and continuing along aforesaid Right-of-Way of Gresham Road North 12 degrees 36 minutes 22 seconds West for a distance of 86.08 feet to

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a ½" Rebar with Cap Found on the Southerly Right-of-Way of Lenora Road (30' R/W); THENCE continuing along said Right-of-Way the following three (3) courses and distances along a curve to the left having a radius of 873.16 feet and arc length of 35.60 feet being subtended by a chord of North 77 degrees 16 minutes 02 seconds East for a distance of 35.60 feet to a Point; thence with a compound curve to the left having a radius of 7583.08 feet and arc length of 256.26 feet being subtended by a chord of North 75 degrees 46 minutes 35 seconds East for a distance of 256.25 feet to a Point; thence with a compound curve to the left having a radius of 932.03 feet and arc length of 14.09 feet being subtended by a chord of North 75 degrees 02 minutes 47 seconds East for a distance of 14.09 feet to a Point; THENCE leaving said Right-of-Way South 15 degrees 28 minutes 24 seconds East for a distance of 3.45 feet to a Point on Land Lot Line common to Land Lots 64 & 273; THENCE continuing along said Land Lot Line South 60 degrees 54 minutes 50 seconds West for a distance of 319.10 feet to a Point, said point being **THE POINT OF BEGINNING**.

Said tracts containing 34.293 acres total as shown on that Rezoning Site Plan prepared for Lenora Ventures, LLC, dated June 19, 2020 by Donald Edward James Georgia Registered Land Surveyor No. 3450, said plat being incorporated herein by reference for a complete description thereof.

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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:

Yes. The proposed use is similar to surrounding and nearby low density residential uses.

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

No. The requested changes will complement nearby low density single family uses.

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

No. The former applicant who obtained the current zoning declined to purchase the property.

- (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:

No. The rezoning would relieve those burdens by permitting fewer units than the current zoning.

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

Yes.

- (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:

Neighboring owners prefer a lower density development and use of the property. The proposed layout warrants modifying the existing conditions of zoning.

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ROBERT JACKSON WILSON, PC

ATTORNEY AT LAW

10 LUMPKIN STREET ■ LAWRENCEVILLE, GEORGIA 30046
770-962-9780

ROBERT JACKSON WILSON

jwilson@rjwpcclaw.com

July 1, 2020

Hon. Charlotte Nash, Chairman, and
Members of the Board of Commissioners
Gwinnett County Justice and Administration Center
75 Langley Drive
Lawrenceville, GA 30045

Re: Change in Conditions / Lenora Ventures, LLC
1987 Lenora Road

Dear Chairman Nash and Members of the Board:

This firm represents the owner and applicant of the property referenced above. The Applicant seeks to change certain conditions of zoning now in place. The property was rezoned from RA-200 to R-100 in October 2018 to allow development of 85 residential lots. The contract purchaser who applied for the rezoning did not close on the purchase after obtaining the rezoning. Instead, the current Owner and Applicant, a limited liability company controlled by nearby residents, purchased the property, in part to find a more suitable alternative development with fewer lots. The current Owner proposes to reduce the number of units to nine (9) in a configuration of large estate lots. The Owner also requests that the following current conditions of zoning be deleted: 2A, 2B, 2C, 2D, 2E. With the larger lots and the configuration proposed, the Owner/Applicant respectfully submits that those conditions are no longer applicable. The Applicant also requests that rezoning approve the site plan as presented and that the following conditions be added: 1) to reduce 40 feet of road frontage to zero feet; and 2) to reduce 100-foot lot width at the front yard set-back to zero feet for the lots shown on the site plan. These conditions would allow for the placement of homes on the lot in suitable locations in view of the existing electric transmission line and stream affecting three of the lots. We believe this lower density development is more in keeping with nearby and surrounding residential uses. Should you have any questions or need any additional information, please do not hesitate to contact me.

With best regards, I am

Very truly yours,


Robert Jackson Wilson

RJW/bka
cc: Lenora Ventures, LLC

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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

July 1, 2020
Date

David E. Snell, Manager

Type or Print Name and Title



Signature of Notary Public

7/1/2020
Date

Date

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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.



Signature of Property Owner

July 1, 2020
Date

David E. Snell, Manager

Type or Print Name and Title



Signature of Notary Public

7/1/2020

Date

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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

David E. Snell

Type of Print Name and Title

Signature of Applicant's
Attorney or Representative

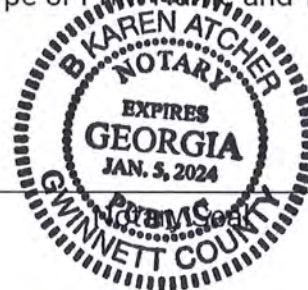
Date

Robert Jackson Wilson

Type of Print Name and Title

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

David E. Snell

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)

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

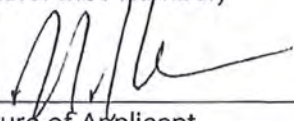
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VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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: 5 - 064 - 007
(Map Reference Number) District Land Lot Parcel


 7/1/2020
Signature of Applicant Date

Robert Jackson Wilson Attorney
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)

 Senior Tax Business Manager
NAME TITLE
07/01/2020
DATE

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