OWNER INFORMATION

ADDRESS: 2045 Southern Walk Terrace

NAME: Stefan Lupancu

# REZONING APPLICATION

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

APPLICANT INFORMATION

c\o Alliance Engineering and Planning

ADDRESS: 6095 Atlanta Hwy., Suite 100

NAME: Stefan Lupancu

OITY FI	CITY D				
CITY: Flowery Branch	CITY: Dacula				
STATE: GA ZIP: 30542	STATE: <u>GA</u> <u>ZIP: 30019</u> .				
PHONE: 770-361-8444	PHONE:				
CONTACT PERSON: MITCH PEEVY PHONE EMAIL ADDRESS: Mitchpeevy@gmail.com	IE: <u>(770) 361-8444</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).					
APPLICA	NT IS THE:				
OWNERS AGENT X PROPERTY OWNER _CONTRACT PURCHASER					
PRESENT ZONING DISTRICT (S): RA-200 REQUESTED ZONING DISTRICT: R-100					
LAND DISTRICT (S):1					
ADDRESS OF PROPERTY: Highway 124 and Cain Circle					
PROPOSED DEVELOPMENT: 4 Single Family Homes					
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:				
NO. OF LOTS/DWELLING UNITS: 4	NO. OF BUILDINGS/UNITS:				
DWELLING UNIT SIZE (SQ. FT.): 3,000	TOTAL GROSS SQUARE FEET:				
GROSS DENSITY: 1.701 units per ac	DENSITY:				
NET DENSITY: 1.701 units per ac					

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED BY

RZR '20 0 1 6

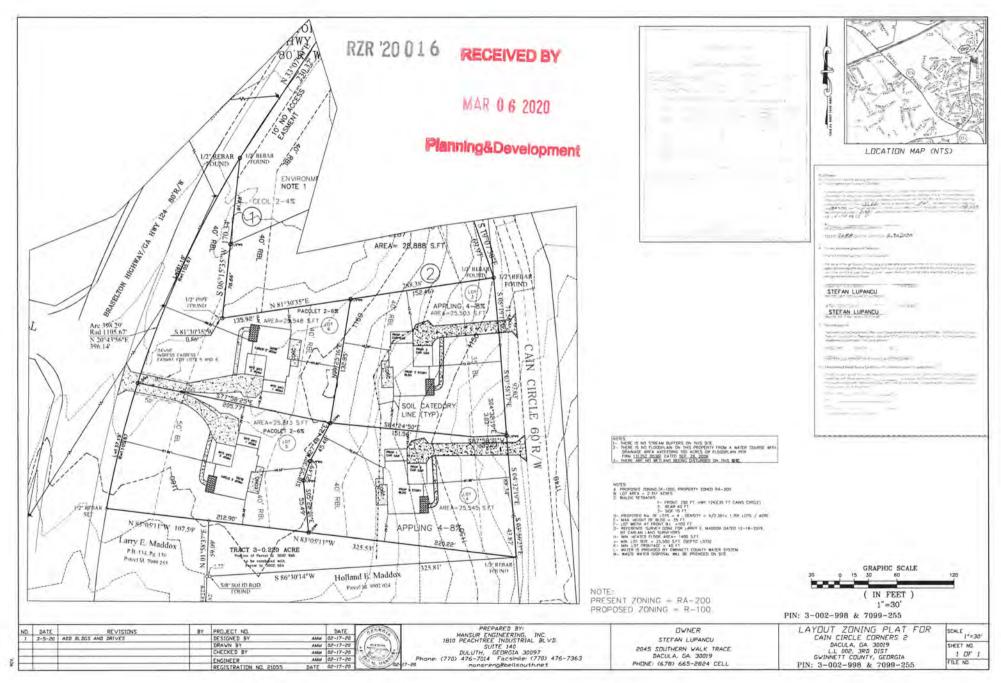
# LEGAL DESCRIPTION PARCELS ID #S 3002-998 AND 7099-255 BRASELTON HWY AND CAIN CIRLE STEFAN LUPANCU

All that tract or parcel of land lying and being in Land Lot 99, 7TH District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the intersection of the right-of-way of Braselton Hwy and Cain Circle, running thence along southern R/W of Cain Circle South 26°14'56" East a distance of 86.39 feet to a point, thence; South 24°51'44" East a distance of 79.84 feet to a point, thence; South 23°58'26" East a distance of 113.39 feet to a point, thence; South 19°07'50" East a distance of 69.97 feet to a point, being the TRUE POINT OF BEGINNING; Thence; along right-of-way of Cain circle, South 05°19'17" East a distance of 71.56 feet to a point, thence; South 03°58'17" East a distance of 93.03 feet to a point, thence; South 04°32'19" East, a distance of 88.34 feet to a point, thence; South 03°56'27" East a distance of 43.87 feet to a point, thence; North 83°05'11" West, a distance 325.53 feet to a point, thence; North 83°05'11" West, a distance 107.59 feet to a point, thence; a curve to the right having a radius of 1105.67 feet and a curve length 398.29 feet and a chord bearing North 20°43'56" East with a distance of 396.14 feet to a point, thence; South 06°15'35" West, a distance of 170.34 feet to a point, thence; North 81°30'35" East, a distance 288.38 feet point being the TRUE POINT OF BEGINNING.

Said tract contains 2.352 acres, more or less and is shown more fully on survey done by CARLAN Land Surveyors dated 12-23-19 for Larry E. Maddox.

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ATTENDED TO A SERVICE TO A VALUE OF THE SAME OF

## 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 HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.
- (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:
  YES. THE SUBJECT PROPERTY IS SHOWN AS 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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# ATTACHMENT 5A PAGE 3 REVISED 07/91

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 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.

PLANN	IING DIVISION USE ONLY
CASE NUMBER	RECEIVED BY:

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# REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Stefan Lupancu, requests a Rezoning of their property from RA-200 to R-100 to allow him to build 4 homes on the property with a minimum of 3,000 square foot of heated space. The property is a total of 2.351 acres and the lots will be a minimum of 25,000 square feet as they will be septic tank lots. The front of the homes will be a mixture of materials including brick, stone, shake and concrete siding. The sides and rear of the units will be the same or of concrete siding with a minimum 2foot brick or stone water table. All the homes will have at a minimum a 2-car garage and if a basement is included then the basement will be brick or stone up to the main floor. The applicant expects the price to be in the \$400's and up into the \$500's with options. The 2 homes with frontage along Highway 124 will share the single driveway access onto the highway.

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### REZONING 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 COMMISSIONIERS.

Signature of Applicant

Date

JOSE E ROBLES II Notary Public - State of Georgia **Gwinnett County** My Commission Expires Aug 17, 2023

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## REZONING 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

02/24 / 2020 Date

Type or Print Name and Tirle

Signature of Notary Public

Date

JOSE E ROBLES II
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Aug 17, 2023

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#### CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, 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 OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC DATE

JOSE E ROBLES II Notary Public - State of Georgia Gwinnett County My Commission Expires Aug 17, 2023

### 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 X NO X Stefan Luparcu

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 REZONING

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 REZONING REQUEST. PARCEL I.D. NUMBER: (Map Reference Number) 02/24/2020 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

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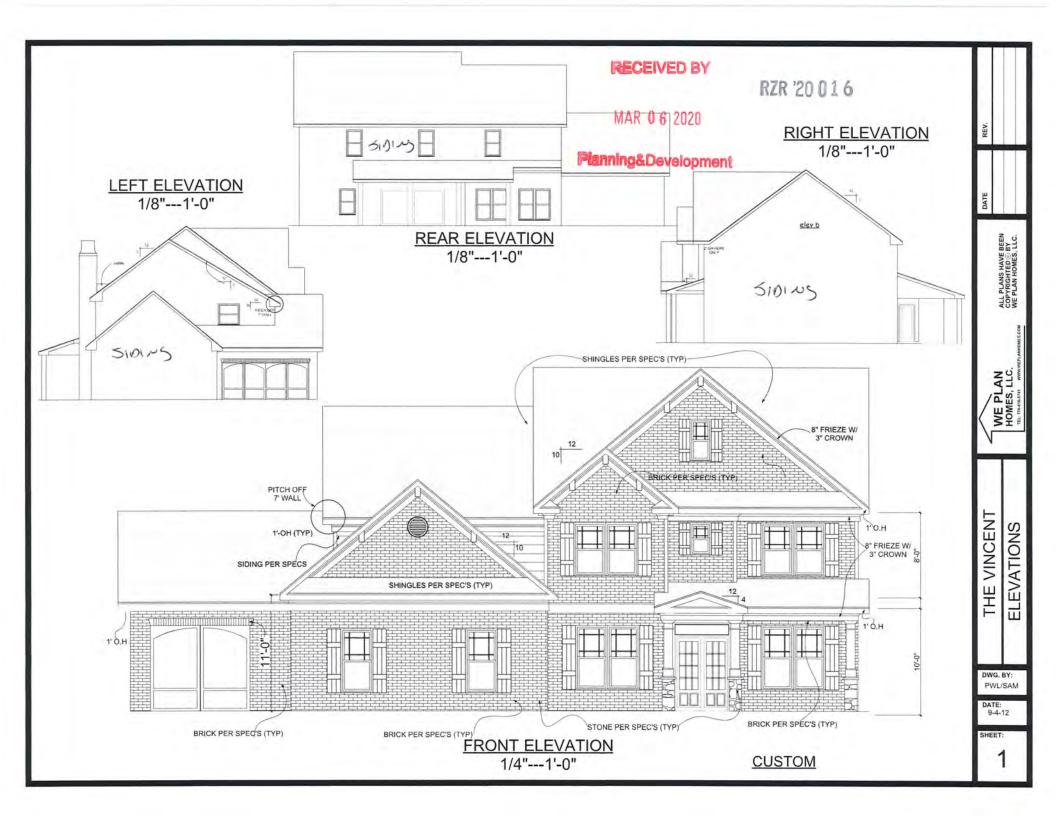
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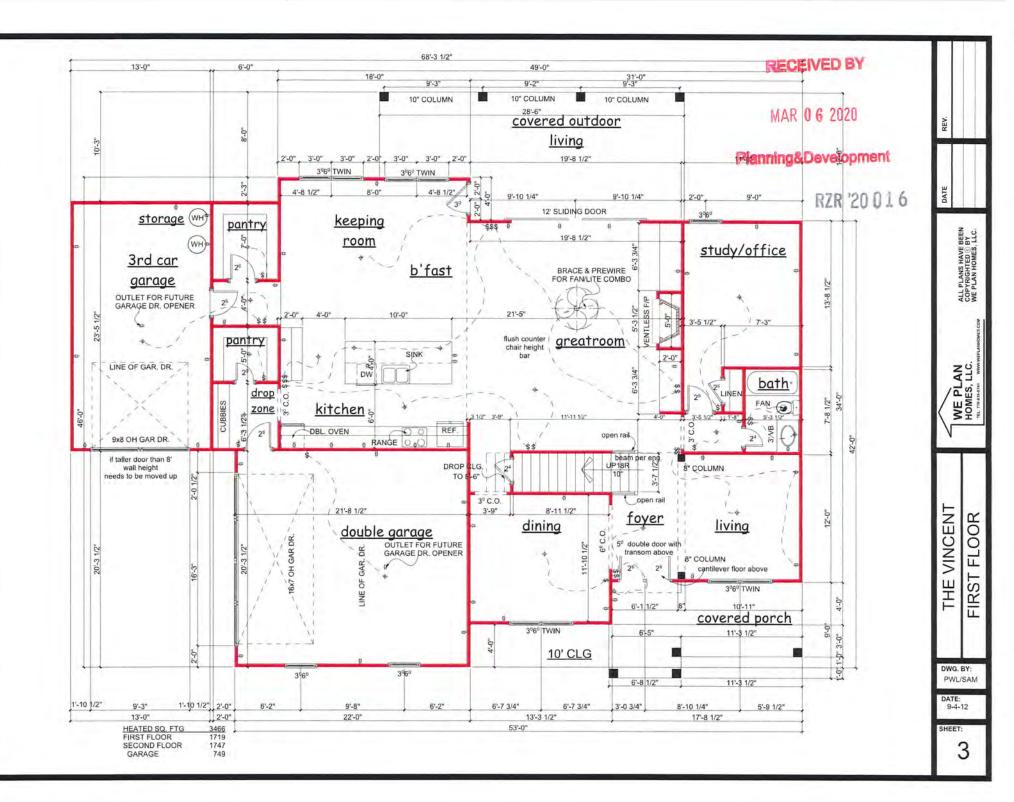
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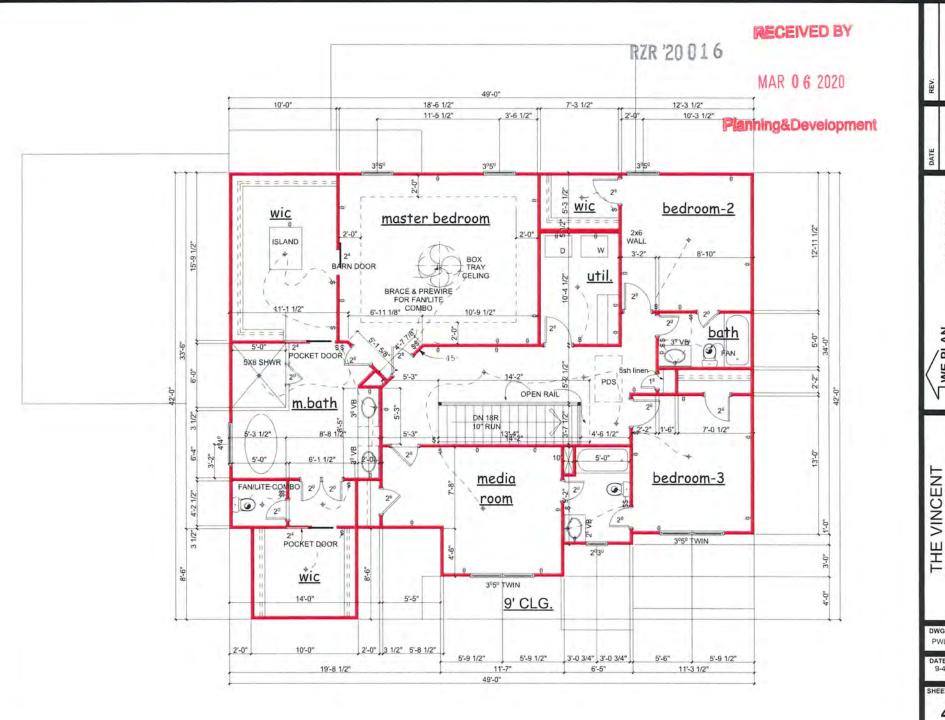
\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: (Map Reference Number)	R3 District	- OOQ Land Lot	- 998 Parcel	
Signature of Applicant	an Su		02/24/202 Date	20
Type or Print Name and Title	3			
***PLEASE TAKE THIS FO JUSTICE AND ADMINISTF BELOW.***				
	TAX COMMISS	SIONERS USE O	NLY	
(PAYMENT OF ALL PROPER HAVE BEEN VERIFIED AS PA				
Ingrid &	pinal		TSA II	
02/14/ DATE	2020	4		

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DATE

ALL PLANS HAVE BEEN COPYRIGHTED ® BY WE PLAN HOMES, LLC.

SECOND FLOOR

DWG. BY: PWL/SAM

DATE: 9-4-12

SHEET: