

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>LIVING WAY ALLIANCE CHURCH</u>	NAME: <u>LIVING WAY ALLIANCE CHURCH</u>
ADDRESS: <u>485 KILLIAN HILL RD.</u>	ADDRESS: <u>485 KILLIAN HILL RD.</u>
CITY: <u>LILBURN</u>	CITY: <u>LILBURN</u>
STATE: <u>GA</u> ZIP: <u>30047</u>	STATE: <u>GA</u> ZIP: <u>30047</u>
PHONE: <u>678-516-0907</u>	PHONE: <u>678-516-0907</u>
CONTACT PERSON: <u>CHIEU DANG</u> PHONE: <u>678-516-0907</u>	
CONTACT'S E-MAIL: <u>dangdacchieu@yahoo.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

ZONING DISTRICTS(S): R-100 PRIOR ZONING CASE: R-100

PARCEL NUMBER(S): 6111 004 ACREAGE: 4.53

ADDRESS OF PROPERTY: 485 KILLIAN HILL RD.

PROPOSED CHANGE IN CONDITIONS: 2. A.

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: <u>7781</u>
GROSS DENSITY: _____	DENSITY: <u>0.22</u>
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Legal Description

All that tract or parcel of land lying and being in Land Lot 111 of the 6th Land District of Gwinnett County, Georgia and being more particularly described as follows;

Commencing at a mag nail in the center line intersection of Frances Place and Killian Hill Rd., thence South 41 degrees 19 minutes 13 seconds East a distance of 483.78 feet along a tie line to an IPS on the westerly right of way of Killian Hill Rd., a varies right of way, said point being the true point of beginning, thence continuing along said westerly right of way 136.36 feet along the arc of a 5779.58 foot radius curve to the right said curve being subtended by a chord of South 64 degrees 22 minutes 18 seconds East a distance of 136.36 feet to a point, thence South 65 degrees 03 minutes 25 seconds East a distance of 220.66 feet to an IPS, then leaving said right of way South 23 degrees 46 minutes 24 seconds West a distance of 232.60 feet to a ½" RBF, thence South 60 degrees 41 minutes 16 seconds West a distance of 95.13 feet to a ¾" OTP, thence South 60 degrees 32 minutes 36 seconds West a distance of 99.82 feet to a ¾" OTP, thence South 61 degrees 17 minutes 36 seconds West a distance of 99.88 feet to a ¾" OTP, thence South 61 degrees 17 minutes 13 seconds West a distance of 99.97 feet to a ½" RBF, thence South 60 degrees 45 minutes 32 seconds West a distance of 99.70 feet to a ½" RBF, thence South 60 degrees 44 minutes 58 seconds West a distance of 100.79 feet to a ¾" OTP, thence South 60 degrees 44 minutes 12 seconds West a distance of 134.37 feet to a 5/8" RBF, thence North 14 degrees 51 minutes 11 seconds East a distance of 396.05 feet to a ½" RBF, thence South 75 degrees 08 minutes 58 seconds East a distance of 209.75 feet to a 1/4" OTP, thence North 14 degrees 51 minutes 33 seconds East a distance of 404.61 feet to an IPS, said point being the point of Beginning.

Said tract contains 4.531 acres.

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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:

THE PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE TO NEARBY PROPERTIES.

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

THE PROPOSED CHANGE IN CONDITIONS WILL NOT ADVERSELY AFFECT THE EXISTING USE OF NEARBY PROPERTY.

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

DUE TO THE IRREGULAR SHAPE OF THE PROPERTY IT IS DIFFICULT TO ACHIEVE COMPARABLE ECONOMIC USE AS CURRENTLY ZONED.

- (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:

THE PROP. CIC WILL NOT RESULT IN ANY EXCESSIVE OR BURDENSOME USE OF EXISTING FACILITIES. THEY ARE OPERATING AS A CHURCH AND WILL CONTINUE TO BE A CHURCH.

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

THE PROP. CIC WILL BRING THE SITE TO CURRENT ZONING STANDARD.

- (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:

THERE ARE NO OTHER CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY.

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December 3, 2020

Gwinnett County
Department of Planning and Development
Planning Division
446 West Crogan St.
Suite 250
Lawrenceville, GA 30046

SUBJECT: Letter of Intent, Living Way Alliance Church Change In Condition

To Whom It May Concern,

A change in condition is requested for the subject property located at 485 Killian Hill Rd. Lilburn GA 30047, for the purpose of expanding the existing religious facility. Due to the odd shape of the property and the location of existing septic field and detention pond, the back portion of the property is in accessible and thus we have extremely limited option of where an expansion could be built. Therefore, we are requesting a change in condition to reduce the required 1987 zoning condition 2A from a 50 foot wide natural buffer to current zoning standard of 20 foot wide to allow for the construction of a 2,400 S.F. storage building to meet the need of our church members. The existing zoning conditions and requested change is as follow:

CHANGE IN CONDITION REQUEST TO
CASE No. SUP-29-87, APPROVED APRIL 28, 1987.
SUBJECT TO THE FOLLOWING ENUMERATED CONDITIONS:

1. TO RESTRICT THE USE OF THE PROPERTY AS FOLLOWS:
 - A. CHURCH AND ACCESSORY USES.
 - B. TO LIMIT THE HEIGHT OF THE BUILDING TO NO MORE THAN ONE STORY.
2. TO SATISFY THE FOLLOWING SITE DEVELOPMENT CONSIDERATIONS:
 - A. PROVIDE A 50-FOOT WIDE NATURAL BUFFER, UNDISTURBED EXCEPT FOR APPROVED ACCESS AND UTILITY CROSSINGS AND REPLANTINGS WHERE SPARSELY VEGETATED ADJACENT TO THE NORTH, WEST AND SOUTH PROPERTY LINES.
 - B. PROVIDE A 10' WIDE LANDSCAPE STRIP OUTSIDE THE NEW DEDICATED RIGHT-OF-WAY OF KILLIAN HILL ROAD,
 - C. THAT A THREE-FOOT BERM PLANTED WITH EVERGREEN TREES BE PROVIDED ADJACENT TO KILLIAN HILL ROAD TO SCREEN THE PARKING AREA, SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF DEVELOPMENT.
 - D. NO MORE THAN ONE EXIT/ENTRANCE ON KILLIAN HILL ROAD.
 - E. SIGN REGULATIONS AS REQUIRED BY THE 1985 ZONING RESOLUTION SHALL BE MET AS A MINIMUM STANDARDS FOR THIS DEVELOPMENT.
3. ABIDE BY THE FOLLOWING REQUIREMENTS, DEDICATIONS AND IMPROVEMENTS:
 - A. DEDICATE AT NO COST TO GWINNETT COUNTY PRIOR TO APPROVAL OF A GRADING PERMIT, 50 FEET.OF RIGHT-OF-WAY FROM THE CENTERLINE OF KILLIAN HILL ROAD

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- B. IMPROVE THE FOLLOWING ROADWAYS ALONG THE ENTIRE PROPERTY FRONTAGE FROM CENTERLINE TO BACK OF CURB AS FOLLOWS:
1. 26 FEET FROM CENTERLINE OF KILLIAN HILL ROAD.

WE REQUEST CONDITION CHANGES AS FOLLOWS:

1. TO RESTRICT THE USE OF THE PROPERTY AS FOLLOWS:
 - A. CHURCH AND ACCESSORY USES.
 - B. TO LIMIT THE HEIGHT OF THE BUILDING TO NO MORE THAN ONE STORY.

2. TO SATISFY THE FOLLOWING SITE DEVELOPMENT CONSIDERATIONS:
 - A. **PROVIDE A 20-FOOT IN DEPTH BUFFER ADJACENT TO RESIDENTIALLY ZONED PROPERTIES. THIS BUFFER SHALL BE INCREASED TO 50 FEET IN DEPTH ADJOINING A DETENTION POND AND ANY CHURCH RECREATION FACILITIES, SUCH AS, BUT NOT LIMITED TO AN INDOOR GYM OR OUTDOOR PLAYGROUND.**
 - B. PROVIDE A 10' WIDE LANDSCAPE STRIP OUTSIDE THE NEW DEDICATED RIGHT-OF-WAY OF KILLIAN HILL ROAD,
 - C. THAT A THREE-FOOT BERM PLANTED WITH EVERGREEN TREES BE PROVIDED ADJACENT TO KILLIAN HILL ROAD TO SCREEN THE PARKING AREA, SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF DEVELOPMENT.
 - D. NO MORE THAN ONE EXIT/ENTRANCE ON KILLIAN HILL ROAD.
 - E. SIGN REGULATIONS AS REQUIRED BY THE 1985 ZONING RESOLUTION SHALL BE MET AS A MINIMUM STANDARDS FOR THIS DEVELOPMENT.
3. ABIDE BY THE FOLLOWING REQUIREMENTS, DEDICATIONS AND IMPROVEMENTS:
 - A. DEDICATE AT NO COST TO GWINNETT COUNTY PRIOR TO APPROVAL OF A GRADING PERMIT, 50 FEET OF RIGHT-OF-WAY FROM THE CENTERLINE OF KILLIAN HILL ROAD.
 - B. IMPROVE THE FOLLOWING ROADWAYS ALONG THE ENTIRE PROPERTY FRONTAGE FROM CENTERLINE TO BACK OF CURB AS FOLLOWS:
 1. 26 FEET FROM CENTERLINE OF KILLIAN HILL ROAD.

We look forward to developing this project in Gwinnett County, as we feel it fits with the current development patterns in the area and will complement the needs of both Gwinnett County and our church family.

For questions or further information please contact me 770-617-0632.

Sincerely,



Khai Pham

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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.



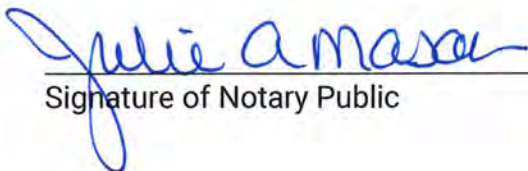
Signature of Applicant

12/3/2020

Date

KHAI PHAM

Type or Print Name and Title



Signature of Notary Public

12-3-2020

Date



Notary Seal

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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.



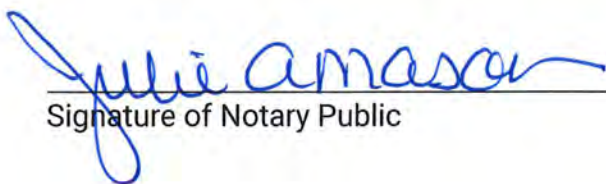
Signature of Property Owner

12/3/2020

Date

KHAI PHAM


Type or Print Name and Title



Signature of Notary Public

12-3-2020

Date



Notary Seal

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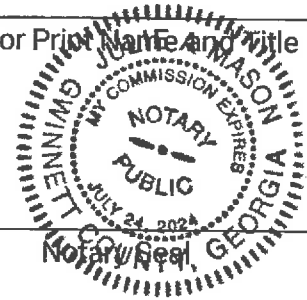
CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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] 12/3/2020 KHAI PHAM
Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Julie Amason 12-3-2020
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

Khai Pham
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.

**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: 6TH - 111 - 004
(Map Reference Number) District Land Lot Parcel

 12/3/2020
Signature of Applicant Date

KHAI PHAM
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)

Jessilyn McBeffo TSA
NAME TITLE

12-03-2020
DATE

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