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**CHANGE IN CONDITIONS APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Timothy and Yenhua Pugh</u>	NAME: <u>Yenhua Shen Pugh</u> (DBA YSP Hamilton, LLC)
ADDRESS: <u>3395 Duncan Bridge Dr.</u>	ADDRESS: <u>3395 Duncan Bridge Dr.</u>
CITY: <u>Buford</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30519</u>	STATE: <u>GA</u> ZIP: <u>30519</u>
PHONE: <u>(706) 372-6239</u>	PHONE: <u>(706) 372-0771</u>
CONTACT PERSON: <u>Tim Pugh</u> PHONE: <u>(706) 372-6239</u>	
CONTACT'S E-MAIL: <u>esp3395@gmail.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
 PROPERTY OWNER   
 CONTRACT PURCHASER

ZONING DISTRICTS(S): 4 PRIOR ZONING CASE: RZC-08-083

PARCEL NUMBER(S): R7183003B ACREAGE: 0.83

ADDRESS OF PROPERTY: 3495 Hamilton Mill Rd., Buford, GA 30519

PROPOSED CHANGE IN CONDITIONS: Expand to include other professional and business offices.

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>1448</u>
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

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

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Gwinnett

**PRE-APPLICATION INFORMATION FORM**

**NOTE:** Once the Pre-Application Meeting is complete, staff will provide the applicant with a signed copy of this form. This signed copy must be submitted with your official zoning/variance application.

**Applicant Information:**

Name: Timothy & Yentia Pugh  
Company: Hamilton Mill Spine Center  
Mailing Address: 3395 Duncan Bridge Drive  
City, State, Zip Code: Dunford, GA 30519  
Phone Number: (706) 372-6239 Email Address: drtimpuhl@gmail.com

**Project Summary:**

Address of Project: 3495 Hamilton Mill Road, Dunford, GA 30519  
Name of Project: Hamilton Mill Spine Center  
Application Type (Rezoning, Change in Conditions, Special Use Permit, Buffer Reduction, Variance, Other):  
Other

Total Project Acreage: 0.23 Total Square Footage: 1448 Total Number of Lots/Units: 1

Detailed Description (include Proposed Use(s) and Square Footage of Floor Area for each use): Wish to allow property to be used for business purposes permitted under O-I zoning regulations in addition to its current use as a medical/chiropractic facility.

**Pre-Application Information Form Submittal Checklist:**

- Completed Pre-Application Information Form
- One PDF digital version of Concept Plan

**For Internal Use Only:**

Pre-Application Meeting Date: 7/1/21

Staff Printed Name: Christina Long Signed: Christina Long

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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 applicant believes the proposed use is suitable.

- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The applicant believes that the subject property does not have a reasonable economic use without the change in conditions.

- (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 proposed use will not produce an adverse effect on the existing infrastructure.

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

Yes, subject property is currently zoned O-1 /office - Institutional.

- (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:

Yes, subject property use was limited to use as a medical/ chiropractic clinic when rezoned in 2008. Clinic closed in Dec. 2019 upon my retirement. Unable to rent for some time due to pandemic. Other businesses, including an insurance office, have expressed an interest in renting the property.

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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.

*Yen J. Pugh*

Signature of Applicant

9/1/21

Date

Yenhua Pugh

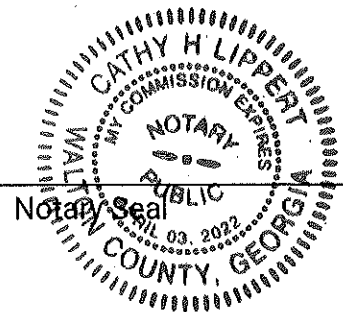
Type or Print Name and Title

*Cathy H. Lippert*

Signature of Notary Public

9-1-2021

Date



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Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 5/2021

**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.

*Y. P. Pugh*

Signature of Property Owner

9/1/21

Date

Yenhua Pugh

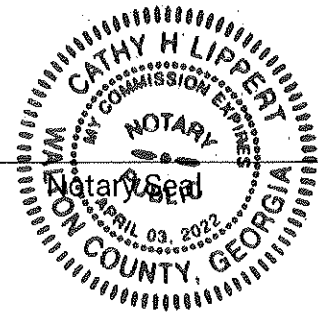
Type or Print Name and Title

*Cathy H. Lippert*

Signature of Notary Public

9-1-2021

Date



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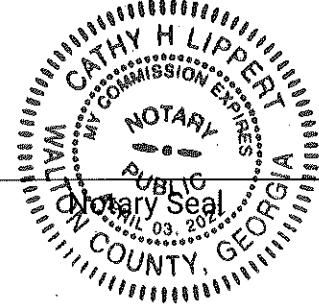
**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

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.

<i>Yen S. Pugh</i>	9/1/21	Yenhua Pugh
Signature of Applicant	Date	Type of Print Name and Title

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

<i>Cathy H Lippert</i>	9-1-2021	
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    Yenhua Pugh  
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 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:      07 - 183 - R7183003B  
(Map Reference Number)      District      Land Lot      Parcel

*Y. S. Pugh*      9/1/21  
Signature of Applicant      Date

Yenhua Pugh  
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)

*V. Sahaky*      *TSAIL*  
NAME      TITLE  
9/1/2021  
DATE

*Current taxes are  
7      due 10/15/2021*

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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## REZONING APPLICANT'S LETTER OF INTENT

The Applicants, Timothy and Yenhua Pugh, request a Change in Conditions (CIC) for the property in question, located at 3495 Hamilton Mill Road, Buford, GA 30519.

The existing O & I zoning was approved by Gwinnett County in 2009, and was limited to use as a chiropractic or medical facility. The property was used as a chiropractic clinic from July 2010 through December 2019, at which time the doctor retired. It has been vacant since January 2020 due to the effect of the global pandemic on the local business climate.

The Applicants are proposing that this property, which is already zoned O & I, not be limited to use as a medical or chiropractic facility, but also be zoned for other professional and general office use, to include, but not limited to, use as a real estate or insurance agent's office.



Line for the and lat nes. RECEIVED 9/1/21 3:50PM

Attachment I

convey unto

ALL that tract or parcel of land lying and being in Land Lot #183 of the 7th District of Gwinnett County, Georgia, according to a plat and survey prepared by Higginbotham & James, Surveyors, dated November 30, 1964 as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, public records of Gwinnett County, Georgia. Said tract of land is designated on said plat as Lot #2, Block A of Unit #1 of Winfred Cheek Subdivision and being more particularly described as follows:

BEGINNING at a point on the northwestern side of Hamilton Mill Road, said point being located by running along the center of Hamilton Mill Road in a northeasterly direction, a distance of 1499.2 feet to the line running between Land Lots #183 and #222, from said beginning point in the center of Hamilton Mill Road. From said point in the center of Hamilton Mill Road running north 22 degrees 42 minutes west, a distance of 40 feet to an iron pin stake located on the northwestern margin of the right-of-way of

FILED & RECORDED  
CLERK SUPERIOR COUNTY  
GWINNETT COUNTY, GA.

1999 JUL 13 AM 2 11

GARY R. YATES, CLERK

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BOOK 4999 PAGE 83

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Hamilton Mill Road, said point being the point of beginning; from said beginning point running north 22 degrees 42 minutes west, a distance of 281.9 feet along the line dividing Lots #2 and #3 of said Subdivision, to an iron pin; thence running north 62 degrees 55 minutes east, a distance of 115 feet along the line dividing Lots #2 and #8 of said Subdivision to an iron pin; thence running south 29 degrees 52 minutes east, a distance of 286.8 feet along the line dividing Lots #1 and #2 of said Subdivision to an iron pin located on the northwestern side of Hamilton Mill Road; thence running in a south-westerly direction along the right-of-way of Hamilton Mill Road, a distance of 150.0 feet to the point of BEGINNING.

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**GENERAL NOTES:**

1. SURVEY INFORMATION TAKEN FROM SURVEY FOR "JAMES R. & ADRIE L. BERRY", DATED 6/28/81, PREPARED BY SHAWNS WOOD ASSOCIATES. TOPOGRAPHIC INFORMATION TAKEN FROM WINNETT COUNTY DES. DIVISION DATA.
2. WINNETT COUNTY INSPECTOR 24 HOURS PRIOR TO BEGINNING CONSTRUCTION AT 878-218-5000.
3. ALL CONSTRUCTION TO CONFORM WITH WINNETT COUNTY STANDARDS AND SPECIFICATIONS.
4. PAVING CALCULATIONS:  
1 SPACE/ 200 SF OFFICE  
1.5 SPACES/ 200 SF = 7 SPACES  
PAVING PROVIDED:  
6 STANDARD SPACES (6' X 12')  
1 HANDICAP SPACES (8' X 12')  
7 TOTAL SPACES
5. ALL LIGHTING SHALL BE OUT-OF-ROOF TYPE (I.E. NO SPILL LIGHTING SHALL BE USED).
6. NO OPEN BURNING OF TRASH, WASTE OR CONSTRUCTION DEBRIS. ONE REQUIRED AT ALL TIMES. CERTAIN INSTRUMENTS FOR COMMERCIAL BURN, PERMIT FOR ALL BURNING MUST BE OBTAINED FROM WINNETT COUNTY FIRE DEPARTMENT.
7. PERMITS MUST OBTAIN FROM:  
FURNISH CONSTRUCTION AND FOR PERMITS: ADDRESS, ROADWAY WIDTH SHALL BE 20 FT. MINIMUM FOR INFORMATIONAL, FIRE CODE, ZONING, SLOTTING, SLOTTING.
8. APPROVAL OF THESE PLANS DOES NOT CONSTITUTE APPROVAL BY WINNETT COUNTY OR ANY LAND DEPARTMENT AGENCIES WITHIN WINNETT COUNTY. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY NEIGHBOR AREA CONCERN.
9. EACH BUILDING AND ITS LOCATION RELATIVE TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2000 STANDARD BUILDING CODE WITH CA STATE AMENDMENTS (SBA) WITH REGARD TO THE HEIGHT AND AREA REQUIREMENTS OF SBC TABLE 504 AND THE FIRE RESISTANCE AND MINIMUM EXISTENCE REQUIREMENTS OF SBC TABLE 501 AND 502 BASED ON OCCUPANCY GROUP CLASSIFICATION AND TYPE OF CONSTRUCTION.
10. EACH BUSINESS SHALL POST AND MAINTAIN THE ADDRESS OF THE BUILDING ON A CONSPICUOUS PLACE VISIBLE FROM THE STREET AND MORE THAN 12 FEET OFF THE CURB OR EDGE OF THE STREET. THE ADDRESS SHALL CONSIST OF FIGURES AT LEAST 4 INCHES HIGH ON CONTRASTING BACKGROUND FOR 24 HOUR VISIBILITY.
11. TOTAL BUILDING HEIGHT: EXISTING 1-STORY HOUSE  
TOTAL SQUARE FOOTAGE: 1,453 SF
12. A DEMONSTRATIVE BUILDING POINT SHALL BE CREATED FOR ALL RETAINING WALLS GREATER THAN 4 FEET IN HEIGHT AND ALL RETAINING WALLS USED AS A DAM PRIOR TO CONSTRUCTION OF THE WALLS.
13. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.
14. NO DRIVE-UP SHOWERS ARE TO BE INSTALLED.
15. HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT IS CONCEALED FROM PUBLIC VIEW AND FROM ADJACENT RESIDENTIAL PROPERTY AND DOES NOT INTERFERE WITH TRAFFIC.
16. ALL BUFFERS AND TREE BANE AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
17. NO OUTSIDE STORAGE PROPOSED. THIS INCLUDES SUPPLIES, EQUIPMENT, REFRIGERATORS, ETC.
18. SIGNAGE LOCATION, NUMBER, AND SIZE ARE NOT APPROVED UNDER THIS DEVELOPMENT REPORT. A SEPARATE PERMIT IS REQUIRED FOR EACH SIGN.
19. NO BELLBOYS ARE PERMITTED.
20. THERE IS AN EXISTING STRUCTURE ON THE SITE.
21. THERE ARE NO OVERHEAD LINES ASSOCIATED WITH THIS PROJECT.

**ACCESSIBILITY NOTES:**

1. SLOPE OF CURB RAMPED SHALL COMPLY WITH THE REQUIREMENTS OF RULE 120-3-20-10(C), GEORGIA ACCESSIBILITY CODE.
2. SURFACES OF CURB RAMPED SHALL COMPLY WITH RULE 120-3-20-10, GEORGIA ACCESSIBILITY CODE.
3. THE (MINIMUM WIDTH) OF A CURB RAMP SHALL BE 36 INCHES, EXCLUSIVE OF FLARED SIDEWALK 120-3-20-10(C), GEORGIA ACCESSIBILITY CODE.
4. (ROUND) AT FLOOR SURFACES) ALONG ACCESSIBLE ROUTES AND WALKS, RAMPED STAIRS, AND CURB RAMPED, SHALL BE STABLE, FIRM, SLIP-RESISTANT, AND SHALL COMPLY WITH RULE 120-3-20-10(A)(2), GEORGIA ACCESSIBILITY CODE.
5. (CURB RAMPED) SHALL BE LOCKED OR PROTECTED TO PREVENT THEIR CONSTRUCTION BY PARKED VEHICLES. RULE 120-3-20-10(C), GEORGIA ACCESSIBILITY CODE.
6. (OBJECTS PROJECTING FROM WALKS, (FOR EXAMPLE, TELEPHONES) WITH THEIR LEADING EDGES EXTENDING 27 INCHES AND 20 INCHES ABOVE THE FINISHED FLOOR SHALL PROTRUDE NO MORE THAN 4 INCHES TO WALKS, WALKS, CORRIDORS, PASSAGE WAYS, OR AREAS. RULE 120-3-20-10, GEORGIA ACCESSIBILITY CODE.
7. (SIDES OF CURB RAMPED) SHALL BE PROVIDED PER THE REQUIREMENT OF RULE 120-3-20-10(C), GEORGIA ACCESSIBILITY CODE.
8. (CURB RAMPED) SHALL HAVE A DETECTABLE WARNING COMPLYING WITH RULE 120-3-20-10(D), DETECTABLE WARNING REQUIREMENTS SHALL CONSIST OF INDICATED DOWNS (ARROWS) MAY BE USED (ARROWS ONLY). PATTERN SHALL CONTRAST IN COLOR WITH SURROUNDING SURFACE, THE DETECTABLE WARNING SHALL EXTEND THE FULL WIDTH AND 2 FT. BEYOND OF THE CURB RAMP. RULE 120-3-20-10 (D), GEORGIA ACCESSIBILITY CODE.

**COMMERCIAL DEVELOPMENT DATA**

**PROJECT DATA**  
DEVELOPMENT TYPE: MEDICAL (CONTRACTING) OFFICE  
ZONING: (D-O) OFFICE - INSTITUTIONAL  
TOTAL AREA: 0.85 ACRES  
LIMITS OF DISTURBED AREA: 2000 SQUARE FEET

**PARKING SPACES:**  
EXISTING: 0  
NEW: 7 SPACES  
TOTAL: 7 SPACES  
PARKING SURFACE TYPE: CONCRETE  
REQUIREMENT PARKING SPACES:  
MINIMUM: 3 SPACES  
MAXIMUM: 7 SPACES  
PROPOSED PARKING SPACES: 7 SPACES

**BUILDING DATA:**  
EXISTING FLOOR AREA (S.F.): 1,450  
NEW FLOOR AREA (S.F.): 350  
TOTAL FLOOR AREA (S.F.): 1,800  
EXISTING BLDG (SQ. FT.)  
NEW BLDG (SQ. FT.)  
STORIES OVER: 1  
DENSITY (OVER):

**RELATED CASES:**  
200-08-063

**TREES:**  
EXISTING:  
NEW/TYPE: 0 (UNRESTRICTED (NEAR))  
NEW/TYPE: 0 (UNRESTRICTED (NEAR))  
BUFFER TREES PLANTED: 0  
NON BUFFER TREES PRESERVED: 4  
NON BUFFER TREES REPLACED: 9  
SANITARY BORNED: 0/0/0

**REVISIONS**

NO.	DATE	REVISIONS



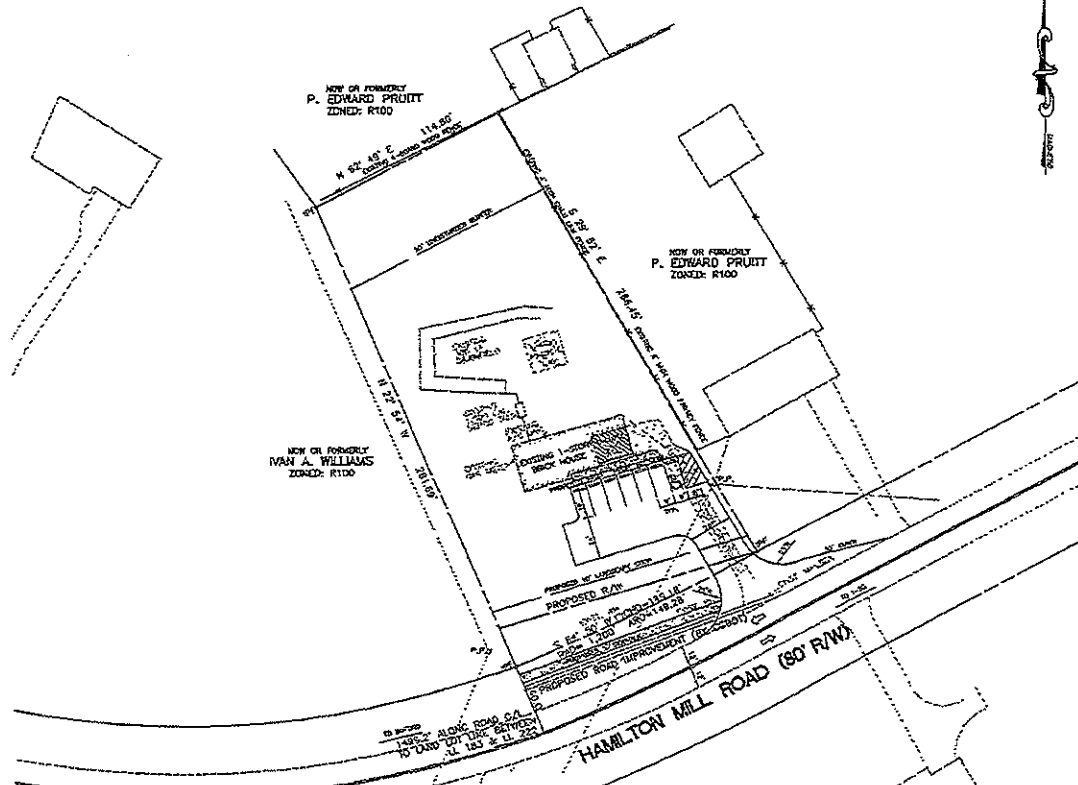
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**Berry & Associates, Inc.**  
11111 W. BRIDLEWAY, SUITE 111  
DUBLIN, GEORGIA 31009  
PHONE: (770) 414-1111  
FAX: (770) 414-1111



**SITE PLAN FOR**  
**HAMILTON MILL SPINE CENTER**  
7711 DISTRICT LAND LOT 183, PARCEL 038  
WINNETT COUNTY, GEORGIA

DATE: 05/06/09  
PROJECT NO: 00-101



PROPERTY AREA: 0.85 ACRES  
DISTURBED AREA: 0.11 ACRES  
ZONING: (D-O) OFFICE - INSTITUTIONAL



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**SITE ADDRESS:**  
2555 HAMILTON MILL ROAD  
BLIFORD, GA 30519

**OWNER/DEVELOPER:**  
HAMILTON MILL SPINE CENTER  
1543 PICKLETTS HILL ROAD, SUITE 300  
BLIFORD, GA 30519  
PHONE: (770) 614-6443  
CONTACT: DR. TIM PUGH

**24-HOUR CONTACT:**  
DR. TIM PUGH  
PHONE: (770) 614-6563

**UTILITIES PROTECTION CENTER, INC.**

Call FREE THROUGHOUT GEORGIA  
1-800-222-7411  
IN ATLANTA: 333-3500

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