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**LETTER OF INTENT FOR REZONING (CHANGE IN CONDITIONS)**  
**APPLICATION OF PH1330, LLC**

Mahaffey Pickens Tucker, LLP submits the attached Rezoning (Change in Conditions) Application (the “Application”) on behalf of the Applicant, PH1330, LLC, for the purpose of requesting a change in conditions of zoning on an approximately 11.12 acre tract (the “Property”) located at the intersection of Pinehurst Road and Sycamore Drive (the “Property”). The Property is currently vacant and wooded. The Property is zoned RS-150 pursuant to the annexation, rezoning, and land use plan amendment case numbers ANX 07-03, LUP 07-03, and RZ 07-04 (the “Previous Zoning”).

The Applicant is requesting to modify certain conditions of the Previous Zoning in order to allow the development of a single-family, detached residential subdivision. The proposed development would contain approximately 28 lots including three lots with sole access from Sycamore Drive. The remaining 25 lots would be accessed internally via a single development entrance off of Pinehurst Road.

Specifically, the Applicant is requesting to delete conditions 1, 4, and 7 of the Previous Zoning. The modified Conditions as well as additional conditions submitted by the Applicant are

set forth in the “Applicant Revised Conditions” attached hereto as Exhibit “A.” Condition #1 of the Previous Zoning required that the Property be developed in general accordance with the site plan which was originally approved pursuant to the Previous Zoning. While the overall development will maintain essentially the same density, the Applicant is proposing to develop the Property with different lot layout as well as relocating the subdivision entrance from Sycamore Drive to Pinehurst Road.

Additionally, the Applicant is also requesting certain variances from the requirements of the Snellville City Code and the Snellville Zoning Ordinance of 2001 to allow the proposed development of the Property as depicted on the site plan and in the building elevations attached hereto and submitted with the Application. Specifically, the Applicant is requesting the following variances:

- to reduce the minimum lot area from 15,000 square feet to 7,800 square feet;
- to reduce the minimum lot width from 80 feet at the building line to 55 feet at the building line;
- to reduce the minimum front yard setback from 40 feet from right-of-way line to 20 feet from right-of-way line;
- to reduce the minimum rear yard setback from 40 feet to 25 feet;
- to reduce the side yard setback from 10 feet to 5 feet.

Special conditions and circumstances exist relative to the subject Property and such conditions and circumstances are not applicable to other land, structure, or buildings in the same zoning district. The subject Property is awkwardly shaped in the form of a rough hourglass and contains extreme variations in topography. The Property also contains a long segment of stream buffer along the northerly Property boundary line. These physical characteristics constrict the site so as to require the requested variances in order to relocate the subdivision entrance while remaining in line with the density contemplated by the Previous Zoning. Relocation of the subdivision entrance will result in significant benefits to the property owners along Sycamore drive and will reduce the amount of vehicle traffic on a minor, gravel-surfaced street. Approval of the requested variances would not result in a substantial deviation from the originally contemplated density of development on the Property. The Previous Zoning would permit a development at a density of approximately 2.13 units per acre while the Application, if granted, would permit a development at a density of approximately 2.5 units per acre.

A literal interpretation of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code. The special circumstances and conditions which exist relative to the subject property do not result from the actions of the Applicant. Without approval of the requested relief, the Applicant cannot develop the property in a manner consistent with the highest and best use of the Property. Further, granting the requested relief will not confer on the Applicant any special privilege that is denied by the provisions of the Code to other lands, structures, or buildings in the same zoning district. Rather, approval of the requested relief will allow the Applicant to develop the property in a manner compatible with surrounding zoning classifications and land uses.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Snellville Planning & Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of these Applications.

This 15th day of May, 2017.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham  
*Attorneys for the Applicant*

## EXHIBIT "A"

### APPLICANT REVISED CONDITIONS

#### Existing Conditions of the Previous Zoning:

1. The property shall be developed in general accordance with the submitted site plan dated 1/22/07 entitled "Annexation Plat for Pinehurst Estates" with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from concept plan, as determined by the Director of Planning and Development, will require Mayor and City Council approval.
2. Signs higher than 15' and larger than 225 square feet are prohibited.
3. Uses involving adult entertainment, including sale or display of adult magazines, books, or videos and further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed are prohibited.
4. All Homes in the subdivision as indicated by the development set out in the annexation plat that has been referenced shall be constructed of traditional design with brick, stone, and stucco, or any combination thereof on at least the front façade. The remaining sides shall be constructed of masonry siding and/ or shakes/ shingles. Accents on the front façade, such as gables and dormers shall be constructed of masonry siding and shakes/ shingles.
5. Sidewalks and other right-of-way improvements required by the Development Regulations and Zoning Ordinance shall continue across parcel 5071-006 shall be allowed in, at, or near the stream buffer, the stream that crosses that parcel
6. A no access easement shall be provided on the rear of all lots abutting Pinehurst Road and Sycamore Drive.
7. Sycamore Drive shall be improved from Pinehurst Road to the entrance of the development as set out on the annexation plat in compliance with the City of Snellville Development Regulations and/ or Gwinnett County Department of Transportation requirements.

#### Proposed Conditions:

1. There shall be a maximum of twenty-eight (28) homes permitted for subject property.
2. The minimum heated floor area per dwelling unit shall be 1,800 square feet.
3. All dwellings shall have a minimum two-car; enclosed garage.
4. The subdivision entrance feature shall include a brick or stone base with associated landscaping. The final design shall be approved by the Director of Planning and Development.
5. All utilities shall be placed underground.

6. Detention pond(s) shall be fenced with a black vinyl-coated chain link fence a minimum of four feet in height.
7. Signs higher than 15' and larger than 225 square feet are prohibited.
8. Uses involving adult entertainment, including sale or display of adult magazines, books, or videos and further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed are prohibited.
9. All homes shall be constructed of traditional design with brick, stone, and stucco, or any combination thereof on at least the front façade. The remaining sides shall be constructed of masonry siding and/or shakes/shingles. Accents on the front façade, such as gables and dormers shall be constructed of masonry siding and/or shakes/shingles.
10. Sidewalks and other right-of-way improvements required by the Development Regulations and Zoning Ordinance shall continue across parcel 5071-006 and shall be allowed in, at, or near the stream buffer, the stream that crosses that parcel subject to approval by the Director of Planning and Development.
11. A no access easement shall be provided on the rear of all lots abutting Pinehurst Road and Sycamore Drive.