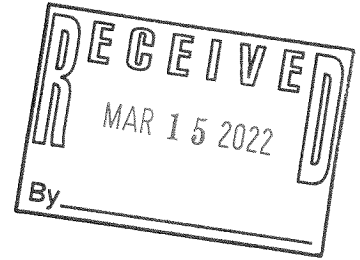


**LETTER OF INTENT
APPLICATION FOR CHANGE IN CONDITIONS
CITY OF SNELLVILLE, GEORGIA**



Devechio Capital LLC (the “Applicant”) requests a Change in Conditions for the approximately 1.1 acres it owns located at 1721 Athens Highway a.k.a. U.S. Highway 78 (Parcel Identification Number R5069 267) (the “Property”) to allow an office use in an existing building. The Snellville City Council rezoned the Property to the Highway Service Business (HSB) district in 2003 subject to four conditions of zoning, of which the third reads: *“The approved zoning is for the use of a lawn equipment sales/service facility with outdoor storage only. Any future change in use on this property shall require Mayor and Council approval.”* See RZ 03-09 (Sept. 22, 2003). The Property was used for a lawn equipment sales/service facility for several years, but the Applicant now seeks to use the existing building on the Property for office uses. The Applicant therefore asks either for the removal of this condition or for its modification to allow the proposed use. The HSB district to which the Property is zoned allows numerous office uses as Permitted Uses, including “business services”, “financial services”, and “professional services”, among many more. The proposed office use would fall within these categories and would therefore be allowed in the HSB district.

The requested Change in Conditions is consistent with the matters established at Section 103-9.4.C.11. of the Snellville Unified Development Ordinance that are to be considered for such applications, as documented below. Accordingly, the Applicant respectfully asks the Mayor and City Council to approve this Change in Conditions as requested.

a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

The requested Change in Conditions will permit an office use of the Property. The Property fronts Athens Highway/U.S.-78, a five-lane highway corridor appropriate for commercial uses. To the Applicant’s knowledge, the adjacent property to the west is developed and used for a school, and adjacent property to the east is developed and used for a mixed-use shopping center providing space for restaurant and personal service establishments, among other

uses. To the north, the adjacent property is used residentially. Given this mix of adjacent uses, the proposed office use is suitable on the Property.

b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.

As described above, the premises on the Property was used for several years as a lawn equipment sales/service facility, which typically involved the presence and operation of heavy machinery. The Applicant now seeks to use the Property for a far less intense office use. Additionally, the Applicant does not propose any new development to exercise this office use. Accordingly, the requested Change in Conditions will not adversely affect the existing use or usability of adjacent or nearby property.

c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The HSB district to which the Property is zoned allows numerous Permitted Uses that would facilitate reasonable economic use of the Property. Unfortunately, Condition #3 of RZ 03-09, quoted above, prohibits any of these uses on the Property by limiting the Property to a single use. As evident from the Applicant's inability to find a permitted commercial tenant for the Property, this zoning condition virtually wipes out the Property's reasonable economic use. The requested Change in Conditions would alleviate this hardship by allowing the necessary flexibility in use of the Property.

d. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The Property is located in a developed area served by abundant public infrastructure. The Applicant is also proposing a less intense use of the Property than that for which it has previously been used. The proposed office use therefore will not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. As a commercial use, the requested Change in Conditions will not appreciably affect local schools.

e. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Map.

The Future Land Use Map (adopted Feb. 19, 2019) assigns the Property to the Office/Professional future land use category. Snellville 2040 Comprehensive Plan at Page 51. The description provided for this category matches the Applicant's proposed use: "Property where business is conducted, but does not involve the direct manufacturing, storage, distribution, or sale of goods." *Id.* at 52. Accordingly, the requested Change in Conditions is in conformity with the policy and intent of the Future Land Use Map.

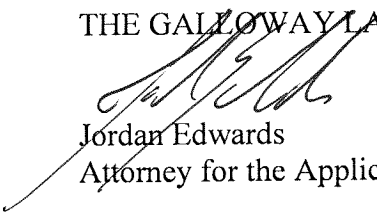
f. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

The premises on the Property is vacant and has been since it was vacated by the lawn equipment sales/service company that previously operated on-site. The requested Change in Conditions would allow the Applicant to make productive use of the Property again and do so with an office use that would not adversely affect adjacent of nearby property owners. This shift back to beneficial activity gives supporting grounds for approval of the zoning proposal.

As documented above, the requested Change in Conditions is consistent with matters established at Section 103-9.4.C.11. of the Unified Development Ordinance that are to be considered for such applications, as documented above. Accordingly, the Applicant respectfully asks the Mayor and City Council of the City of Snellville to approve this Change in Conditions as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC


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