



P. O. Box 400
Dacula, GA 30019
(770) 962-0055 / Fax (770) 513-2187

APPLICATION

City Council
<input type="checkbox"/> Waivers
<input checked="" type="checkbox"/> Variance

Staff Approval Only

Modifications

(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>BLT Alcovy Road, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME <u>BLT Alcovy Road, LLC</u>
ADDRESS <u>1550 North Brown Road, Suite 125</u>	ADDRESS <u>1550 North Brown Road, Suite 125</u>
CITY <u>Lawrenceville</u>	CITY <u>Lawrenceville</u>
STATE <u>Georgia</u> ZIP <u>30043</u>	STATE <u>Georgia</u> ZIP <u>30043</u>
PHONE <u>770 232 0000</u> FAX <u>678 518 6880</u>	PHONE <u>770 232 0000</u> FAX <u>678 518 6880</u>

APPLICANT IS THE:

- OWNER'S AGENT
- PROPERTY OWNER

** Include any person having a property interest and/or a financial interest in any business entity having property interest (use additional sheets if necessary).*

CONTACT PERSON Shane Lanham

COMPANY NAME Mahaffey Pickens Tucker, LLP

ADDRESS 1550 N Brown Rd, Ste 125
Lawrenceville, GA 30043

PHONE 770 232 0000 FAX _____

PRESENT ZONING DISTRICT(S) R-TH LAND LOT(S) 277 DISTRICT(S) 5

ADDRESS OF PROPERTY 2213-2223 Alcovy Rd, Dacula, GA 30019 ACREAGE +/-11.48

Describe your request in detail and state justification/hardship: _____

Please see attached Letter of Intent

(Attach additional sheets if necessary)

HAS THE APPLICANT FILED ANY OTHER APPLICATIONS FOR THIS PROPERTY WITHIN THE PAST 12 MONTHS ? Yes No

If Yes, please describe: _____

(Attach additional sheets if necessary)

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

*** PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING REQUEST and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AFFECTED ***

CASE NUMBER: _____

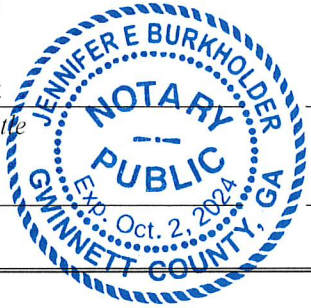
APPLICANT CERTIFICATION

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

[Signature] _____ 11/9/21 _____
Signature of Applicant Date

Shane Lanham, attorney for the Applicant
Type or Print Name/Title

[Signature] _____ 11/9/2021 _____
Notary Public Date



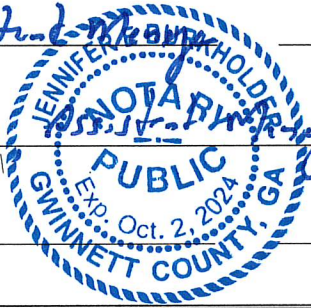
PROPERTY OWNER CERTIFICATION

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

BLT Alcorn Road, LLC
By: [Signature] _____ 11/9/21 _____
Signature of Applicant Date

R. Lee Tucker, Jr.
Type or Print Name/Title

[Signature] _____ 11/9/2021 _____
Notary Public Date



FOR ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

FOR ADMINISTRATIVE USE ONLY

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____



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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 the Mayor and/or a member of the City Council.

Yes No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Contributions <i>(All which aggregate to \$250.00+)</i>	Contribution Date <i>(within last 2 years)</i>

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission or Zoning Board of Appeals.

Yes No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Description of Gifts <i>(Valued aggregate \$250.00+)</i>	Date Gift was Given <i>(within last 2 years)</i>

(Attach additional sheets if necessary to disclose or describe all contributions/gifts)

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: _____

TO: _____
(Sent by First Class Mail and Certified Mail - Return Receipt Requested)

FROM: _____

RE: Proposed Variance Case # _____

Property Location: 5th District, Land Lot _____ Parcel _____

LOCATION/ADDRESS _____



You are hereby notified that an application for variance _____

_____ to _____ has been submitted to the City of

Dacula.

The proposed variance is contiguous to your property.

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd., Dacula,

Georgia on _____ at _____ in the Council Chambers.
(date)

If you have any comments or concerns concerning this matter, please plan to attend the public hearings.

Thank you.

ADJACENT PROPERTY OWNER LIST

Parcel #	Name	Address
5277 016	Gwinnett County Police	770 Hi Hope Road Lawrenceville, GA 30043
5277 083	Haryana Investments, LLC	P.O. Box 5446 Alpharetta, GA 30023
5277 062	Old Roswell Townhomes, LLC	6845 Shiloh Road E. Suite D2 Alpharetta, GA 30005

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL BEING IN LAND LOT 277 OF THE 5TH DISTRICT OF GWINNETT COUNTY, GEORGIA.

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF ALCOVY ROAD AND EWING CHAPEL ROAD; THENCE N47°38'25"E FOR A DISTANCE OF 1200.37 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF ALCOVY ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY N30°06'35"W A DISTANCE OF 806.80'; THENCE S60°49'30"W A DISTANCE OF 270.00'; THENCE N00°16'45"W A DISTANCE OF 269.75' TO A POINT ON THE SOUTH RIGHT OF WAY OF UNIVERSITY PARKWAY; THENCE ALONG SAID RIGHT OF WAY N88°51'30"E A DISTANCE OF 296.76'; THENCE S30°38'15"E A DISTANCE OF 105.79'; THENCE N70°10'00"E A DISTANCE OF 284.72'; THENCE N80°43'05"E A DISTANCE OF 323.98' TO A FOUND CONCRETE MONUMENT; THENCE LEAVING SAID RIGHT OF WAY S30°07'30"E A DISTANCE OF 232.86' TO A FOUND IRON 1/2" REBAR; THENCE S60°08'20"W A DISTANCE OF 215.11' TO A FOUND IRON 1/2" REBAR; THENCE S30°09'00"E A DISTANCE OF 405.51' TO A FOUND IRON 1/2" REBAR WITH YELLOW CAP 3014 ON THE NORTHERN RIGHT OF WAY OF ALCOVY ROAD; THENCE ALONG SAID RIGHT OF WAY S60°23'30"W A DISTANCE OF 33.95' TO A FOUND IRON 1" SMOOTHBAR; THENCE S60°48'50"W A DISTANCE OF 329.14' TO A FOUND IRON 1/2" REBAR; THENCE S60°49'31"W A DISTANCE OF 130.00' TO THE POINT OF BEGINNING. HAVING AN AREA OF 500201.90 SQUARE FEET, 11.483 ACRES.



Matthew P. Benson
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
Christopher D. Holbrook

Samuel C. Kennon
Shane M. Lanham
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT FOR VARIANCE APPLICATION
OF BLT ALCOVY ROAD, LLC

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and the attached variance application (the "Application") on behalf of the property owner, BLT Alcovy Road, LLC (the "Applicant") to seek relief from the requirements of Section 915(A)(17) of Appendix B of the City of Dacula Code of Ordinances (the "Code"). The requested variance relates to the development of an approximately 11.48-acre property located on the north side of Alcovy Road, just west of the intersection of Harbins Road and University Parkway (State Route 316) (the "Property").

The Property was rezoned to the R-TH zoning classification in 2020 pursuant to case number 2020-CD-RZ-01 by Resolution of the Mayor and City Council dated July 6, 2020. The Zoning Resolution of the City of Dacula (the "ZR") is set forth in Appendix B of the Code. Section 915(A)(17) provides that within R-TH developments, "[n]more than 10% of the total units may be leased by individual owners at any one time." In conversations with City staff, the Applicant has taken the position that by adding the terms "individual owners" Section 915(A)(17) must mean that developments with individual owners (as opposed to corporate owners) or multiple owners (as opposed to a single owner of all lots) are limited to no more than 10% rentals. Otherwise, why add the terms "individual owners?" If Section 915(A)(17) is meant to prohibit more than 10%

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rentals in *any* R-TH development, it could have read “no more than 10% of the total units may be leased at any one time.” Adding the terms “individual owners” creates a distinction among such property ownership structures. However, the Applicant understands that the City interprets Section 915(A)(17) differently. Accordingly, the Applicant submits this variance to allow a single, corporate owner to own all of the lots within the community and lease them to residents.

Approval of the Application would allow the development of the Property for use as high-quality single-family residential townhome development. The Property faces significant physical challenges including a recent Georgia DOT condemnation of a portion of the Property located along University Parkway. This constriction of the developable portions of the Property has created a hardship on the owner and resulted in increased fixed development costs associated with the project. Allowing a single, corporate ownership structure allows the Applicant to more efficiently develop, build, operate, and maintain the homes in the community.

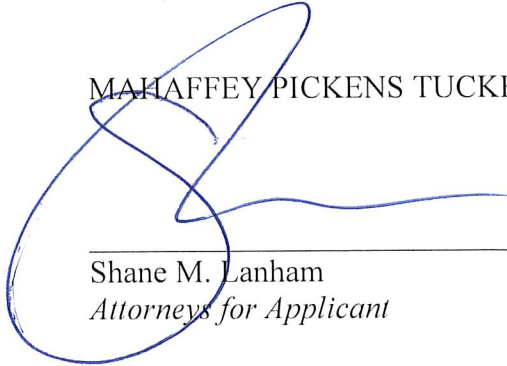
A variance may be granted in cases where the application of the local zoning ordinance to a particular piece of property would create unnecessary hardship, and that relief, if granted, would not cause substantial detriment to the public good or impair the intent of the local ordinance. Here, the Applicant submits that, in its current state, special conditions and circumstances unique to the Property make development in compliance with the zoning provisions of the ZR unreasonably burdensome. Further, approval of the Application would not cause substantial detriment to the public good. As the City of Dacula continues to grow, many residents seek housing options that are currently unavailable or inaccessible. Many people are choosing to rent given their individual circumstances and preferences. For example, many young couples and empty nesters prefer the low-maintenance, flexible lifestyle that single-family rental communities can provide. Residents have the flexibility to “lock and leave” knowing that the property management company is

responsible for maintenance of their home as well as landscaping and other traditional housing obligations. Ultimately, the Applicant is not requesting an increase in unit count, density, or project size and approval of the Application would not result in a decrease in quality, longevity, or aesthetics. Rather, approval of the Application would simply allow a different ownership structure than a strict reading of the ZR would permit.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Dacula Planning & Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. Your favorable consideration is sincerely appreciated.

Respectfully submitted this 9th day of November, 2021.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

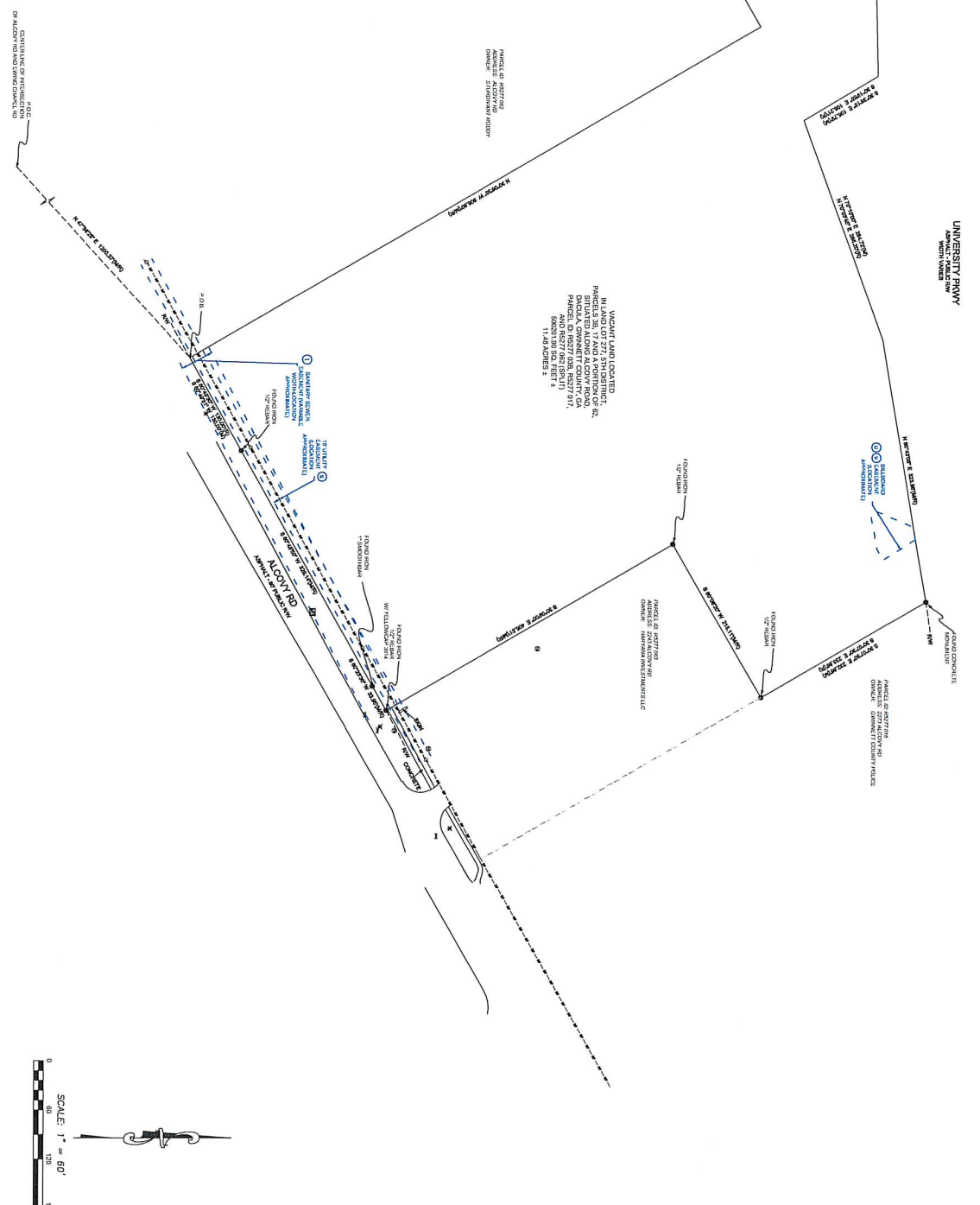


Commercial Real Estate
Due Diligence Management
3465 South Arlington Rd Suite E#183
Aurora, OH 44202
688.250.8121
www.american-nl.com

UNIVERSITY PROPERTY
MANAGEMENT
WORTHINGTON

Legend of Symbols & Abbreviations

SYMBOLS		ABBREVIATIONS	
	PROPERTY BOUNDARY	STANDARD SURVEY	STANDARD SURVEY
	EASEMENT	ASBESTOS	ASBESTOS
	FOUNDATION	CONCRETE	CONCRETE
	FOUNDATION FOOTING	FOUNDATION	FOUNDATION
	FOUNDATION WALL	FOUNDATION	FOUNDATION
	FOUNDATION SLAB	FOUNDATION	FOUNDATION
	FOUNDATION PIER	FOUNDATION	FOUNDATION
	FOUNDATION COLUMN	FOUNDATION	FOUNDATION
	FOUNDATION BEAM	FOUNDATION	FOUNDATION
	FOUNDATION JOIST	FOUNDATION	FOUNDATION
	FOUNDATION GIRDER	FOUNDATION	FOUNDATION
	FOUNDATION TRUSS	FOUNDATION	FOUNDATION
	FOUNDATION RAFTER	FOUNDATION	FOUNDATION
	FOUNDATION STUD	FOUNDATION	FOUNDATION
	FOUNDATION SILL	FOUNDATION	FOUNDATION
	FOUNDATION PLATE	FOUNDATION	FOUNDATION
	FOUNDATION BOLT	FOUNDATION	FOUNDATION
	FOUNDATION NUT	FOUNDATION	FOUNDATION
	FOUNDATION WASHER	FOUNDATION	FOUNDATION
	FOUNDATION ANCHOR BOLT	FOUNDATION	FOUNDATION
	FOUNDATION EXPANSION BOLT	FOUNDATION	FOUNDATION
	FOUNDATION EXPANSION NUT	FOUNDATION	FOUNDATION
	FOUNDATION EXPANSION WASHER	FOUNDATION	FOUNDATION
	FOUNDATION EXPANSION PLATE	FOUNDATION	FOUNDATION
	FOUNDATION EXPANSION BOLT NUT WASHER PLATE	FOUNDATION	FOUNDATION
	FOUNDATION EXPANSION BOLT NUT WASHER PLATE WITH SEALANT	FOUNDATION	FOUNDATION



SCALE: 1" = 60'