



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

REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.
(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>Labri Group, L.P. and Randall Powell</u>	NAME <u>Labri Group, L.P. and Randall Powell</u>
ADDRESS <u>11 Lumpkin Street</u>	ADDRESS <u>11 Lumpkin Street</u>
CITY <u>Lawrenceville</u>	CITY <u>Lawrenceville</u>
STATE <u>GA</u> ZIP <u>30046</u>	STATE <u>GA</u> ZIP <u>30046</u>
PHONE _____ FAX _____	PHONE _____ FAX _____

APPLICANT IS THE:

- ☒ OWNER'S AGENT
☐ PROPERTY OWNER
☐ CONTRACT PURCHASER

* 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 Anthony Powell or Leslie Trimmer

COMPANY NAME Powell & Crowley, LLP

ADDRESS P.O. Box 1390

Lawrenceville, GA 30046

PHONE 770-963-3423 FAX _____

EMAIL Tony@wtp.legal leslie@wtp.legal

PRESENT ZONING DISTRICT(S) R-1400 CSO REQUESTED ZONING DISTRICT R-1400

LAND LOT(S) 257 PARCEL # 358 DISTRICT(S) 5 ACREAGE .95

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Rezone property from R1400CSO to
permit construction of a single-family residence.

RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLINGS UNITS 1

DWELLING UNIT SIDE (SQ. FT.) _____

NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/LOTS 1

TOTAL GROSS SQ. FEET _____

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

*** PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and
TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED ***

CASE NUMBER 2024-CD-RZ-05

LEGAL DESCRIPTION

All that tract or parcel of/and lying and being in Land Lot 237 of the 5Jh District, Gwinnett County, Georgia being more particularly described as follows:

To find the true point of beginning, begin at the intersection of Land Lots 236, 237, 245 and 244 of the 5th District, Gwinnett County, Georgia, from said point of intersection traveling thence South 59 degrees 35 minutes 54 seconds West a distance of 194.95 feet to an iron pin found along the Southerly right of way of Alcovy Road, said road have an 80 foot right of way, traveling thence South 59 degrees 54 minutes 22 seconds West a distance of 410.46 feet to an iron pin found, traveling thence North 30 degrees 05 minutes 38 seconds West a distance of 185.15 feet to an iron pin found along the Southerly right of way of Alcovy Road, traveling thence along said right of way North 82 degrees 17 minutes 41 seconds East a distance of 280.21 feet to a point, traveling thence along the arc of a curve to the right an arc distance of 157.31 feet to a point, said arc having a radius of 1928.77 feet being subtended by a chord bearing North 84 degrees 37 minutes 47 seconds East a distance of 157.27 feet, traveling thence along said right of way along the arc of a curve to the right an arc distance of 79.00 feet, said arc having a radius of 646.40 feet and being subtended by a chord bearing North 88 degrees 00 minutes 57 seconds West a distance of 78.98 feet to the TRUE POINT OF BEGINNING, said tract containing 0.95 acres, more or less, of land and being designated as Tract 1 on the Boundary Plat prepared by Morrison J. Sims, Georgia Registered Land Surveyor No. 1263, dated April 24, 2007, said plat being incorporated herein by reference for a complete description thereof.



10 Lumpkin Street
Lawrenceville, Georgia 30046
(770) 963.3423

Anthony O.L. Powell, P.C.
John James Crowley, P.C.

Mailing Address
P.O. Box 1390
Lawrenceville, GA 30046

November 5, 2025

Mayor & City Council of the City of Dacula
C/O Mr. Hayes Taylor, Director of Planning
City of Dacula Planning & Development
442 Harbins Road
Dacula, GA 30019

Re: Letter of Intent – Application for Rezoning and Change in Condition for Property located at 1404 Alcovy Road, Lawrenceville, GA Tax Parcel No. R5357 258 from R1400CSO to R1400 (“Property”).

Dear Mr. Taylor:

I appreciate giving us time to review this property file with you at City Hall. We are submitting this application to amend the zoning ordinance to allow this parcel to be a single-family residential lot consistent with the surrounding subdivisions. When this parcel was annexed into the City of Dacula, the owner held title to several hundred acres and intended to assemble all the tracts and develop the large parcel as a CSO project. Unfortunately, this lot was never combined with the bigger development, and the common owner lost this lot in a Property tax foreclosure. The current zoning has several conditions that are impossible to achieve. The R-1400 CSO requires a minimum of 20 acres to qualify for approval of a development. Because this parcel contains only .95 acres, the lot is undevelopable as currently zoned; therefore, the parcel as restricted by the City of Dacula Zoning Ordinance has no use or market value. My client is seeking to remove the CSO restrictions to allow a single home to be developed on the property.

On behalf of Labri Group, L.P. and Randall Powell, owners of the property referenced above, I respectfully submit this Letter of Intent to request a zoning change for the property located at 1404 Alcovy Road, currently zoned R-1400 CSO, to the base R-1400 zoning designation. The purpose of this request is to allow for the construction of a single-family residence containing a minimum of 1,400 square feet consistent with the City of Dacula Ordinances and the surrounding land uses.

Property Overview

Applicant: Labri Group, L.P. and Randall Powell

Property Address: 1404 Alcovy Road
Lawrenceville, GA

Acreage: Approximately .95 acres

Current Zoning: R-1400 CSO

Proposed Zoning: R-1400

Proposed Use: Single-family residential home

The property is located within an area characterized by low-density residential development. Adjacent parcels are zoned R-1400 and developed with single-family homes of similar scale and character. There was confusion as to whether this property was part of a blanket annexation in 2005.

Purpose and Intent

The current CSO (Conservation Subdivision Overlay) classification includes conditions that have become outdated and no longer serve a public purpose. Reverting to the base R-1400 zoning will restore the property's ability to be used in a manner consistent with the City's residential development pattern and the intent of the Unified Development Ordinance.

This request does not seek any increase in density, reduction in open space, or alteration of neighborhood traffic patterns. The proposed single-family residence will fully comply with all applicable dimensional standards, setbacks, height limits, and design criteria established under the City of Dacula Development Regulations and Ordinances.

Justification for Rezoning and Change in Conditions

Consistency with Comprehensive Plan

The request is consistent with the City's Comprehensive Plan, which encourages infill housing and compatible residential growth within existing neighborhoods. The R-1400 zoning designation supports low-density single-family homes, which is precisely the type of development envisioned for this area. This change simply aligns zoning with the established and planned use of the surrounding properties.

Compatibility and Neighborhood Character

The proposed single-family home will mirror the architectural scale and quality of neighboring residences, preserving the area's cohesive residential identity. The property's development under R-1400 standards will maintain existing setbacks, lot coverage, and height limitations, ensuring visual and functional harmony within the neighborhood.

No Adverse Impacts

The development of a single-family home will have minimal impact on traffic, public utilities, and infrastructure. The property is adequately served by existing water, sewer, and road networks, and the proposed use is among the least intensive forms of residential development.

Removal of Outdated Conditions

The CSO overlay conditions were originally imposed on this property. Until recently, my client did not believe that this parcel had been annexed into the City of Dacula.. These conditions now create unnecessary regulatory burdens that restrict normal residential use of the property. Removing them promotes fair and equitable use consistent with current regulations and planning policy.

Public Benefit and Property Value

Approval of this request will enhance the neighborhood's visual appeal and tax base by encouraging reinvestment in a vacant or underutilized parcel. A well-constructed single-family home contributes to community stability, increases nearby property values, and promotes responsible land stewardship.

Efficient Use of Existing Infrastructure

Reverting to R-1400 zoning leverages existing infrastructure and avoids unnecessary extension of public services. The property can be developed efficiently without additional strain on municipal resources.

This zoning change and condition modification are reasonable, consistent with the City's planning vision, and beneficial to the community. The request aligns with the Unified Development Ordinance, promotes compatible neighborhood development, and allows for a use that enhances both property value and neighborhood quality.

For these reasons, we respectfully request favorable consideration of the rezoning from R-1400 CSO to R-1400 to permit the construction of a single-family residence.

Thank you for your time and consideration. Please do not hesitate to contact me with any questions or if additional information is required.

Constitutional Rights Notice

As currently zoned, the lot cannot be developed or used. It has no market value as a result of the current zoning conditions. To deny the requested rezoning will result in a violation of the constitutional rights of the Applicants and a total taking of their property rights as outlined in Exhibit "A" attached hereto and incorporated herein.

Respectfully submitted,



By: Anthony Powell, Attorney for
Labri Group, L.P. and Randall Powell

AOLP/lgt

EXHIBIT "A"

In addition to the reasons stated in the printed portion of the zoning application, Applicant also alleges that the zoning classification of R-1400 CSO, as applied to the subject property constitutes a taking of the property without the payment of adequate compensation. Barrett v. Hamby, 235 Ga. 262, 219 S.E.2d 399 (1975). In addition, arbitrary and capricious denial of the zoning application would constitute a violation of due process and equal protection. Tuggle v. Manning, 224 Ga. 29, 159 S.E.2d 705 (1968).

In the words of the Supreme Court of Georgia, "As the individual's right to the unfettered use of his property confronts the police power under which zoning is done, the balance the law strikes is that a zoning classification may only be justified if it bears a substantial relation to the public health, safety, morality or general welfare. Lacking such a justification, the zoning may be set aside as arbitrary or unreasonable." Barrett v. Hamby, 235 Ga. 262, 265 (1975).

Factors to be considered in judging whether there has been a taking without adequate compensation and whether the zoning classification to the property may be set aside as arbitrary or unreasonable include the following:

- (1) Existing uses and zoning of nearby property;
- (2) The extent to which property values are diminished by the particular zoning restrictions;
- (3) The extent to which the destruction of property values of the owner promotes the health, safety, morals or general welfare of the property;
- (4) The relative gain to the public, as compared to the hardship imposed by the individual property owner;
- (5) The suitability of the subject property for the zoned purposes; and
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property. Guhl v. Holcomb Bridge Road Corp. 238 Ga. 322, 323-324 (1977).

In that connection, Applicant notes as follows:

- (1) There is no promotion of the health, safety, morals or general welfare of the public arising from the present zoning classification that would be lost by the change to the desired zoning.

(2) There is no gain to the public as compared to the hardship imposed upon the individual property owner by retaining the zoning classification presently applicable to the property. The current zoning classification is less protective of public, health, safety, morals and general welfare because it provides no reasonable limitation on the use.

(3) The subject property is more suitable for the purposes for which zoning classification was applied to the property.

To summarize, it is the contention of Applicant that failure to grant the requested rezoning would constitute a taking of the owner's property without just compensation and denial of this zoning application would constitute arbitrary and capricious action.

Based upon the above reasons, the property is not suitable for development, as zoned. The proposed zoning or use will not adversely affect the public health, safety or welfare and the property is not zoned to allow the owner the best use of the property, and this would violate his constitutional rights to use his property under Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Georgia Constitution of 1983 and under the Fifth and Fourteenth Amendments of the United States Constitution.

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 of Applicant _____

Type or Print Name/Title _____

David Harris, Partner, Labri Group, L.P.

Notary Public _____

Date _____

11/4/25

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.

Signature of Property Owner _____

Date _____

Type or Print Name/Title _____

David Harris, Partner, Labri Group, L.P.

Notary Public _____

Date _____

11/4/25

FOR ADMINISTRATIVE USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____

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 of Applicant

Randall Powell

11/5/25

Type or Print Name/Title Randall Powell

Notary Public

Leslie C. Trimmer

Date

11/5/25

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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.

Signature of Property Owner

Randall Powell

Date

12/4/25

Type or Print Name/Title Randall Powell

Notary Public

Leslie C. Trimmer

Date

12/4/25

FOR ADMINISTRATOR USE ONLY

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____


ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____

CONFLICT OF INTEREST CERTIFICATION

The undersigned, making application for rezoning/SUP, 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 of Applicant  Date 11/4/25

Type or Print Name/Title David Harris, Partner, Labri Group, L.P.

Signature of Applicant' Attorney  Date 11/5/25

Type or Print Name/Title Anthony O. L. Powell

Notary Public  Date 11/4/25



Official Use Only

DATE RECEIVED _____ ZONING CASE NUMBER _____

RECEIVED BY _____

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Signature of Applicant  Date 11/5/25

Type or Print Name/Title Randall Powell

Signature of Applicant' Attorney  Date 11/5/25

Type or Print Name/Title Anthony O. L. Powell

Notary Public  Date 11/5/2025

(Notary Seal)



Official Use Only

DATE RECEIVED _____ ZONING CASE NUMBER _____

RECEIVED BY _____



City of Dacula

P. O. Box 400

Dacula, GA 30019

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IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, 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. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE 11/5/25

APPLICANT Labri Group, L.P. and Randall Powell

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: The property is directly adjacent to a residential neighborhood.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: The rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
This rezoning is being requested to allow for the construction of a single-family residence.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: Rezoning of the property will not adversely affect the economic use of surrounding properties. The economic use is consistent with neighboring properties that have a similar residential zoning designation.
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This property will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The rezoning is being requested to allow for construction of a single-family residence.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: This property is in conforming with the policy and intent of the Land Use Plan.
The property is within a residential zoning district.
- 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 rezoning: _____



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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 the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ 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.

☐ 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: Gwinnett County

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

FROM: Labri Group, L.P. and Randall Powell

RE: Application Case #: _____

Application Case #: _____

Application Case #: _____

Property Location: 5th District, Land Lot 237 Parcel 358

LOCATION/ADDRESS: 1404 Alcovy Road, Lawrenceville, GA , Tax Parcel No. R5237 358

You are hereby notified that an application requesting a zoning change from R-1400 CSO
to R-1400 has been submitted to the City of Dacula.

The proposed rezoning is contiguous to your property.

The PLANNING COMMISSION Public Hearing/Meeting will be held at the Dacula City Hall,
442 Harbins Rd., Dacula, Georgia on December 29, 2005 at 6:00 P. M. in the Council
Chambers. (date)

The CITY COUNCIL Public Hearing/Meeting will be held at the Dacula City Hall, 442 Harbins Rd.,
Dacula, Georgia on January 8, 2026 at 7:00 P. M. in the Council Chambers.
(date)

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

Thank you.

ADJOINING PROPERTY OWNER(S)
RECORD NOTIFICATION

DATE: _____

TO: Alcovy Mills Homeowners' Association, Inc.

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

FROM: Labri Group, L.P. and Randall Powell

RE: Application Case #: _____

Application Case #: _____

Application Case #: _____

Property Location: 5th District, Land Lot 237 Parcel 358

LOCATION/ADDRESS: 1404 Alcovy Road, Lawrenceville, GA , Tax Parcel No. R5237 358

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Thank you.