

Applicant's Certification

The undersigned hereby certifies that they are authorized by the property owner(s) to make this application and that all information contained herein is complete and accurate, to the best of their knowledge.

Jenny Murray _____ Date 09/24/24
Applicant's Signature

John Man _____
Print Name and Title

Sworn to and subscribed before me this 24 day of September, 2024.

(Seal)



Kaye Pickens _____
Signature of Notary Public

Property Owner's Certification
(complete a separate form for each owner)

The undersigned hereby certifies that they are: (check all that apply)

- a) the owner of record of property contained in this application, and/or
- b) _____ the Chief Executive of a corporation or other business entity with ownership interest in the property and is duly authorized to make this application, and

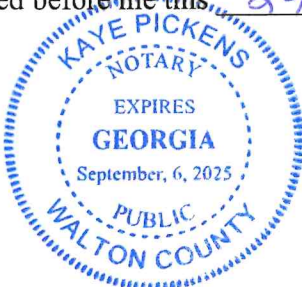
that all information contained in this application is complete and accurate to the best of their knowledge.

Jenny Murray _____ Date 09/24/24
Owner's Signature

John Man _____
Print Name and Title

Sworn to and subscribed before me this 24 day of September, 2024.

(Seal)



Kaye Pickens _____
Signature of Notary Public

Applicant's Certification

The undersigned hereby certifies that they are authorized by the property owner(s) to make this application and that all information contained herein is complete and accurate, to the best of their knowledge.

Monica Man 10/2/24
Applicant's Signature Date

MONICA MAN
Print Name and Title

Sworn to and subscribed before me this 2nd day of October, 2024.

(Seal)  *[Signature]*
Signature of Notary Public

Property Owner's Certification
(complete a separate form for each owner)

The undersigned hereby certifies that they are: (check all that apply)

- a) the owner of record of property contained in this application, and/or
- b) the Chief Executive of a corporation or other business entity with ownership interest in the property and is duly authorized to make this application, and

that all information contained in this application is complete and accurate to the best of their knowledge.

Monica Man 10/2/24
Owner's Signature Date

MONICA MAN
Print Name and Title

Sworn to and subscribed before me this 2nd day of October, 2024.

(Seal)  *[Signature]*
Signature of Notary Public

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

The undersigned, making application for rezoning with the City of Loganville, Georgia, have 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 as requested below.

[Signature] 09/24/24
Applicant's Signature Date

John Man
Print Name

[Signature] 9/24/24
Signature of Applicant's Attorney or Agent Date

Andrea P. Gray
Print Name

Has the Applicant, attorney for applicant, or other agent, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor, Member of the City Council or member of the Planning Commission of the City of Loganville, Georgia?

_____ YES [Signature] NO

If YES, complete the following:

NAME OF INDIVIDUAL MAKING CONTRIBUTION _____

NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all aggregating to \$250 or more)	DATE OF CONTRIBUTION
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets as necessary to disclose and describe all contributions.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

The undersigned, making application for rezoning with the City of Loganville, Georgia, have 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 as requested below.

<u>Monica Man</u> Applicant's Signature	<u>10/2/24</u> Date	<u>MONICA MAN</u> Print Name
<u>Andrea P. Gray</u> Signature of Applicant's Attorney or Agent	<u>10/7/24</u> Date	<u>Andrea P. Gray</u> Print Name

Has the Applicant, attorney for applicant, or other agent, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor, Member of the City Council or member of the Planning Commission of the City of Loganville, Georgia?

_____ YES NO

If YES, complete the following:

NAME OF INDIVIDUAL MAKING CONTRIBUTION _____		
NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all aggregating to \$250 or more)	DATE OF CONTRIBUTION
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets as necessary to disclose and describe all contributions.



Andrea P. Gray LLC

Attorney at Law

December 3, 2024

City of Loganville Planning and Development
4303 Lawrenceville Road
Loganville, Georgia 30052

Re: Applicant: John and Monica Man
Property Location: Bay Creek Road, Loganville, Georgia
Tax Parcels: LG100057 and LG100058
Request to rezone 8 acres from R-44/Split to R-22 Open Space Subdivision

To Whom It May Concern:

John and Monica Man (“Applicant”) seek to build a quality, conservation-focused residential development on 8 acres on Bay Creek Road in Loganville, Georgia which properties are designated as Tax Parcels LG100057 and LG100058 (the “Property”). The Property is located just east of downtown Loganville and is immediately adjacent to existing residential developments including Hunters Cove and the Retreat at Bay Creek zoned R-16 and R-22 respectively to its east, a couple of single-family properties to its west zoned R-44 and R-22, and the Bay Creek Mobile Home park further west. Properties across Bay Creek Road are a mix of single-family rental homes zoned R-16 and multifamily homes zoned RM8. Applicant’s new development includes eleven single family homes (10 new and one existing) and will be called Bay Ridge Estates.

Bay Ridge Estates will include 11 homes (one existing and ten new) on lots which range from 0.53 acres to 0.37 acres. The development includes 25% open space including preservation of natural wooded areas and buffers between adjoining properties. The homes will be greater than 2,000 heated square feet in addition to each having a garage. The existing home on lot 10 will remain in place and be integrated into the development. It was built in 1980, is four-sided brick, and includes a total of 2,200 sf to include a finished basement. The homes will include architecturally attractive features with a variety of plans, 75% brick or stone surfaces with fiber cement accents, and be a mix of single and two-story plans. All front yards will be sodded and sidewalks and streetlights will adorn the street. A mandatory homeowners association will ensure long-term preservation of the open space areas. All requirements under the open space ordinance will be met.



300 E Church Street, Monroe, GA 30655
(678) 364-2384 www.andreapgray.com

The site design incorporates both buffers and access accommodations which will help mitigate impacts to adjoining property owners. The buffer between the development area and the adjacent residential properties is primarily wooded with mature trees which will remain in place. The proposed project is also consistent with adjoining property uses which are all residential. Additionally, the lots in the proposed development are significantly larger than the lots in the adjacent Hunters Cove and nearby Retreat at Bay Creek (averaging 0.2 acre lots). This lower density development will be an attribute to the residential area and provide additional housing options for those who appreciate the conservation-focused design and medium density development. With only 11 homes, the development will have minimal impacts to traffic and City infrastructure. Sewer is available onsite and water is available from the road.

Bay Ridge Estates is located in the residential/forest future land use designation area per the City future land use map. The proposed conservation-focused design of this project under the overlay district melds the intent of the residential and forest designations. Bay Ridge Estates will provide alternate housing options for homebuyers in this area. It provides enhanced environmental protection by concentrating the open space and reducing the pervious surfaces in the development. It provides a quality housing option with less yard maintenance which is attractive to retirees, busy families and the younger generations. The neighborhood layout also provides enhanced safety to the public in general by limiting additional curb cuts on Bay Creek Road and it provides the subdivision residents with less congested and safer interior streets.

Applicant respectfully requests that the Property be rezoned to R-22 Open Space Subdivision to allow for the development of Bay Ridge Estates, an 11-home, quality development off Bay Creek Road.

Please let me know if you have any questions.

Sincerely,



Andrea Gray
Applicant's Representative



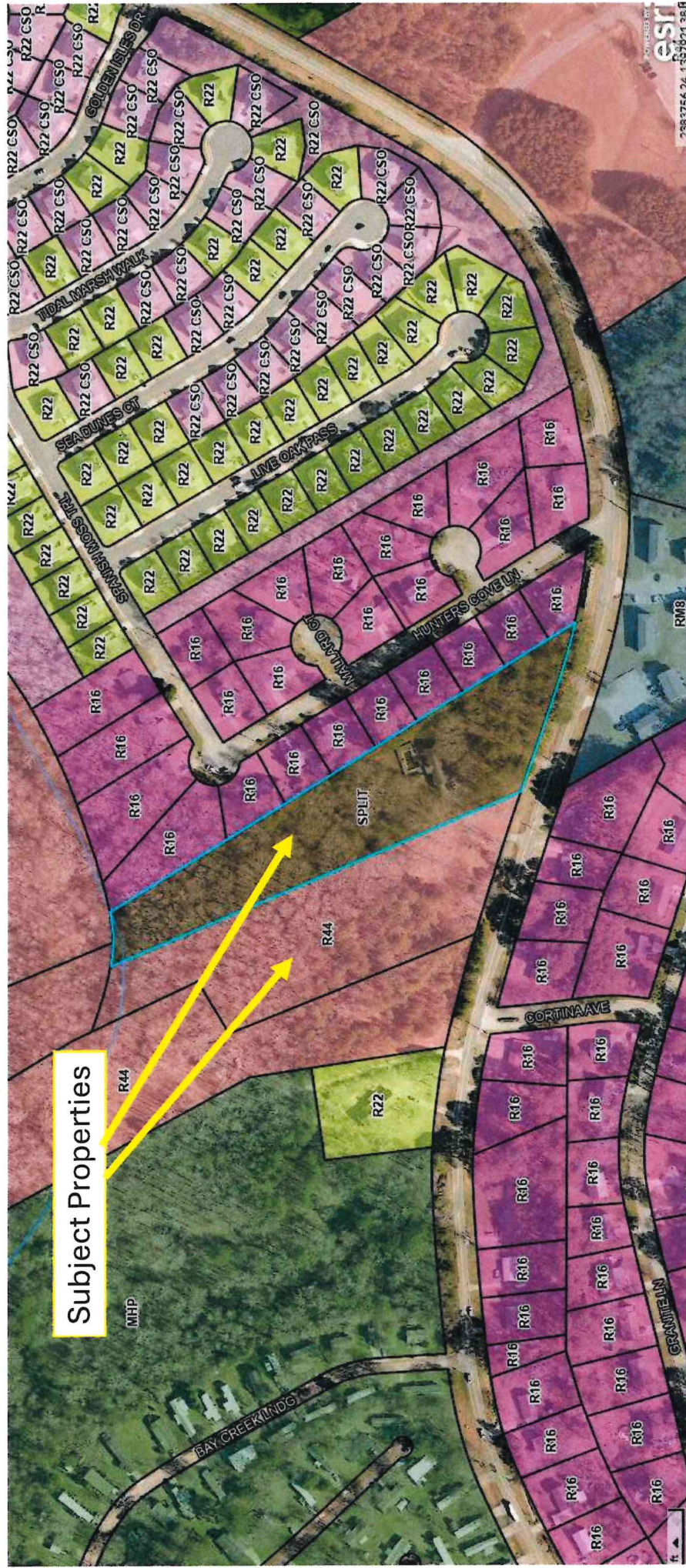
Legal Descriptions

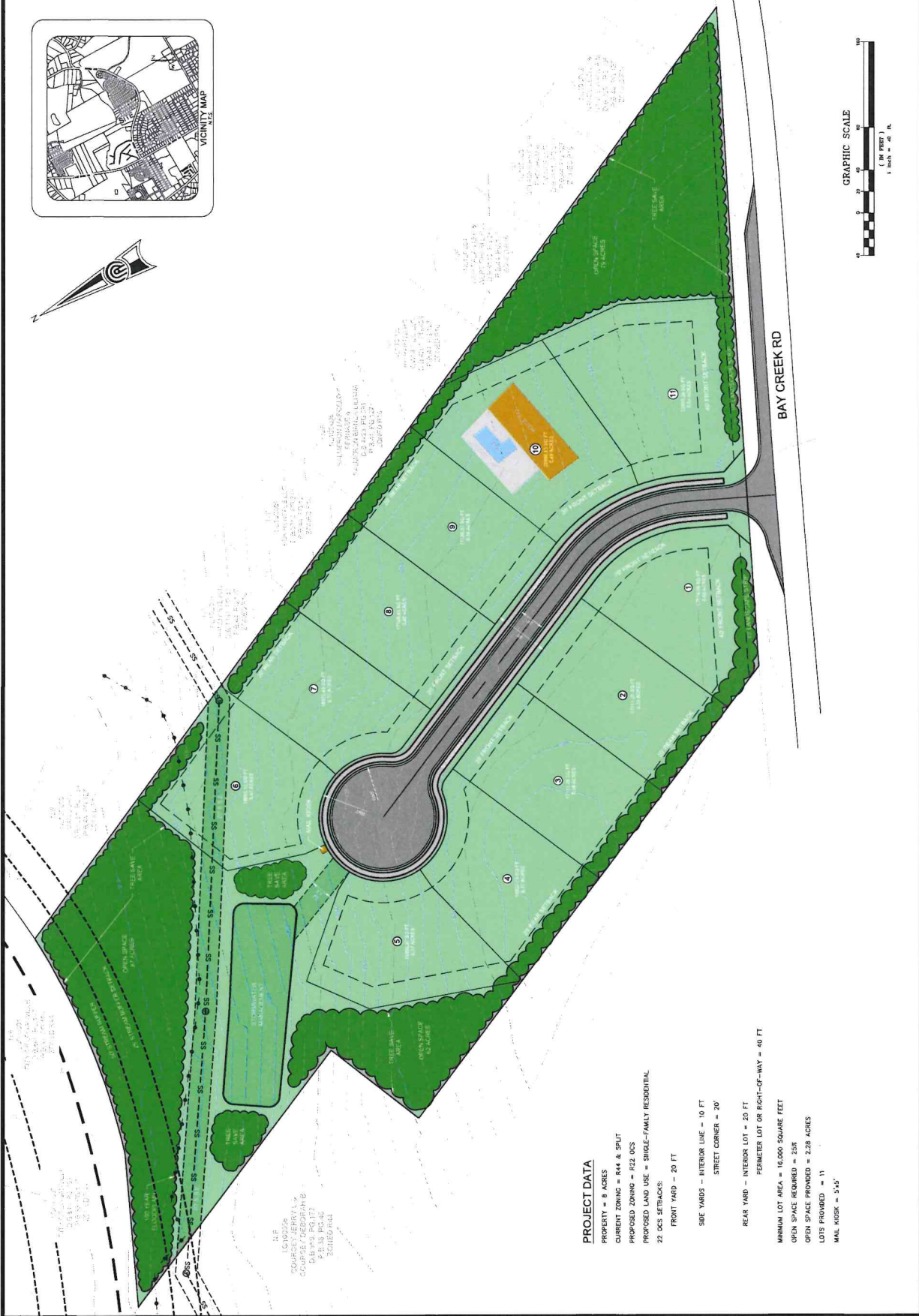
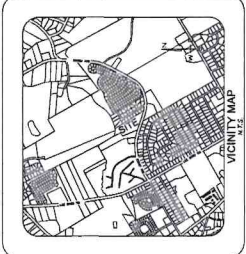
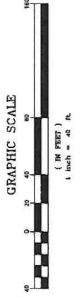
All that tract or parcel of land lying and being in Land Lots 152 & 153, of the 4th Land District, and being in the 417 District, G.M., State of Georgia, County of Walton, containing 4.52 acres, more or less, and being more particularly described and delineated according to said plat and survey prepared by Robert H. Harwell, Georgia Registered Surveyor Number 1683, dated April 15, 1992, entitled "Buddy G. & Juanita S. Barnes", said plat being of record in the Office of the Clerk of Superior Court of Walton County, Georgia, In Plat Book 56, Page 11; which said plat and the recording thereof are by reference hereto incorporated herein for a more complete and detailed description.

And

All that tract or parcel of land lying and being in Land Lots 152 & 153, of the 4th District, and being in the 417 District, G.M., State of Georgia, County of Walton, containing 3.487 acres, more or less, and being more particularly described and delineated according to said plat and survey prepared by Kenneth C. Sims, Georgia Registered Surveyor Number 1783, dated 08/31/1976, entitled "Survey For Jack B. Richardson", said plat being of record in the Office of the Clerk of Superior Court of Walton County, Georgia, in Plat Book 21, Page 26; which said plat and the recording thereof are by reference hereto incorporated herein for a more complete and detailed description.

Zoning Map



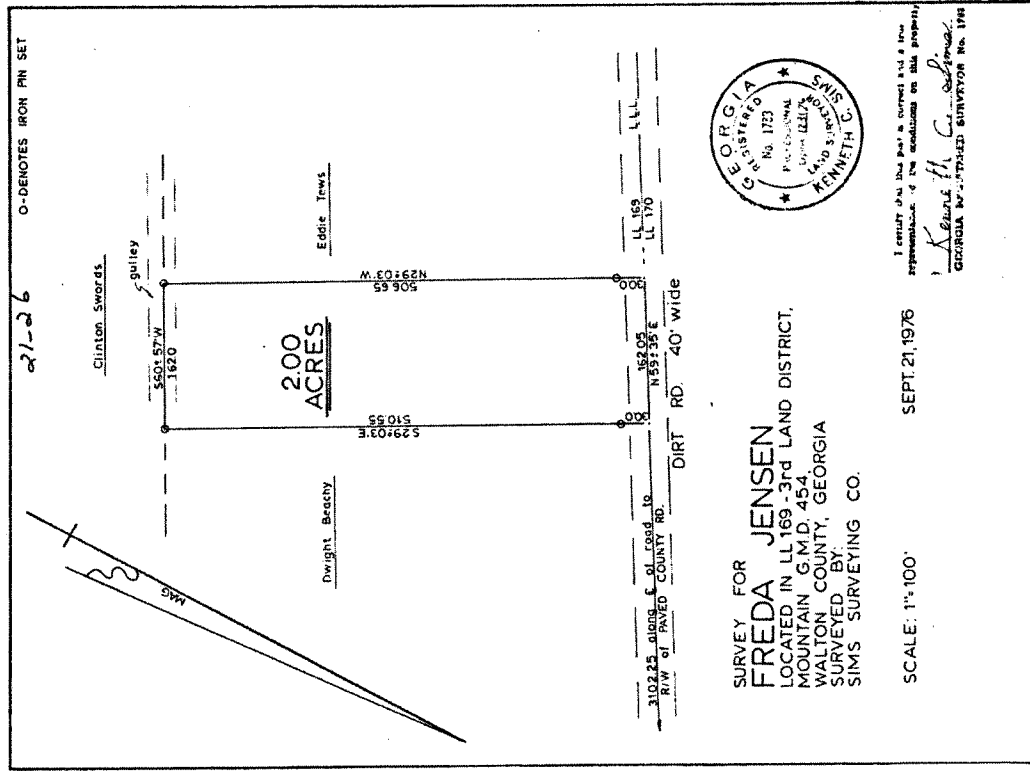


PROJECT DATA

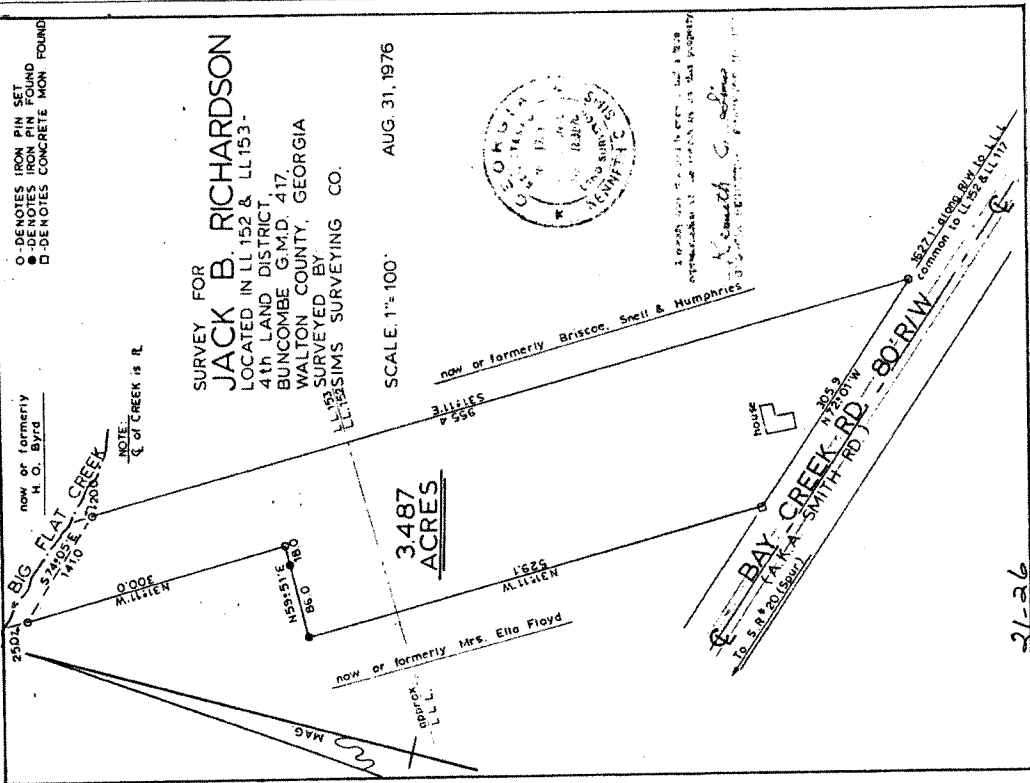
- PROPERTY = 8 ACRES
- CURRENT ZONING = R44 & SPUT
- PROPOSED ZONING = R22 OCS
- PROPOSED LAND USE = SINGLE-FAMILY RESIDENTIAL
- 22 OCS SETBACKS:
- FRONT YARD = 20 FT
- SIDE YARDS - INTERIOR LINE = 10 FT
- STREET CORNER = 20'
- REAR YARD - INTERIOR LOT = 20 FT
- PENETRATOR LOT OR RIGHT-OF-WAY = 40 FT
- MINIMUM LOT AREA = 16,000 SQUARE FEET
- OPEN SPACE REQUIRED = 23%
- OPEN SPACE PROVIDED = 2.28 ACRES
- LOTS PROVIDED = 11
- MAX. HOUSE = 5'-0"

DATE: 10/20/2024
 COURSEY LEVRY L &
 COURSEY TORREHAN B
 DATE: 10/20/2024
 COURSEY LEVRY L &
 COURSEY TORREHAN B
 DATE: 10/20/2024

<p>PRECISION Planning Inc. planners • engineers • architects • surveyors</p> <p>400 Peachtree Lane, NW, Atlanta, GA 30309 770.338.8000 • www.precisionplanning.com</p>	<p>Parcel - LG1000571, G100058 City of Loganville, GA 30052</p>	<p>Land Lot 152, 153, District 4</p>	<p>DATE NO. DESCRIPTION</p>	<p>RELEASE</p>	<p>SHEET TITLE</p>	<p>DESIGN DRAWN CHECKED</p>	<p>Z/P</p>	<p>Z/P</p>	<p>Z/P</p>
	<p>CONCEPT PLAN</p>	<p>100372024</p>	<p>K24103</p>	<p>100372024</p>	<p>DATE NO. DESCRIPTION</p>	<p>CONCEPT PLAN</p>	<p>DESIGN DRAWN CHECKED</p>	<p>Z/P</p>	<p>Z/P</p>



RECORDED ON THE 23 DAY OF Sept. 1976
James S. Batchelor
CLERK, WALTON SUPERIOR COURT.



RECORDED ON THE 23 DAY OF Sept. 1976
James S. Batchelor
CLERK, WALTON SUPERIOR COURT.

THIS PROPERTY IS NOT IN A FEDERAL FLOOD ZONE.

ADDRESS - 540 BAY CREEK ROAD

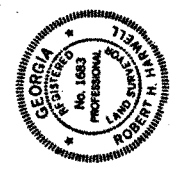
REFERENCE - PG 26 PAGE 87

CITY WATER

- IRON PIN FOUND
- TERSESE POINT

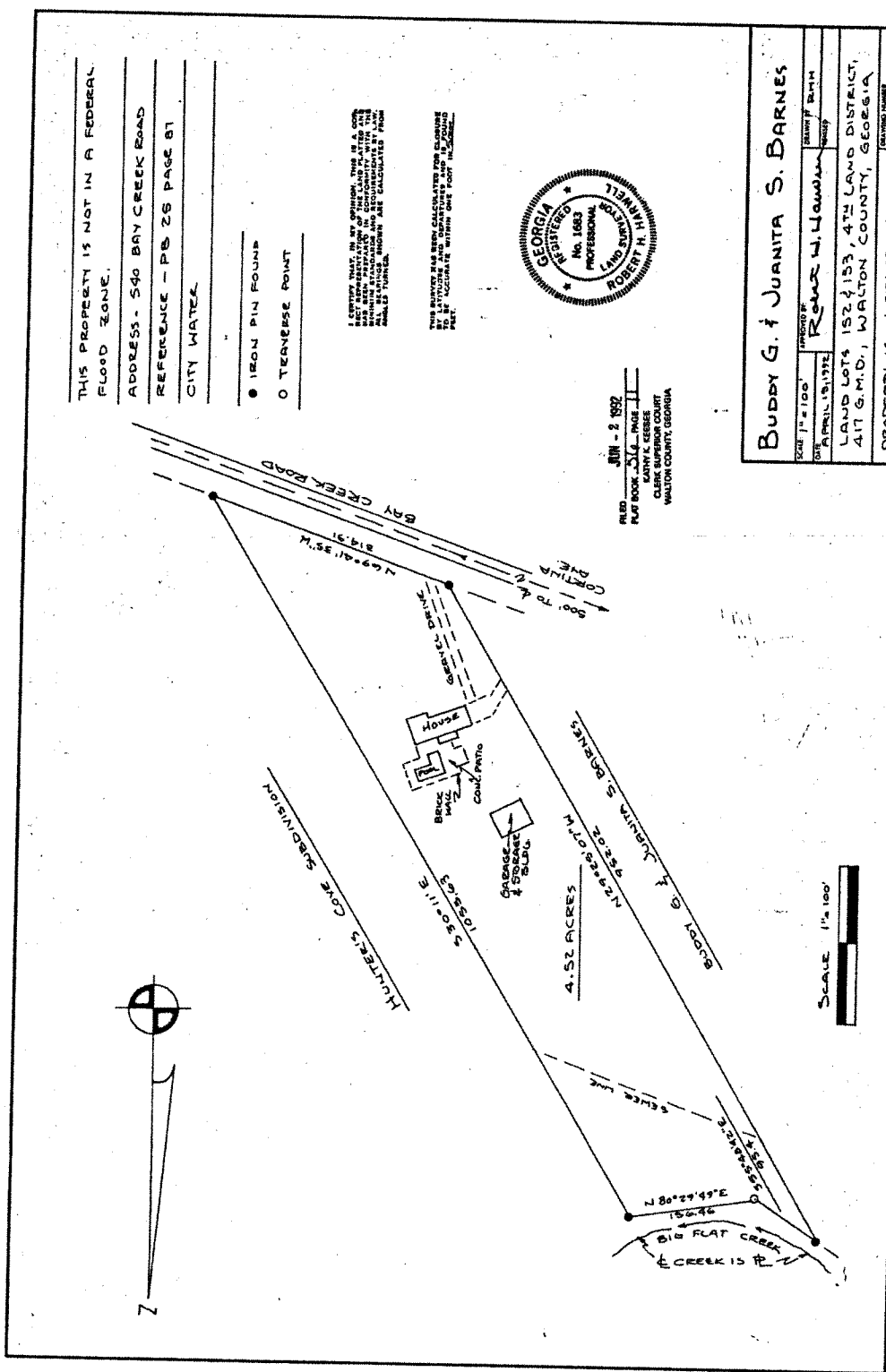
I CERTIFY THAT IN MY OPINION THIS IS A CORRECT REPRESENTATION OF THE LAND AS SHOWN ON THIS SURVEY AND THAT THE SAME IS ACCURATELY DESCRIBED AND IDENTIFIED BY THE DATA HEREON SET FORTH AND COMPLIANCE WITH ALL LAWS IS FURNISHED.

THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE TO BE 0.00 FEET. THE TOTAL ERROR IS FOUND TO BE 0.00 FEET WITHIN ONE FOOT TOLERANCE.



JUN - 2 1982
 PLAT BOOK 316 PAGE 11
 KATHY K. KEESSE
 CLERK SUPERIOR COURT
 WALTON COUNTY, GEORGIA

BUDDY G. & JUANITA S. BARNES	
SCALE 1" = 100'	APPROVED BY Robert H. Kinross Surveyor
DATE APRIL 19 1972	
LAND LOTS 152 & 153, 4TH LAND DISTRICT, 417 G.M.D., WALTON COUNTY, GEORGIA	
PROPERTY IS IN CITY OF LOGANVILLE	



SCALE 1" = 100'

JUN - 3 1982 - 19 -
 RECORDED BY
 KATHY K. KEESSE, CLERK

Responses to Supplemental Evaluation Criteria Questions

1. How does the proposed use impact the overall appearance of the City and Aesthetic Conditions of adjacent parcels?

The proposed development includes high-quality homes which will raise the standard for the immediate area and be consistent with the aesthetics desired by the City for new residential developments. The homes will be a minimum of 2,000 square feet with façade upgrades to include 75% stone and brick with accents of cement siding. The adjacent neighborhoods consist primarily of smaller homes built in the 1980s. The area in general includes the Bay Creek Mobile Home community and a mix of single and multi-family rental housing. The newest development in the area is the Retreat at Bay Creek which is a dense development with larger homes on smaller lots. The proposed development will provide newer, high-quality housing for the area on larger lots than the Retreat.

2. How does the proposed use impact thoroughfare congestion and traffic safety?

The proposed development will have minimal impact on traffic volume and safety given that it is a small development of eleven homes. Bay Creek Road has a speed limit of 35 mph in this area. The entry to the development is on the straightaway of the road and will include a deceleration lane.

3. How does the proposed use impact population density and the potential for overcrowding and urban sprawl?

The proposed use will have a minimum impact on population density given that it is a small development of eleven homes. The conservation overlay component will preserve 25% of the property as open space which allows for smaller individual lots, but a lower overall site density. The development is also essentially infill in an already urban area such that it is not contributing to sprawl.

4. How does the proposed use impact the provision of water, sewerage, transportation and other urban infrastructure services?

This eleven-home development will have a minimal impact on city infrastructure. The required water and sewer are already available at the site. Capacity usage will be consistent with single family developments of this size. No significant impacts are anticipated.

5. How does the proposed zoning provide protection of property against blight and depreciation?

The proposed development will include a mandatory homeowners association to insure long-term upkeep of the property, particularly, the open space. In addition to an HOA, the properties will be regulated by the City's ordinances which also protect against homes falling into disrepair. The majority of the property is currently undeveloped, but is a prime location for residential

development. Applicant proposes to construct 10 new, high quality homes versus other developers who may, because of the area, propose multifamily or rental-type housing.

6. How is the proposed use and zoning consistent with the adopted Comprehensive Plan?

The Comprehensive Plan shows the 3.49-acre parcel as agriculture/forest (zoned R44) and the 4.55 acre parcel as residential (split zoning). The conservation overlay will help preserve 25% of the natural open space on the properties while allowing for the residential development contemplated, and already existing, in the area. Accordingly, the development concept is consistent with the intent of the Comprehensive Plan.

7. In what way does the proposed zoning affect adjacent property owners if the request is approved?

The proposed development will have minimal visual impacts to the adjoining property owners given the significant open space and buffers. Additionally, the residential use proposed is consistent with the adjoining residential uses. The lot sizes proposed are larger than the adjoining Hunters Cove neighborhood lot sizes and larger than the lots at the Retreat at Bay Creek (averaging approx. 0.2 acres).

8. What is the impact upon adjacent property owners if the requested zoning is not approved?

If the requested zoning is not approved, a subsequent developer may seek a development with greater density and less preservation of open space. The property is ideally located for residential use.

9. Describe any other factors affecting the health, safety, morals, aesthetics, convenience, order, prosperity, or other general welfare of the present and future inhabitants of the City of Loganville?

The proposed development will be an asset to the community given the addition of ten high-quality homes in a convenient location surrounded by existing residential developments. Preservation of 25% of the site as open space insures some environmental protection and preservation of trees.

After recording, return to:
W. MICHAEL STRICKLAND
Attorney at Law
PO BOX 249
WINDER, GA 30680
FILE NO. 230065M

BK:5279 PG:107-108
Filed and Recorded
Mar-13-2023 04:52 PM
DOC# 2023 - 002272
Real Estate Transfer Tax
Paid: \$ 20.00
1472023000960
KAREN P. DAVID
CLERK OF SUPERIOR COURT
WALTON COUNTY, GA
Participant ID: 4332149810

**STATE OF GEORGIA
COUNTY OF BARROW**

**EXECUTOR'S DEED UNDER POWER
MAP/Parcel # LG100-00000-057-000**

THIS INDENTURE, made this 13th day of March, 2023, between, **Timothy Leon Whitfield**, as **Executor of the Estate of Norma Jean Whitfield, deceased**, as party or parties of the first part, hereinafter called Grantor, and **John Man and Monica Man**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That the said Grantor, acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated in solemn form in Walton County Probate Court and recorded in the Court of Probate of Walton County, Georgia, for and in consideration of the sum of TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lots 152 & 153, of the 4th District, and being in the 417 District, G.M., State of Georgia, County of Walton, containing 3.487 acres, more or less, and being more particularly described and delineated according to said plat and survey prepared by Kenneth C. Sims, Georgia Registered Surveyor Number 1783, dated 08/31/1976, entitled "Survey For Jack B. Richardson", said plat being of record in the Office of the Clerk of Superior Court of Walton County, Georgia, in Plat Book 21, Page 26; which said plat and the recording thereof are by reference hereto incorporated herein for a more complete and detailed description.



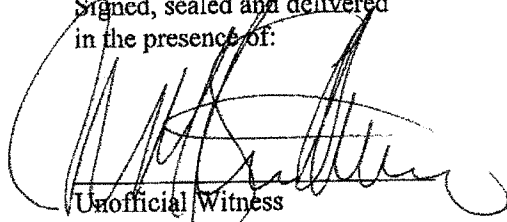
Map & Parcel #LG100-00000-057-000

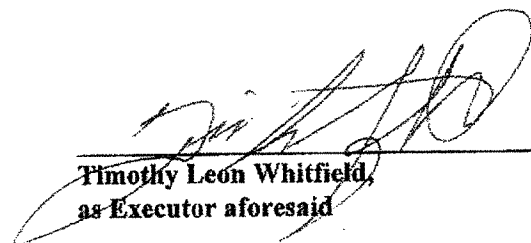
This Deed is given subject to all easements and restrictions of record, if any.

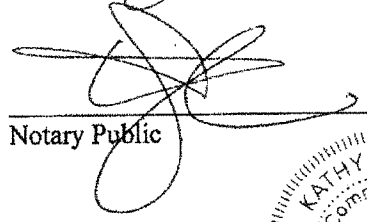
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, in FEE SIMPLE: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

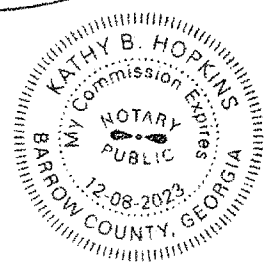
IN WITNESS WHEREOF, the said Grantor herein has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered
in the presence of:


Unofficial Witness

 (SEAL)
Timothy Leon Whitfield,
as Executor aforesaid


Notary Public



After recording, return to:
W. MICHAEL STRICKLAND
Attorney at Law
PO BOX 249
WINDER, GA 30680
FILE NO. 230064M

BK:5279 PG:121-122
Filed and Recorded
Mar-13-2023 05:08 PM
DOC# 2023 - 002275
Real Estate Transfer Tax
Paid: \$ 390.00
1472023000963
KAREN P. DAVID
CLERK OF SUPERIOR COURT
WALTON COUNTY, GA
Participant ID: 4332149810

**STATE OF GEORGIA
COUNTY OF BARROW**

**EXECUTOR'S DEED UNDER POWER
MAP/Parcel # LG100-00000-058-000**

THIS INDENTURE, made this 10th day of March, 2023, between, **Timothy Leon Whitfield**, as **Executor of the Estate of Norma Jean Whitfield, deceased**, as party or parties of the first part, hereinafter called Grantor, and **John Man and Monica Man**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That the said Grantor, acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated in solemn form in Walton County Probate Court and recorded in the Court of Probate of Walton County, Georgia, for and in consideration of the sum of THREE HUNDRED NINETY THOUSAND AND NO/100 (\$390,000.00) DOLLARS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lots 152 & 153, of the 4th Land District, and being in the 417 District, G.M., State of Georgia, County of Walton, containing 4.52 acres, more or less, and being more particularly described and delineated according to said plat and survey prepared by Robert H. Harwell, Georgia Registered Surveyor Number 1683, dated April 15, 1992, entitled "Buddy G. & Juanita S. Barnes", said plat being of record in the Office of the Clerk of Superior Court of Walton County, Georgia, In Plat Book 56, Page 11; which said plat and the recording thereof are by reference hereto incorporated herein for a more complete and detailed description.

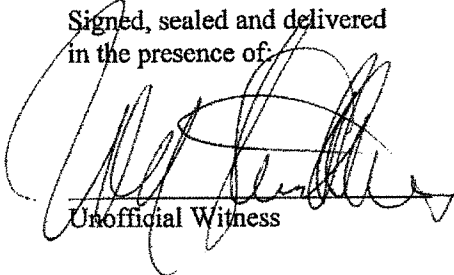
Map & Parcel #LG100-00000-058-000

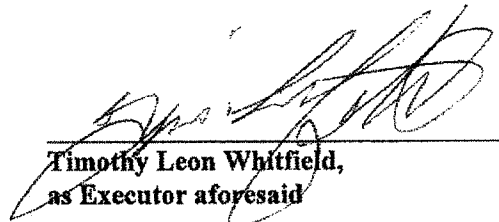
This Deed is given subject to all easements and restrictions of record, if any.


TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, in FEE SIMPLE: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

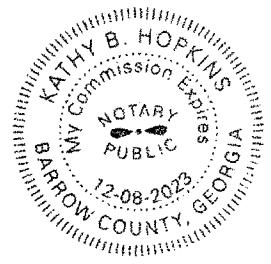
IN WITNESS WHEREOF, the said Grantor herein has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered
in the presence of:


Unofficial Witness

 (SEAL)
Timothy Leon Whitfield,
as Executor aforesaid


Notary Public



Representative Rendering of Home





Andrea P. Gray LLC

Attorney at Law

December 3, 2024

Notice of Preservation of Constitutional Objections

Re: Applicant/Owner: John and Monica Man
Property: Bay Creek Road, Loganville, Georgia
Tax Parcel: LG100057 and LG100058
Request to zone 8 acres from R-44/Split to R-22 Open Space Subdivision

Georgia law requires that Applicant include in its rezoning record a statement of constitutional objections to put the deciding board on notice of the Applicant's assertion of its constitutional and legal rights to the requested rezoning. In accordance with this requirement, Applicant asserts the below and hereby incorporates all of the information and documents contained in its complete zoning application and any materials later added to the application record.

The current zoning of the Subject Property restricts said property in an unreasonable manner, is unconstitutional, null and void in that the restriction to the current zoning classifications affords the Applicant no reasonable use of the Property and is the equivalent of a taking of the Applicant's property rights without payment of just and adequate compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendments to the Constitution of the United States, and Article I, Section I, Paragraph I, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the board to approve the rezoning requested by the Applicant to permit a reasonable economic return on the Applicant's investment and a reasonable use of the Property would therefore be unconstitutional, null and void and would be arbitrary, capricious and without a rational basis, thus constituting an abuse of discretion. Further, a refusal by the board would discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated properties in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, and Article I, Section I, Paragraph II of the Georgia Constitution.

The continued application of the current zoning to the Subject Property results in little or no gain to the public in general and fails to promote the health, safety, morals or general welfare of the public and does not bear a substantial relation to the objectives of the City of Loganville, Georgia Zoning Ordinance, and would constitute a substantial reduction of the property value of the Applicant and is therefore confiscatory and void.

By filing this Statement of Constitutional Rights, the Applicant reserves all rights and remedies available to them under the United States Constitution, the Georgia Constitution, all applicable federal state and local laws and ordinances, and in equity.



300 E Church Street, Monroe, GA 30655
(678) 364-2384 www.andreapgray.com