



Date: 6/6/24

Application # V 24-022

APPLICATION FOR MAJOR VARIANCE

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>AMH Development LLC</u>	NAME: <u>VPAMH Claude Brewer LB LLC</u>
ADDRESS: <u>23975 Park Sorrento, Suite 300</u>	ADDRESS: <u>901 Marquette Ave S, Suite 3300</u>
CITY: <u>Calabasas</u>	CITY: <u>Minneapolis</u>
STATE: <u>CA</u> Zip: <u>91302</u>	STATE: <u>MN</u> Zip: <u>55402</u>
PHONE: <u>747-292-9275</u>	PHONE: <u>715-409-6769</u>
	(*attach additional pages if necessary to list all owners)

Applicant is: Property Owner Contract Purchaser Agent Attorney

CONTACT PERSON: Mvers St George PHONE: 404-408-4778
 EMAIL: wstaeorae@amh.com FAX: _____

PROPERTY INFORMATION

MAP & PARCEL # LG160005 PRESENT ZONING: R-22 CS+ ACREAGE: 101.78
 ADDRESS: 2467 Claude Brewer Road COUNTY: Walton

Ordinance and Section from Which Relief is Sought: Section 1, Chapter 119, Design criteria-Exterior materials

Description of Request: reduce rear elevations requirement to 3' brick or stone water tables which will include sides of 3rd car garages; see proposed elevations we are providing with water tables on side elevations

- You must attach: Application Fee Legal Description Plat of Property Letter of Intent
 Site Plan Names/Addresses of Abutting Property Owners Justification Analysis

Pre-Application Conference Date: May 22nd 2024
 Accepted by Planning & Development: Sarah Blier DATE: 6/7/24 FEE PAID: \$500.00

CHECK # 1659 RECEIPT # R00182339 TAKEN BY: SB DATE OF LEGAL NOTICE: _____ NEWSPAPER: THE WALTON TRIBUNE

PLANNING COMMISSION RECOMMENDATION: Approve Approve w/conditions Deny No Recommendation
 Commission Chairman: [Signature] DATE: 7/25/24

CITY COUNCIL ACTION: Approved Approved w/conditions Denied Tabled to _____
 Referred Back to Planning Commission Withdrawn

[Signature]
 Mayor

[Signature]
 City Clerk

8/9/2024
 Date

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.

Applicant's Signature

Date

Print Name and Title

Sworn to and subscribed before me this _____ day of _____, 20____.

(Seal)

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.

[Signature]
Owner's Signature

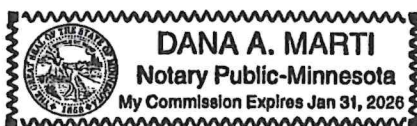
5/31/2024

Date

Anders Gode, Authorized Signatory
Print Name and Title

Sworn to and subscribed before me this 31st day of May, 2024.

(Seal)



[Signature]
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.

[Signature] _____ Date 5.9.2024

TODD JONES SVP. _____
Print Name and Title

Sworn to and subscribed before me this 7th day of MAY, 2024.



[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.

Owner's Signature _____ Date

Print Name and Title

Sworn to and subscribed before me this _____ day of _____, 20____.

(Seal) _____
Signature of Notary Public

LETTER OF INTENT

Dear Planning Commission and City Council members,

We appreciate your consideration of AMH Development's request for a variance relating to a reduction to the 75% brick or stone requirement for the side & rear elevations. AMH is proposing to reduce the brick or stone requirement to 3' brick or stone water tables on all side elevations and 0% on the rear elevations. The requested relief would not cause any substantial detriment to the public good as the front elevation of the home that is most visible to the public, would still contain 75% brick or stone, and the side elevations would have 3 feet of brick or stone ("water tables") that are visible to the public. In addition, the current house plans would contain all 3 car garages, that are accommodated by the 100 foot wide lots. The 3- car garages will help eliminate on street parking, and street signs will be installed to prohibit parking on the streets.

By not developing the 18 lots, 7.2 acres of open space referred to earlier in the application relating to the hardship incurred by AMH, AMH is proposing to dedicate the 7.2 acres as conservation area which is consistent with the purpose of the overlay district's intent to create communities with significant open areas. Walking trails shall be added on the 7.2 acres to further enhance the community.

Myers St. George
AMH Development, LLC

APPLICANT'S RESPONSES TO EVALUATION CRITERIA (Zoning Variance)

In the space provided or in a separate attachment, provide responses to the following questions:

- 1. What extraordinary or exceptional conditions due to size, shape or topography are present on the property in question that support the request for relief?**

See next page

- 2. What other conditions are unique to the property and adversely affect its reasonable use or usability as currently zoned?**

See next page

- 3. How does the application of the requirements of the applicable ordinance to the property in question create an unnecessary hardship?**

See next page

- 4. Would the requested relief, if granted cause substantial detriment to the public good or impair the purpose and intent of the applicable ordinance?**

See next page

- 5. Does the relief requested grant a use of land or building or structure that is otherwise prohibited by the applicable ordinance?**

See next page

APPLICANT'S RESPONSES TO EVALUATION CRITERIA (Zoning Variance)

1. The property falls under the R-22 residential development zoning with the overlay district. The preliminary plat approval allowed for 147 homes to be built. The overlay district has open space and lot width requirements. The lot width requirement is at least 100 feet. The preliminary plat followed or went beyond all of the R 22 Overlay District standards. The zoning did not mandate it, but the subdivision development plan included 3-car garages for all the homes to help eliminate on street parking.

Before and during the first stage of development, many geotechnical borings were done onsite. But significantly more rock than expected was found during actual development and had to be cleared to install sewer and stormwater pipes at the depths the current Land Disturbance Permit required.

Over 250,000 cubic yards of rock were cleared from the site, costing over 20 percent more for site work. Also, 18 lots could not be developed without extraordinary costs.

These extraordinary development costs make the construction of the 3 car garage homes planned for the property economically infeasible, given the architectural requirements in the overlay district.

2. In addition to the cost of the rock, due to the configuration and topography of the site, the sewer line to service the development had to be installed across a branch of Little Haynes Creek and run an additional 1.5 miles to connect to the main line at the intersection of Hwy 81 and Hwy 78. In order to construct the line, more rock was encountered, and additional extraordinary costs were incurred to bore through the rock. While the cost was high, it was even higher on a per lot basis due to the loss of the 18 lots in the development. The loss of the 18 lots increases the development cost per home by 13.9%. Further making the construction of the 3 car garage homes planned for the property economically infeasible, given the architectural requirements in the overlay district.

3. The Overlay district requires that 75% of all elevations be clad in brick or stone. From the time that the property began horizontal development, brick and stone costs have risen 40%. The extraordinary costs to clad all elevations in brick or stone, especially with the addition of the third car garage, is no longer economically feasible given the extraordinary development costs incurred due to the removal of the 250,000 cubic yards of rock and the loss of lots

4. The requested relief would not cause any substantial detriment to the public good as the front elevation of the home that is most visible to the public, would still contain 75% brick or stone, and the side elevations would have 3 feet of brick or stone ("water tables") that are visible to the public. In addition, the current house plans would contain all 3 car garages, that are accommodated by the 100 foot wide lots. Not only are the 3rd car garages attractive as they

add additional depth and dimension to the front and side elevations, but they also enhance the public facing portion of the home by providing additional parking (and storage) out of the driveway. The 3- car garages will help eliminate on street parking, and street signs will be installed to prohibit parking on the streets, that will not be necessary. This is consistent with the goals of the architectural requirements in the overlay district ordinance.

In addition, by not developing the 18 lots, 7.2 acres of open space is added to the community, consistent with the purpose of the overlay districts intent to create communities with significant open areas. Walking trails will be added on the 7.2 acres to further enhance the community.

5. The relief requested does not grant the use of land, building, or structures, which are prohibited by the applicable ordinance, but rather seeks a minor modification to the exterior side and rear elevation requirements.

It should be noted that other subdivisions constructed in the overlay district have also been built without side and rear elevation being clad in brick or stone.

In fact, two communities, Eleanora and Chase Landing, were approved with the new overlay requirements, and neither meets the brick or stone requirements. So, the requested modification is consistent with the character of other homes built with the same zoning.

**MINUTES
CITY OF LOGANVILLE
Regular Council Meeting
Thursday, May 10, 2018 6:30pm
Council Chambers**

The City of Loganville Mayor and Council met for their regularly scheduled Council Meeting on Thursday, May 10, 2018 at 6:30pm in the Council Chambers. Mayor Rey Martinez and Council Members Skip Baliles, Jay Boland, Linda Dodd, Danny Ford, Anne Huntsinger and Lisa Newberry were all present.

Mayor Rey Martinez called the meeting to order at 6:33pm.

Loganville First United Methodist Church Pastor Bob Hoffmann gave the invocation and the pledge to the flag was led.

Council Member Linda Dodd made a motion to adopt the agenda as presented. Council Member Lisa Newberry seconded the motion. Motion carried 6-0.

Council Member Skip Baliles made a motion to approve the consent agenda as follows:

- a. Last Month's Minutes
- b. Last Month's Financial Report
- c. Permit Fee Schedule – Residential Plan Review Fee – 10% of permit cost with \$50 minimum & Occupational Tax Transfer Fee to include \$75 Fire Inspection Fee
- d. Purchase of Laptop Computers for DEA - \$16,645.32 (confiscated funds)
- e. Purchase – Veritech SB 600 Salt Brine System - \$37,090.00 – (2013 WC SPLOST/General Fund)
- f. Walton Co Parks & Rec – Use of field at City Hall for Soccer (table for 90 days)
- g. City Hall Roof Replacement – Roofing Plus, Inc \$177,850.00 (budgeted)

Council Member Danny Ford seconded the motion. Motion carried 6-0.

Chase Landing
Blue River Development, LLC, Case #R18-003 request to rezone 23.554 acres located on Lawrenceville Road from R22 with conditions to R22 Overlay was presented by Planning Director Tim Prater. There was no one present to speak in favor or opposition to this case. Council Member Danny Ford made a motion to approve the case with the condition that a clubhouse is to be provided and other amenities such as a pool, shuffle board and tennis courts based on the target market to be provided as well. Council Member Linda Dodd seconded the motion. Motion carried 6-0.

(Mayor Rey Martinez recused himself from the following cases and turned the meeting over to Vice Mayor Skip Baliles.)

DR Horton, Inc. Case #A18-004 has requested to annex 101.846 acres located at 2467 Claude Brewer Road for the development of a single-family residential subdivision was presented by Planning Director Tim Prater. There was no one to speak in favor or opposition of this case. Council Member Danny Ford made a motion to approve Case #A18-004 with the following conditions: a pool with clubhouse to be provided as well as a 6-foot wooden fence along the large portion of the property specifically along the property line of the neighbors on both sides where the property abuts Southfork Subdivision at a minimum distance of 100 feet or a total of the abutted property. Council Member Linda Dodd seconded the motion. Motion carried 5-0.

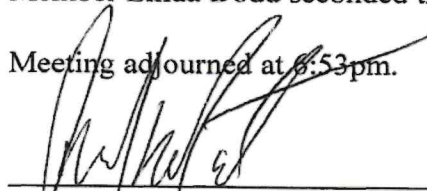
Subject Property
DR Horton, Inc. Case #R18-005 has requested to rezone 101.846 acres located at 2467 Claude Brewer Road from A1 to R22 OSC for the development of a single-family residential subdivision was presented by Planning Director Tim Prater. Council Member Linda Dodd made a motion to approve the rezoning request. Council Member Danny Ford seconded the motion. Motion carried 5-0.

DR Horton, Inc. Case #V18-006 has requested a variance for 101.846 acres located at 2467 Claude Brewer Road to reduction to the 90% of the required open space that is to remain natural and undisturbed for the development of a single-family residential subdivision was presented by Planning Director Tim Prater. He further explained that they are not asking to reduce the amount of green space but be allowed to disturb more than 10% in order to spread it out within the development. Council Member Anne Huntsinger made a motion to approve the variance to allow them to disturb a maximum of 20% of the open green space. Council Member Danny Ford seconded the motion. Motion carried 5-0.

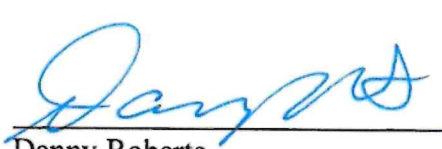
Council Member Linda Dodd made a motion to adopt the FYE 6/30/2019 Budget as presented. Council Member Danny Ford seconded the motion. Motion carried 5-1 with Council Member Skip Baliles voting in opposition.

With no further business, Council Member Anne Huntsinger made a motion to adjourn. Council Member Linda Dodd seconded the motion. Motion carried 6-0.

Meeting adjourned at 8:53pm.



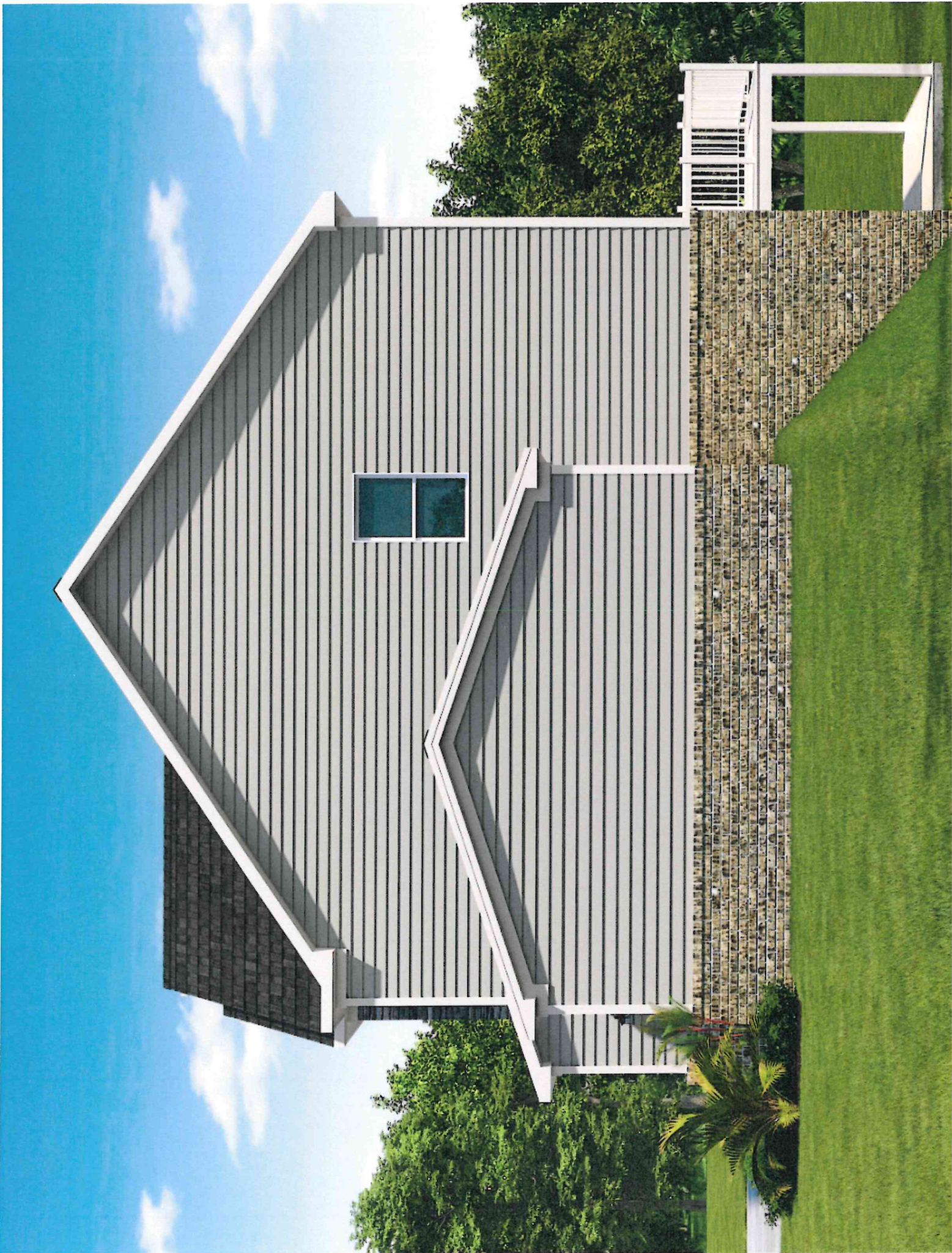
Rey Martinez
Mayor



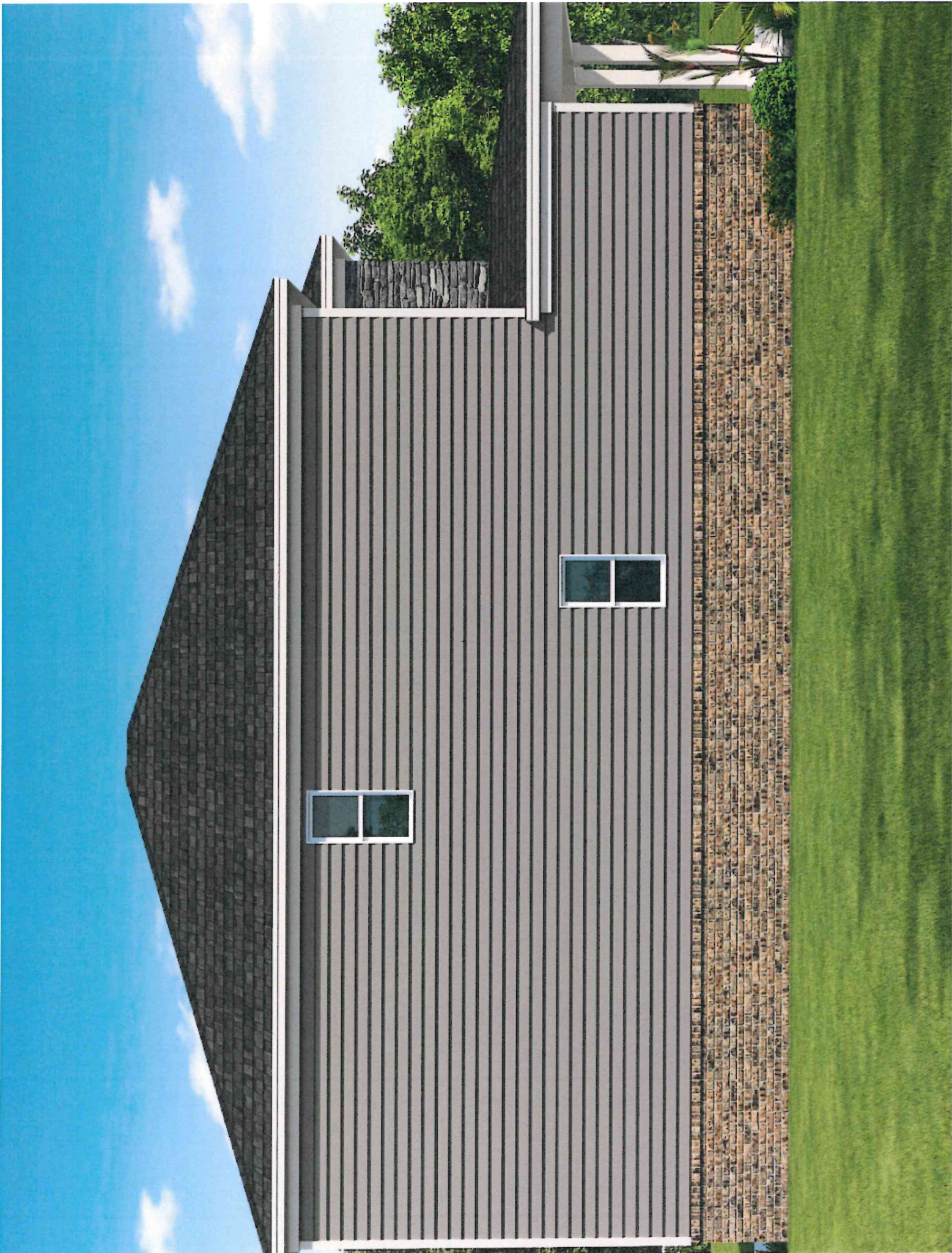
Danny Roberts
City Manager

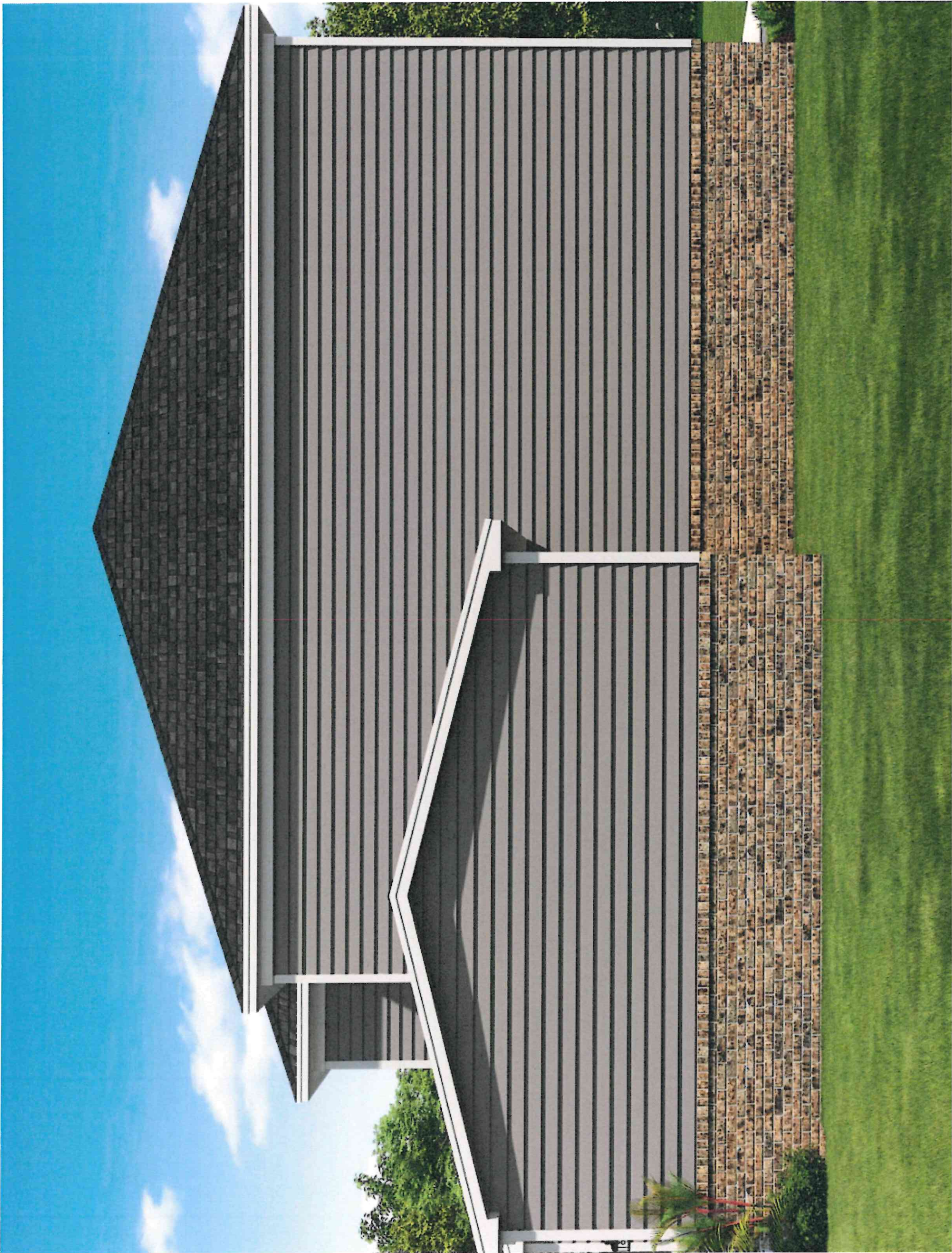






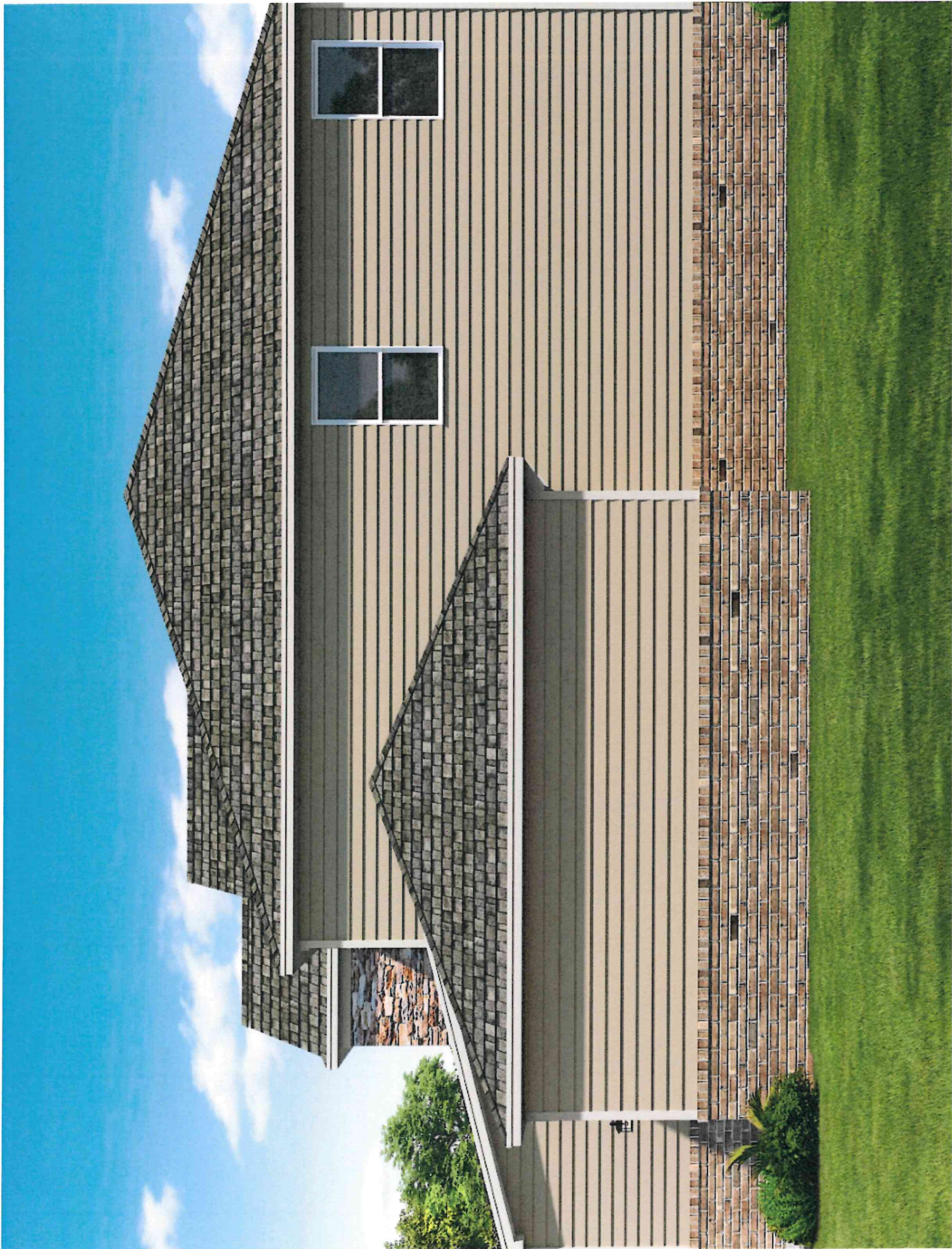




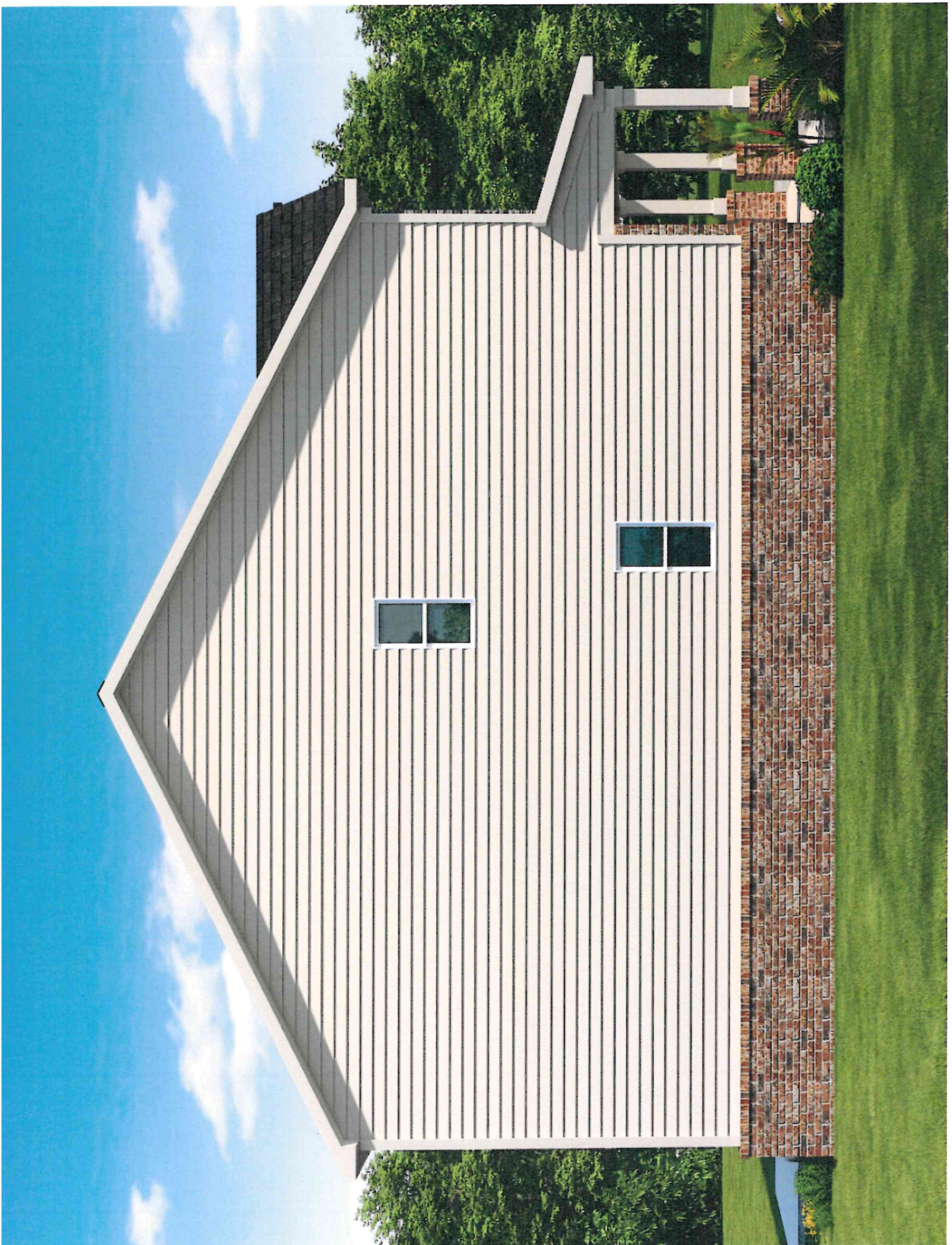














Names/Addresses of Abutting Property Owners

- Summit Baptist Church
3080 Ga Hwy 81
Loganville, Ga 30052
- One Investments LLC
PO Box 1269
Monroe, Ga 30655
- Southfork HOA
C/O Georgia Community Management
PO Box 2750
Loganville, Ga 30052
- Alice S. Still Trustee
U/W William David Still
3469 Claude Brewer Road
Loganville, Ga 30052
- Tam R Dickens
2908 Milton Bryan Drive
Loganville, Ga 30052
- Anthony J. Herren
2912 Milton Bryan Drive
Loganville, Ga 30052
- Paula Jean Bourque
2915 Milton Bryan Drive
Loganville, Ga 30052
- Elden Properties Inc
1849 Parkwood Road
Snellville, Ga 30078
- Samuel David Kirkland & Jolee Elizabeth Wood
3724 Lochview Dr
Loganville, Ga 30052
- Nicole Cardell Rose
3734 Lochview Dr
Loganville, Ga 30052

- James Alan & Wendy Michelle Stringer
3754 Lochview Dr
Loganville, Ga 30052
- William H. Fitton
3764 Lochview Dr
Loganville, Ga 30052
- Kenneth & Karen Miller
3774 Lochview Dr
Loganville, Ga 30052
- Robert S Purcell
3790 Heron Court
Loganville, Ga 30052
- David A Smith
3791 Kingfisher Ct
Loganville, Ga 30052
- Corey Langston & Maggie Corbin
3780 Lochview Dr
Loganville, Ga 30052
- Matthew C Sasser
3790 Lochview Dr
Loganville, Ga 30052
- Thomas Samuel Horn II
2741 Milton Bryan Rd
Loganville, Ga 30052
- Donna Mitchell
2438 Claude Brewer Rd
Loganville, Ga 30052
- Michael & Sidra Grinter
2418 Claude Brewer Rd
Loganville, Ga 30052
- Mill Point Properties LLC & JAP Property Management LLC
106 Brighton Rd NE
Atlanta, Ga 30309

CITY OF LOGANVILLE ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 119 OF THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA, ENTITLED ZONING; TO PROVIDE FOR CHANGES; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of Ordinances shall be amended by omitting, Article IV. Division 3. Section 249 Open space subdivision, in its entirety and replacing it with the following:

Chapter 119 - ZONING

ARTICLE IV. - DISTRICT REGULATIONS

- DIVISION 3. - OVERLAY DISTRICTS
- Sec. 119-249. - Open space subdivision.

In the R-22 district, the minimum lot size, lot width and yards may be reduced upon special use approval by the city council for the development of a single-family, detached development that provides for the preservation, maintenance and restricted use of open space. The specific design standards for each development shall be established as conditions of special use approval by the city council, subject to the following minimum requirements:

(1) *Uses.*

- a. Permitted principal uses: single-family detached dwellings, not including mobile homes, and principal uses common to all residential districts.
- b. Permitted accessory uses: accessory uses common to all residential districts.
- c. Special uses: special uses common to all residential districts upon approval by the city council.

(2) *Space limits.* Following are the space limits for overlay districts:

Minimum lot area	16,000 square feet
Minimum lot width	100 feet
Minimum front yard	20 feet
Minimum rear yard	Interior lot—20 feet

	Perimeter lot or right-of-way—40 feet
Minimum side yard	Interior line—10 feet
	Street corner—20 feet
Maximum building height	35 feet

(3) *Design criteria.*

- a. Maximum density: 2.06 units per acre.
- b. Minimum heated floor area per dwelling unit: 2,000 square feet.
- c. Garage: Attached or detached garage for at least two automobiles is required.
- d. Exterior materials.
 1. Front exterior elevations shall have at least 75 percent of their surface clad in brick or stone.
 2. All other exterior elevations shall have at least 75 percent of their surface clad in brick or stone.
 3. Accent siding materials shall be of fiber cement type.
- e. Chimneys. When located on an exterior wall, chimneys shall extend to the ground and surface clad in brick or stone.
- f. Landscaping. All grassed areas shall be covered with sod.
- g. Trees.
 1. At least one over-story shade tree, two inches or greater in diameter as measured four feet from ground level, shall be planted or preserved in the front and rear yards of each lot.
 2. Trees shall not be planted closer than 13 feet from the back of curb along streets.
- h. Sidewalks. Sidewalks are required and shall be constructed in conformance with the development regulations of the city.
- i. Utilities.
 1. The development must be served by public water and sewer systems.
 2. All utilities must be placed underground.
- j. Open space.

1. At least 25 percent of the development's gross area shall be preserved as open space.
2. At least 90 percent of the minimum required open space shall remain natural and undisturbed.
3. No more than five percent of the minimum required open space may be covered in impervious surface, including walking trails or play areas.
4. No more than 50 percent of a lake or pond may be credited toward minimum open space requirements.
5. Open space shall not include areas devoted to public or private streets, or any land that has been or is proposed to be conveyed to any public agency.
6. Any land within a required recreation facility, utility easement or stormwater detention facility shall not be credited toward the minimum open space requirement.
7. Open space shall not be less than 30 feet wide at any point.
8. Open space shall be subject to permanent conservation restriction and legal title shall be held by a mandatory incorporated homeowners association or, in the case of natural and undisturbed areas within the open space, title to may be held by a land trust or conservation organization authorized for such purpose and recognized by the city.

k. Homeowners association.

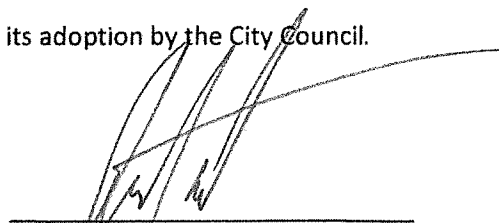
1. A mandatory homeowners association shall be established for the maintenance of all stormwater detention facilities and for other common facilities and areas, including open spaces, to which it holds title.
2. Prior to final plat approval, a copy of the articles of incorporation and bylaws of the association and the covenants to be recorded shall be provided to the city manager or designee.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall become effective immediately upon its adoption by the City Council.

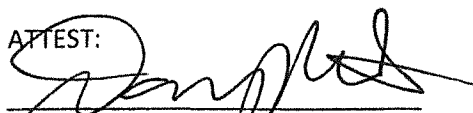
SO ORDAINED, this 4th day of NOVEMBER, 2019



Mayor Rey Martinez

City of Loganville

ATTEST:



City Manager Danny Roberts

City Manager Danny Roberts

EXHIBIT "A"
Legal Description

All that tract or parcel of land lying and being in Land Lot 182 of the 4th District, City of Loganville, Walton County, Georgia, as shown on that certain ALTA/NSPS Land Title Survey for Loganville Brewer, LLC, a Georgia limited liability company, and Chicago Title Insurance Company, prepared by Gunnin Land Surveying, LLC, bearing the seal of Jesse R. Gunnin, Georgia Registered Land Surveyor No. 3079, dated December 17, 2020, last revised December 18, 2020, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 1/2" rebar found at the intersection of the common line of Land Lots 158 and 182 and the northerly right of way of Claude Brewer Road (A.K.A. County Road 88) (right of way varies), said point being the **TRUE POINT OF BEGINNING.**

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;
thence leaving said Land Lot Line and along said northerly right of way the following courses and distances: S58°38'43"W for a distance of 212.98 feet to a concrete monument found; S25°51'54"E for a distance of 5.38 feet to a concrete monument found; S61°55'42"W for a distance of 493.86 feet to a point; 243.13 feet along the arc of a curve to the left, said curve having a radius of 1750.46 feet and being subtended by a chord of S57°54'27"W, 242.93 feet to a point; 163.19 feet along the arc of a curve to the left, said curve having a radius of 438.46 feet and being subtended by a chord of S43°15'29"W, 162.25 feet to a 1/2" rebar found at the intersection of said northerly right of way and the easterly right of way of Milton Bryan Drive (70' right of way); thence leaving said intersection N08°57'33"W for a distance of 828.94 feet to a 5/8" rebar found; thence N88°02'58"W for a distance of 880.23 feet to an axle found (bent); thence N29°40'39"W for a distance of 2044.78 feet to a rock found at the common line of Land Lots 182 and 183; thence along said Land Lot Line N60°00'58"E for a distance of 1563.25 feet to a 1/2" rebar set at the northeast corner of Land Lot 182, said corner being common to Land Lots 157, 158, 182 and 183; thence leaving said Land Lot corner and along the common line of Land Lots 158 and 182 the following courses and distances: S29°56'35"E for a distance of 811.28 feet to a 1/2" rebar found with cap stamped "H.M.B" Corner"; S28°21'18"E for a distance of 463.25 feet to a 2" steel rod found; S29°48'51"E for a distance of 1960.06 feet to a 1/2" rebar found, said point being the **TRUE POINT OF BEGINNING.**

Said tract or parcel of land contains 101.780 acres.

DATE: 11/15/11
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

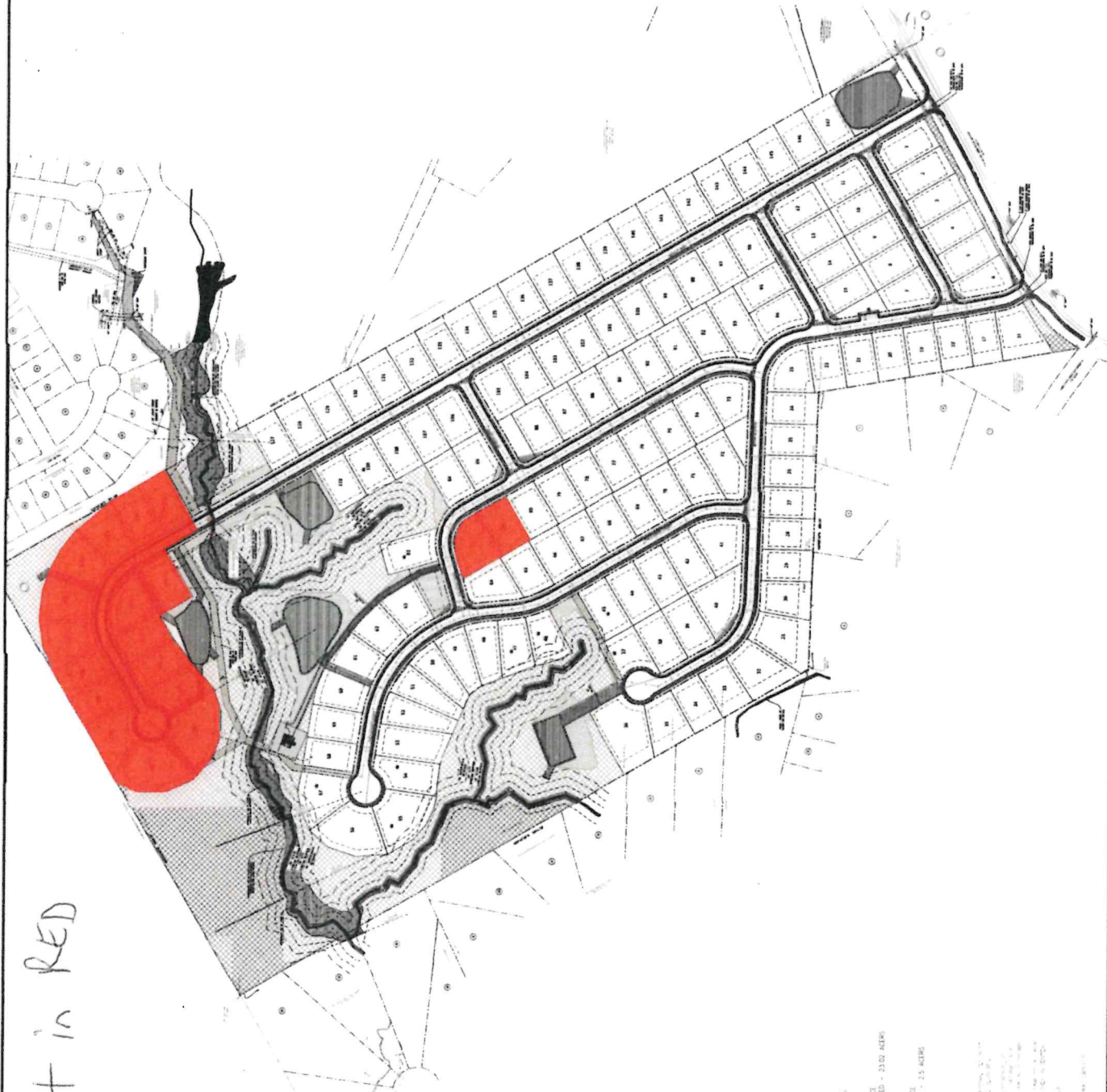
THE PACIFIC GROUP

GREYDEN ENGINEERING
 1286 Cottage Road SE, 202117
 Atlanta, Georgia 30316



LAND DISTURBANCE PLANS
 CLAUDE BREWER
 11/15/11

Lots lost in RED



[Symbol]	APPROXIMATE 100-YEAR FLOOD PLAIN
[Symbol]	STANDARD 5-MINUTE FIREWATER
[Symbol]	DRIVEWAYS AND ACCESS DRIVEWAYS
[Symbol]	WATER LINE EXISTING
[Symbol]	OPEN SPACE (UNIMPAVED) - 13.02 ACRES
[Symbol]	OPEN SPACE (UNIMPAVED) - 1.17 ACRES

NOTES:
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO APPROVAL BY THE LOCAL AGENCIES.
 2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.
 3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.
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