



CITY OF LOGANVILLE
 Department of Planning & Development
 P.O. Box 39 • 4303 Lawrenceville Road
 Loganville, GA 30052
 770.466.2633 • 770.466.3240 • Fax 770.554.5556

Date: 9-5-24

Application # V 24-032

APPLICATION FOR MAJOR VARIANCE

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>BAMM Real Estate, LLC c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, STE 125</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> Zip: <u>30043</u> PHONE: <u>(770) 232-0000</u>	NAME: <u>Ann R. Jones</u> ADDRESS: <u>P.O. Box 408</u> CITY: <u>Loganville</u> STATE: <u>GA</u> Zip: <u>30052</u> PHONE: _____ (*attach additional pages if necessary to list all owners)
Applicant is: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Contract Purchaser <input type="checkbox"/> Agent <input type="checkbox"/> Attorney	
CONTACT PERSON: <u>Shane M. Lanham, Attorney for Applicant</u> PHONE: <u>(770) 232-0000</u> EMAIL: <u>slanham@mptlawfirm.com</u> FAX: <u>(678) 518-6880</u>	
PROPERTY INFORMATION	
MAP & PARCEL # <u>LG060129, LG110009 & a portion of LG110007</u> PRESENT ZONING: <u>R-44</u> ACREAGE: <u>CH</u> ADDRESS: <u>Atlanta Highway</u> COUNTY: <u>Walton</u>	
Ordinance and Section from Which Relief is Sought: <u>Sec. 119-380</u>	
Description of Request: <u>Relief from the minimum parking requirements</u>	

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: 9-3-24
 Accepted by Planning & Development: [Signature] DATE: 9-5-24 FEE PAID: \$500.00

CHECK 1032 RECEIPT 100177129 TAKEN BY: [Signature] DATE OF LEGAL NOTICE: 10-4-24 NEWSPAPER: THE WALTON TRIBUNE

PLANNING COMMISSION RECOMMENDATION: Approve Approve w/conditions Deny No Recommendation
 Commission Chairman: [Signature] DATE: 10/24/24

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 Referred Back to Planning Commission Withdrawn

[Signature] Mayor [Signature] City Clerk Date: 11/14/24

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

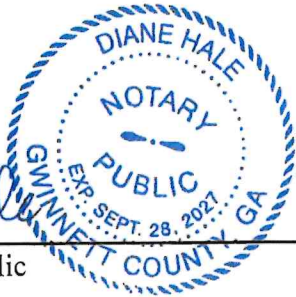
that all information contained in this application is complete and accurate to the best of their knowledge.

Ann R. Jones as agent 8.30.2024
Owner's Signature Date

Michael B. Jones as agent for Ann R. Jones
Print Name and Title

Sworn to and subscribed before me this 30TH day of August, 2024.

(Seal) Diane Hale
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.

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.

Ann R. Jones by Austin O. Jones as Agent
Owner's Signature

8/28/24
Date

Ann R. Jones by Austin O. Jones as Agent
Print Name and Title

Sworn to and subscribed before me this 28th day of August, 2024.

(Seal)

Diane Hale
Signature of Notary Public



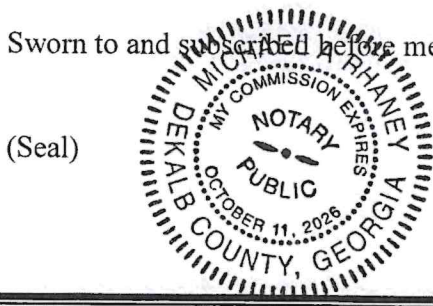
Applicant's Certification

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] 8-30-2024
Applicant's Signature Date

Michael Sunshine managing member of BAMM Real Estate LLC
Print Name and Title

Sworn to and subscribed before me this 30th day of August, 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

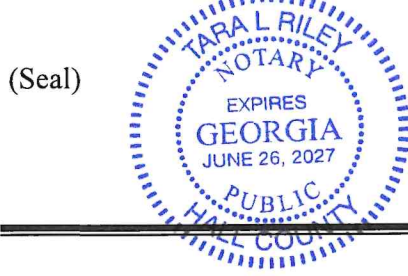
Applicant's Certification

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.

Julia Maxwell _____
Applicant's Signature 9/3/24
Date

Julia Maxwell, Attorney for Applicant
Print Name and Title

Sworn to and subscribed before me this 3rd day of September, 2024.



Tara L. Riley
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

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?**

[Please see attached.](#)

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

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

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

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

APPLICANT'S RESPONSE TO EVALUATION CRITERIA (ZONING VARIANCE)

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?

The Property is wide at its front along Atlanta Highway and then tapers moving north towards its frontage along Covington Street. The Applicant submits that the subject property's size, shape, and topography creates exceptional conditions that support the requested relief.

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

The Applicant is not seeking relief from the currently prescribed land use mix set forth in the Ordinance. Rather, the Applicant is seeking flexibility regarding the buffer requirements for its requested rezoning filed concurrently with this application.

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

The application of the ordinance to the Property creates an unnecessary hardship because it would require the Applicant to provide a buffer between the residential property to the East of the subject property when a natural buffer already exists. Additionally, the need for adequate parking and the size and shape of the parcel make providing the required buffer infeasible.

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

If granted, the relief sought would not create a detriment to the public good nor would it impair the purpose and intent of the applicable ordinance. The purpose and intent of the applicable ordinance is to ensure that there is sufficient screening between dissimilar land uses. However, the residential parcel adjacent to the subject property that would benefit from the buffer is situated in a way that the required buffer would not create a noticeable difference. Additionally, the adjacent residential property is located in a predominately commercial area and is surrounded by commercial uses. It is not unreasonable that the residential parcel will be converted into a commercial use sometime in the future and it would not make sense to require a buffer between two commercial parcels when the ZO requires inter-parcel access between two commercial parcels.

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

No. To the contrary, the granting of the requested relief would allow a productive use of the property that will be of great benefit to the community as a whole without impairing the purpose and intent of the applicable ordinance.

ADJACENT PROPERTY OWNERS LIST:

Name	Address	Parcel No.	County
C3 Church Grayson, Inc.	1840 Silverstone Drive Lawrenceville, GA 30045	LG110010	Walton
Ann R. Jones	P.O. Box 408 Loganville, GA 30052	LG110007	Walton
Whitley Stalvey Properties, LLC	3132 US Highway 278 Covington, GA 30014	LG110009	Walton
JBL Enterprises, LLC	4460 Atlanta Highway Loganville, GA 30052	LG060139	Walton
Loganville Property c/o Flanagan Bilton, LLC	1 N. Lasalle Street Suite 2100 Chicago, IL 60602	LG060137	Walton
Ingles Markets, Inc.	P.O. Box 6676 Asheville, NC 28816	LG060138	Walton
Gallman Properties, LLC	4935 Shiloh Drive Loganville, GA 30052	LG060150	Walton

LEGAL DESCRIPTION

Tract 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Loganville, Land Lots 154, 155, and 185, 4th District, G.M.D. 417, Walton County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southwesterly R/W line of Church Street (40' R/W) with the southerly R/W line of Covington Street (40' R/W); THENCE running along said R/W line of Covington Street the following courses and distances: North 71 degrees 29 minutes 30 seconds West a distance of 347.83 feet to a 1/2" rebar found; THENCE North 72 degrees 06 minutes 38 seconds West a distance of 332.38 feet to a 1/2" rebar with cap found; said point being the **POINT OF BEGINNING**;

THENCE leaving said R/W line of Covington Street South 18 degrees 02 minutes 01 seconds West a distance of 300.15 feet to a 5/8" rebar found (disturbed); THENCE South 72 degrees 01 minutes 47 seconds East a distance of 51.24 feet to a metal fence post found; THENCE South 19 degrees 10 minutes 29 seconds West a distance of 442.98 feet to an iron pin set on the northeasterly R/W line of Atlanta Highway (aka U.S. Highway No. 78) (variable width R/W); THENCE running along said R/W line of Atlanta Highway the following courses and distances: THENCE North 58 degrees 48 minutes 27 seconds West a distance of 24.39 feet to a point; THENCE South 82 degrees 31 minutes 57 seconds West a distance of 32.01 feet to a right of way monument found; THENCE North 58 degrees 48 minutes 27 seconds West a distance of 325.00 feet to a right of way monument found; THENCE North 31 degrees 45 minutes 38 seconds West a distance of 15.42 feet to a 1/2" rebar with cap found; THENCE leaving said R/W line of Atlanta Highway North 32 degrees 29 minutes 00 seconds East a distance of 463.74 feet to a 5/8" rebar found; THENCE North 17 degrees 26 minutes 40 seconds East a distance of 218.11 feet to a 1/2" rebar with cap found on the southerly R/W line of Covington Street; THENCE running along said R/W line of Covington Street South 71 degrees 59 minutes 30 seconds East a distance of 224.99 feet to a 1/2" rebar with cap found; said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 211,248 square feet, or 4.850 acres.

DESCRIPTION OF

Proposed Tract 2A

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Loganville, Land Lots 155 and 185, 4th District, G.M.D. 417, Walton County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southwesterly R/W line of Church Street (40' R/W) with the southerly R/W line of Covington Street (40' R/W); THENCE running along said R/W line of Covington Street North 71 degrees 29 minutes 30 seconds West a distance of 347.83 feet to a 1/2" rebar found; THENCE leaving said R/W line of Covington Street South 14 degrees 30 minutes 06 seconds West a distance of 507.09 feet to a 1/2" rebar found (disturbed); THENCE North 60 degrees 43 minutes 54 seconds West a distance of 150.20 feet to an iron pin set; THENCE North 58 degrees 47 minutes 28 seconds West a distance of 149.60 feet to a 5/8" rebar found (disturbed); said point being the **POINT OF BEGINNING**;

THENCE South 14 degrees 50 minutes 30 seconds West a distance of 314.48 feet to a R/W monument found on the northerly R/W line of Atlanta Highway (aka U.S. Highway No. 78); THENCE running along said R/W line of Atlanta Highway North 53 degrees 05 minutes 49 seconds West a distance of 21.97 feet to a point; THENCE continuing along said R/W line of Atlanta Highway North 58 degrees 48 minutes 27 seconds West a distance of 25.60 feet to an iron pin set; THENCE leaving said R/W line of Atlanta Highway North 19 degrees 10 minutes 29 seconds East a distance of 306.29 feet to a point; THENCE South 58 degrees 47 minutes 28 seconds East a distance of 22.70 feet to a 5/8" rebar found (disturbed); said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 10,437 square feet, or 0.240 acres.

LEGAL DESCRIPTION

Tract 3

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Loganville, Land Lots 155 and 185, 4th District, G.M.D. 417, Walton County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southwesterly R/W line of Church Street (40' R/W) with the southerly R/W line of Covington Street (40' R/W); THENCE running along said R/W line of Covington Street North 71 degrees 29 minutes 30 seconds West a distance of 347.83 feet to a 1/2" rebar found; THENCE leaving said R/W line of Covington Street South 14 degrees 30 minutes 06 seconds West a distance of 507.09 feet to a 1/2" rebar found (disturbed); THENCE North 60 degrees 43 minutes 54 seconds West a distance of 150.20 feet to an iron pin set; said point being the **POINT OF BEGINNING**;

THENCE South 14 degrees 52 minutes 36 seconds West a distance of 348.56 feet to a point on the northeasterly R/W line of Atlanta Highway (aka U.S. Highway No. 78) (variable width R/W); THENCE running along said R/W line of Atlanta Highway the following courses and distances: North 58 degrees 48 minutes 27 seconds West a distance of 149.44 feet to an iron pin set; THENCE North 14 degrees 57 minutes 20 seconds East a distance of 34.17 feet to a right-of-way monument found; THENCE leaving said R/W line of Atlanta Highway North 14 degrees 50 minutes 30 seconds East a distance of 314.48 feet to a 5/8" rebar found (disturbed); THENCE South 58 degrees 47 minutes 28 seconds East a distance of 149.60 feet to an iron pin set; said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 50,009 square feet, or 1.148 acres.

hgd
1401 Peachtree Street, NE
Atlanta, Georgia 30309
hgd-arch.com
404-484-1980

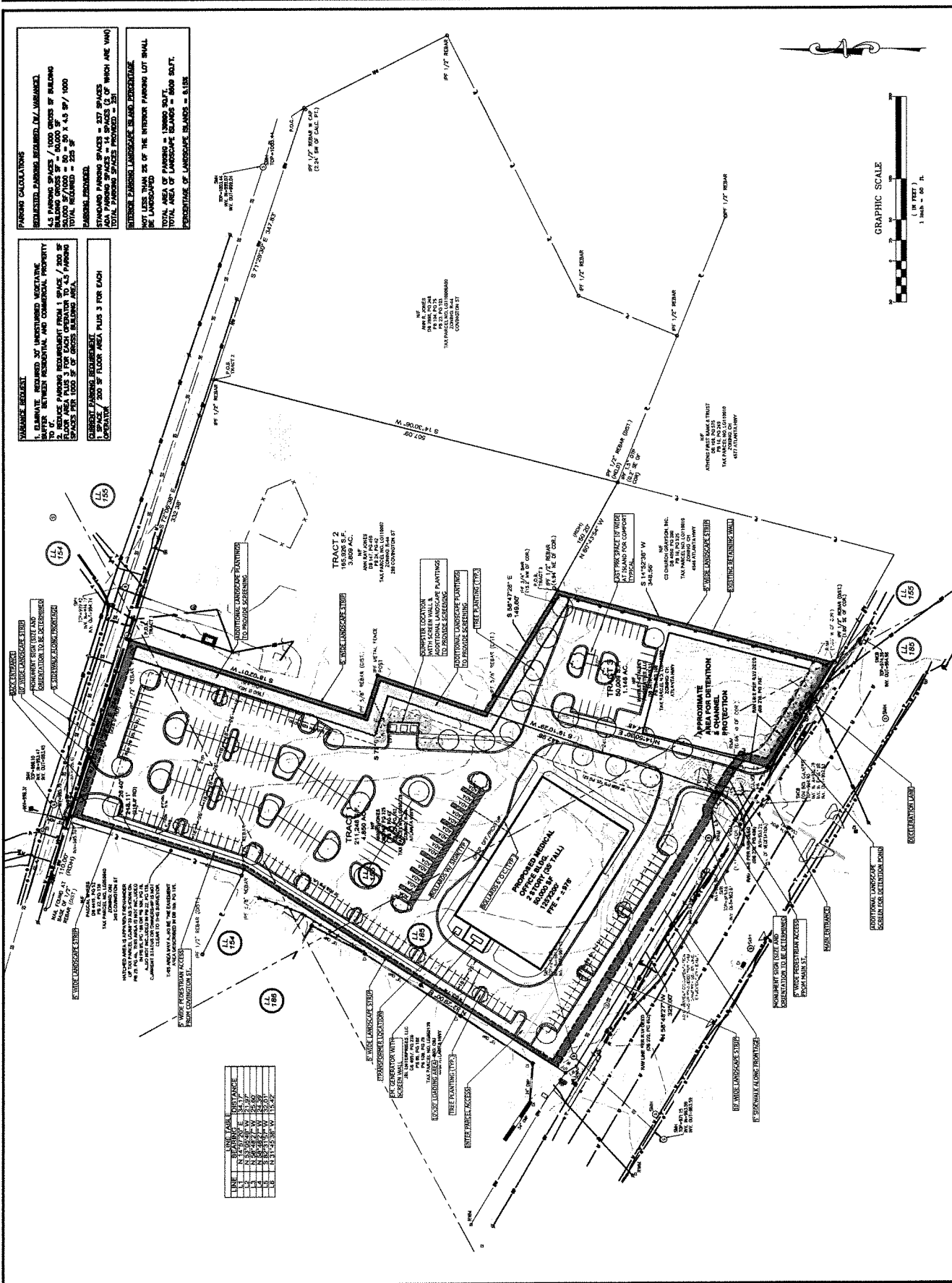
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FOR REVIEW ONLY
NOT TO BE RELEASED FOR CONSTRUCTION

Project Title
LOGANVILLE MEDICAL OFFICE BUILDING

Project Location
Address: ATLANTA HWY.
City, State Zip: LOGANVILLE, GEORGIA 30054
County: WALTON
Parcel No.: JCP
Drawn By: JCP
Checked By: SBB
Initial Issue Date: 2024-04-25
Sheet Title: CONCEPTUAL SITE PLAN

Sheet Number
10F1





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

Julia A. Maxwell
Jeffrey R. Mahaffey
Steven A. Pickens
Jack M. Ryan
Gabrielle H. Schaller
S. Tess Shaheen
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING AND CONCURRENT
VARIANCE APPLICATIONS OF BAMB REAL ESTATE, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and the attached rezoning and concurrent variance applications (the "Applications") on behalf of BAMB Real Estate, LLC (the "Applicant"), relative to a proposed medical office building on an approximately 6.238-acre assemblage made up of three tracts of land (the "Property") located along Atlanta Highway (US Highway 78). Tracts 1 and 2A (as depicted on the survey submitted with the Applications) are currently zoned R-44 (Single-Family Rural Residential District). Tract 3 is currently zoned CH (Commercial Highway District) with no conditions and is not a part of the rezoning application but is subject to the buffer and parking variance application filed concurrently herewith. The Applicant respectfully requests the city to rezone the Property to the CH (Commercial Highway District) classification in order to develop the Property for use as a Class A medical office building.

The proposed development will consist of a two-story medical office building totaling approximately 50,000 square feet. The Property has road frontage on Atlanta Highway and Covington Street. The Property will have two access driveways: a main entrance off of Atlanta Highway and a smaller back entrance off of Covington Street. The medical office building will be designed with attractive architectural elements that are in line with the surrounding aesthetic. Attractive landscaping will be provided including a ten-foot wide landscape strip along the frontage of Atlanta Highway as well as landscape islands in the parking lot. Additionally, the Applicant will provide screening and a five-foot wide landscape strip between the Property and adjacent residentially-zoned property.

Additionally, the proposed development is compatible with the existing land uses on nearby and adjacent properties. The Property is adjacent to land already zoned CH which has

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frontage on Atlanta Highway. The Atlanta Highway corridor is one of Loganville's most highly developed areas and the proposed development would complement the existing commercial uses as well as bring a much-needed service to Loganville residents. The Atlanta Highway corridor, especially in the area surrounding the Property, is dominated by a wide array of commercial and retail uses including three medical office buildings located to the West of the Property. The proposed medical office building would complement the existing commercial uses and expand Loganville residents' access to healthcare. Further, the proposed development is compatible with the Loganville Future Land Use Map which designates the surrounding properties as "Commercial" future land use categories. The Applicant respectfully submits that the subject Property is a prime location for a medical office building due to a number of factors including its frontage on a major transportation corridor.

In order to develop the Property as depicted on the site plan submitted with the Applications, the Applicant also requests relief from the ZO buffer and parking requirements. Specifically, the Applicant requests the following variances:

1. ZO § 119-380: a variance to decrease the minimum number of parking spaces allowed for a professional office from 1 space per 200 square feet of building area plus 3 spaces for each operator to 4.5 spaces per 1,000 square feet of building area. Based on the proposed building area of 50,000 square feet, the ZO would currently require a minimum of approximately 400 parking spaces.
2. ZO § 119-432: a variance to decrease the minimum required buffer width for the CH zoning district from 30 feet to 0 feet. In lieu of the required buffer, the Applicant will provide a five-foot landscape strip and adequate screening between the Property and the adjacent residential parcel.

The Applicant submits that the requested variance from the minimum number of parking spaces required for a professional office is justified a strict application of the ZO creates an extreme result that does not serve the purpose and intent of the ordinance itself. The purpose and intent of the minimum parking ordinance is to ensure that businesses in Loganville provide adequate parking for their patrons. However, requiring 1 space per 200 square feet of building area plus 3 spaces per operator will result in an excessive amount of parking that will detract from the overall aesthetic of the development and surrounding area. The Applicant is proposing to build a medical office building and has a vested interest in providing an adequate number of parking spaces for

their patrons. If strictly interpreted, the ZO requires 5 parking spaces per 1,000 square feet plus an additional 3 spaces per “operator”. The ZO is currently being interpreted so that “operator” means “employee,” but the ZO specifically uses the word “employee” in other sections of the parking ordinance. Medical office buildings employ a large number of people and it is an unreasonable result to allow for 3 parking spaces per employee when there can be upwards of 40-50 employees. Additionally, parking spaces increase the amount of impervious surface on a parcel which can in turn increase the amount of storm water runoff and negatively affect surrounding property owners.

The Applicant submits that the requested buffer variance from the required 30 feet to 0 feet is justified because of the size and shape of the Property. Also, the home situated on the adjacent residential property is situated sufficiently far away from the Property so that the approval of the requested variance would not create a detriment to the adjacent property owner’s use and enjoyment of their home. The Applicant will provide adequate screening and landscaping to mitigate any light and/or noise pollution that would affect the adjacent property owner. Additionally, the adjacent residential property is located in a heavily commercial area and will most likely be converted into a commercial use in the future. Accordingly, it would not make sense to require a buffer for a property that will likely become commercial when the ZO encourages and requires inter-parcel access between two commercially zoned properties.

The proposed development is compatible with surrounding zoning classifications and land uses, is inline with the land use policy of the Comprehensive Plan, and would provide Loganville residents with access to healthcare facilities. The Applicant welcomes the opportunity to meet with staff of the City of Loganville Department of Planning and Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

Respectfully submitted this ___ day of September, 2024.

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham
Attorneys for the Applicant