



## PLANNING COMMISSION MEETING AGENDA

Thursday, July 25, 2024 at 6:30 PM

Municipal Council Chambers, 4303 Lawrenceville Road

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1. **CALL MEETING TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES**
  - A. Approval of Minutes 6.27.24
5. **NEW BUSINESS**
  - A. **Case #V24-022** – AMH Development LLC requested a Major Variance for the property located at 2467 Claude Brewer Road Loganville, GA 30052, Walton County. Map/Parcel#LG160005. Present zoning is R-22 CSO. Ordinance and Section from which relief is sought is Zoning Ordinance Section 1, 119, design criteria-exterior materials. Applicant request to reduce rear elevations requirement to 3” brick or stone water tables which will include sides of 3rd car garages.
6. **ADJOURN**

Public is welcomed to attend.



**PLANNING COMMISSION MEETING MINUTES**

**Thursday, June 27, 2024 at 6:30 PM**

**Municipal Council Chambers, 4303 Lawrenceville Road**

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- 1. CALL MEETING TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**

**A. MINUTES FROM 4.25.24**

Motion made by Commissioner Williams II to approve the Minutes from 4.25.24, Seconded by Commissioner Forrester.

Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Forrester, Commissioner Joyner, Commissioner Swanson, Commissioner Williams II.

Minutes approved 5-0.

**5. NEW BUSINESS**

Amendment to the agenda to move (F) Case #R24-021 to before (C) Case #A24-012.

Motion made by Commissioner Ellis to amend the agenda, Seconded by Commissioner Forrester.

Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Joyner, Commissioner Swanson, Commissioner Williams II.

Motion approved, 5-0.

**A. Vote to elect a new Chairperson for the Planning Commission.**

Motion made by Commissioner Williams II to nominate Keith Colquitt to continue to serve as the Chairman, Seconded by Commissioner Swanson.

Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Forrester, Commissioner Joyner, Commissioner Swanson, Commissioner Williams II.

Keith Colquitt as Chairman, approved 5-0.

**B. Vote to elect a new Co-Chairperson for the Planning Commission.**

Motion made by Commissioner Williams II to nominate Tiffany Ellis as the new vice chair, Seconded by Commissioner Forrester.

Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Forrester, Commissioner Joyner, Commissioner Swanson, Commissioner Williams II.

Tiffany Ellis as Vice Chairwoman, approved 5-0.

**F. Case #R24-021 – Terry L. Clayton filed an application requesting to rezone approximately 0.49+/- acres located at 180 C.S. Floyd Road Loganville, GA 30052. Map/Parcel #LG050133, Walton County, GA. The property owner is Terry L. Clayton. The current zoning is R16 and the requested zoning is CH with the proposal of hosting two commercial business's; a residential cleaning service and a home renovation company.**

Motion made by Commissioner Forrester to approve rezone to CBD, Seconded by Commissioner Ellis.

Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Forrester, Commissioner Joyner, Commissioner Swanson, Commissioner Williams II.

Rezone approved, 5-0.


Planning Commission Condition: Commercial Central Business District with the condition that signage for the businesses is limited to the property's road frontage on CS Floyd Road.

- C. Case #A24-012** – Green Rivers Builders, Inc. c/o Mahaffey Pickens Tucker, LLP requests Annexation of property located at Tuck Road, Conyers Road, Loganville, GA 30052. Map/Parcel #LG060010ADP, LG0600100DP, Walton County, GA and portion of 4580 Tuck Road (un-zoned parcel in Gwinnett Co between Foxbury Commons and LG0600100DP) of 61.213+/- acres.
- Motion made by Commissioner Williams II to approve, Seconded by Commissioner Ellis.  
 Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Williams II.  
 Voting Nay: Commissioner Forrester, Commissioner Joyner, Commissioner Swanson.
- The Planning Commission vote was 3-3, with the Chairman casting the tiebreaking vote in favor of recommending approval of the annexation.
- D. Case #R24-013** – Green Rivers Builders, Inc. c/o Mahaffey Pickens Tucker, LLP filed an application requesting to rezone approximately 201.376+/- acres located at Tuck Road, Conyers Road, Loganville, GA 30052. Map/Parcel #LG060010, LG060010A00, LG060010ADP, LG0600100DP, LG060009, LG060011, Walton County, GA and portion of 4580 Tuck Road (un-zoned parcel in Gwinnett Co between Foxbury Commons and LG0600100DP) The property owner is Tuck Family Farm LLP C/O Sherry S Grider. The current zoning is A2, R-44, CH, unzoned and the requested zoning is PUV with the proposed development of mixed-use development with 232 single-family homes, 150 townhomes, and 23,200 square feet of commercial space as well as greenspace.
- Motion made by Commissioner Ellis to approve, Seconded by Commissioner Williams II.  
 Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Williams II.  
 Voting Nay: Commissioner Forrester, Commissioner Joyner, Commissioner Swanson.
- The Planning Commission vote was 3-3, with the Chairman casting the tiebreaking vote in favor of recommending approval of the rezone with the following conditions:
- The mailbox kiosk be placed in a central location that is not exclusively inside area of the townhomes or single-family residences but rather in between
  - The project features an enclosed meeting space in a centralized location to both the single-family residences and townhomes
  - The project includes a paved walking trail in the open space adjacent to Tuck Road connecting to Destination Park
  - As allowed, develop a nature trail along the townhomes to the Walmart property
  - Have it expressly stated in the covenants that commercial and residential owners help maintain the trails at a minimum of once a year
  - 8-foot privacy fence between the buffer and the property of Chris Green at 4565 Tuck Rd
  - Minimum of two community swimming pools as allowed
- E. Case #V24-014** – Green Rivers Builders, Inc. c/o Mahaffey Pickens Tucker, LLP requested a Major Variance for the property located Tuck Road, Conyers Road Loganville, GA 30052 at Parcels #LG060010, LG060010A00, LG060010ADP, LG0600100DP, LG060009, LG060011, Walton County, GA and portion of 4580 Tuck Road (un-zoned parcel in Gwinnett Co between Foxbury Commons and LG0600100DP). Present zoning is A2, R-44, CH. Ordinance and Section from which relief is sought is Zoning Ordinance 119-221(d)(2) to allow phase development.
- Motion made by Commissioner Williams II to deny, Seconded by Commissioner Ellis.  
 Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Forrester, Commissioner Joyner, Commissioner Swanson, Commissioner Williams II.
- Variance denied, 5-0.

## 6. ADJOURN

Motion made by Commissioner Ellis to adjourn, Seconded by Commissioner Williams II.  
Voting Yea: Commissioner Dodd, Commissioner Ellis, Commissioner Forrester,  
Commissioner Joyner, Commissioner Swanson, Commissioner Williams II.  
Motion approved, 5-0.

Meeting Adjourned 8:17 pm.



Planning Director



Planning Commission Chairman



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 Beer    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

Application # V 24-022

**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.

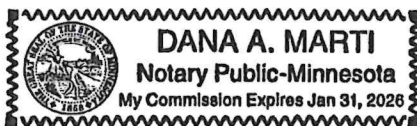
[Signature]  
Owner's Signature

5/31/2024  
Date

Anders Gode, Authorized Signatory  
Print Name and Title

Sworn to and subscribed before me this 31<sup>st</sup> day of May, 2024.

(Seal)



[Signature]  
Signature of Notary Public

Application # V 24-022

**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.

*[Handwritten Signature]*

5.9.2024

Applicant's Signature

Date

TODD JONES SVP.

Print Name and Title

Sworn to and subscribed before me this 7<sup>th</sup> day of MAY, 2024.



*[Handwritten 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 3<sup>rd</sup> 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.

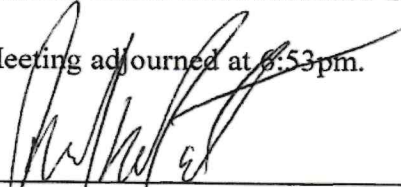
Subject Property

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.

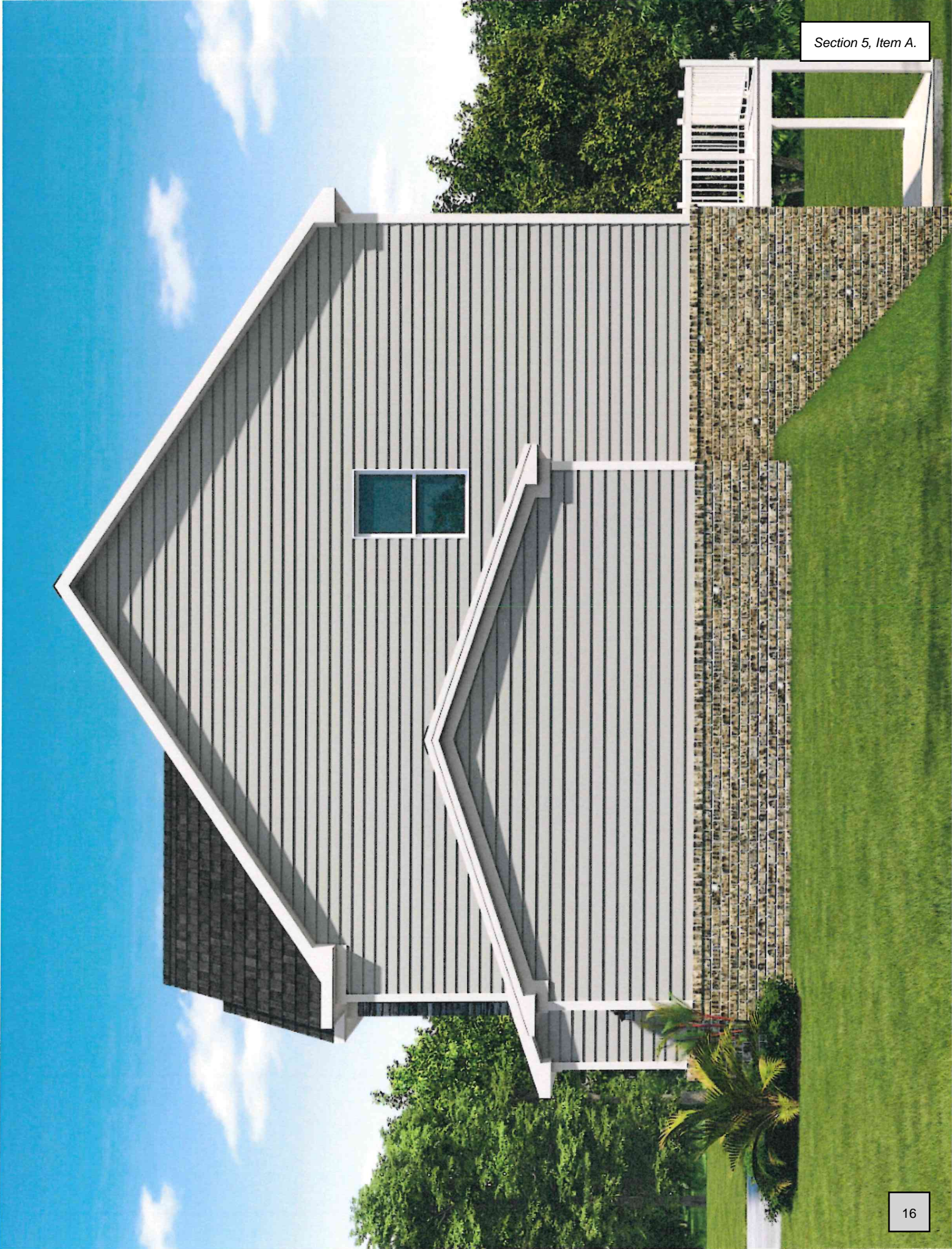
With no further business, Council Member Anne Huntsinger made a motion to adjourn. Council Member Linda Dodd seconded the motion. Motion carried 6-0.

Meeting adjourned at 8:53pm.  
  
\_\_\_\_\_  
Rey Martinez  
Mayor

  
\_\_\_\_\_  
Danny Roberts  
City Manager

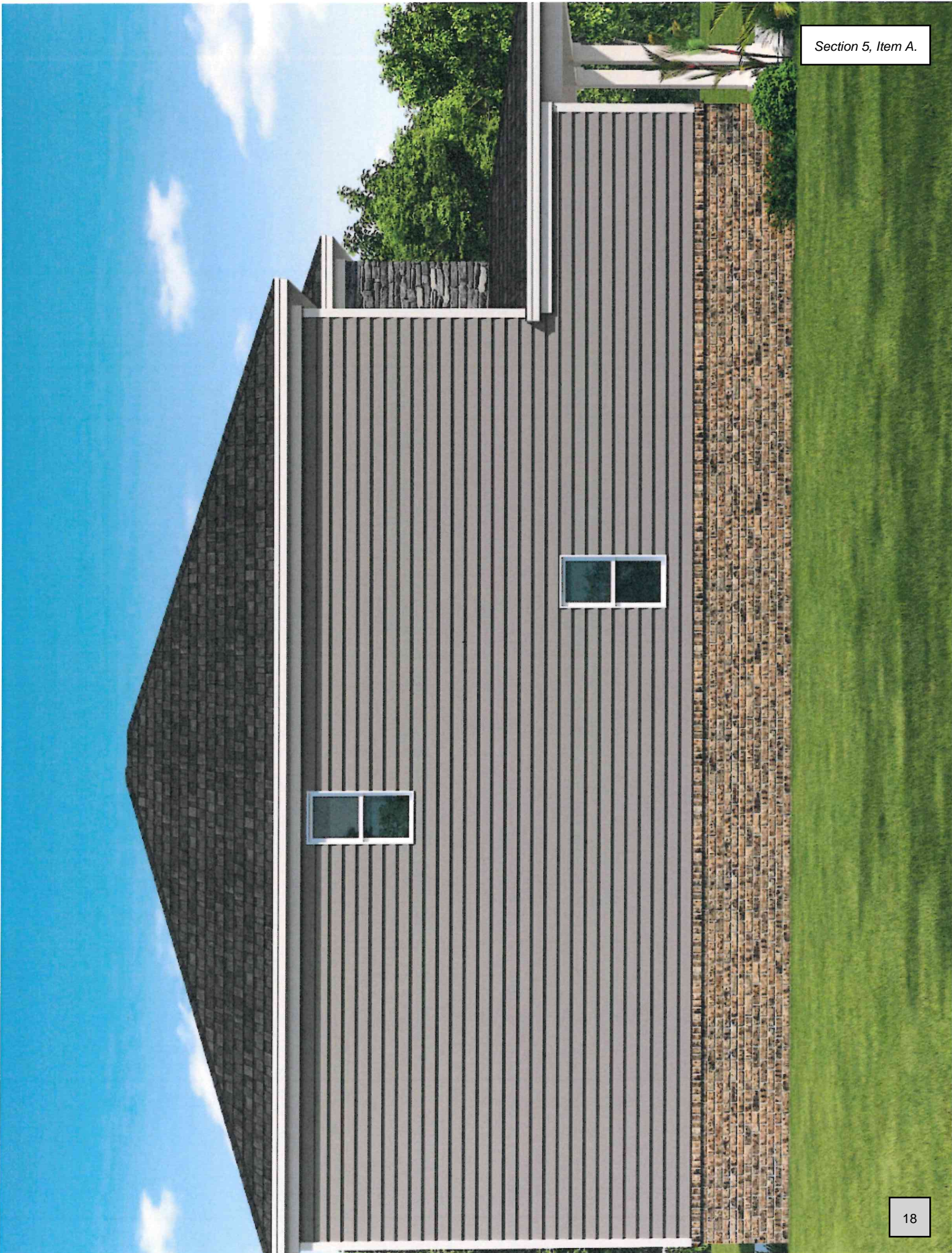


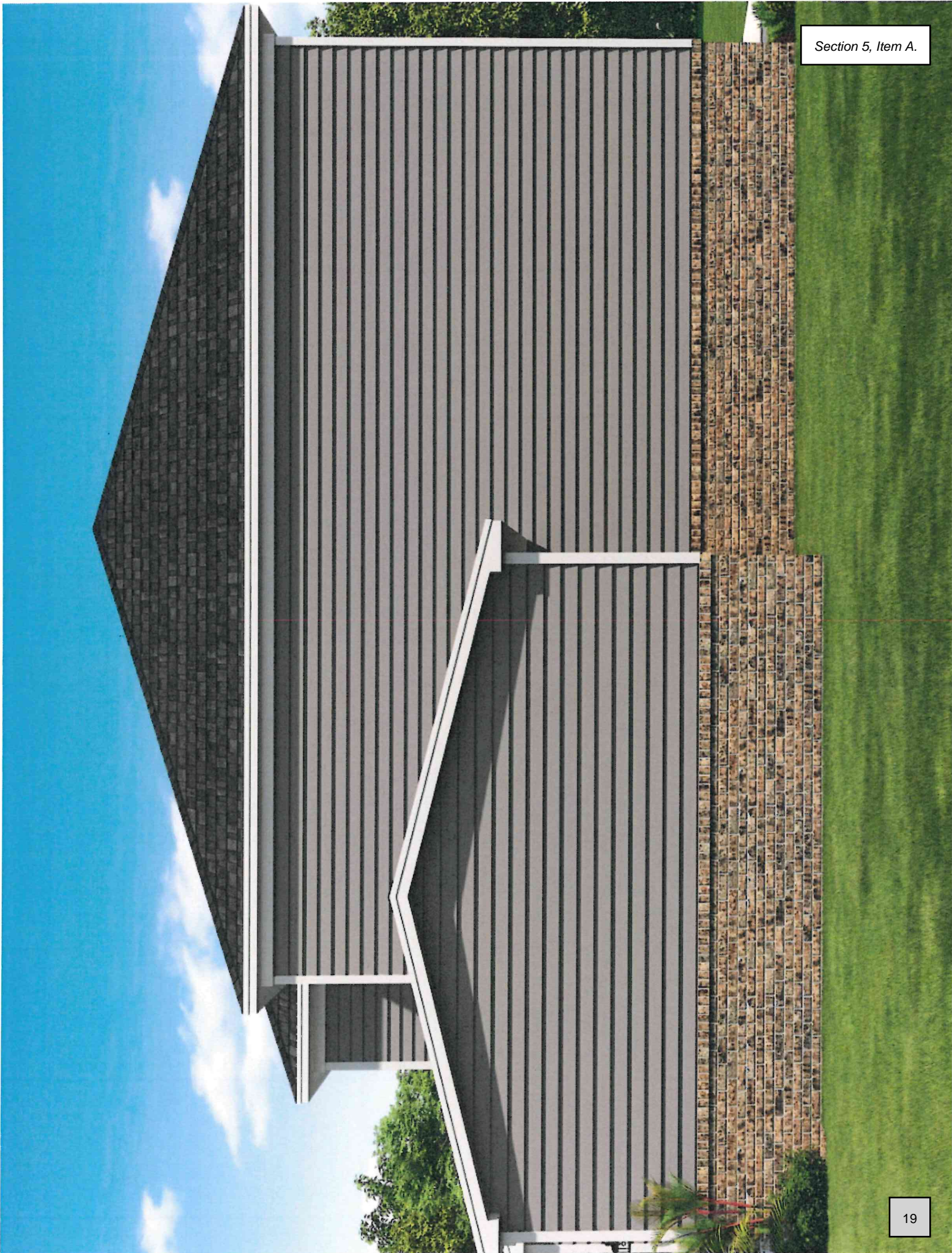






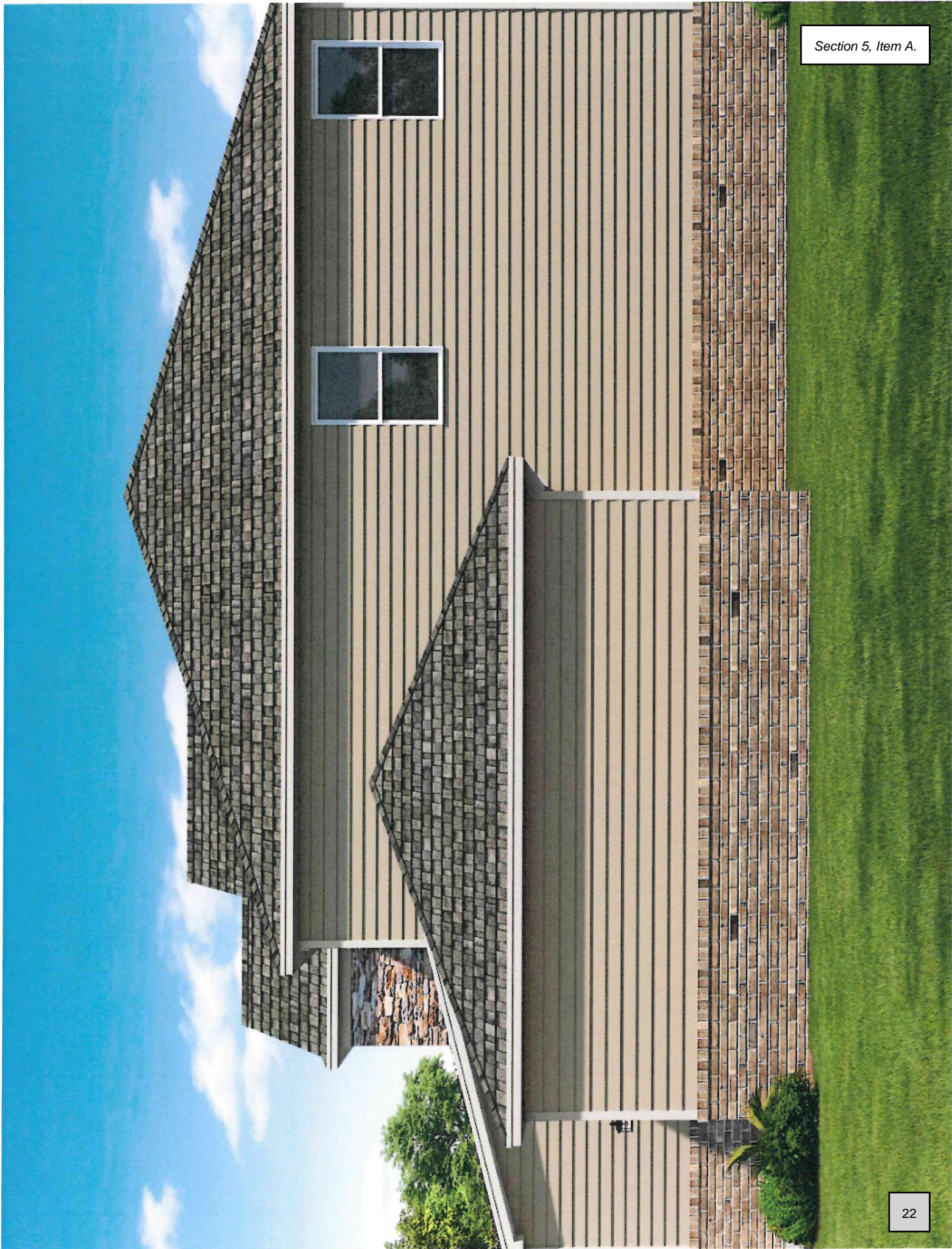




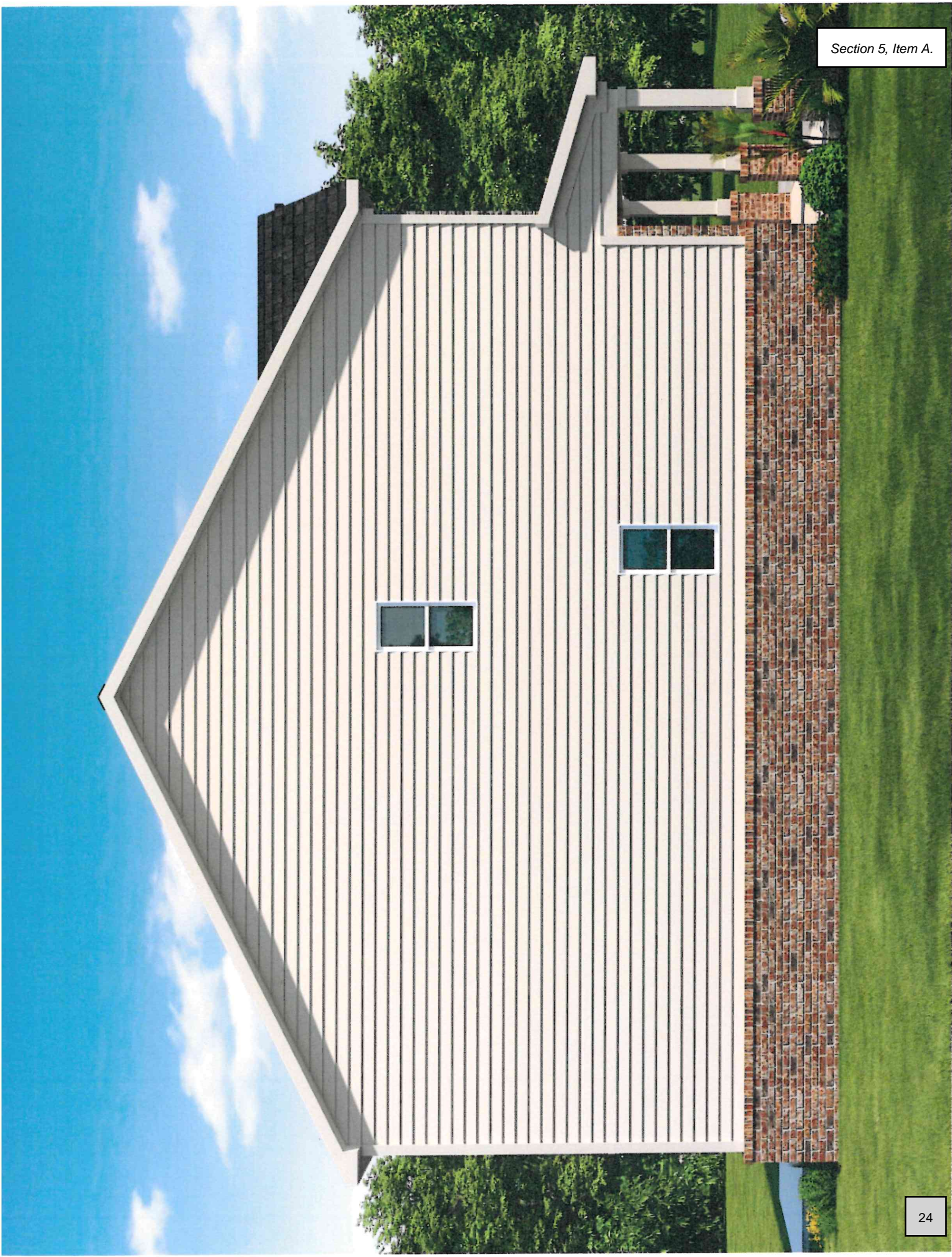
















**Names/Addresses of Abutting Property Owners**

- 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.

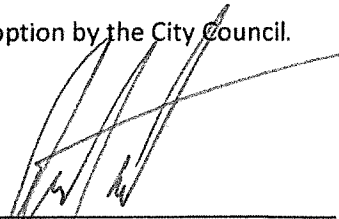
1. A mandatory homeowners association shall be established for the maintenance of all stormwater detention facilities and for other common facilities and areas, including open spaces, to which it holds title.
2. Prior to final plat approval, a copy of the articles of incorporation and bylaws of the association 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 4<sup>th</sup> day of NOVEMBER, 2019




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Mayor Rey Martinez  
City of Loganville

ATTEST:  
  
 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.







## STAFF APPLICATION ANALYSIS REPORT

**ZONING CASE #:** V24-022

**LANDOWNERS:** VPAMH Claude Brewer LB LLC

**APPLICANT:** AMH Development LLC

**PROPERTY ADDRESS:** 2467 Claude Brewer Road

**MAP/PARCEL #:** LG160005

**PARCEL DESCRIPTION:** Residential subdivision

**AREA:** 101.78

**EXISTING ZONING:** R-22 CSO

**PROPOSED ZONING:** R-22 CSO

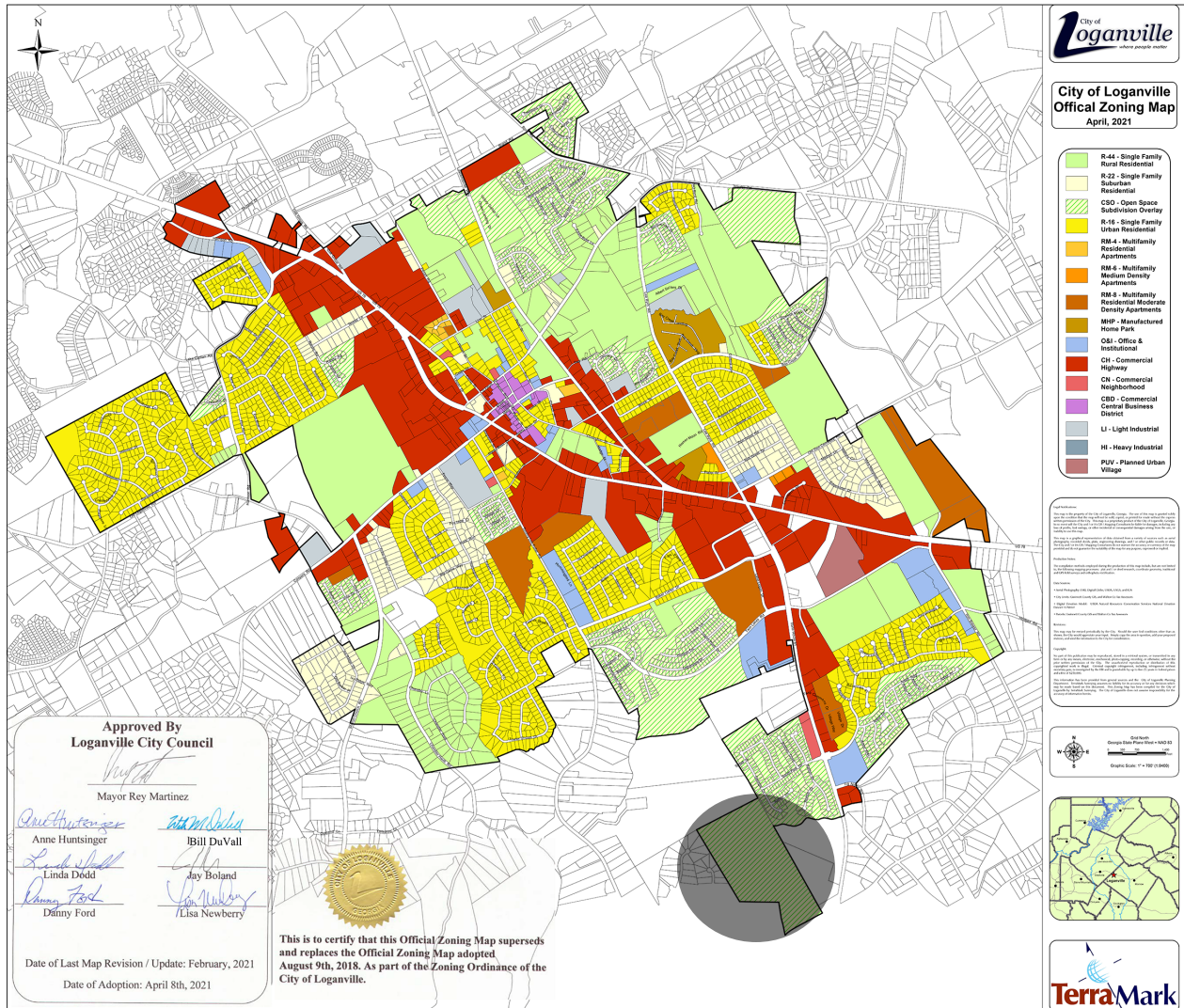
**FUTURE LAND USE MAP:** Residential

**REASON FOR REQUEST:** Seeking relief from Sec. 119-249 Open Space Subdivision, specifically (3)(d)(2): Exterior Materials, which states all other exterior elevations (side and rear) shall have at least 75 percent of their surface clad in brick or stone. AMH is requesting to reduce this requirement to 3 feet brick or stone along the water tables on the side elevations and no brick or stone required on the back of the houses.

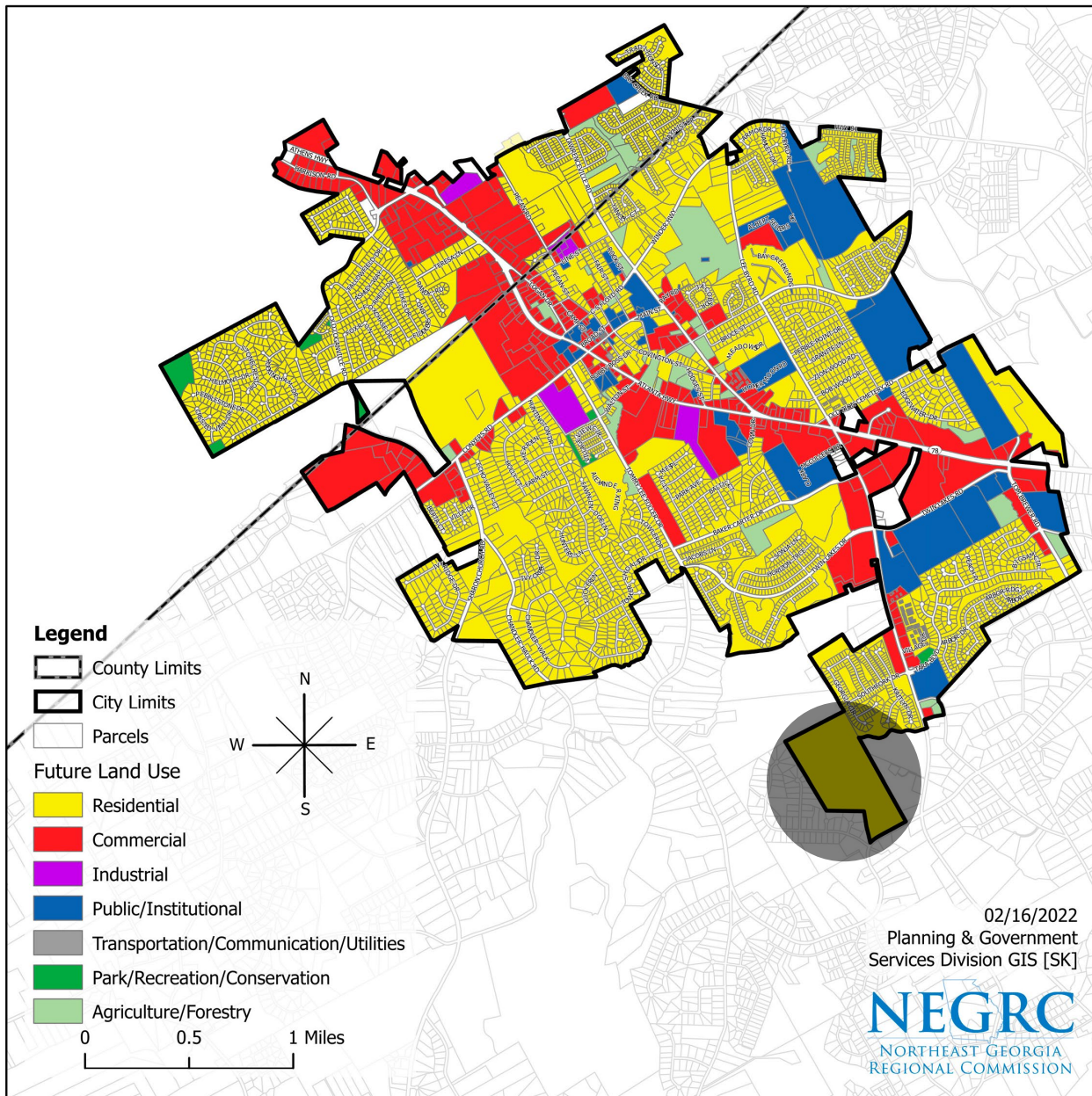
**PLANNING COMMISSION HEARING:** July 25, 2024

**CITY COUNCIL HEARING:** August 5 & 8, 2024

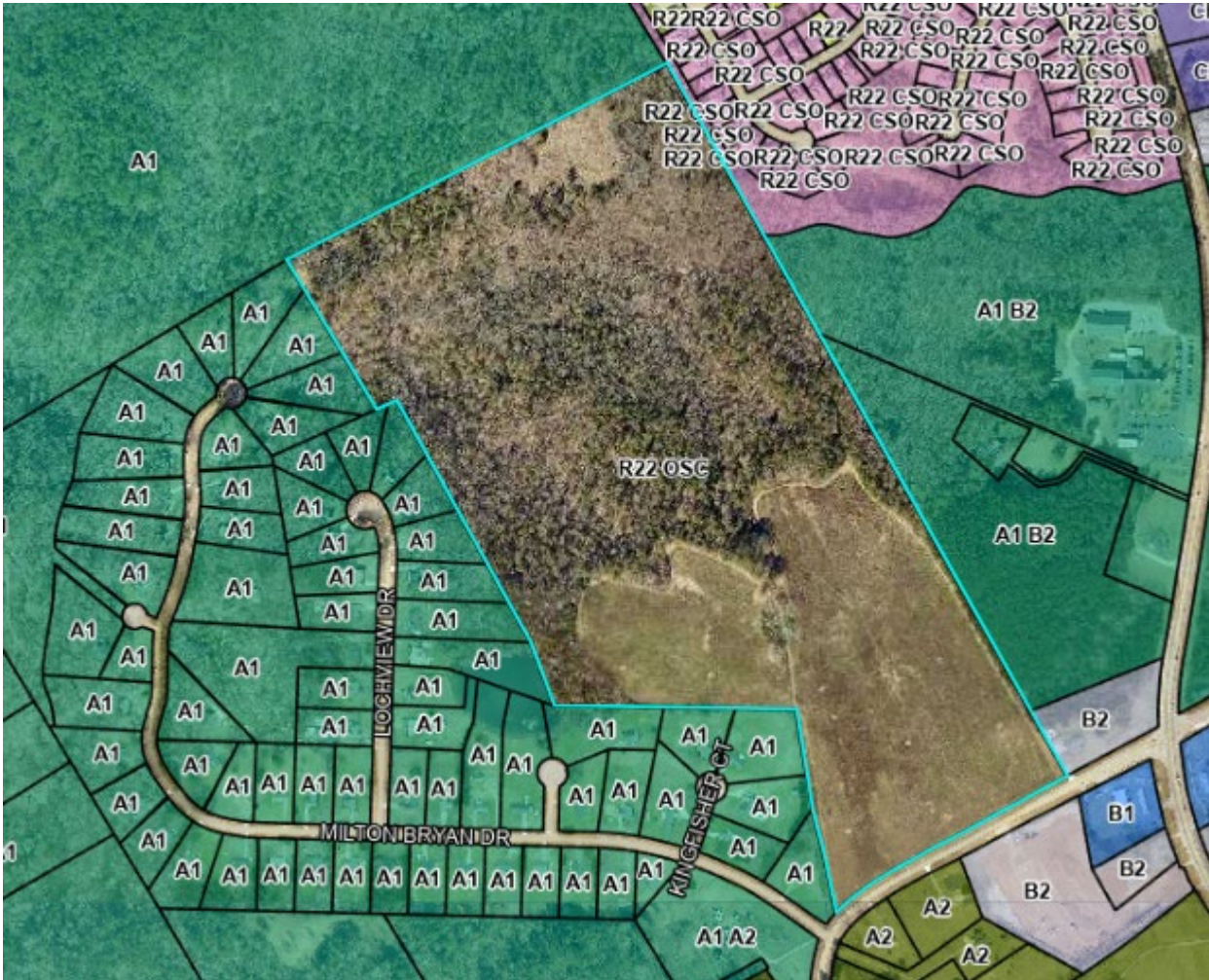
# ZONING MAP



**FUTURE LAND USE MAP**



## AREA ZONING



### Applicant's Request

The applicant is seeking a variance from the design standards established in the Open Space Subdivision Overlay District that require at least 75 percent of each side of each house in the subdivision is clad in brick or stone. Specifically, the applicant is seeking relief from putting any brick or stone on the backside of the houses and only doing 3 feet of brick or stone along the water tables on each of the sides of the houses

### Existing Conditions

The property was annexed into the City on May 5, 2018, by DR Horton but later changed hands and was sold to AMH. The project has most of its infrastructure in place and appears ready to build.



**Impact Analysis/Recommendation**

**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 applicant is pleading hardship as a result of the level or rock that was found on site that allegedly is resulting in the loss of 18 lots.

**What other conditions are unique to the property and adversely affect its reasonable use or usability as currently zoned?** The applicant was required to bore a sewer line 1.5 miles to tie into the City’s main line at the intersection of Highway 81 and Highway 78, again with rock being an issue and resulting in increased costs. The applicant is also seeking relief from the design standards because of the increased cost of brick and stone.

**How does the application of the requirements of the applicable ordinance to the property in question create an unnecessary hardship?** It would appear that the applicant is seeking relief from the design standards to offset the cost increases relevant to the amount of rock they have incurred, a condition that could possibly be viewed as peculiar to the property that adversely affects its reasonable use or usability as it is currently zoned.

**Would the requested relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the applicable ordinance?** Not necessarily, though it should be noted that the City Council changed these standards on Nov. 19, 2019, with the goal of requiring a better quality home being built under this zoning. The applicant has argued that two communities, Eleanora and Chase Landing, were approved with the new overlay requirements and neither meets the brick or stone requirements. While it is true that Chase Landing was zoned at the same time as this property, the Planning Department received an email on Jan. 30, 2019, asking to withdraw the plans that were on file. New plans were not submitted until after the City changed the design standards for Open Space Subdivision to its current standards. As a result, when new plans were submitted, they were subject to the new standards. While the request would not likely be detrimental to the public good, it would impair the purpose and intent of the design standards.

**Recommended action:** It is laudable that the applicant is willing to create a subdivision with three-car garages to help address potential issues with parking on the street. It is also noteworthy that the applicant is seeking to turn the lots that are difficult to build upon and add the 7.2 acres as open space with walking trails. The applicant has tied a lot of his argument to the fact that they have had cost overruns due to rock, the increased cost of brick and stone, and the loss of 18 lots which were deemed unbuildable. But economic hardship is not one of the criteria for which a major variance can be granted. It would be a stretch to state that rock is a condition peculiar to the property, as rock is easily found throughout the City limits. Relief, if granted, would impair the intent of the changes that were made to require a better home being built under the Open Space Subdivision criteria. The staff recommendation is for denial of this variance. It should be noted



that, should the Commission or Council see fit to approve this variance, staff ask for consideration be given to placing a condition tied to the variance that use of vinyl siding not be permitted.

**Planning Commission Recommended Conditions**

The Planning Commission voted 5-1 to approve the variance request with the following conditions:

- Siding on homes shall be of a fiber-cement material. Vinyl siding shall be prohibited.
- Side elevations of homes shall include a minimum three-foot tall masonry water table.
- All homes shall be constructed with three-car garages.
- Covenants for the community shall include a provision prohibiting on-street parking.
- The HOA/management company shall be responsible for all landscaping of residential lots and common area.
- The area of the subject property depicted as Lots 81-82 and Lots 111-126 shall be provided as open space/common area with walking trails.
- The minimum heated floor area of homes shall be 2,000 square feet. At least 50% of homes shall have a heated floor area of 2,400 square feet or larger.

**City Council Conditions**



# Proffered Conditions

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1. Siding on homes shall be of a fiber-cement material. Vinyl siding shall be prohibited.
2. Side elevations of homes shall include a minimum three-foot tall masonry water table.
3. All homes shall be constructed with three-car garages.
4. Covenants for the community shall include a provision prohibiting on-street parking.
5. The HOA/management company shall be responsible for all landscaping of residential lots and common area.
6. The area of the subject property depicted as Lots 81-82 and Lots 111-126 shall be provided as open space/common area with walking trails.
7. The minimum heated floor area of homes shall be 2,000 square feet. At least 50% of homes shall have a heated floor area of 2,400 square feet or larger.