City of Lilburn  
Planning Commission Meeting Agenda  
April 23, 2020  

Lilburn City Hall, 340 Main St., Lilburn, GA 30047  
Work Session at 7:00 p.m.  
Public Meeting at 7:30 p.m.

1. Public Teleconference Instructions  
   Participants may join the meeting by telephone with the following number:
   - 770-638-2238  
   - Access code: 0119579

   The recommendation of this board will proceed to City Council for consideration May 11, 2020 for final zoning action. Please check city website for meeting updates and minutes.

2. Roll Call

3. Call To Order

4. Approval Of Agenda

5. Approval Of Minutes

   5.i. February 27, 2020 Draft Meeting Minutes

   Documents:
   
   02-27-2020-DRAFT PC MINUTES.PDF

6. Old Business

   6.i. SUP-2020-01  
   Continued discussion and vote on a recommendation for the application of Tiffney Rayford Jackson for a Special Use Permit for a personal care home on property zoned R1 (Residential) comprising 0.3 acres located at 735 Jacksons Mill Way, being in District 6, Land Lot 159, Parcel 161.

   Documents:
   
   SUP-2020-02 APP SUPPLEMENTAL INFO.PDF  
   SUP-2020-02 APPLICATION.PDF

7. New Business
8. Adjournment

As set forth in the Americans with Disabilities Act of 1990, the City of Lilburn does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. Joellen Wilson, 340 Main Street, Lilburn, GA 30047 has been designated to coordinate compliance with the non-discrimination requirements contained in section 13.107 of the Department of Justice regulations, information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

The City of Lilburn will assist citizens with special needs given proper notice (seven working days). Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program or activity of the City of Lilburn should be directed to 340 Main Street, Lilburn, GA 30047, telephone number 770-921-2210.
2/27/2020 - Minutes

1. Roll Call
   Present: Hugh Wilkerson, Michelle West, Aaron Passman, Emil Powella, Joe Gennusa
   Absent: None
   Quorum Present: Yes
   Staff Members Present: Joellen Wilson- Director of Planning. Kristen Rodriguez- Planning Assistant

2. Call To Order
   7:35 PM by Hugh Wilkerson

3. Approval Of Agenda
   Motion by Joe Gennusa. Second by Emil Powella. All for.

4. Approval Of Minutes
   4.I. Planning Commission Meeting Minutes From January 23, 2020
   4.II. Motion by Emil Powella. Second by Joe Gennusa. All for.

5. Old Business
   5.I. None

6. New Business
   6.I SUP-2020-02. Application of Tiffney Rayford Jackson for a Special Use Permit for a personal care home on property zoned R1 (Residential) comprising 0.3 acres located at 735 Jacksons Mill Way, being in District 6, Land Lot 159, Parcel 161.

   Staff presented the application and summarized analysis. Staff recommended Approval of the SUP with Conditions as follows;

   1. There shall be no modifications or additions to the house to accommodate additional guests without rezoning.
   2. The SUP shall apply only to the current owner who is also the manager. The SUP shall be void if management is proposed by a party other than the owner or if the property is sold or otherwise transferred or leased.

   Applicant presented summary of plans for ownership and management of the property and the business.
Discussion followed regarding allowances and management of a small group home within an established subdivision. Planning Commission members asked various questions as to who would be caring for patients in 24 hr. period, how 3 bedrooms accommodate 4 residents and 1 on-site manager, how often the owner would be there, and whether this would be her full time job? Applicant responded that even though she would not be living in the home, she and future trained employees will be there in overlapping shifts to care for residents, there will be one resident per bedroom (3) until the business grows but there is room for two in the master bedroom, and the on-site manager could rest on a pull-out sofa. Owner will be there almost every day to start, then 4 days a week until more employees are trained, and she intends for this to be her full time job eventually.

Commission members voiced concern over the home being used as a business, and applicant responded that it will continue to operate as a home to the patients, and that she will continue to manage it and maintain the residential character of the house and grounds.

Public comments

Hugh Wilkerson opened the floor to public comments. There were none.

Additional discussion followed regarding treatment of a previous Personal Care Home case and the potential precedent of approving a small group home in R-1 that is not owner-occupied. Director responded to questions posed by several members as to how City might enforce the expiration of the SUP and how City would be made aware of any sale or leasing agreements, but there was no consensus as to language for additional conditions. Applicant added that she would be on site more often than when she was renting the house. She is agreeable to conditions of zoning that might require her to report ownership status annually or prohibit her from transferring or selling the property with the business.

Michelle West motioned to table the case until the next scheduled PC meeting March 26, 2019 in order to research the previous Personal Care Home zoning case files and allow staff to respond to the intent of conditions to require the applicant to reside in the house. Second by Joe Gennusa. Emil Powella for. Aaron Passman voted against. Motion carries.

7. Adjournment

Motion to adjourn by Michelle West. Seconded by Joe Gennusa. All for. Meeting adjourned at 8:19 PM.

Approved this _____ day of __________________, 20__. 

Hugh Wilkerson, Planning Commission Chair
Answers to Follow up questions for: 735 Jacksons Mill Way NW Lilburn GA 30047

In your notice of intent you stated you wanted to be able to house 5 people and have 1 manager. Please see, highlighted below, what the restrictions are regarding amount of people permitted. If you are willing to change that number, you could just alter and resubmit your notice of intent.

Answer: I have edited my Notice of Intent and attached a copy.

We need a breakdown of the square footage inside your home. You can submit a floor plan of your home with measurements for each room for this detail.

Answer: The following are measurements of the home. I have also provided a copy of a rendering that was done of the family and dining room, bathroom, laundry and hallway when I got my roof replaced.

<table>
<thead>
<tr>
<th>Room</th>
<th>Measurement</th>
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<tbody>
<tr>
<td>Bedroom #1</td>
<td>13'4&quot; x 12'8&quot;</td>
</tr>
<tr>
<td>Bathroom #1</td>
<td>7'6&quot; x 5'</td>
</tr>
<tr>
<td>Bedroom #2</td>
<td>11'5&quot; x 11'5&quot;</td>
</tr>
<tr>
<td>Bedroom #3</td>
<td>11.5&quot; x 10'2&quot;</td>
</tr>
<tr>
<td>Bathroom #2</td>
<td>7'6&quot; x 5'</td>
</tr>
<tr>
<td>Family Room</td>
<td>16'8&quot; x 17'</td>
</tr>
<tr>
<td>Dining Room</td>
<td>12'4&quot; x 10'</td>
</tr>
<tr>
<td>Kitchen</td>
<td>7'5&quot; x 16'7&quot;</td>
</tr>
<tr>
<td>Hallway</td>
<td>13'7&quot; x 3'</td>
</tr>
<tr>
<td>Laundry Room</td>
<td>7'8&quot; x 3'</td>
</tr>
</tbody>
</table>

You also stated that, “Nearby homes have same or similar special use permits.” Please see 715-9 highlighted requirements. We need to have those homes named with a measurement of your home to theirs. A map with those homes labeled and measurement lines from your home to theirs will be fine for this detail.

Answer: From my research, I located the following personal care homes in Lilburn: Attached is a map indicating the distance for 735 Jacksons Mill Way to the two locations.

Elaine's Personal Care Home #1 (3.1 Miles)
186 Locking Drive SW
Lilburn GA 30047

Elaine’s Personal Care Home #2 (5.4 Miles)
526 River Bend Drive SW
Lilburn GA 30047

Will you be continuing to live in this home as manager & will there be anyone else in your family residing in this home as well?

Answer: I will not live in the home. No one else in my family will reside at the home. However, I will be the manager/caretaker of the home along with hiring other qualified assistants/caretakers to ensure that we provide 24 hour/ seven day per week care for All residence of the home.
LETTER OF INTENT FOR SPECIAL USE PERMIT

February 12, 2020

Dear City of Lilburn,

I am the applicant, Mrs. Tiffney D. Rayford Jackson. I am also the current home owner of 735 Jacksons Mill Way NW Lilburn, GA 30047. I desire to establish my home as a family Personal Care Home. I desire to serve adults who need personal care such as feeding, bathing, grooming etc. My Personal Care home will serve up to four (4) adults, have one (1) site manager/care giver, operate 7 days per week and 24 hours per day.

I purchased my home in 2001. Since then I have had the pleasure of providing some care for my Father who passed away in 2016. I also nourished my mother back to health in that very home. I see the need in our community for a Personal Care Home that will be operated with the highest level of Integrity, Compassion, Care, Safety and Love.

I respectfully request the Application for Special Use Permit be granted for 735 Jacksons Mill Way Lilburn, GA 30047

Sincerely,

Tiffney Jackson
735 Jacksons Mill Way NW
Liburn, GA 30047

Follow Jacksons Mill Way NW and Hillcrest Rd NW to Indian Trail Liburn Rd NW

1. Head south on Jacksons Mill Way NW
2. Turn right onto Jacksons Mill Dr NW
3. Turn left onto Hillcrest Rd NW

Take Killian Hill Rd NW to E River Bend Dr SW

4. Turn left onto Indian Trail Liburn Rd NW
   Pass by Waffle House (on the left in 0.6 mi)
5. Continue onto Killian Hill Rd NW
6. Turn left onto Five Forks Trickum Rd SW
7. Continue straight to stay on Five Forks Trickum Rd SW

Drive to E River Bend Dr SW

8. Turn left onto E River Bend Dr SW

9. Turn left to stay on E River Bend Dr SW

Destination will be on the right

626 E River Bend Dr SW
Liburn, GA 30047

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
735 Jacksons Mill Way NW
Liburn, GA 30047

Follow Jacksons Mill Way NW and Hillcrest Rd NW to Indian Trail Liburn Rd NW

1. Head south on Jacksons Mill Way NW
   
2. Turn right onto Jacksons Mill Dr NW
   407 ft
   
3. Turn left onto Hillcrest Rd NW
   0.2 mi

Continue on Indian Trail Liburn Rd NW to Poplar St

4. Turn left onto Indian Trail Liburn Rd NW
   Pass by Waffle House (on the left in 0.6 mi)
   0.6 mi

5. Continue onto Killian Hill Rd NW
   0.4 mi
6. Turn right onto Poplar St 2 min (0.5 mi)

Continue on Main St NW to Joy

7. Turn left onto Main St NW 1 min (0.4 mi)

8. Continue onto Camp Creek Rd SW 0.2 mi

Continue on Joy, Drive to Lockring Dr SW

9. Turn right onto Joy 2 min (0.7 mi)

10. Turn left onto Lockring Dr SW 0.5 mi

Destination will be on the left 0.2 mi

186 Lockring Dr SW
Lilburn, GA 30047

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
# Special Use Permit Application

**CASE NUMBER:** SUP-2020-02  
**Date Received:** 1/23/2020

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
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<tr>
<td>Tiffany Rayford Jackson</td>
<td>Tiffany Rayford Jackson</td>
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<tr>
<th>Address:</th>
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<tr>
<td>135 Jacksons Mill Way NW</td>
<td>124 Hennepin Terrace</td>
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<thead>
<tr>
<th>City, State &amp; Zip:</th>
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<tr>
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<td>McDonough, GA 30253</td>
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<th>Contact Person:</th>
<th>Owner Contact:</th>
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<tr>
<td>Tiffany Jackson</td>
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<tr>
<th>Business Phone:</th>
<th>Business Phone:</th>
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<tr>
<td>678-548-0616</td>
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<td><a href="mailto:stoneandglam@gmail.com">stoneandglam@gmail.com</a></td>
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<th>Cell Phone:</th>
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<td>678-548-0616</td>
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</table>

**APPLICANT IS THE:**  
- [ ] Owner's Agent  
- [x] Property Owner  
- [ ] Contract Purchaser

**ADDRESS OF PROPERTY:**  
135 Jacksons Mill Way NW, Lilburn, GA 30047

**LAND DISTRICT:**  
6  
**LAND LOT(S):** 159  
**PARCEL(S):** 20-159-161  
**ACRE(S):** 0.300

**CURRENT ZONING:** R-1  
**PROPOSED ZONING DISTRICT(S):** R-1 with SUP

**SPECIAL USE PERMIT REQUESTED:**  
- Personal Care Home

Has Applicant filed or intend to file, any other variance, rezoning or waiver applications?  
- [ ] YES  
- [x] NO

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Please attach all REQUIRED documents. Refer to Rezoning, SUP and CIC Instructions for fees, deadlines and hearing schedule.

- STANDARDS GOVERNING EXERCISE OF THE ZONING POWER (attached)
- CONFLICT OF INTEREST CERTIFICATION/DISCLOSURE OF CAMPAIGN CONTRIBUTIONS (attached)
- APPLICANT/PROPERTY OWNER NOTARIZED CERTIFICATIONS (attached)
- TYPED LEGAL DESCRIPTION OF PROPERTY
- TYPED LETTER OF INTENT – explain what is proposed
- SITE PLAN/ BOUNDARY SURVEY – 1 full size (to scale) copy and 5 reductions (8.5" x 11") or electronic file
- LIST OF ADJOINING PROPERTY OWNERS – names and mailing addresses

City of Lilburn Planning and Economic Development Department (770) 638-2198 • Fax (770) 921-8854  
340 Main St. • Lilburn, Georgia 30047 • www.CityofLilburn.com
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to Section 1702 of the 1985 Zoning Resolution, the Mayor and Council of the City of Lilburn find that the following standards are relevant in balancing interest in promoting the public health, safety, unrestricted use of property and shall govern the exercise of the zoning power.

(A) Whether a proposed rezoning (or Special Use Permit) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, this will be a Home Based Personal Care Home Providing care for adults that need assistance. Nearby homes have same or similar special use permits.

(B) Whether a proposed rezoning (or Special Use Permit) will adversely affect the existing use or usability of adjacent or nearby property:

No, this permit will not adversely affect existing use or usability of adjacent or nearby property.

(C) Whether the property to be affected by a proposed rezoning (or Special Use Permit) has a reasonable economic use as currently zoned:

No, this property does not have any reasonable economic use as currently zoned.

(D) Whether the proposed rezoning (or Special Use Permit) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No, the approval of this special use permit will not cause an excessive or burdensome use of streets, utilities, schools or any other systems.

(E) Whether the proposed rezoning (or Special Use Permit) is in conformity with the policy and intent of the Land Use Plan:

Yes, the special use permit is in conformity with the policy and intent of the land use plan.

(F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning (or Special Use Permit):

No. Please see the letter of Intent.
CHAPTER 67A
CONFLICT OF INTEREST IN ZONING ACTIONS

SECTION 36-37A-1: DEFINITIONS

SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS

SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

SECTION 36-37A-4: PENALTIES

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of ethics and conflicts of interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, p. 1496, Sec. 1, both enacted as Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

SECTION 36-37A-1: DEFINITIONS

As used in this chapter, the term:

1. "Applicant" means any individual or business entity applying for rezoning action.
2. "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
3. "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
4. "Local government" means any County or municipality of this State.
5. "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
6. "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
7. "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
8. "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
9. "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another. (Code 1981, Sec. 36-67A-1, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS

A local government official who:

1. Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote;
2. Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or
3. Has a member of the family having any interest described in paragraph (1) or (2) of this Code Section shall immediately disclose the nature and extent of such interest, in writing of the governing authority of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Section 36-67A-2, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

(A) When any applicant for rezoning action has made within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating $250.00 or more or made gifts having in the aggregate a value of $250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:

1. The name of the local government official to whom the campaign contribution or gift was made; and
2. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
3. An enumeration and description of each gift having a value of $250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.

(B) The disclosure required by subsection (1) of this Code section shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1.)
SECTION 36-37A-4: PENALTIES

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Section 36-67A-4, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Signature of Applicant/Applicant's Attorney or Representative

[Tiffiny D. Jackson]

Type or Print Name

Date

[1/10/2020]

Owner/Applicant

Title

[1/10/2020]

Notary Public

Leticia Suarez

NOTARY PUBLIC

Gwinnett County, GEORGIA

My Commission Expires 03/28/2023

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions or gifts of an aggregate value that is $250.00 or more to the Mayor and Council Members or a member of the Lilburn Planning Commission? YES NO. If the answer is YES, please complete the following section:

<table>
<thead>
<tr>
<th>NAME OF OFFICIAL</th>
<th>CONTRIBUTION/GIFT</th>
<th>DESCRIPTION</th>
<th>DATE</th>
</tr>
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<tbody>
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Attach additional sheets if necessary to disclose or describe all contributions and gifts.
APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that no application or reapplication affecting the same property shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

Signature of Applicant: Tiffney D. Jackson
Date: 1/16/2020
Title: Owner/Applicant
Date: 1/16/2020

Notary Public

Leticia Suarez
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 03/28/2023

PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied by the Mayor and Council, no application or reapplication affecting the same land shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

Signature of Owner: Tiffney D. Jackson
Date: 1/16/2020
Title: Owner/Applicant
Date: 1/16/2020

Notary Public

Leticia Suarez
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 03/28/2023

ADMINISTRATIVE USE ONLY

CASE NUMBER: SUP 2020-02
DATE COMPLETE: 1/23/2020
RECEIVED BY: KK
APPLICATION FEE: $500
PAID BY/RECEIPT #: 03001147
HEARING DATES: PC 2/27/2020 3/9/2020

RECEIVED
JAN 23 2020
LETTER OF INTENT FOR SPECIAL USE PERMIT

January 15, 2020

Dear City of Lilburn,

I am the applicant, Mrs. Tiffney D. Rayford Jackson. I am also the current home owner of 735 Jacksons Mill Way NW Lilburn, GA 30047. I desire to establish my home as a family Personal Care Home. I desire to serve adults who need personal care such as feeding, bathing, grooming etc. My Personal Care home will serve up to five (5) adults, have one (1) site manager/care giver, operate 7 days per week and 24 hours per day.

I purchased my home in 2001. Since then I have had the pleasure of providing some care for my Father who passed away in 2016. I also nourished my mother back to health in that very home. I see the need in our community for a Personal Care Home that will be operated with the highest level of Integrity, Compassion, Care, Safety and Love.

I respectfully request the Application for Special Use Permit be granted for 735 Jacksons Mill Way Lilburn, GA 30047

Sincerely,

Tiffney Jackson

RECEIVED
JAN 23 2020
Adjoining Property Owners

Mary C Fisher  
725 Jacksons Mill Way NW  
Lilburn, GA 30047

Artemio and Ricardo Aguilar  
745 Jacksons Mill Way NW  
Lilburn, GA 30047

Zerouali Adil  
763 Silvercreek Ct NW  
Lilburn, GA 30047