



MEMO

TO: The Board of Appeals

DATE: November 8, 2016

FROM: Jason Thompson, Director
Department of Planning and Development

SUBJECT: #BOA 16-07 – APPLICATION WITHDRAW

On 10-18-2016, the City received an email request from Scott Friedman, representative of the applicant, Scenic Highway Realty, LLC for variance case #BOA 16-07 to withdraw their variance application for the property at 2019 Scenic Hwy., Snellville, Georgia.

The request by the applicant to withdraw their application is based on the Planning Director's decision that they may proceed with the exemption plat process without the need for variance approval by the Board of Appeals as per Section 3.4.5, Nonresidential Project Management of Article 3, Application of the Regulations of the City of Snellville Development Regulations. This decision was made after consulting with attorney Chuck Ross, Webb, Tanner & Powell, P.C.

ACTION REQUESTED:

Consideration and vote to accept request to withdraw application without prejudice.

ATTACHMENTS:

- Sec. 3.4.5 of Article 3 of the Development Regulations
- 10-18-2016 Email Request to Withdraw Application

3.4.5 Nonresidential Project Management

The creation of a lot for recording within an overall nonresidential development, provided:

- a. The overall nonresidential development is being undertaken as a single multi-phase or multi-use project under the unified control of a single developer, is zoned for such use or development, and an overall Concept Plan for the entire project has been approved by the Director of Planning and Development or his/her designee.
- b. The proposed subdivision is clearly intended to transfer title for financing or building management purposes and not for the sale of the property for future development, to the satisfaction of the Director.
- c. The proposed lot has been approved by the Department to be provided permanent vehicular access by private drive. Said access shall be established by easement or acceptable covenant prior to or concurrently with recording of the Exemption Plat.
- d. The proposed lot must encompass a principal structure which has been granted a building permit and which is under construction or has been completed.
- e. The Exemption Plat shall be drawn to include the entirety of the overall development and shall clearly identify those lots to be recorded, those lots previously recorded and the remainder of the development, which shall be labeled "not included." All easements, dedications, etc., shall be shown as appropriate or as required. Each lot shall be consistent with the zoning approved for the overall development and the applicable requirements of the Zoning Ordinance.

Dennis, John

From: Scott Friedman <sfriedman@morganpg.com>
Sent: Tuesday, October 18, 2016 3:04 PM
To: Thompson, Jason
Cc: Dennis, John; Chuck Ross (cross@wtp.legal)
Subject: RE: Dogwood Station - variance request

Jason,

Please accept this email as our request to withdraw our submitted application to the Board of Appeals.

Thank you.

Regards,

Scott Friedman
Morgan Property Group
Mid-Atlantic Commercial Properties
954.637.2023

From: Thompson, Jason [mailto:jthompson@snellville.org]
Sent: Tuesday, October 18, 2016 3:02 PM
To: Scott Friedman <sfriedman@morganpg.com>
Cc: Dennis, John <jdennis@snellville.org>; Chuck Ross (cross@wtp.legal) <cross@wtp.legal>
Subject: RE: Dogwood Station - variance request

Good News,

You can complete the exemption plat process without going through the Board of Appeals. You will need to withdraw your application officially and we can process the exemption plat.

Thanks,

Jason Thompson

Director
Department of Planning & Development
CITY OF SNELLVILLE



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