



# BOARD OF APPEALS APPLICATION

RECEIVED

SEP 28 2016

APPLICATION FOR VARIANCE, APPEAL, OR WAIVER

CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT

City of Snellville  
Planning & Development Department  
2342 Oak Road, 2<sup>nd</sup> Floor  
Snellville, GA 30078  
Phone 770.985.3513 Fax 770.985.3551 [www.snellville.org](http://www.snellville.org)

DATE RECEIVED: 9-16-16  
**2646 ABILENE TR**  
#1600450 BOA VARIANCE/APPEAL BOA 16-08  
PARCEL-5038 085 CESAR GONZALEZ

**Applicant** is: (check one)  
 Owner's Agent  
 Contract Purchaser  
 Property Owner

**Owner** (if not the applicant):  Check here if there are additional property owners and attach additional sheets.

Cesar Gonzalez  
Name (please print)  
2646 Abilene Trail  
Address  
Snellville Ga 30078  
City, State, Zip Code  
678-480-8478  
Phone Number(s) Fax

\_\_\_\_\_  
Name (please print)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Phone Number(s) Fax

Contact Person: Cesar Gonzalez Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Cell Phone: 678-480-8478 E-mail: pgoa29@hotmail.com

**Application for:** (check one)  
 Appeal  Variance from Zoning Ordinance  Variance from Municipal Code  Waiver of Development Regulations

Section(s) of Zoning Ordinance VARIANCE request is for: Carport and Front Columns/sec 9.3 RS-180 setbacks  
Section(s) of Municipal Code VARIANCE request is for: Front Yard + Side Yard  
Section(s) of Development Regulations WAIVER request is for: \_\_\_\_\_  
Property Address/Location: 2646 Abilene Trail District 5 Land Lot 395 Parcel(s) 085  
State the purpose of this request: building permit required to be allowed to encroach into Front + side yard for porch + Carport

**At a minimum, the following items are required with submittal of this application. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

- Pre-submittal appointment recommended a minimum of five (5) business days prior to Application deadline to ensure application is complete, accurate, and includes all required attachments/exhibits and required signatures;
- Payment of the appropriate application, public notice sign, and adjoining property owner notification fees. Make checks payable to City of Snellville;
- Letter of Intent explaining the reason (and demonstrated hardships) for the request for the variance, appeal, or waiver;
- The names, addresses, and original signatures of the owners of the subject parcel(s) and their agents, if any;
- Analysis of impact (if variance application) or details of grievance (if appeal) or details of waiver request (if waiver) as per Section 14.5;
- A current legal description of the subject parcel(s). If the property proposed for a variance, appeal, or waiver includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
- Warranty Deed or Certificate of Title (for all parcels subject to this application) to provide proof of property ownership;
- VARIANCE or WAIVER applications only: Nine (9) copies and one (1) original of the proposed Site and Concept Plan and one (1) 11" x 17" (or smaller) reduction of the plan, drawn to scale, showing: (a) north arrow; (b) district, land lot(s) and parcel number(s); (c) the dimensions with bearing and distance; (d) acreage; (e) location of the tract(s), (f) the present zoning and land use classification of all adjacent parcels, (g) the proposed location of structures, driveways, parking and loading areas; (h) the location and extent of required buffer areas; and (i) location of floodplains. Site and Concept Plan shall be prepared by an architect, engineer, landscape architect, or land surveyor whose Georgia state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to the date of submittal. All documents must be folded to 8-1/2" x 11";
- Exhibits and accompany documentation to support application and request for variance, appeal, or waiver;
- Nine (9) stapled or bound copies of: (a) completed application; (b) Letter of Intent; and (c), Exhibits and all supporting documents. In addition, one (1) unbound application (original) bearing original signatures and all other required documents; and
- A CD-ROM containing a digital file of: (a) site plan in .pdf and .dwg file formats, (b) legal description(s) in .pdf file format, and (c) completed and signed Variance, Appeal, and Waiver application (and all supporting documents) in .pdf file format.

If request is for an APPEAL, please discuss your grievance in detail. You may attach additional sheets and provide additional documentation as appropriate:

I would like to request appeal due to adding structural addition to the front entrance of the home and a carport to the right side of the home. without city permit.

I was unaware that I had to request a permit from the city to approve the home addition.

A VARIANCE from the terms of the Snellville Zoning Ordinance or Development Regulations shall not be granted by the Board of Appeals unless and until the applicant has **demonstrated** the following. You may attach additional sheets and provide additional documentation as appropriate:

1) **Demonstrate** that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.

I am attaching pictures of the construction that was legally done. Pictures show the front and right side of the home.

2) **Demonstrate** that literal interpretation of the provisions of the Zoning Ordinance or Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance or Development Regulations.

We do not feel that the construction will affect the enjoyment of the neighbors or reduce the market value of the subdivision. We feel that doing the construction will benefit and increase property value in the neighborhood.

3) **Demonstrate** that the special conditions and circumstances do not result from the actions of the applicant.

I was not aware that I needed permission to add the carport and the columns on front entrance. I am very sorry for not having and taking the time to investigate before doing construction.

4) **Demonstrate** that granting the variance (or waiver) requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance or Development Regulations to other lands, structures, or buildings in the same zoning district.

I will certainly not confer in any way. We wanted to do it specially for my daughter because when it is ice or rain will benefit my daughter because she has a walking condition and cannot walk fast.

**Please Note:** Non-conforming uses of adjacent properties cannot be considered as grounds to justify a variance. Peculiar conditions or circumstances which are the result of actions of the owner of property covered by this application cannot be considered as grounds justifying a variance. A "use variance", i.e. a variance for the purpose of using land or a structure, or combination thereof for a purpose prohibited by the present zoning classification of the property covered by this application will not be granted.



SECTION 9.3 RS-180, SINGLE-FAMILY RESIDENCE DISTRICT.

PURPOSE: This district is intended to provide stable residential districts of high-quality homes along the major streets and state highways entering the city carrying higher volumes of traffic; to protect the residential characteristics of the district and to encourage a suitable residential environment on lots which are of moderate width but greater depth than other single-family residence districts.

- (1) PRINCIPAL PERMITTED USES:
  1. The principal permitted uses common to all residential districts; and
  2. Single-family residences served by public sewage treatment systems or an on-site sewage management (septic) system approved by the Gwinnett County Department of Environmental Health.
- (2) PERMITTED ACCESSORY USES: The permitted accessory uses common to all residential districts.
- (3) CONDITIONAL USES: The conditional uses common to all residential districts.
- (4) SPACE LIMITS:
  1. Minimum Lot Area: 30,000 square feet;
  2. Minimum Lot Width: 100 feet at building line;
  3. Maximum Height of Building: 35 feet;
  4. Minimum Front Yard: 50 feet from right-of-way line;
  5. Minimum Rear Yard: 40 feet;
  6. Minimum Side Yard: 10 feet;
  7. Minimum Side Yard on Street Side of Corner: 35 feet; and,
  8. Maximum Ground Coverage Including Accessory Buildings: 35 percent.
- (5) PERMITTED TEMPORARY USES: The permitted temporary uses common to all residential districts.
- (6) SPECIAL USES: Collective Residences, as defined under Section 6.2 and subject to the requirements of Section 7.6 of the Zoning Code of the City of Snellville, Georgia.



# ACCOUNT DETAIL



[View/Pay Your Taxes / Account Detail](#)

## Tax Account

**Mailing Address:**

GONZALEZ CESAR & PETRO  
2646 ABILENE TRL  
SNELLVILLE , GA 30078-3414

[Change Mailing Address](#)

**SITUS:**

2646 ABILENE TRL

**Tax District:**

SNELLVILLE

**Parcel ID**

R5038 085

**Property Type**

Real Property

**Last Update**

10/13/2016 4:21:43 PM

**Legal Description**

L11 BV ABINGTON PARK #6

## Tax Bills

Note: Four years of tax information is available online. Email [tax@gwinnettcounty.com](mailto:tax@gwinnettcounty.com) to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
<a href="#">2016</a>	\$2,827.20	\$2,827.20	\$0.00	\$0.00	10/15/2016	\$0.00
<a href="#">2015</a>	\$2,332.92	\$2,332.92	\$0.00	\$0.00	10/15/2015	\$0.00
<a href="#">2014</a>	\$2,348.10	\$2,348.10	\$0.00	\$0.00	10/1/2014	\$0.00

BK 31418 PG 0120  
FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA  
02 AUG 14 PM 2:00  
TOM LAWLER, CLERK

BK 28389 PG 0220  
BK 27333 PG 0270  
FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.  
'02 MAY -9 AM 8:00  
TOM LAWLER, CLERK

SUAREZ & SERRANO, P.A.  
2200 Century Parkway, Ste. 200  
Atlanta, GA 30345

\$ None

TOM LAWLER CLERK OF  
SUPERIOR COURT

CORRECTIVE QUIT CLAIM DEED  
IS BEING RE-RECORDED TO CORRECT  
GRANTEE'S NAME.

Return Recorded Document to:  
Suarez & Serrano, P.C.

Atlanta, Georgia 30345

**QUITCLAIM DEED**

STATE OF GEORGIA

COUNTY OF DEKALB

FILE #: 02-0402

THIS INDENTURE, Made the 25th day of April, 2002, between CESAR GONZALEZ, of the County of DEKALB, and the State of GEORGIA, as party or parties of the first part, hereinafter called Grantor, and CESAR GONZALEZ AND PETRA GONZALEZ, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP of the county of GWINNETT, and the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that : Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 38, OF THE 5TH DISTRICT, GWINNETT COUNTY, GEORGIA, BEING LOT 11, BLOCK V, ABINGTON PARK SUBDIVISION, UNIT SIX, AS RECORDED IN PLAT BOOK U, PAGE 280, OF GWINNETT COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION.

BEING IMPROVED PROPERTY KNOWN AS 2646 ABILENE TRAIL, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN GWINNETT COUNTY, GEORGIA. .ENDIF *snellville 3008*

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

+ Cesar Gonzalez (Seal)  
CESAR GONZALEZ

*[Signature]*  
(Unofficial witness)  
  
*[Signature]*  
(Notary Public)

(Seal)  
\_\_\_\_\_  
TOM LAWLER, CLERK  
(Seal)  
\_\_\_\_\_  
2003 MAR 11 PM 2:00  
FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

084559

145431

048793

BX 27333 PG0259

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

'02 MAY -9 AM 8:00

TOM LAWLER, CLERK

SUAREZ & SERRANO, P.C.  
2200 Century Parkway, Ste. 200  
Atlanta, GA 30345

GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX

\$ 170.10

TOM LAWLER CLERK OF  
SUPERIOR COURT

Return Recorded Document to:  
Suarez & Serrano, P.C.

Atlanta, Georgia 30345

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF DEKALB

File #: 02-0402

This Indenture made this 25th day of April, 2002 between BARBRA M. BOWLES, of the County of GWINNETT, State of Georgia, as party or parties of the first part, hereinunder called Grantor, and CESAR GONZALEZ, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 38, OF THE 5TH DISTRICT, GWINNETT COUNTY, GEORGIA, BEING LOT 11, BLOCK V, ABINGTON PARK SUBDIVISION, UNIT SIX, AS RECORDED IN PLAT BOOK U, PAGE 280, OF GWINNETT COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION.

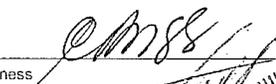
BEING IMPROVED PROPERTY KNOWN AS 2646 ABILENE TRAIL, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN GWINNETT COUNTY, GEORGIA.

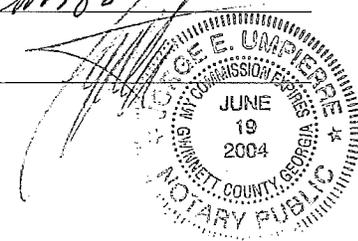
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

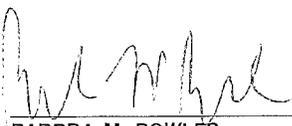
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

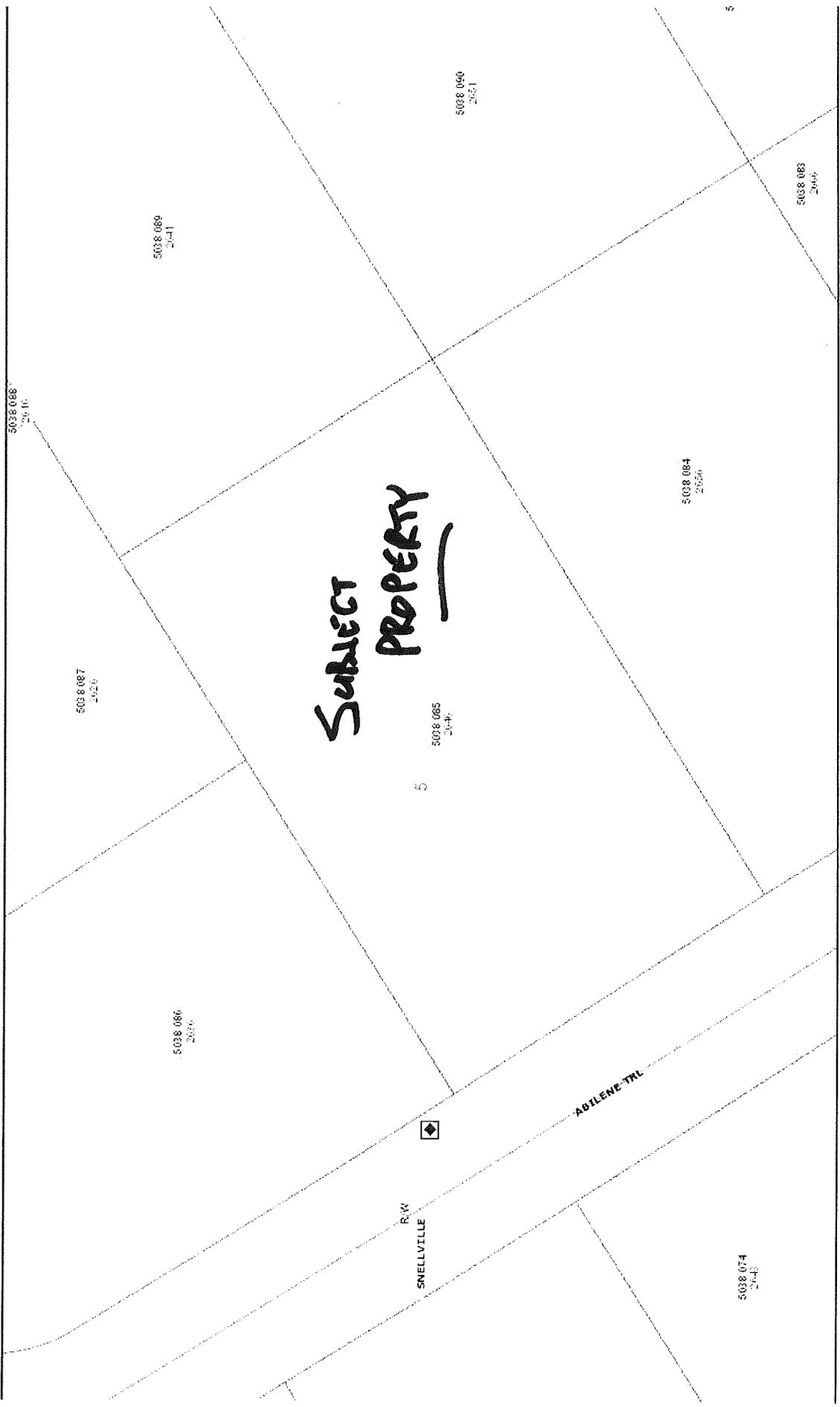
Witness 

Notary Public 

 (Seal)  
BARBRA M. BOWLES

(Seal)

084557



**SUBJECT  
PROPERTY**

5038 088  
25-11

5038 089  
25-11

5038 090  
25-11

5038 083  
25-15

5038 087  
25-20

5038 085  
25-14

5038 084  
25-09

5038 086  
25-09

R/W  
SNELLVILLE

ABILENE-TTL

5038 074  
25-15

0' side yard  
Setback. To  
encroach 10'.

NEW  
CARPORT

22'6"

3'8"

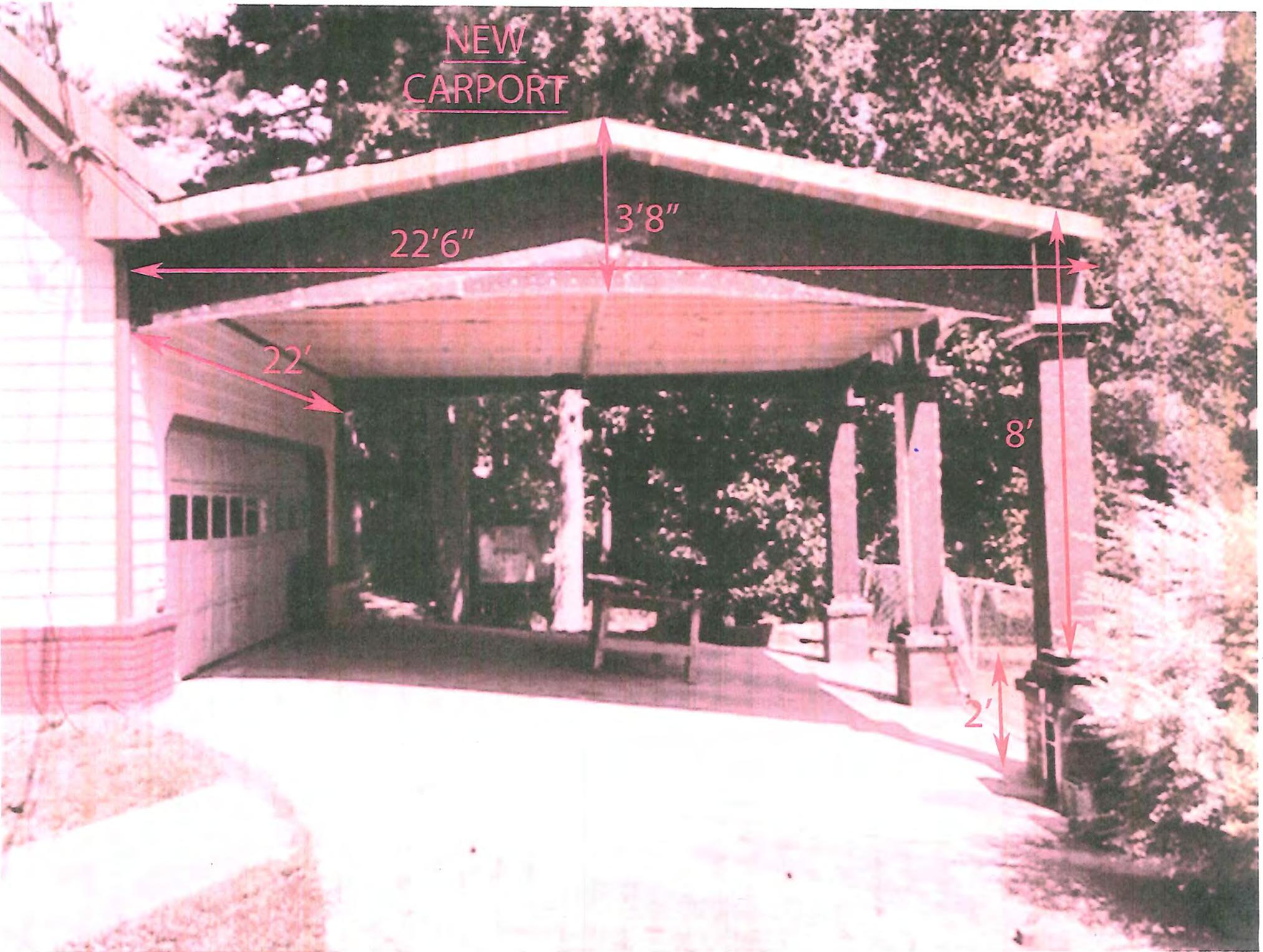
22'

8'

2'



NEW  
CARPORT



22'6"

3'8"

22'

8'

2'

NEW FRONT  
AWNING

34' Setback  
from front  
yard. To  
encroach  
16'

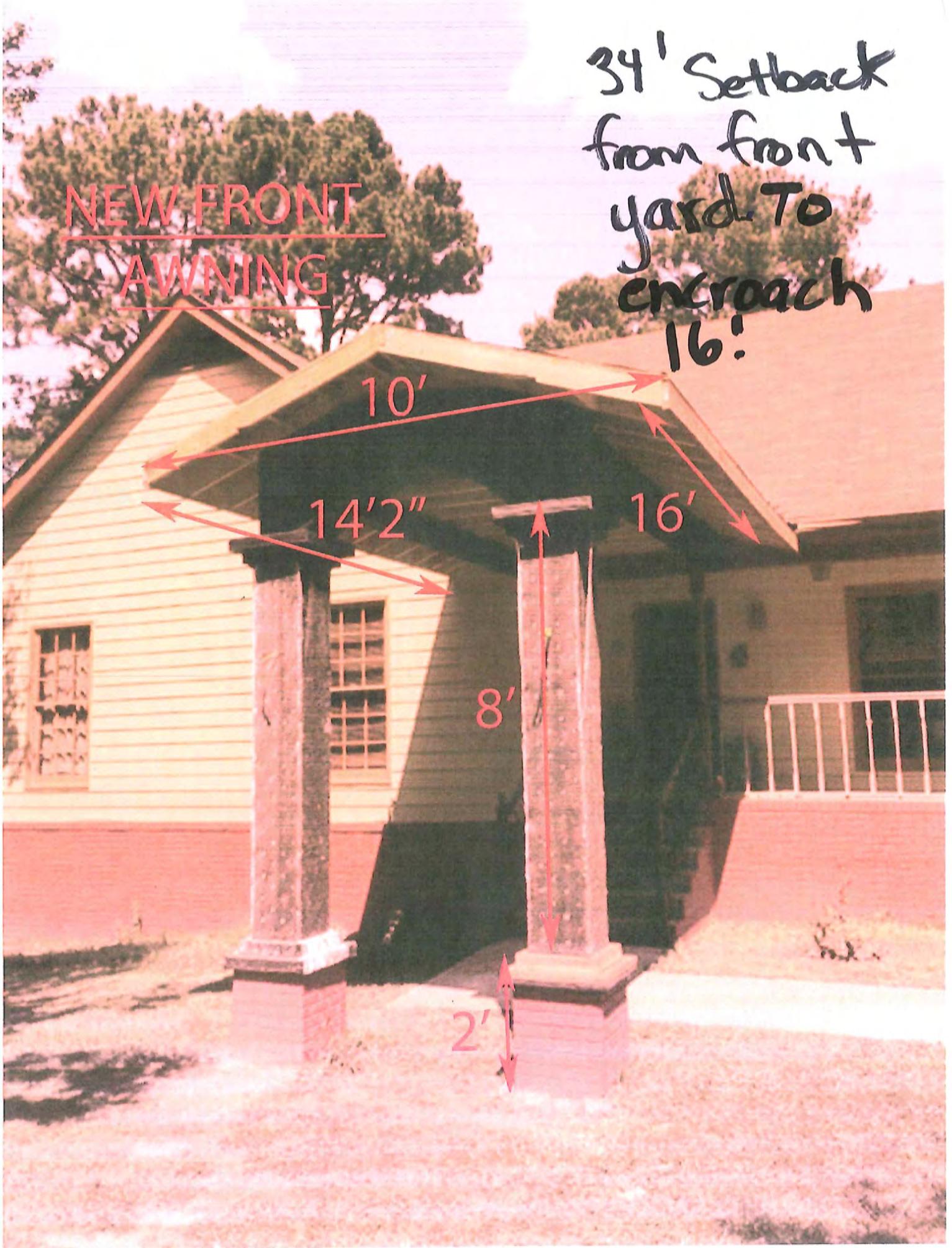
10'

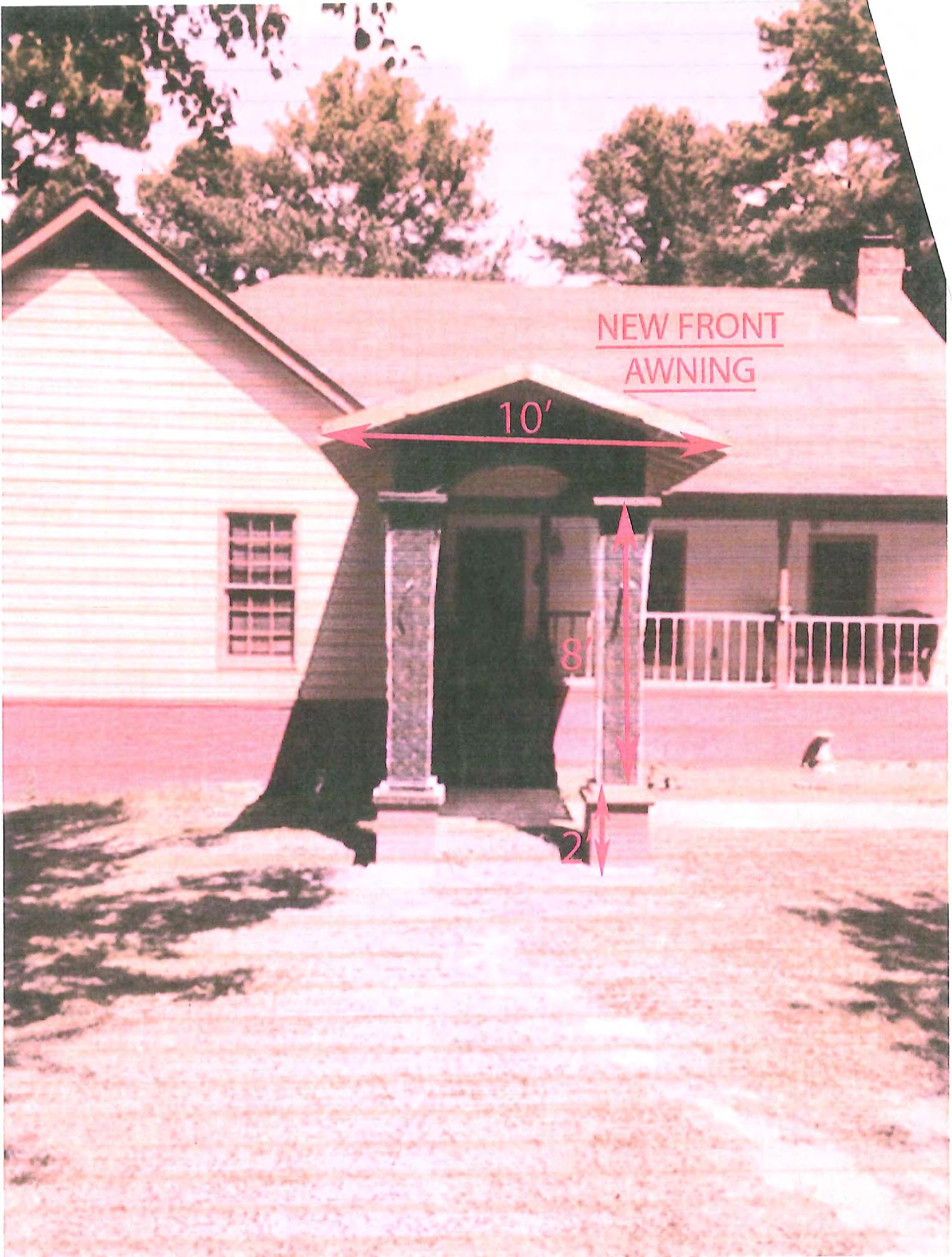
14'2"

16'

8'

2'



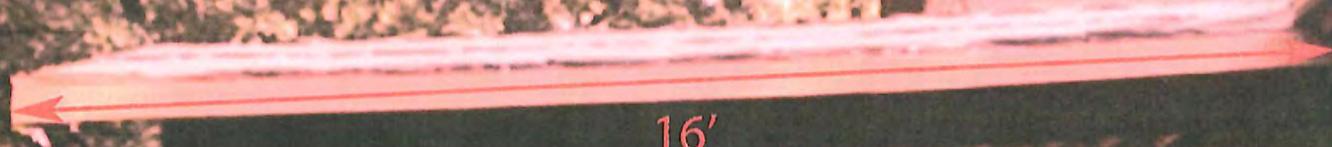


NEW FRONT  
AWNING

10'

8'

2'



16'

NEW FRONT  
AWNING



8'



2'

