



BOARD OF APPEALS APPLICATION

APPLICATION FOR VARIANCE, APPEAL, OR WAIVER



City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3514 Fax 770.985.3551 www.snellville.org

DATE RECEIVED:
2508 MAIN ST E
#1600554 BOA VARIANCE/APPEAL BOA 17-01
PARCEL-5026-057-058 TIKO TREASURE, LLC.

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.

Tiko Treasure LLC
Name (please print)
1550 N Brown Rd, Ste 125
Address
Lawrenceville, GA 30043
City, State, Zip Code
770.232.0000 678.518.6880
Phone Number(s) Fax

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

Contact Person: Shane Lanham Phone: 770.232.0000 Fax: 678.518.6880
Cell Phone: 770.232.0000 E-mail: slanham@mptlawfirm.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: Section 9.15 Corridor Overlay District; Article XI - Parking & Loading Req.
Section(s) of Municipal Code VARIANCE request is for: Art. II - Buffer and Screening Regs. & Art. III - Landscape Ord. of Ch. 19
Section(s) of Development Regulations WAIVER request is for: _____
Property Address/Location: 2508 E. Main Street District 5 Land Lot 026 Parcel(s) 057 and 058
State the purpose of this request: To obtain variances from the Zoning Ordinance and Code of Ordinances to allow the commercial occupation of the subject property as is.

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

- Pre-submittal appointment shall be requested and completed 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 and public notice sign fees. Make checks payable to *City of Snellville*;
- Letter of Intent explaining the reason 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;
- Verification from county Tax Assessor that all property taxes have been paid and account is current (for all parcels subject to this application). Applicant to obtain confirmation of taxes paid using original Verification Sheet (attached);
- A Certificate of Title (for all parcels subject to this application);
- Map indicating the subject parcel(s) and the adjoining parcel(s), identified by property owner(s) name and tax parcel number;
- 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";
- Nine (9) stapled or bound copies of: (a) completed application; (b) Letter of Intent; and (c), Any and all supporting documents. In addition, one (1) unbound application (original) bearing original signatures and all other required documents.
- 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:

Please see attached.

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. Please see attached.

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. Please see attached.

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

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. Please see attached.

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.

ANALYSIS OF IMPACT

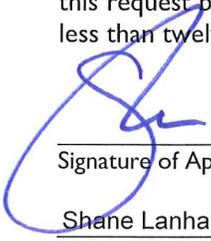
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district. The structure on the Property was originally built circa 1948, prior to the current Zoning Ordinance and City Code. Strict adherence to the requirements of the Zoning Ordinance and City Code would require the removal of most, if not all, of the existing specimen trees on site.
2. A literal interpretation of the provisions of the City Code and Zoning Ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance and/or City Code. The removal of specimen trees would require penalties/additional payments by the Applicant into the City's tree bank.
3. The special conditions and circumstances do not result from the actions of the applicant. The specimen trees are very old judging from their average size and were most likely planted or saved by the building's original occupant.
4. Granting of the variances requested will not confer on the Applicant any special privilege that is denied by the Zoning Ordinance or City Code to other lands, structures, or buildings in the same district. The subject Property was originally developed years before the current Zoning Ordinance and City Code has been in relatively continuous commercial use for several years. Allowing the Applicant to continue a relatively low-intensity commercial use would not confer special privilege.

BOARD OF APPEALS CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

APPLICANT'S CERTIFICATION

The undersigned below, or as attached, is authorized to make this application. The undersigned is aware that, should this request be denied by Board of Appeals, no application affecting any portion of the same property shall be submitted less than twelve months from the date of denial.

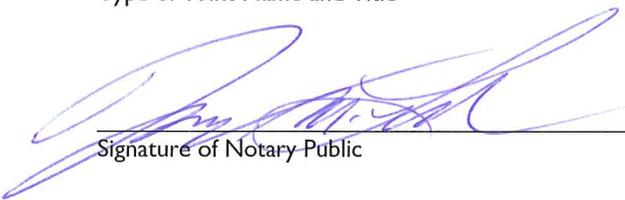


Signature of Applicant 11/24/16
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title





Signature of Notary Public 11/21/16
Date

OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, in granting any variance or waiver, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and/or Development Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Ordinance and punishable under Section 16.3 of the Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the waiver is granted, shall be deemed a violation of the Development Regulations and punishable under Section 13.5.2 of the Development Regulations. If an application for a variance or waiver is denied by the Board of Appeals, a reapplication for such for such variance or waiver may not be made earlier than twelve (12) months from the date of the original application.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

Signature of Owner Date

Type or Print Name and Title

Notary Seal

Signature of Notary Public Date

BOARD OF APPEALS CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

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The undersigned below, or as attached, is authorized to make this application. The undersigned is aware that, should this request be denied by Board of Appeals, no application affecting any portion of the same property shall be submitted less than twelve months from the date of denial.

Beth Daniel Dec 4 2016
Signature of Applicant Date

BETH DANIEL
Type or Print Name and Title

[Signature] Dec 4 2016
Signature of Notary Public Date



OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, in granting any variance or waiver, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and/or Development Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Ordinance and punishable under Section 16.3 of the Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the waiver is granted, shall be deemed a violation of the Development Regulations and punishable under Section 13.5.2 of the Development Regulations. If an application for a variance or waiver is denied by the Board of Appeals, a reapplication for such for such variance or waiver may not be made earlier than twelve (12) months from the date of the original application.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

TIKO TREASURE LLC
by Beth Daniel DEC 4 2016
Signature of Owner Date

BETH DANIEL, MGR
Type or Print Name and Title

[Signature] Dec 4 2016
Signature of Notary Public Date



LEGAL DESCRIPTION

TRACT NO. 1

ALL THAT TRACT or parcel of land lying and being in Land Lot 26 of the 5th Land District, Gwinnett County, Georgia, in the City of Snellville, being shown as Tract No. 1 containing 0.5891 acres, on a Plat of Survey for Future Features, Inc. by Hannon, Meeks & Bagwell, Surveyors & Engineers, Inc., dated November 16, 2000, and more particularly described according to said plat as follows:

TO LOCATE THE POINT OF BEGINNING, begin at the point of intersection of the East right of way line of Pate Street (right of way varies) with the South right of way line of U. S. Hwy. No. 78, a/k/a Ga. Hwy. No. 10 (right of way varies); run thence easterly along the south right of way line of U. S. Hwy. No. 78 and following the arc of a curve to the right, having a radius of 603.83 feet and a chord of South 76 degrees 24 minutes 05 seconds East 46.62 feet, a distance of 46.63 feet to a point, WHICH IS THE TRUE PLACE OR POINT OF BEGINNING; from said beginning point as thus established, run thence east along the south right of way line of U.S. Hwy. No. 78 and following the arc of a curve to the right having a radius of 603.83 feet and a chord of South 70 degrees 42 minutes 20 seconds East 73.37 feet, a distance of 73.42 feet to a point, continue thence along said right of way South 67 degrees 13 minutes 20 seconds East 56.42 feet to a point marked by a 1/2" r-bar set; thence leaving said right of way, run South 20 degrees 28 minutes 02 seconds West 211.29 feet to a point marked by a flat iron found, run thence North 70 degrees 59 minutes 54 seconds West 61.74 feet to a point marked by a 1/4" r-bar set on the northeast right of way line of Pate Street, run thence along said right of way line North 29 degrees 14 minutes 00 seconds West 18.06 feet to a point; run thence northwesterly along said right of way line, and following the arc of a curve to the right, having a radius of 391.31 feet, and a chord of North 23 degrees 40 minutes 35 seconds West 75.79 feet, a distance of 75.90 feet to a point; continue thence northwest along said right of way 2.36 feet to a point marked by a 1/4" r-bar set, run thence North 20 degrees 28 minutes 02 seconds East 145.73 feet to a point on the South right of way line of U.S. Hwy. No. 78, a/k/a Ga. Hwy. No. 10, WHICH IS THE TRUE PLACE OR POINT OF BEGINNING

TRACT 2 Legal Description

All that tract or parcel of land lying and being in Land Lot 26 of the 5th Land District, Gwinnett County, Georgia, in the City of Snellville, being shown as Tract No. 2 containing 0.1006 acres on Plat of Survey for Future Features, Inc. by Hannon, Meeks & Bagwell, Surveyors & Engineers, Inc. dated November 16, 2000, and being more particularly described as follows:

BEGINNING at the point of intersection of the East right of way line of Pate Street (right of way varies) with the South right of way line of U. S. Hwy. No. 78, a/k/a GA. Hwy. No. 10 (right of way varies); run thence easterly along the South right of way line of U. S. Hwy. No. 78 and following the arc of a curve to the right having a radius of 603.83 feet and a chord of South 76 degrees 24 minutes 05 seconds East 46.62 feet, a distance of 46.63 feet to a point, run thence South 20 degrees 28 minutes 02 seconds West 145.73 feet to a point marked by a 1/2" r-bar set on the northeast right of way line of Pate Street, run thence northerly along the east right of way line of Pate Street, and following the arc of a curve to the right, having a radius of 188.42 feet and a chord of North 03 degrees 38 minutes 04 seconds West 89.69 feet, a distance of 90.56 feet to a point; continue thence along said right of way line North 11 degrees 03 minutes 12 seconds East 59.08 feet to the point of intersection of the East right of way line of Pate Street with the South right of way line of U. S. Hwy. No. 78, a/k/a GA. Hwy. No. 10, WHICH IS THE TRUE PLACE OR POINT OF BEGINNING.



CITY OF SNELLVILLE
 Department of Planning & Development
 2342 Oak Road, 2nd Floor
 Snellville, GA 30078
 Phone 770.985.3514 Fax 770.985.3551

APPLICANT - PLEASE HAND DELIVER THIS VERIFICATION SHEET TO THE GWINNETT COUNTY TAX ASSESSORS OFFICE (SEE ADDRESS AND PHONE NUMBER BELOW) TO OBTAIN WRITTEN CONFIRMATION THAT REAL PROPERTY TAXES HAVE BEEN PAID-IN-FULL AND PROPERTY TAX ACCOUNT IS CURRENT. ATTACH COMPLETED ORIGINAL TO APPLICATION.

APPLICANT
NAME: Tiko Treasure LLC

CHECK HERE, IF THERE ARE MORE THAN FOUR (4) SUBJECT PARCELS AND ATTACH ADDITIONAL SHEETS.

PROPERTY OWNER NAME(S): Tiko Treasure LLC TAX PARCEL NO.: 5026 057

AMOUNT OF CURRENT TAXES PAID: \$ 1932.57 PAYMENT DATE: 10/15/16 ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): Tiko Treasure LLC TAX PARCEL NO.: 5026 058

AMOUNT OF CURRENT TAXES PAID: \$ 123.58 PAYMENT DATE: 10/15/16 ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

*** INFORMATION VERIFIED BY GWINNETT COUNTY TAX ASSESSOR'S OFFICE ***

COUNTY TAX DEPARTMENT REPRESENTATIVE (PRINT NAME): <u>Deidre Pitts</u>	DATE: <u>11/22/16</u>
COUNTY TAX DEPARTMENT REPRESENTATIVE (SIGNATURE): <u>[Signature]</u>	

**ONLY ORIGINAL VERIFICATION SHEET
 CAN BE USED TO CONFIRM PROPERTY TAX ACCOUNT STATUS**

BK 51898 PG0047

FILED AND RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2012 DEC 28 AM 11:19

RICHARD ALEXANDER, CLERK

PT-61 # 67-2012-038811
GWINNETT CO GEORGIA
REAL ESTATE TRANSFER TAX
\$ - 0 -
RICHARD T. ALEXANDER, JR. CLERK OF
SUPERIOR COURT

PRIVATE CLIENT
LAW GROUP

Prepared by and after recording return to
Lauren Akers
75 14th Street, Suite 2710
Atlanta, Georgia 30309

STATE OF GEORGIA
COUNTY OF FULTON

314130-36

QUITCLAIM DEED

THIS INDENTURE is made as of the 5th day of November, 2012, by and between FUTURE FEATURES, INC , a Georgia corporation (hereinafter referred to, collectively, as "Grantor"), and TIKO TREASURE, LLC, a Georgia limited liability company (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives, and assigns where the context requires or permits).

WITNESSETH

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10 00) cash in hand paid at and before the sealing and delivery of these presents (the receipt, adequacy, and sufficiency of which are hereby acknowledged), has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey, remise, release, and forever quitclaim unto Grantee all the right, title, interest, claim, or demand, which the Grantor has or may have had, in and to the following described property.

See Exhibit A attached hereto.

Together with all rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining (hereinafter referred to as the "Property"), subject to all easements, rights of way, encumbrances, liens, plats, leases, agreements, covenants, restrictions and all other matters of record, if any, all matters that would be disclosed by an accurate, currently dated survey of the Property, zoning ordinances and restrictions, and ad valorem real property taxes for the year 2012, and subsequent years not yet due and payable (the "Permitted Encumbrances")

TO HAVE AND TO HOLD said interest in the Property, 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 Grantee forever in FEE SIMPLE, subject to the Permitted Encumbrances

0135708

14

BK 51898 PG 0048

IN WITNESS WHEREOF, Grantor has signed and sealed this Quitclaim Deed as of the day and year written above.

Signed, sealed and delivered in the presence of.

GRANTOR

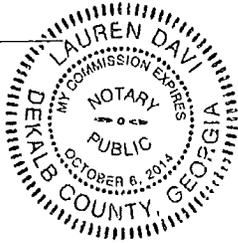
FUTURE FEATURES, INC., a Georgia corporation


Unofficial Witness

By: 
ELIZABETH DANIEL PRICE, President


Notary Public

[NOTARIAL SEAL]



BK 51898 PG 0049

EXHIBIT A

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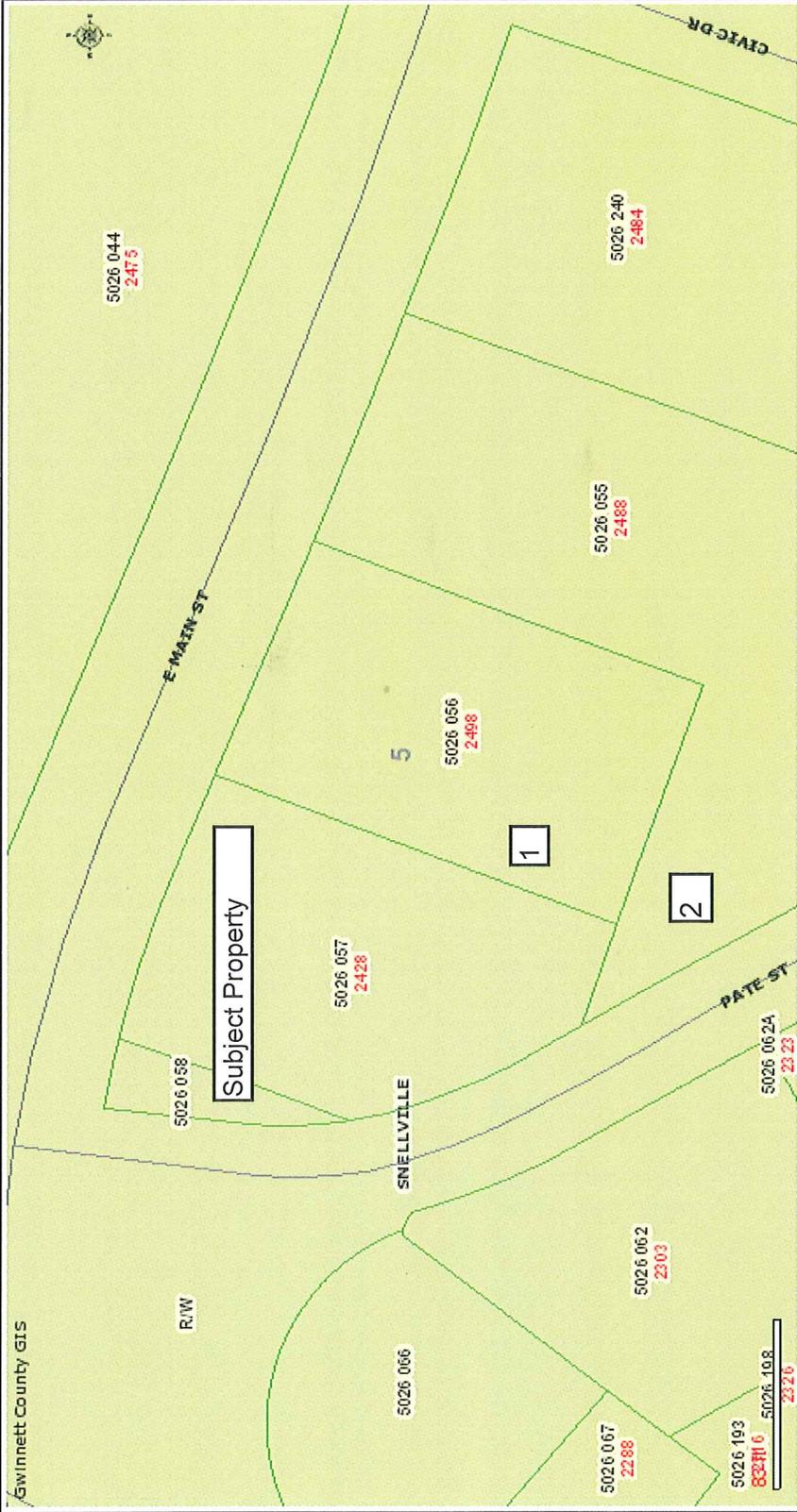
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Contact
 Name: Gwinnett County ITS - GIS
 Telephone: 770-822-8036
 Website: www.gwinnettcountry.com
 Email: gisoffice@gwinnettcountry.com
 Address: 75 Langley Drive, Lawrenceville, GA 30046

Adjoining Parcel Map
Gwinnett County GIS Map



Map Printed On December 02, 2016

Copyright Gwinnett County GIS

Disclaimer See Terms

Powered by **ROLTA OnPoint™**

Adjacent Property Owners:

#	Name	Parcel	Address
1	Simpson, Brenda L	5026 056	PO Box 407, Snellville, GA 30078
2	Brand Banking Co.	5026 055	PO Box 1110, Lawrenceville, GA 30046