



# BOARD OF APPEALS APPLICATION

APPLICATION FOR VARIANCE, APPEAL, OR WAIVER

15-00321  
RECEIVED

SEP 07 2015

CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT

City of Snellville  
Planning & Development Department  
2342 Oak Road, 2<sup>nd</sup> Floor  
Snellville, GA 30078  
Phone 770.985.3514 Fax 770.985.3551 [www.snellville.org](http://www.snellville.org)

DATE RECEIVED:  
**2410 WISTERIA DR**  
#1500321 BOA VARIANCE/APPEAL #15-11  
PARCEL- 5039 210  
WISTERIA HOLDINGS LLC (CHAD SMITH)

**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.

CAS Architecture, P.C.  
Name (please print)  
1485 Natchez Way  
Address  
Grayson, GA 30017  
City, State, Zip Code  
678-646-7736  
Phone Number(s) Fax

Wisteria Holdings LLC  
Name (please print)  
1550 N Brown Rd Ste 130  
Address  
Lawrenceville, GA 30043-8154  
City, State, Zip Code  
678-777-6665 (Mary Sharifali)  
Phone Number(s) Fax

Contact Person: Chad A Smith Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Cell Phone: 678-646-7736 E-mail: csmith@casarc.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: Downtown Overlay  
Section(s) of Municipal Code VARIANCE request is for: Architectural Standards  
Section(s) of Development Regulations WAIVER request is for: \_\_\_\_\_  
Property Address/Location: 2410 Wisteria Drive District 5 Land Lot 39 Parcel(s) 5039210  
State the purpose of this request: \_\_\_\_\_

### 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:

REFER TO ATTACHED SHEET

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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.

REFER TO ATTACHED SHEET

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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.

REFER TO ATTACHED SHEET

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

REFER TO ATTACHED SHEET

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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.

REFER TO ATTACHED SHEET

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**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.**

# Board of Appeals Application

## Attachment A Responses

- 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.**

*Response: The subject property was built before the corridor overlay district was in effect and as a result is currently non conforming.*

*The Owner does not intend to modify the existing site layout at this time. The intent is to "fix up" the exterior of the facility and "clean up" the site. My client will submit the appropriate construction drawings to the City for interior improvements.*

### **The owner is seeking relief from the following requirements:**

Many of the requests stem from fact that the property was constructed in 1986 before the adoption of many of these ordinances and has remained vacant since early 2012 with closure of the last tenant, JAG Fitness.

1. Zoning Ordinance and Buffer, Landscape and Tree Ordinance:
  - a. All associated landscape and architectural design standards as related to the current Development Regulations, Zoning Ordinances including the Town Center Overlay District requirements.
2. Zoning Ordinance Section 11.3, On-Site Parking: To be allowed to use a shared parking agreement to address any overflow parking.
  - a. The event venue user would be parked as a "Public Assembly without fixed seating", as dictated in the Zoning Ordinance, which requires 1 space per 200 SF of building space being used for public space. That calculation would result in  $(22,000 / 200) = 110$  required parking spaces. Currently the existing site has 68 spaces resulting in a deficiency of 42 parking spaces based on the entire space being used for gathering purposes. Typically though the kitchen area and other internal areas not proposed for public use will not count towards the total required parking. Those types of spaces and those square footages have not been determined at this time.

September 30, 2015

3. Zoning Ordinance Section 12.10, Non-conforming Signs:
  - a. The applicant intends to remove the existing building wall signage and install a new wall sign above the main entrance. The applicant will seek a sign permit for a new exterior wall sign on the front of the building. In doing so, the applicant asks for relief from having to remove the non-conforming pylon sign prior to installing new signage.
4. Development Regulations Section 6.5.6(2)(a), Non-Residential Lighting Standards:
  - a. The applicant is seeking relief to be allowed to utilize the existing building exterior wall pack light fixtures and other type fixtures which are not cut-off and down directional.
5. All other requirements not know at time of this application that affect the property in order for the Church to occupy the existing structure "as-is".

**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**

*Response: We believe the intent of the Corridor Overlay District is to promote quality architecture. With an existing building, it is difficult if not impossible to adhere to the Corridor Overlay District by "the letter of the law." One example being all buildings should be pulled up to the main road. Obviously, we cannot move the building. The applicant wishes to improve the property and building to reflect a professional business appearance.*

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

*Response: The property and building are existing for which the applicant had no involvement.*

**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.**

*Response: We do not believe any special privilege will be conferred upon the applicant.*

**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.

Chad A Smith                      9/8/15  
Signature of Applicant                      Date

CHAD A SMITH  
Type or Print Name and Title

Notary Seal

[Signature]                      9/9/2016  
Signature of Notary Public                      Date

Notary Public  
Gwinnett County Georgia  
My Commission Expires  
September 19, 2016

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.

Mansoor                      09/08/15  
Signature of Owner                      Date

Mansoor Sharifali - Owner  
Type or Print Name and Title

Notary Seal

[Signature]                      09/08/2015  
Signature of Notary Public                      Date



Welcome Property/Motor Vehicle View Pay Your Taxes

Account Detail

Search Results Help Print this Page

Tax Account	Parcel ID	Property Type	Last Update
	R5039 210	Real Property	11/5/2014 11:22:01 AM
	Mailing Address: CT MANAGEMENT INC 155 S ROCK ISLAND DR EASTONTON, GA 31024-5208		
	Change Mailing Address		
	Situs: 2410 WISTERIA DR Tax District: SNEELVILLE		
	Legal Description: OFF WISTERIA DR		

Tax Bills	Tax Year	Bill Type	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due	
	2014	Original	\$24,034.91	\$0.00	\$0.00	\$481.90	10/12/2014	\$24,516.81	
	2013	Original	\$24,236.64	\$0.00	\$2,504.66	\$5,401.52	10/3/2013	\$30,202.71	
	2012	Original	\$24,345.42	\$28,502.23	\$0.00	\$0.00	10/15/2012	\$0.00	
	2011	Original	\$24,000.67	\$31,078.59	\$0.00	\$0.00	11/15/2011	\$0.00	
	2010	Original	\$25,056.47	\$30,606.13	\$0.00	\$0.00	9/22/2010	\$0.00	
								<b>Total</b>	<b>\$54,779.52</b>

[Print Tax Bill](#)

[Click to view and print your Aug 2014 tax bill.](#)

\* This bill is good through Oct 1, 2014 only.

Site Search  [Go](#)

[Pay Online](#)  
 Select a payment option:  
 Total Due \$54,779.52  
 Oldest Due \$30,202.71  
 Partial


[Apply Now](#)  
 Homestead Application


[Click here for map](#)



**Subject Parcel**

5039 210  
WISTERIA HOLDINGS LLC  
2410 WISTERIA DR  
SNELLVILLE, 30078

**Owner address (tax records)**

BRIGID M. EBERT  
4064 PATE RIDGE ROAD CT  
LOGANVILLE, 30052

**Additional Owner address**

1567 JANMAR ROAD  
SNELLVILLE, 30078

**Adjoining Parcel**

5038 001  
EXCEL REALTY PARTNERS LP  
2420 WISTERIA DR  
SNELLVILLE, 30078

**Owner address**

EXCEL REALTY PARTNERS LP  
PO BOX 4900  
SCOTTSDALE , AZ 85261-4900

**Adjoining Parcel**

5038 170  
EXCEL REALTY PARTNERS LP  
2400 WISTERIA DR  
SNELLVILLE, 30078

**Owner address**

EXCEL REALTY PARTNERS LP  
PO BOX 4900  
SCOTTSDALE , AZ 85261-4900

**Adjoining Parcel**

5039 210  
CT MANAGEMENT INC  
2410 WISTERIA DR  
SNELLVILLE, 30078

**Owner address**

CT MANAGEMENT INC  
4064 PATE RIDGE CT  
LOGANVILLE , GA 30052

**Adjoining Parcel and Owner Address**

5039 035R  
SNELL PATRICIA HARRIS  
2258 EASTWOOD DR  
SNELLVILLE , GA 30078-2616

**Adjoining Parcel and Owner Address**

5039 200  
LOESER MARC  
2248 EASTWOOD DR  
SNELLVILLE , GA 30078-2616

**Adjoining Parcel and Owner Address**

5039 035D  
FLEU FRANK WINSTON II  
2238 EASTWOOD DR  
SNELLVILLE , GA 30078-2616

**Adjoining Parcel and Owner Address**

5039 035T  
WILL PENNY SUE  
2228 EASTWOOD DR  
SNELLVILLE , GA 30078-2616







