



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: _____

2096 MCGEE RD
BOA VARIANCE/APPEAL 15-14
FMC DIALYSIS CENTER-SNELL

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.

GEORGIA CIVIL, INC.
Name (please print)
P.O. Box 896
Address
MAISON, GA 30650
City, State, Zip Code
706-342-1104 N/A
Phone Number(s) Fax

ROSENBAUM SHARON LLC / ZEEV SHARON
Name (please print)
SUITE A-210, 497 WINN WAY
Address
DECATUR GA 30030
City, State, Zip Code
404-931-3096
Phone Number(s) Fax

Contact Person: TODD PEASTER Phone: 706-342-1104 Fax: N/A
Cell Phone: 706-818-1114 E-mail: todd@georgiacivil.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: SEC. 9.15. CORRIDOR OVERLAY DISTRICT
Section(s) of Municipal Code VARIANCE request is for: _____
Section(s) of Development Regulations WAIVER request is for: _____
Property Address/Location: 2096 MCGEE RD District _____ Land Lot _____ Parcel(s) R5008 295
State the purpose of this request: VARIANCE REQUEST FROM ITEMS CONTAINED IN SECTION 9.15 CORRIDOR OVERLAY DISTRICT

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;

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.

Although the subject property is designated inside the Section 9.15 Corridor Overlay District (COD), it does not seem that the property's location provides the corridor visibility and pedestrian traffic that the COD ordinance was intended for.

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.

Application of the COD regulations would lead to additional infrastructure costs that would not benefit the roadway corridors the ordinance is meant to address. In addition, the existing building and infrastructure to remain, do not meet some of the COD regulations. It would not be feasible for the owner to demolish the existing development and build new to fully comply with the COD ordinance- especially since the planned improvements only expand the existing building use, not change the use.

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

The special conditions and circumstances do not result from the actions of the applicant. The subject property has been used as a medical clinic since its construction in the mid-1990s, seemingly before the current Corridor Overlay District regulations were implemented. In addition, the proposed modifications do not include a change of building use or a sharp departure from the current site aesthetic.

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.

Granting this variance will not confer special privileges on the applicant as this property does not meet the property characteristics the COD was originally intended to regulate.

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 CERTIFICATIONS

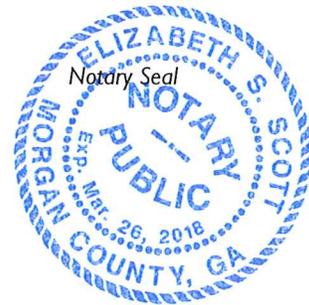
In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

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.

Tood M. Peaster 10/1/15
Signature of Applicant Date

Tood PEASTER, PARTNER GEORGIA CIVIL
Type or Print Name and Title



Elizabeth Scott 10/1/2015
Signature of Notary Public Date

OWNER'S CERTIFICATION

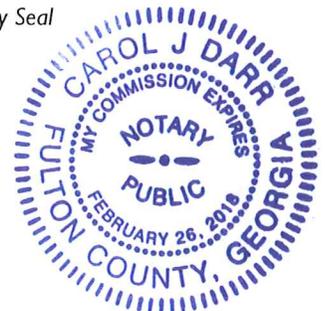
The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, in granting any variance or waiver, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and/or Development Regulations. 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.

Rosenbaum Sharon LLC
[Signature] 10/1/15
Signature of Owner Date

Zeev Sharon, Managing Member
Type or Print Name and Title

Notary Seal



Carol J. Darr 10/1/15
Signature of Notary Public Date

affidavit 12142.81

GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX

BK 12000 PG0241

Cohn, Turpen & Anderson
6065 Roswell Road, Suite 720
Atlanta, Georgia 30328

\$ 50.00
GARY R. YATES CLERK OF
SUPERIOR COURT

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

95 NOV 21 AM 8:00

**LIMITED
WARRANTY DEED**

GARY R. YATES, CLERK

STATE OF GEORGIA
COUNTY OF FULTON

File #: C24810

This Indenture made this 16th day of November, in the year One Thousand Nine Hundred Ninety-Five, between RADIOTHERAPY OF GEORGIA, P.C., of the County of GWINNETT, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and ROSENBAUM SHARON, L.L.C., 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 consideration 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 8 OF THE 5TH DISTRICT, CITY OF SNELLVILLE, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT AN IRON PIN FOUND AT THE INTERSECTION OF THE COMMON LAND LOT LINES OF LAND LOT 7 AND LAND LOT 8 WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF MCGEE ROAD (HAVING AN 80 FOOT RIGHT OF WAY); THENCE RUN NORTH 61 DEGREES 16 MINUTES 47 SECONDS EAST A DISTANCE OF 372.47 FEET TO AN IRON PIN FOUND AND THE TRUE POINT OF BEGINNING; THENCE RUN NORTH 25 DEGREES 46 MINUTES 27 SECONDS WEST A DISTANCE OF 266.70 FEET TO AN IRON PIN FOUND; THENCE RUN NORTH 54 DEGREES 34 MINUTES 53 SECONDS EAST A DISTANCE OF 303.20 FEET TO A POINT, THENCE RUN SOUTH 03 DEGREES 02 MINUTES 17 SECONDS WEST A DISTANCE OF 37.0 FEET TO A POINT; THENCE RUN SOUTH 02 DEGREES 39 MINUTES 04 SECONDS EAST A DISTANCE OF 44.25 FEET TO A POINT; THENCE RUN SOUTH 12 DEGREES 48 MINUTES 41 SECONDS EAST A DISTANCE OF 46.84 FEET TO A POINT; THENCE RUN SOUTH 08 DEGREES 47 MINUTES 06 SECONDS EAST A DISTANCE OF 53.26 FEET TO A POINT; THENCE RUN SOUTH 09 DEGREES 36 MINUTES 57 SECONDS EAST A DISTANCE OF 40.51 FEET TO A POINT; THENCE RUN SOUTH 05 DEGREES 42 MINUTES 56 SECONDS EAST A DISTANCE OF 37.86 FEET TO A POINT; THENCE RUN SOUTH 23 DEGREES 10 MINUTES 17 SECONDS EAST A DISTANCE OF 62.55 FEET TO A POINT; THENCE RUN SOUTH 61 DEGREES 16 MINUTES 47 SECONDS WEST A DISTANCE OF 210.81 FEET TO AN IRON PIN FOUND AND THE TRUE POINT OF BEGINNING, CONTAINING 1.57 ACRES, AS PER SURVEY PREPARED BY MANSUR ENGINEERING, INC., DATED SEPTEMBER 14, 1995, PREPARED FOR RADIOTHERAPY OF GEORGIA, P.C.

This Deed is given subject to all easements and restrictions of record, if any.

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.

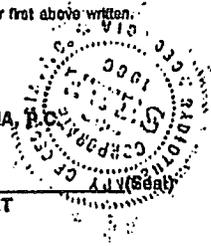
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

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:

Dennis Holcomb By: _____

RADIOTHERAPY OF GEORGIA, P.C.
Frank A. Critz
FRANK A. CRITZ PRESIDENT



William M. McCutcheon By: _____



324803

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NOTICE OF TAXES - GWINNETT COUNTY, GEORGIA

Richard Steele, Tax Commissioner

www.GwinnettTaxCommissioner.com

PARCEL ID	TAX YEAR	OWNER OF RECORD
R5008 295	2015	ROSENBAUM SHARON LLC
DISTRICT		PROPERTY LOCATION & DESCRIPTION
EVERMORE CID SVILL		2096 MCGEE RD REAR MCGEE ROAD

FOR ADDITIONAL INFORMATION THAT MAY HELP ANSWER YOUR QUESTIONS, PLEASE SEE THE REVERSE SIDE OF THIS NOTICE.
 If you have an escrow account, your tax information is available to your mortgage company; however, it is your responsibility to ensure taxes are paid.
 The gradual reduction and elimination of the state property tax is the result of property tax relief passed by the Governor and the General Assembly.

APPRAISAL DETAIL	YOUR EXEMPTION AND CREDIT SAVINGS
LAND VALUE: \$547,100 BUILDING VALUE: \$394,600 TOTAL VALUE: \$941,700 ASSESSED VALUE: \$376,680 ACREAGE: 1.570000	

COUNTY GOVERNMENT TAXES Levied by the Board of Commissioners and representing 26.95% of your total ad valorem tax amount.							
TAXING AUTHORITY	ASSESSED VALUE	-	VOE	-	EXEMPTIONS =	TAXABLE VALUE	X MILL RATE = TAXES LEVIED
COUNTY GENERAL FUND	376,680		0		0	376,680	0.007229 2,723.02
DETENTION CENTER BOND	376,680		0		0	376,680	0.000240 90.40
DEVELOPMENT/CODE ENFORCEMENT	376,680		0		0	376,680	0.000000 0.00
FIRE & EMS	376,680		0		0	376,680	0.003200 1,205.38
POLICE	376,680		0		0	376,680	0.000000 0.00
RECREATION	376,680		0		0	376,680	0.000950 357.85
TOTAL COUNTY TAXES							0.011619 4,376.65

SCHOOL TAXES Levied by the Board of Education and representing 50.70% of your total ad valorem tax amount.							
TAXING AUTHORITY	ASSESSED VALUE	-	VOE	-	EXEMPTIONS =	TAXABLE VALUE	X MILL RATE = TAXES LEVIED
SCHOOL	376,680		0		0	376,680	0.019800 7,458.26
SCHOOL BOND	376,680		0		0	376,680	0.002050 772.19
TOTAL SCHOOL TAXES							0.021850 8,230.45

STATE, CITY & OTHER TAXES Levied by the State, City or other authorities and representing 22.35% of your total ad valorem tax amount.							
TAXING AUTHORITY	ASSESSED VALUE	-	VOE	-	EXEMPTIONS =	TAXABLE VALUE	X MILL RATE = TAXES LEVIED
EVERMORE CID	376,680		0		0	376,680	0.005000 1,883.40
SNELLVILLE	376,680		0		0	376,680	0.004588 1,728.21
STATE	376,680		0		0	376,680	0.000050 18.83
TOTAL OTHER TAXES							3,630.44

TOTAL MILLAGE RATE: 0.0431070 TOTAL AD VALOREM TAXES: 16,237.54

NON-AD VALOREM ASSESSMENTS			COMBINED TAXES AND ASSESSMENTS	
LEVYING AUTHORITY	RATE	AMOUNT	CHARGE	AMOUNT
SNELLVILLE STORMWATER	FLAT RATE	255.94	AD VALOREM TAXES:	16,237.54
			ASSESSMENTS:	255.94
			TOTAL AMOUNT DUE	16,493.48
TOTAL NON-AD VALOREM ASSESSMENTS:			GRAND TOTAL DUE THIS BILLING:	
		255.94		16,493.48

RETURN THIS PORTION WITH YOUR PAYMENT

8-17-15

TAX YEAR	PARCEL ID	DUE DATE	TOTAL DUE	AMOUNT PAID
2015	R5008 295	10-15-2015	\$16,493.48	

Address Change:


 R5008 295 243089
 ROSENBAUM SHARON LLC
 497 WINN WAY STE A210
 DECATUR GA 30030-1712

52,730



Check here and fill out the back of this remittance slip if your billing address or property location has changed.



1111

1 15 185008002950000 7 00001649348 00001649348 2



ACCOUNT DETAIL

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

Tax Account

<p>Mailing Address: ROSENBAUM SHARON LLC 497 WINN WAY STE A210 DECATUR, GA 30030-1712</p> <p><input checked="" type="checkbox"/> Change Mailing Address</p>	<p>SITUS: 2096 MCGEE RD</p> <p>Tax District: EVERMORE CID SVILL</p>
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Parcel ID	Property Type	Last Update
R5008 295	Real Property	10/1/2015 10:02:24 AM

Legal Description
REAR MCGEE ROAD

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2015	\$16,493.48	\$0.00	\$0.00	\$0.00	10/15/2015	\$16,493.48
Total						\$16,493.48

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2014	\$16,588.78	\$16,588.78	\$0.00	\$0.00	10/1/2014	\$0.00
2013	\$16,713.08	\$16,713.08	\$0.00	\$0.00	10/3/2013	\$0.00
2012	\$16,743.22	\$16,743.22	\$0.00	\$0.00	10/15/2012	\$0.00
Total						\$16,493.48

Print Tax Bill

Click to view and print your Aug 2015 tax bill.

* This bill is good through Oct 15, 2015 only.

Pay Online

Select a payment option:

- Total Due
- Partial

\$16,493.48

ADD TO CART



ADJOINING PROPERTY OWNERS

NAME:	PARCEL #	MAILING ADDRESS
A Place in Time Inc.	R5008 003A	2454 Hog Mountain Road, Jefferson, GA 30549
1120 Hope Road, LLC	R5008 293	1120 Hope Road, Sandy Springs, GA 30350
RCOG07 GEORGIA, LLC	R5008 293	PO Box 10033, Manhattan Beach, CA 90267
Camco Management, LLC	R5007 240	PO Box 970107, Coconut Creek, FL 33097



PARCEL # R5008 293
LL8 OF THE 5TH L.D.
2084 MCGEE ROAD
OWNER: 1120 HOPE ROAD, LLC

PARCEL # R5008 003A
LL8 OF THE 5TH L.D.
2106 MCGEE ROAD
A PLACE IN TIME INC.

SUBJECT PROPERTY
PARCEL # R5008 296
LL8 OF THE 5TH L.D.
2096 MCGEE ROAD
OWNER: ROSENBAUM STARN, LLC

PARCEL # R5008 291
LL8 OF THE 5TH L.D.
2092 MCGEE ROAD
OWNER: RCOG07, LLC

PARCEL # R5007 240
LL7 OF THE 5TH L.D.
2110 MCGEE ROAD
OWNER: CAMCO MANAGEMENT, LLC