



BOARD OF APPEALS APPLICATION

RECEIVED

JUN 30 2017

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

CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

DATE RECEIVED: 6/30/17

2357 MAIN ST #1700301
 BOA VARIANCE PREMIER KINGS OF GA
 PARCEL- 5038 021
 BURGER KING # BPA 17-07

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.

Jennifer Stuart
 Name (please print)
10800 Jones Bridge Rd Suite D-2
 Address
Johns Creek GA 30022
 City, State, Zip Code
678-694-1967 678-922-7738
 Phone Number(s) Fax

Premier Kings, Inc / Jay Gill
 Name (please print)
5529 Carmichael Rd
 Address
Montgomery AL 36117
 City, State, Zip Code
770-630-0862, 334-312-0849
 Phone Number(s) ~~Fax~~ ALT #

Contact Person: Michael Wahl (Architect) Phone: 205-322-1751 Fax: 205-322-1778
 Cell Phone: _____ E-mail: Mwahl@nplusha.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(s) of Municipal Code VARIANCE request is for: LANDSCAPE ORDINANCE, CH. 19
 Section(s) of Development Regulations WAIVER request is for: _____
 Property Address/Location: 2357 MAIN STREET EAST District 10 Land Lot ✓ Parcel(s) R5038 021
 State the purpose of this request: VARIANCE FOR LANDSCAPE CHANGES TO EXISTING COMMERCIAL RESTAURANT LOCATION IN SNELLVILLE

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;



ATTACHMENT A – ANALYSIS OF IMPACT

To: City of Snellville, Board of Appeals
From: Premier Kings Inc. & Jim Huckestein, AIA; **contact:** Michael Wahl
Date: June 26, 2017

Project: Burger King – Snellville

h+ha Proj. #: 16026.36

To Whom It May Concern, Snellville Board of Appeals:

The purpose of this document is to address and analyze the impact of the proposed variances our project is seeking from Article III, Landscape Ordinance of Chapter 19 of the code. These proposals are listed below:

- a) One deficiency we seek a variance on is in conjunction with code requirement 19-73.a, which requires all landscape strips at sides of property to be a minimum of 10'. However, along the NE side of property the landscape strip is currently constrained and stepped due to the retaining wall and elevation change that side of the lot. Likewise, as code requirement 19-73.f.2 dictates certain coverage requirements, the retaining wall doesn't allow for such coverage to be met. We ask these requirements to be waived for this area of the property.
- b) Planter islands are required to be a minimum of 300 SF per code requirement 19-74.1.a. Not every existing island is quite that size, some are in the 200-250 SF range. We ask these planters to be allowed; tearing them up to replace with slightly larger ones would be an unnecessary burden.
- c) Code requirement 19-76.a requires us to meet certain tree density requirements (16 units per acre, and our lot is .9 acres – so 14.4 units for this purpose). Our current coverage is \approx 6.3 units. In response to the Planning Departments direction, we have found space on the property for (9) new trees @ 4" caliper, which will add another 6.3 units, ending up with 12.6 units total. We are aware of the financial penalty required for not attaining the 16 units per acre. Otherwise, we ask the Board to approve the quantity and location of the new trees as our best efforts to come into compliance (see proposed new site plan).

We do not see any of these deficiencies as negatively impacting the area, the neighbors, or the city in any way. The owner's best efforts will be taken to beautify and come into compliance with reasonable requests, and only seek a variance on the listed deficiencies above which would require undue burdens to entirely comply.

Thank you,

A handwritten signature in black ink that reads "Michael R. Wahl Jr." with a stylized flourish at the end.

Michael R. Wahl Jr.
Project Manager
Cc: Erik Hendon, Dallin Burgener

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

This request is for a variance (see below).

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. To remove enough parking and install enough trees and parking islands to meet the minimal current zoning requirements would reduce parking and drive space significantly and requiring extensive regrading. Since this is an existing restaurant property the reduction in parking would likely put the parking beneath the required parking count placing it out-of compliance with current zoning.

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. While the owner is making an effort to meet the zoning requirements and is willing to install some landscaping area and trees we are unable to re-work the site without a substantial alteration which will prevent meeting other zoning requirements such as parking areas required. Further, meeting these requirements would reduce the monetary availability for renovation to the building and other site-areas that also do-not meet current codes.

3) **Demonstrate** that the special conditions and circumstances do not result from the actions of the applicant. This existing property, which currently does-not meet zoning, will be upgraded to meet what requirements can be met within reason. This will allow the property to come close to meeting the requirements while also allowing the property owner to complete other code-required upgrades and changes while providing a much better visual. This variance will allow upgrades without implying that they are not required for other renovations and does not change the use of the property.

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. This variance application does not assume that the owner will not be required to upgrade the landscaping to a reasonable amount; but only allows that this property meet a reduced amount that is particular to this property due to the existing features, space, size and topography. This reduction, but not a wholesale elimination of landscaping upgrades, allows the property to be renovated but does not serve to imply that no changes will be required for other property.

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.

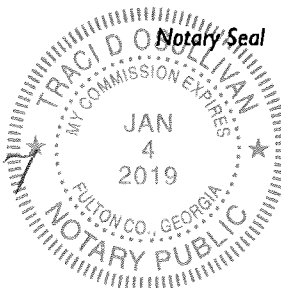
APPLICANT'S CERTIFICATION

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.

Jennifer Stuart 6/30/17
Signature of Applicant Date

JENNIFER STUART - PERMIT EXPEDITER
Type or Print Name and Title

Traci D. O'Sullivan 6/30/2017
Signature of Notary Public Date



OWNER'S CERTIFICATION

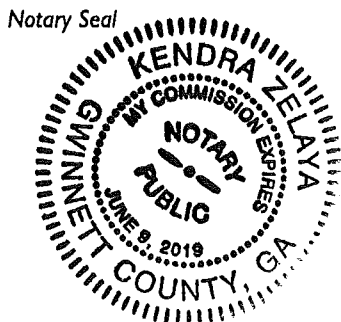
The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, in granting any variance or waiver, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and/or Development Regulations.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

Jay Gill 6/22/17
Signature of Owner Date

JAY GILL VP/COO
Type or Print Name and Title

[Signature] 6/22/17
Signature of Notary Public Date



FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

2016 AUG 17 PM 4:22

RICHARD ALEXANDER, CLERK

PT-61 # 67-2016-022046
GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX
\$ 1,725.00
RICHARD T. ALEXANDER, JR. CLERK OF
SUPERIOR COURT

206402

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

After recording, please return to:
Webb, Tanner & Powell, P.C.
P.O. Box 1390
Lawrenceville, GA 30046
16-133 BE/ts

STATE OF GEORGIA

COUNTY OF GWINNETT

LIMITED WARRANTY DEED

THIS INDENTURE, made this 9th day of August in the Year of Our Lord Two Thousand Sixteen between

**COLLURO FAMILY PARTNERS, L.L.L.P.,
a Georgia limited liability limited partnership,
f/k/a COLLURO FAMILY PARTNERS, L.P., a Georgia limited partnership**

as party or parties of the first part, hereinafter called Grantor, and

**PREMIER HOLDINGS OF GEORGIA, LLC,
a Georgia limited liability company**

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 TEN AND 00/100 (\$10.00) AND OTHER VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold aliened,

0075180

16



ACCOUNT DETAIL

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

Tax Account

Mailing Address:

PREMIER HOLDINGS OF GEORGIA LLC
5529 CARMICHAEL RD
MONTGOMERY, AL 36117-1840

[Change Mailing Address](#)

SITUS:

2357 EAST MAIN ST

Tax District:

SNELLVILLE

Parcel ID

R5038 021

Property Type

Real Property

Last Update

6/30/2017 4:14:44 PM

Legal Description

MAIN STREET EAST

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
2016	\$11,473.34	\$11,597.25	\$0.00	\$0.00	10/15/2016	\$0.00

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2015	\$11,445.64	\$11,445.64	\$0.00	\$0.00	10/15/2015	\$0.00
2014	\$11,519.51	\$11,519.51	\$0.00	\$0.00	10/1/2014	\$0.00
2013	\$11,615.84	\$11,615.84	\$0.00	\$0.00	10/3/2013	\$0.00
Total						\$0.00

Print Tax Bill

Click to view and print your Aug 2016 tax bill.

* This bill is good through Oct 15, 2016 only.

Pay Online

No payment due for this account.



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 38 of the 5th Land District of Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the point of intersection of the northerly right-of-way line of U. S. Highway 78, also known as Georgia Highway 10, as presently located and the Southwesterly right-of-way line of Wisteria Drive as presently located; from said point of beginning run thence North $75^{\circ}16'59''$ West along the northerly right-of-way line of U. S. Highway 78, 428.48 feet to a point; run thence North $32^{\circ}55'29''$ East 312.91 feet to a point on the southwesterly right-of-way line of Wisteria Drive run thence South $36^{\circ}01'54''$ East along the southwesterly right-of-way line of Wisteria Drive 412.62 feet to a point; continue thence South $02^{\circ}18'01''$ East along the southwesterly right-of-way line of Wisteria Drive 37.86 feet to the point of beginning said tract or parcel of land containing 1.5611 acres of land as per survey for Vincent and Michèle Colluro dated February 25, 1986, last revised May 1, 1986 prepared by Michael A. Royston, Georgia Registered Land Surveyor.

Less and Except:

All that tract or parcel of land lying and being in Land Lot 38 of the 5th District of Gwinnett County, Georgia, and being more particularly described as follows:

To find the True Point of Beginning, begin at the point of intersection of the Northerly right-of-way line of U.S. Highway 78, also known as State Route 10 (a/k/a East Main Street) (variable width right-of-way), as presently located and the Southwesterly right-of-way line of Wisteria Drive (80 foot right-of-way) as presently located; running thence North 75 degrees 16 minutes 58 seconds West along the Northerly right-of-way line of said U.S. Highway 78, a distance of 325.82 feet to a point, said point being the True Point of Beginning; Thence, from said True Point of Beginning, run North 75 degrees 16 minutes 58 seconds West along the Northerly right-of-way of U.S. Highway 78, a distance of 102.66 feet to a point; thence leaving said right-of-way and running North 32 degrees 55 minutes 29 seconds East a distance of 312.91 feet to a point on the Southwesterly right-of-way line of Wisteria Drive; running thence South 36 degrees 01 minutes 54 seconds East along the Southwesterly right-of-way line of Wisteria Drive, a distance of 98.37 feet to a point; thence leaving said right-of-way and running South 33 degrees 39 minutes 08 seconds West a distance of 74.25 feet to a point; thence South 56 degrees 32 minutes 52 seconds East a distance of 10.03 feet to a point; thence South 34 degrees 03 minutes 26 seconds West a distance of 171.21 feet to a point on the Northerly right-of-way line of U.S. Highway 78, said point being the True Point of Beginning; said property being designated as "Tract 1" on that certain As-Built Boundary Survey for Vincent J. Colluro and Michele J. Colluro dated 9/15/93 as prepared by Morris L. Smith & Associates, Inc., Russell L. Shreve, Jr., Georgia Registered Land Surveyor #2157, as recorded in Plat Book 60, Page 45, Gwinnett County Records, which said Plat of Survey is incorporated herein by this reference and made a part of this description.

And Less and Except:

All that tract or parcel of land conveyed pursuant to that certain Right of Way Deed from Colluro Family Partners LLLP to Gwinnett County, Georgia, dated May 27, 2008, recorded on June 10, 2008 in Deed Book 48902, Page 637, Gwinnett County, Georgia records.



REQUIREMENT #9 – ADJOINING PROPERTIES

To: City of Snellville, Board of Appeals
From: Premier Kings Inc. & Jim Huckestein, AIA; **contact:** Michael Wahl
Date: June 26, 2017

Project: Burger King – Snellville

h+ha Proj. #: 16026.36

To Whom It May Concern, Snellville Board of Appeals:

The single adjoining property's information is found below:

Address =	2369 Main St E
Tax Parcel # =	R5038 176
Property Owner =	H&J Goldman Properties LLC
& mailing address	18185 Santa Adela Cir. Fountain Valley, CA 92708-5608

Thank you,

Michael R. Wahl Jr.
Project Manager
Cc: Erik Hendon, Dallin Burgener