



# BOARD OF APPEALS APPLICATION

RECEIVED

APPLICATION FOR VARIANCE FROM SNELLVILLE STREAM BUFFER ORDINANCE

MAR 04 2019

**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)

CITY OF SNELLVILLE  
DATE RECEIVED: **PLANNING & DEVELOPMENT**

3373 NEWTON'S CREST CIR #1900124  
BOA VARIANCE/APEAL #19-02  
PARCEL- 5006-325 LOT 67

**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.

Adams Homes AEC, LLC  
Name (please print)  
3000 Gulf Breeze Pkwy  
Address  
Gulf Breeze, FL 32563-5623  
City, State, Zip Code  
470-297-5610  
Phone Number(s) Fax

Adams Homes AEC, LLC  
Name (please print)  
3000 GULF BREEZE PKWY  
Address  
GULF BREEZE, FL 32563  
City, State, Zip Code  
850.934.0470  
Phone Number(s) Fax

Contact Person: Daniel Blitch Phone: 470-297-5610 Fax: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_ E-mail: dblitch@adamshomes.com

### Property Information:

Address of Property: 3373 Newton's Crest Circle (Lot 67A) City: Snellville Zip Code: 30078  
District: 5th Land Lot: 5 & 6 Parcel: 5006325 Size in Acres: 0.161 Number of Existing Structures: 0

The Subject property  IS  IS NOT a Lot/Parcel of Record. If yes, date platted: 1-16-2003 Plat Book: 96 Page No.: 185

PROPERTY  IS  IS NOT LOCATED WITHIN A 7 MILE RADIUS OF THE BIG HAYNES CREEK.  
PROPERTY  IS  IS NOT LOCATED WITHIN A 7 MILE RADIUS OF THE BIG HAYNES CREEK WATERSHED PROTECTION AREA.

Has this property been reviewed by any City Board, Commission, Mayor and Council within the past 24-months?  No  Yes (If yes, please describe: \_\_\_\_\_ File Number: \_\_\_\_\_)

Description of Stream Buffer Variance Requested: Request to encroach into the 75' Impervious Buffer by +/- 1,023 sq. ft. and 50' Buffer by +/- 289 sq. ft. to construct single family house.

### Variations will be considered only in the following cases:

- a. **When a property's shape, topography or other physical conditions existing at the time of adoption of this Article prevents land development unless a buffer variations is granted; and**
- b. **Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.**

**Variations will not be considered when, following adoption of this Article, actions of any property owner of a given property have created conditions of a hardship on that property.**

**PUBLIC HEARING REQUIREMENT DETERMINATION. CHECK THE SITUATION THAT APPLIES:**

- The project identified on page one involves the construction of one (1) single family home for residential use by the owner of the subject property on a parcel that was platted prior to the effective date of this ordinance (5/23/2005).

*[\$26-505(b)(1)] The project involves the construction of one (1) single family home for residential use by the owner of the subject property on a parcel that was platted prior to the effective date of this Article (5/23/2005), and its shape, topography or other existing physical condition prevents land development consistent with this Article, and the Department of Planning and Development finds and determines that the requirements of this Article prohibit the otherwise lawful use of the property by the owner, the Board of Appeals may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.*

- The project identified on page one does not involve construction of one (1) single family home for residential use by the owner of the subject property on a parcel that was platted prior to the effective date of this ordinance.

*[\$26-505(b)(2)] Except as provided above, the Board of Appeals shall grant no variance from any provision of this Article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Appeals. The City of Snellville shall give public notice of each such public hearing in a newspaper of general circulation within the City. The City shall require that the applicant post a sign giving notice of the proposed variance and the public hearing at least 15-days prior to the date of the hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.*

A VARIANCE from the terms of the Snellville Zoning Ordinance shall not be granted by the Board of Appeals unless and until:

1) Please state any special conditions and circumstances of the site, its shape or topography that apply to the property covered by this application which do not apply to other properties in the same zoning district. This particular located lot is located adjacent to existing creek and platted 25' State Waters Buffer and was recorded in 2003. Per updated city code, there is an additional 50' Buffer and 75' Impervious Buffer which does not allow enough area to build a house that adheres to the platted conditions of the subdivision. Therefore, a variance for buffer encroachment is required.

2) In what way do these circumstances deprive the property covered by this application of privileges which are possessed by other properties in the same zoning district, thereby creating an unnecessary hardship? These circumstances are unique to this lot, and a few other lots in this subdivision, adjacent to existing creek. Most lots in subdivision have larger building areas outside of any buffers.

3) Does granting the variance request give the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district?  YES  NO If no, why not? The granting of this variance only allows the construction of a single family home and other appurtenances typical of other lands, structures, and/or buildings in this same district.

---

---

---

**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.**

#### REQUIRED ATTACHMENTS:

- a) Existing Conditions Site Survey that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey prepared within the past 6-months from the date of variance application; [§26-505(b)(3)(a)]
- b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; [§26-505(b)(3)(b)]
- c) Detailed Site and Concept Plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated; [§26-505(b)(3)(c)]
- d) Documentation of unusual hardship should the buffer be maintained; [§26-505(b)(3)(d)]
- e) At least one alternative Site and Concept Plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible; [§26-505(b)(3)(e)]
- f) Calculation of the total area and length of the proposed intrusion (include on detailed Site and Concept Plan and on alternative Site and Concept Plan); [§26-505(b)(3)(f)]
- g) A stormwater management site plan, if applicable; and [§26-505(b)(3)(g)]
- h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed [§26-505(b)(3)(h)]


*ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW: Any person aggrieved by a decision or order of the Department of Planning and Development may appeal in writing within 30-days after issuance of such decision or order to the City and Shall be entitled to a hearing before the Board of Appeals, as prescribed in Article XIV of the Snellville Zoning Ordinance. Any person aggrieved by a decision or order of the City, after exhausting all administrative remedies, shall have the right to appeal to the courts as provided by law.*

**BOARD OF APPEALS**  
**APPLICATION CERTIFICATIONS**

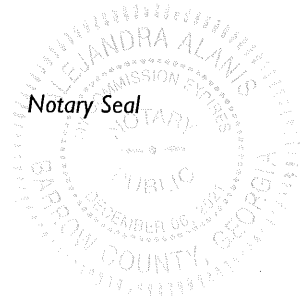
In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

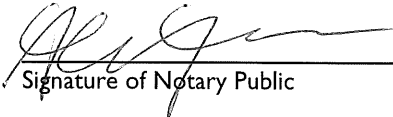
APPLICANT'S CERTIFICATION

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.

 2-26-19  
Signature of Applicant Date

Daniel Blitch - Production Manager  
Type or Print Name and Title

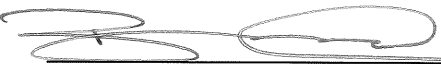


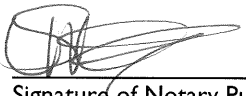
 2-26-2019  
Signature of Notary Public Date

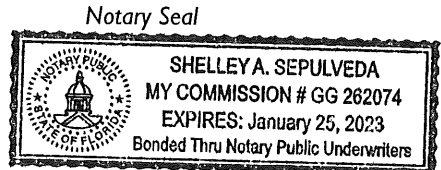
PROPERTY OWNER'S CERTIFICATION

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.

ADAMS HOMES AEC, LLC  
 2.15.2019  
Signature of Owner Date  
William Bryan Adams  
Type or Print Name and Title MANAGER

 2.15.19  
Signature of Notary Public Date





# ACCOUNT DETAIL

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

## Tax Account

**Mailing Address:**

ADAMS HOMES AEC LLC  
3000 GULF BREEZE PKWY  
GULF BREEZE , FL 32563-5623

[✉ Change Mailing Address](#)

**SITUS:**

3373 NEWTONS CREST CIR

**Tax District:**

SNELLVILLE

Parcel ID	Property Type	Last Update
R5006 325	Real Property	3/12/2019 8:27:28 AM

**Legal Description**

L67 BA NEWTONS CREST

## 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
----------	---------	------------	--------------	----------	----------	------------

<b>Total</b>						\$0.00
--------------	--	--	--	--	--	--------

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2018	\$339.27	\$339.27	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$341.89	\$343.80	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$338.88	\$338.88	\$0.00	\$0.00	10/15/2016	\$0.00
2015	\$342.96	\$422.84	\$0.00	\$0.00	10/15/2015	\$0.00
<b>Total</b>						\$0.00

### Print Tax Bill

**Click to view and print your Aug 2018 tax bill.**

\* This bill is good through Oct 15, 2018 only.

### Pay Online

No payment due for this account.



Click [here](#) to cancel your Paperless Billing enrollment

### Schedule Payments