



RECEIVED

BOARD OF APPEALS APPLICATION

APR 04 2019

APPLICATION FOR VARIANCE, APPEAL, OR WAIVER

CITY OF SNELLVILLE PLANNING & DEVELOPMENT

DATE RECEIVED: \_\_\_\_\_

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

2239 SCENIC DR #1900164 BOA VARIANCE/APPEAL 19-05 PARCEL 5036-186

Applicant is: (check one) [ ] Owner's Agent [ ] Contract Purchaser [x] Property Owner

Owner (if not the applicant): [ ] check here if there are additional property owners and attach additional sheets.

Name (please print) Charles Richard Clower and Trudy Clower Address 8675 S. Mount Dr. Alpharetta, Ga. 30022-5434 City, State, Zip Code 404-557-3977 Phone Number(s) Fax

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

Contact Person: Toney Clower Phone: 404-557-3977 Fax: Cell Phone: 404-557-3977 E-mail: toney@clowerrealty.com

Application for: (check one) [ ] Appeal [x] Variance from Zoning Ordinance [ ] Variance from Municipal Code [ ] Waiver of Development Regulations

Section(s) of Zoning Ordinance VARIANCE request is for: 9.15, 11.3, and 9.8 Section(s) of Municipal Code VARIANCE request is for: Section(s) of Development Regulations WAIVER request is for: Property Address/Location: 2239 Scenic Dr District 6 Land Lot 051 Parcel(s) 018 State the purpose of this request: Request of variances related to converting existing residential home to office use

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:

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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. Existing structures and front yard area create circumstances that require these variance requests

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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. \_\_\_\_\_

It would create an undue hardship to the property owner to try to bring an existing structure and lot that were in place before corridor overlay district was instituted up to all of overlay's requirements.

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3) **Demonstrate** that the special conditions and circumstances do not result from the actions of the applicant. Structure and lot were existing when zoning was changed on this property by the City and were not the result of the applicant.

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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. Granting these variances would not confer on the applicant any special privileges that are denied by the Zoning Ordinance to other lands, structures, or buildings as some of the overlay districts requirements just cannot be met by existing structures and lands.

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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 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 Date

\_\_\_\_\_  
Type or Print Name and Title

Notary Seal

\_\_\_\_\_  
Signature of Notary Public Date

OWNER'S CERTIFICATION

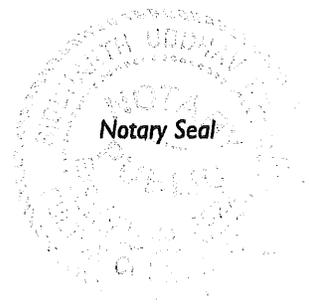
The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, in granting any variance or waiver, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and/or Development Regulations.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

Judy M. Fisher Clower 04-02-19  
Signature of Owner Date

Trudy M. Fisher Clower  
Type or Print Name and Title

[Signature] 4/2/19  
Signature of Notary Public Date



DEED B: 56377 P: 00635  
01/23/2019 03:17 PM Pgs: 1 Fees: \$10.00  
TTax: \$125.00  
Richard T. Alexander, Jr., Clerk of Superior Court  
Gwinnett County, GA  
PT-61 #: 0672019001047

Return Recorded Document to:  
Stephen R. Lewis, Attorney at Law, LLC  
1805 Herrington Road  
Bldg. 3, Suite C  
Lawrenceville, GA 30043

TAX PARCEL IDENTIFICATION #: R6051 018

**LIMITED  
JOINT TENANCY WITH RIGHT OF SURVIVORSHIP  
WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF Gwinnett

FILE #: SL180691

THIS INDENTURE made this 15th day of January, 2019, between ANTHONY B. CLOWER of the State of GEORGIA, as party or parties of the first part, hereinunder called Grantor, and CHARLES RICHARD CLOWER and TRUDY M. CLOWER, as joint tenants with survivorship and not as tenants in common 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 NO/100 DOLLARS (\$10.00) and other good and valuable considerations 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 51 OF THE 6TH DISTRICT, GWINNETT COUNTY, GEORGIA, BEING LOT 1 OF BLOCK "C" OF REVISED UNIT ONE OF THE LANIER MOUNTAIN ESTATES AS SHOWN ON A PLAT OF SURVEY OF SAID SUBDIVISION PREPARED BY C M HIGGINBOTHAM, SURVEYOR, DATED OCTOBER 1959, REVISED JUNE 1960, SAID REVISED PLAT BEING RECORDED IN PLAT BOOK H, PAGE 250, GWINNETT COUNTY GEORGIA RECORDS; SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE THERETO.

LEGAL DESCRIPTION

BEING THE SAME PROPERTY CONVEYED TO HUBERT A. MOON AND ADELIN F. MOON VIA WARRANTY DEED FROM WAYNE H. MASON DATED JULY 9, 1965 AND RECORDED JULY 23, 1965 AT DEED BOOK 236, PAGE 703, GWINNETT COUNTY, GEORGIA RECORDS.

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

TO HAVE AND TO HOLD the said tract or parcel of land, together 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 presence of:

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
ANTHONY B. CLOWER (SEAL)

  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
(SEAL)



# ACCOUNT DETAIL

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

## Tax Account

**Mailing Address:**

CLOWER CHARLES RICHARD  
8675 S MOUNT DR  
ALPHARETTA , GA 30022-5434

[Change Mailing Address](#)

**SITUS:**

2239 SCENIC DR

**Tax District:**

SNELLVILLE

**Parcel ID**

R6051 018

**Property Type**

Real Property

**Last Update**

3/28/2019 1:45:29 PM

**Legal Description**

SCENIC DR

## Tax Bills

Note: Four years of tax information is available online. Email [tax@gwinnettcountry.com](mailto:tax@gwinnettcountry.com) to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
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<b>Total</b>						\$0.00
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Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2018	\$2,286.86	\$2,286.86	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$2,303.90	\$2,303.90	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$2,284.30	\$2,284.30	\$0.00	\$0.00	10/15/2016	\$0.00
2015	\$867.00	\$867.00	\$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

DEED B: 56377 P: 00635  
01/23/2019 03:17 PM Pgs: 1 Fees: \$10.00  
TTax: \$125.00  
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Signed, sealed and delivered in presence of:

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
ANTHONY B. CLOWER (SEAL)

  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
(SEAL)

END OR

SNELLY

6051 019  
2219

JOE W WHITWELL  
ZONING OP

6051 018  
2239

JMG DEALS LLC  
ZONING OP

6051 017  
2249

MARK E. SCHUSSLER  
ZONING RM

6051 207  
3103

SHARIFI NAZIFA  
ZONING RM

6051 208  
3102

1

Variance Application for 2239 Scenic Drive

List of adjoining Property Owners

- 1) 5/051/017-JMG Deals LLC/2158 Myra Lane/Snellville, Ga. 30078-2629
- 2) 5/051/208-Nazifa Sharifi/1101 Collier Rd NW Apt M6/Atlanta, Ga. 30318-8205
- 3) 5/051/207-Mark Schussler/1755 Potomac Ct/Lawrenceville, Ga. 30043-4923
- 4) 5/051/019-Joe Whitwell/2219 Scenic Dr/Snellville, Ga. 30078-3131