



BOARD OF APPEALS APPLICATION

RECEIVED

APPLICATION FOR VARIANCE, APPEAL, OR WAIVER

OCT 4 2019

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:
2507 MAIN ST E 2485 #1900496
BOA VARIANCE/APPEAL BOA #19-09
PARCEL- 5026 044
SNELLVILLE PLAZA

Applicant is: (check one)
 Owner's Agent
 Contract Purchaser
 Property Owner
Eric Larsen for Commercial Signs, Inc.

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

SNELLVILLE PLAZA L P

Name (please print)
3548 Atlanta Road
Address
Smyrna, GA 30080
City, State, Zip Code
770-431-0807 770-431-1611
Phone Number(s) Fax

Name (please print)
5025 Winters Chapel Road, Suite M
Address
Atlanta, GA 30360-1700
City, State, Zip Code
Phone Number(s) Fax

Contact Person: Eric Larsen Phone: 770-431-0807 Fax: 770-431-1611
Cell Phone: 678-584-3726 E-mail: signsupatlanta@gmail.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 12.3

Section(s) of Municipal Code VARIANCE request is for: _____

Section(s) of Development Regulations WAIVER request is for: _____

Property Address/Location: 2507 E. MAIN ST District 5 Land Lot 26 Parcel(s) 44

State the purpose of this request: To allow a ground sign that is visible from roadway traffic. Sign location is compromised due to topographical conditions created during the recent road construction on Highway 78.

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:

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. Roadway construction caused a condition where the sign location would be significantly lower than road grade requiring additional sign height and sign copy area to be visible and overcome the topographical hardship.

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.

By adhering to a strict interpretation of the sign ordinance, a freestanding sign would not be visible.

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

New conditions caused by roadway construction is beyond the control of the property owner/tenants.

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 the proposed variance would not confer any special privilege denied by the Zoning Ordinance or Development Regulations due to the unique conditions of the site not present in usual site conditions.

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.



ACCOUNT DETAIL

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

Tax Account

Mailing Address:

SNELLVILLE PLAZA L P
5025 WINTERS CHAPEL RD STE M
ATLANTA , GA 30360-1700

[Change Mailing Address](#)

SITUS:

2475 SCENIC HWY

Tax District:

EVERMORE CID SVILL

Parcel ID	Property Type	Last Update
R5026 044	Real Property	10/7/2019 9:29:44 AM

Legal Description

HWY 124

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
2019	\$85,843.13	\$0.00	\$0.00	\$0.00	10/15/2019	\$85,843.13
Total						\$85,843.13

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2018	\$86,131.13	\$86,131.13	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$71,430.42	\$71,430.42	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$70,909.38	\$70,909.38	\$0.00	\$0.00	10/15/2016	\$0.00
Total						\$85,843.13

Print Tax Bill

Click to view and print your Aug 2019 tax bill.

* This bill is good through Oct 15, 2019 only.

Pay Now

Select a payment option:

- Total Due
- Partial

\$85,843.13

[ADD TO CART](#)

Schedule Payments

[Schedule Future Payments](#)

View or edit your Scheduled Payments [here](#)

SNELLVILLE PLAZA

2475 Highway 78, Snellville, GA



Map Printed On 2019-10-04 12:09

OVERVIEW MAP



Variance request - Scenic Plaza
Neighboring Properties

Property name	Parcel ID	Address	Owner name	Owner Address	Owner City State, Zip
Subject Property	R5026 044	2475 Scenic Highway	Snellville Plaza, L P	5025 Winters Chapel Rd, Suite M	Atlanta, GA 30350-1700
BB&T	R5026 300	1662 Oak Road	Branch Banking & Trust Co	PO Box 167	Winston Salem, NC 27102-0167
The Bank of Gwinnett Co	R5026 284	2230 Scenic Hwy	The Bank of Gwinnett Co	PO Box 167	Winston Salem, NC 27102-0167
vacant land	R5026 041	1662 Oak Road	Snellville Plaza, L P	5025 Winters Chapel Rd, Suite M	Atlanta, GA 30350-1700
Snells Pharmacy	R5026 225	2295 Oak Road	Briscoe Pharmacy Holdings, LLC	2295 Oak Road	Snellville, GA 30078-2356
Heritage Oaks Shopping Center	R5026 232	2315 Oak Road	FA Ventures, LLC	4401 Northside Parkway NE, Suite 711	Atlanta, GA 30327-5278
Heritage Village Shopping Center	R5026 250	2447 Main Street	Heritage- Lawrenceville Investors,LLC	PO Box 3429	Suwanee, GA 30024-0992
Snellville United Methodist Church	R5026 177	2428 Main Street	Snellville UMC	2428 Main Street	Snellville, GA 30078-3337
Brand Banking Co	R5026 055	2488 Main Street	Brand Banking Co	PO Box 1110	Lawrenceville, GA 30046-1110
Residence	R5026 056	2498 Main Street	Branda L Simpson	3047 Park Ln	Snellville, GA 30078-3722
Krystal	R5026 240	2484 Main Street	ARC KLSNVGA001 LLC	PO Box 52427	Atlanta, GA 30355-0427
business	R5026 057	2508 Main Street	Tiko Treasure, LLC	1261 Hammond Creek Trl	Watkinsville, GA 30677-7827
vacant land	R5026 058	hwy 78	Tiko Treasure, LLC	1261 Hammond Creek Trl	Watkinsville, GA 30677-7827
business	R5026 028	2241 Scenic Hwy	HHC Property VI LLC	255 Langley Dr	Lawrenceville, GA 30046-6907
business	R5026 187	2257 Scenic Hwy	R. T. Buisson	5354 J F Ray Rd	Gainesville, GA 30506-3420
vacant land	R5026 175	2537 Main Street	Georgia DOT	500 Peachtree Ste NW	Atlanta GA 30308-3607

BOOK 5525 PAGE 60
STATE OF GEORGIA
COUNTY OF FULTON

GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX

NOTE
Date 6-19-89
G. Yates
Clerk of Superior Court

WARRANTY DEED

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
593 JUN 19 PM 12:30
GARY R. YATES, CLERK

THIS INDENTURE, made this 8 of JUNE, in the year one thousand nine hundred eighty-nine, between Eliot Properties, a Georgia general partnership as party of the first part, (hereinafter called "Grantor"), and Smallville Plaza, L. P., a Georgia limited partnership as party 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 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 26 of the 5th District of Gwinnett County, Georgia, and being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

The property described herein is conveyed subject to those matters set forth in Exhibit "B" attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the said 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 whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

ELIOT PROPERTIES

Suzanne Stevens
Unofficial Witness

By: Eliot M. Arnovitz
Eliot M. Arnovitz,
General Partner

Gary R. Yates
Notary Public

By: Susan A. Flusker
Susan A. Flusker,
General Partner

My Commission Expires
1991
Notary Public, Fulton County, Georgia
My Commission Expires 06/30/1993
(NOTARIAL SEAL)

Return to:
Alston & Bird
One Atlantic Center
1201 West Peachtree St.
Atlanta, GA 30309-3424
Attn: Marilyn Notta

37795-97

9

"EXHIBIT A"

All that tract or parcel of land lying and being in Land Lot 26 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 intersection of the construction center line of U.S. Highway 70 and Georgia Highway 124; running thence along the construction center line of U.S. Highway 70 in a northeasterly direction, a distance of 193.20 feet to a point; running thence north 18 degrees 59 minutes 26 seconds east, a distance of 43.64 feet to a rebar located on the northerly right of way of U.S. Highway No. 70 which is The True Point of Beginning; running thence north 18 degrees 59 minutes 26 seconds east, a distance of 39.69 feet to a rebar; running thence north 84 degrees 15 minutes 24 seconds west, a distance of 36.22 feet to an iron pin; running thence north 27 degrees 04 minutes 07 seconds east, a distance of 48.10 feet to a rebar; running thence north 63 degrees 28 minutes 03 seconds west, a distance of 07.63 feet to a rebar; running thence north 16 degrees 29 minutes 29 seconds east, a distance of 32.34 feet to a point; running thence south 71 degrees 09 minutes 42 seconds east, a distance of 5.74 feet to a point; running thence along the arc of a curve to the right, said curve having a radius of 1967.859 feet, said arc being subtended by a chord line having a bearing of north 17 degrees 39 minutes 39 seconds east and a chord length of 80.88 feet, an arc distance of 80.88 feet to a point; running thence north 16 degrees 29 minutes 00 seconds east, a distance of 47.99 feet to a point; running thence north 29 degrees 34 minutes 04 seconds east, a distance of 7.61 feet to a point; running thence south 63 degrees 14 minutes 00 seconds east, a distance of 125.38 feet to a point; running thence north 28 degrees 00 minutes 00 seconds east, a distance of 127 feet to an iron pin; running thence north 75 degrees 45 minutes 56 seconds west, a distance of 125.00 feet to an iron pin; running thence north 30 degrees 15 minutes 29 seconds east, a distance of 31.50 feet to a nail; running thence south 75 degrees 37 minutes 03 seconds east, a distance of 368.12 feet; running thence south 75 degrees 37 minutes 03 seconds east, a distance of 306.67 feet to an iron pin; running thence south 31 degrees 25 minutes 26 seconds east, a distance of 42.78 feet to a rebar; running thence south 13 degrees 53 minutes 27 seconds west, a distance of 404.78 feet to a rebar located on the northerly right of way of U.S. Highway No. 70; running thence the following courses and distances along said right of way; along the arc of a curve to the right, said curve having a radius of 2248.831 feet, said arc being subtended by a chord line having a bearing of north 72 degrees 58 minutes 59 seconds west and a chord length of 260.19 feet, an arc distance of 260.35 feet to a point; thence north 69 degrees 33 minutes 52 seconds west, a distance of 256.32 feet to a point; thence along the arc of a curve to the left, said curve having a radius of 679.620 feet, said arc being subtended by a chord line having a bearing of north 75 degrees 02 minutes 23 seconds west and a chord length of 129.70 feet, an arc distance of 129.09 feet to the point of beginning.

The above described property is shown on a survey for Elliot Properties, a Georgia General Partnership comprised of Elliot M. Arnovitz and Susan A. Plasker and Trust Company Bank, dated February 7, 1989, last revised February 10, 1989, made by Miles H. Hannon, Georgia Registered Land Surveyor No. 1528.