



BOARD OF APPEALS APPLICATION

RECEIVED
APPLICATION FOR VARIANCE, WAIVER OR APPEAL

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3515 Fax 770.985.3551 www.snellville.org

NOV - 3 2021

CITY OF SNELVILLE
PLANNING & DEVELOPMENT

2337 MAIN ST #2100465
BOA VARIANCE/APPEAL BOA #21-04
PARCEL- 5038 327

2021/11/03

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.
JBL Wisteria Shopping Center, LLC
c/o JBL Asset Management

JBL Asset Management
Name (please print)
2028 Harrison Street - Suite 202
Address
Hollywood, FL 33020
City, State, Zip Code
954-346-9494
Phone Number(s) Fax

Name (please print)
2028 Harrison Street - Suite 202
Address
Hollywood, FL 33020
City, State, Zip Code
954-346-9494
Phone Number(s) Fax

Contact Person: Marc Orio Phone: 954-346-9494 Fax: _____
Cell Phone: 954-369-1855 E-mail: marc@jblmgmt.com

Application for: (check one)

- Appeal (describe): _____
- Variance or Waiver from Unified Development Ordinance (describe below)

UDO Section requested for VARIANCE or WAIVER consideration: : Sec. 201 - 1.6 Describe Request: The variance is for the two story or 24 ft building requirement within the Towne Center Overlay District

Property Address/Location: Unaddressed outparcel of 2420 Wisteria Blvd, Snellville, GA Tax Parcel Number(s) 5038327
State the purpose of this request: The purpose of this request is to provide supporting documentation and reasoning for waiving the two story or 24 ft building requirement within the Towne Center Overlay District.

At a minimum, the following items are required with submittal of this application. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

- Letter of Intent explaining the reason (and demonstrated hardships) for the request for the variance, appeal, or waiver.
- Attachment A - Analysis of impact (if variance application) or details of grievance (if appeal) or details of waiver request (if waiver).
- Attachment B - Certifications: the names, addresses, and original notarized signatures of the applicant and/or property owner(s).
- Recorded Warranty Deed, Security Deed, or Quit Claim Deed including property legal description demonstrating evidence of property ownership;
- Verification by Gwinnett County that all property taxes owed have been paid.
- VARIANCE or WAIVER applications only: As-Built, Site or Concept 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";
- Exhibits and accompany documentation to support application and request for variance, appeal, or waiver.
- Nine (9) stapled or bound copies of: the application original and one (1) unbound application (original) bearing original signatures and all other required documents.
- A USB flash drive or CD-ROM containing a digital .pdf file of the application submittal.
- Payment of the appropriate application, public notice sign, and adjoining property owner notification fees. Make checks payable to City of Snellville;

Pre-submittal appointment recommended 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

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 Unified Development Ordinance shall not be granted by the Board of Appeals unless and until the applicant has **demonstrated and explained** the following. You may attach additional sheets and provide additional documentation as appropriate:

1) **Demonstrate and explain** how 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. The site for which the variance is being requested is 0.36 acres and is part of an existing shopping center.

As such, the site is constrained by the existing roadway, shopping center, and setbacks and is therefore not suitable for a multi-story building. Additionally, said site would be the only development within the shopping center to be multiple stories or a minimum of 24 ft in height and would therefore not conform to the surrounding buildings.

2) **Demonstrate and explain** how literal interpretation of the provisions of the UDO would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the UDO.

The site is located at the edge of 1/2 mile radius of the Towne Center Overlay district. Within said district, the vast majority of sites can reasonably be developed as a multi-story development where as the site in question is limited in developable area by access and city requirements.

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

The 0.36 acres site is constrained by the existing surrounding developments and setbacks. As such, the site area allowed for development is limited in terms of access and by city requirements. A two-story building would therefore create a hardship for the developer to establish a multi-story development, provide access at the rear of the parcel, and meet the parking count requirement of 1 space per 150 sf of floor area.

4) **Demonstrate and explain** that granting the variance (or waiver) requested will not confer on the applicant any special privilege that is denied by the UDO to other lands, structures, or buildings in the same zoning district.

Unlike other sites within the zoning district, the site in question is (1) highly restricted in its developable area, (2) an outparcel of a 1-story development, and (3) adjacent to the edge of the Towne Center Overlay. As a result, the variance would not convey special privileges to the site but demonstrate an accommodation do to hardship of a peculiar location and features for said property.

Please Note: No non-conforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted or nonconforming use of lands, will be considered grounds for issuance of a variance or waiver. 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 considered.

BOARD OF APPEALS CERTIFICATIONS

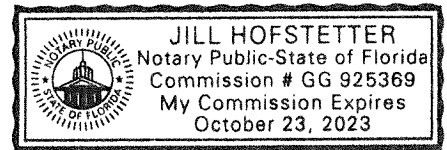
In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

APPLICANT'S CERTIFICATION

The undersigned below does hereby, swear or affirm under penalty of perjury under the laws of the State of Georgia, is authorized to make this application for Appeal, Waiver or Variance and that the statements and documents submitted as part of this application are true and accurate to the best of my knowledge or belief. The undersigned is aware that no application or re-application affecting the same land shall be submitted less than twelve (12) months from the date of denial.

X Jacob Khotoveli 11/1/2021
Signature of Applicant Date
JACOB KHOTOVELI, MANAGER
Type or Print Name and Title

Notary Seal



Jill Hofstetter 11/1/2021
Signature of Notary Public Date

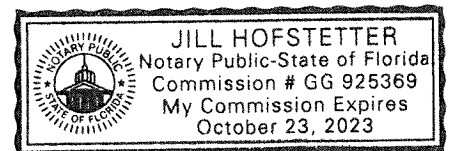
PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, swear and affirm that I am (we are) the owner of property that is subject to this application, as shown in the records of Gwinnett County, Georgia which is the subject matter of the attached application. I further authorize Jacob Khotoveli to file 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 Unified Development Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance or waiver is granted, shall be deemed a violation of the UDO and punishable under Article 3 of the UDO. 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 "Property Owner's Certification" sheets.

X Jacob Khotoveli 11/1/2021
Signature of Owner Date
JACOB KHOTOVELI, MANAGER
Type or Print Name and Title

Notary Seal



Jill Hofstetter 11/1/2021
Signature of Notary Public Date

LIMITED WARRANTY DEED

After recording return to:
Thomas W. Forster II, Esq.
Varnum LLP
300 W. 5th Avenue, Suite 230
Ann Arbor, Michigan 48104

Address New Owner:
c/o JBL Asset Management, LLC
2028 Harrison Street, Suite 202
Hollywood, Florida 33020

Send Tax Bills To: c/o JBL Asset Management, LLC
2028 Harrison Street, Suite 202
Hollywood, Florida 33020

STATE OF GEORGIA

COUNTY OF GWINNETT

LIMITED WARRANTY DEED

THIS INDENTURE is made and entered into this 28 day of December, 2016, by and between BRE NON-CORE 3 OWNER A LLC, a Delaware limited liability company (“Grantor”), with an address c/o Brixmor Property Group Inc., 450 Lexington Avenue, 13th Floor, New York, New York 10017, and JBL WISTERIA SHOPPING CENTER LLC, a Delaware limited liability company (“Grantee”) with an address c/o JBL Asset Management, LLC, 2028 Harrison Street, Suite 202, Hollywood, Florida 33020 (“Grantor” and “Grantee” to include the plural as well as the singular, and heirs, legal representatives, successors and assigns, where the context so requires or admits).

WITNESSETH:

THAT Grantor, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration by Grantee the receipt and adequacy of which are hereby acknowledged, has bargained, granted, sold, aliened, conveyed and confirmed, and by these presents does bargain, grant, sell, alien, convey and confirm unto Grantee the property described on Exhibit “A” attached hereto and by reference made a part hereof (“Property”), subject to (i) current taxes and assessments not yet due and payable, (ii) all easements, rights of way, covenants, conditions, restrictions and other matters of record, (iii) rights of tenants and parties in possession and (iv) matters revealed by a current accurate survey of the Property (“Permitted Encumbrances”).

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the proper use, benefit, and behoove of the said Grantee, its successors and assigns, forever, IN FEE SIMPLE.

AND the said Grantor, for itself, its successors and assigns will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the lawful claims of all persons claiming by, through or under the undersigned, except as to claims arising under any of the Permitted Encumbrances.

This property is intended to be the same property conveyed to Grantor by virtue of deed from Brixmor GA Apollo 1 Sub LLC, dated October 29, 2013, recorded on November 7, 2013 in Deed Book 52634, Page 344 in the Gwinnett County, Georgia records.

EXECUTED under seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Naomi Lyum
Notary Public

My Commission Expires: 10/13/17

(Notarial Seal)

Naomi Lyum
Notary Public, State of New York
County of New York
Commission No. 01LY6212187
Exp 10/13/2017

"GRANTOR"

BRE NON-CORE 3-OWNER A LLC,
a Delaware limited liability company

By: [Signature]

Print Name: BYRON BLANT

As its: MANAGING DIRECTOR & VP

EXHIBIT A

Legal Description

Tract 1:

All that tract or parcel of land lying and being in Land Lots 38 and 39 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at a point located at the intersection of the easterly right-of-way line of Wisteria Drive (having a 70 foot right-of-way) and the northerly right-of-way line of US Highway No. 78 (having a 86 foot right-of-way); thence along the northerly right-of-way line of US Highway No. 78, South 77 degrees 38 minutes 42 seconds East, a distance of 85.39 feet to a drill hole found, said point being the True Point of Beginning; thence leaving said right-of-way, North 52 degrees 05 minutes 38 seconds East, a distance of 175.82 feet to a 5/8 inch rebar found, thence North 37 degrees 57 minutes 36 seconds West, a distance of 374.93 feet to a 5/8 inch rebar found; thence South 52 degrees 06 minutes 11 seconds West, a distance of 235.19 feet to a drill hole found on the easterly right-of-way of Wisteria Drive; thence along said right-of-way, North 37 degrees 53 minutes 52 seconds West, a distance of 190.07 feet to a drill hole found; thence leaving said right-of-way, North 52 degrees 04 minutes 29 seconds East, a distance of 235.08 feet to a 5/8 inch rebar found; thence North 37 degrees 56 minutes 46 seconds West, a distance of 200.11 feet to a 5/8 inch rebar set on the southerly right-of-way line of Hugh Drive (having a variable right-of-way), thence along said right-of-way, North 37 degrees 55 minutes 24 seconds West, a distance of 4.93 feet to a x-cut set; thence North 52 degrees 04 minutes 23 seconds East, a distance of 298.70 feet to a 5/8 inch rebar set, thence North 37 degrees 55 minutes 00 seconds West, a distance of 55.10 feet to a 1/2 inch rebar found, thence leaving said right-of-way, North 52 degrees 04 minutes 05 seconds East, a distance of 201.01 feet to a 1/2 inch rebar found; thence North 83 degrees 14 minutes 42 seconds East, a distance of 88.60 feet to a 1/2 inch rebar found, thence North 58 degrees 18 minutes 39 seconds East, a distance of 307.98 feet to a 1/2 inch rebar found, thence South 31 degrees 50 minutes 15 seconds East, a distance of 90.00 feet to a 1/2 inch open top pipe found; thence South 57 degrees 37 minutes 06 seconds West, a distance of 112.58 feet to a 1/2 inch rebar found, thence South 31 degrees 05 minutes 01 seconds East, a distance of 945.38 feet to a 1/2 inch rebar found; thence South 57 degrees 42 minutes 21 seconds West, a distance of 654.82 feet to a 5/8 inch rebar found on the northerly right-of-way line of US Highway No. 78; thence along said right-of-way, North 77 degrees 31 minutes 26 seconds West, a distance of 268.77 feet to a drill hole found, said point being the True Point of Beginning.

Said tract of land contains 18.487 acres

Tract 2:

All that tract or parcel of land lying and being in Land Lots 38 and 39 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at a point located at the intersection of the easterly right-of-way line of Wisteria Drive (having a 70 foot right-of-way) and the northerly right-of-way line of US Highway No 78 (having a 86 foot right-of-way), thence along the northerly right-of-way line of US Highway No 78, South 77 degrees 38 minutes 42 seconds East, a distance of 85.39 feet to a drill hole found; thence leaving said right-of-way, North 52 degrees 05 minutes 38 seconds East, a distance of 175.82 feet to a 5/8 inch rebar found, thence North 37 degrees 57 minutes 36 seconds West, a distance of 374.93 feet to a 5/8 inch rebar found; thence South 52 degrees 06 minutes 11 seconds West, a distance of 235.19 feet to a drill hole found on the easterly right-of-way of Wisteria Drive; thence along said right-of-way, North 37 degrees 53

minutes 52 seconds West, a distance of 190.07 feet to a drill hole found; thence leaving said right-of-way, North 52 degrees 04 minutes 29 seconds East, a distance of 235.08 feet to a 5/8 inch rebar found; thence North 37 degrees 56 minutes 46 seconds West, a distance of 200.11 feet to a 5/8 inch rebar set on the southerly right-of-way line of Hugh Drive (having a variable right-of-way) thence along said right-of-way, North 37 degrees 55 minutes 24 seconds West, a distance of 4.93 feet to a x-cut set, thence North 52 degrees 04 minutes 23 seconds East, a distance of 298.70 feet to a 5/8 inch rebar set, thence North 37 degrees 55 minutes 00 seconds West, a distance of 55.10 feet to a 1/2 inch rebar found, said point being the True Point of Beginning; thence along the northerly right-of-way line of Hugh Drive, South 52 degrees 02 minutes 57 seconds West, a distance of 310.06 feet to a 5/8 inch rebar found; thence leaving said right-of-way, North 37 degrees 55 minutes 39 seconds West, a distance of 293.98 feet to a 5/8 inch rebar set; thence North 58 degrees 24 minutes 38 seconds East, a distance of 36.57 feet to a 1/2 inch rebar found; thence North 31 degrees 38 minutes 27 seconds West, a distance of 15.00 feet to a 1/2 inch rebar found, thence North 58 degrees 16 minutes 53 seconds East, a distance of 273.40 feet to a 5/8 inch rebar found; thence South 37 degrees 58 minutes 35 seconds East, a distance of 275.10 feet to a 1/2 inch rebar found on the northerly right-of-way line of Hugh Drive, said point being the True Point of Beginning.
Said tract of land contains 2.065 acres.

City of Grayson Property Tax Bills to be mailed by Nov. 1 - Learn More

Check wait times and required paperwork in advance.



Make an Appointment



TIFFANY P. PORTER
GWINNETT COUNTY
TAX COMMISSIONER



ACCOUNT DETAIL

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

Tax Account

Mailing Address:

JBL WISTERIA SHOPPING CENTER 2 LLC
2028 HARRISON ST STE 202
HOLLYWOOD, FL 33020-7845

SITUS:

2337 HWY 78

Tax District:

SNELLVILLE

[Change Mailing Address](#)

Parcel ID

R5038 327

Property Type

Real Property

Last Update

11/4/2021 8:04:59 PM

Legal Description

L2 WISTERIA VILLAGE

Print Tax Bill

Click here to view and print your August 2021 tax bill.

* This bill is good through Oct 15, 2021 only.



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
2021	\$1,151.93	\$1,151.93	\$0.00	\$0.00	10/15/2021	\$0.00
2020	\$1,321.84	\$1,321.84	\$0.00	\$0.00	12/1/2020	\$0.00
2019	\$2,353.46	\$2,386.88	\$0.00	\$0.00	10/15/2019	\$0.00
Total						\$0.00

Pay Now

No payment due for this account.

PLEASE NOTE

Scheduled payments are currently unavailable. We apologize for any inconvenience.