



BOARD OF APPEALS APPLICATION

APPLICATION FOR VARIANCE, WAIVER OR APPEAL

MAR 0 5 2021

	CITY OF SNELLVILLE
City of Snellville	DATE RECEIVED: ANNING & DEVELOPMENT
Planning & Development Department	DATE RECEIVED:
2342 Oak Road, 2 nd Floor	
Snellville, GA 30078	2420 WISTERIA DR
Phone 770.985.3515 Fax 770.985.3551 www.snellville.org	#2100103 BOA VARIANCE PARCEL- 5038 001
	WISTERIA VILLAGE
Owner's Agent	
Applicant is: (check one)	Owner (if not the applicant): check here if there are
☐ Property Owner	additional property owners and attach additional sheets.
WILLIAM R. MILLER, A/A	JBL Wisteria Snopping center, LLC, Go JBL Asset Minugement
Name (please print)	Name (along print)
105 MILL PAPE CHASE	2026 Hamson St Suite 202
Address	
WOODSTOCK, EA. 30/28	Hallywood, FL. 33020
City, State, Zip Code	City, State, Zip Code
404-545-7003	954.346.9494 888.571.9922
Phone Number(s) Fax	Phone Number(s) Fax
Contact Person: Pyan Miller	Phone: Fax: 000,571,9922
Cell Phone: 404-545-7003	E-mail: miller plusarchitect segmail. com
Cell Frione	
Property Address/Location: 2420 Wisting Blvd., Snellville	and allow for (1) new confaming mullicut sign and (1) divectional
At a minimum, the following items are require APPLICATIONS WILL NOT BE ACCEPTED.	
Letter of Intent explaining the reason (and demonstrated hard	dships) 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 Attachment B - Certifications:	inal notarized signatures of the applicant and/or property owner(s).
	deed including property legal description demonstrating evidence of property
ownership; Verification by Gwinnett County that all property taxes owed	I 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 di	stance: (d) acreage; (e) location of the tract(s), (f) the present zoning and land
use classification of all adjacent parcels, (g) the proposed loc	nation 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 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	n and request for variance, appeal, or waiver.
Nine (9) stapled or bound copies of: the application origina	and one (I) 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, as Spellville:	nd adjoining property owner notification fees. Make checks payable to City of

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 <u>demonstrated and explained</u> 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 discourse.
district. SEE ATTACHED
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.
SEE ATTACHED
The second secon
3) Demonstrate and explain how the special conditions and circumstances do not result from the actions of the applicant.
SEE ATTACHED
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
SEE ATTACHED

<u>Please Note</u>: 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.

Section A Responses

1. Wisteria Village is uniquely situated on a corner lot with street frontages on Main St. and Wisteria Drive. There is currently one pylon sign (Non-Conforming Pylon Sign B) serving the main shopping center situated on Main St. and we would like to add a Monument Sign on Wisteria Drive. The UDO allows us to have (1) Monument Sign per road frontage according to Section 207.6.4-(B)(5.)(b.). However, per UDO Section 207-6.6(B), we cannot provide a new conforming sign on Wisteria Drive until the existing non-conforming Pylon Sign B is brought into conformance. Bringing Pylon Sign B into conformance would require us to significantly reduce the size of the existing Pylon Sign B and eliminate required signage area called for in current leases. Additionally, it would limit the possibility of future lease opportunities as the typical tenant expects to enjoy the visibility of the existing pylon sign.

Existing Pylon Sign A is on a separate parcel and serves a smaller shop building only and should not be considered as the shopping center's second Monument Sign. We only request to improve it to make it less nonconforming and more attractive with a new brick base. Additionally, this existing sign is set far back from the public R.O.W. and is much less visible.

- 2. Similar developments in the same zoning districts have larger pylon signs than currently allowed by the UDO such as the pylon sign for Snellville Oaks Shopping Center at 2135 Main St. Therefore, reducing the size of our existing Pylon Sign B to bring it into full conformance would lessen the visibility of our current tenants and put our shopping center at a leasing and business visibility disadvantage.
- 3. The existing Pylon Signs A and B were a part of the shopping center when we purchased it. Through the purchase we inherited the nonconforming signs but would like to make them less nonconforming and improve their appearance, not only to improve the aesthetics and attractiveness of our shopping center, but also for the visual improvement of this important commercial corridor in Snellville.
- 4. Granting this variance will not confer any special privilege because we are not simply requesting to add signage and leave the existing signage as-is in its current condition. We will be making significant aesthetic changes and providing needed maintenance to the current nonconforming signs. It is our intent, by improving the signs, to partner with the City to improve the aesthetics of the shopping center, giving us a better opportunity to attract new businesses to the area and improve the visual characteristics of this important commercial corridor.

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.

Signature of Applicant	3/1/2021 Date
•	MA
Type or Print Name and Title	AIA
Alla Milbron	3/1/2021
Signature of Notary Public	Date

PROPERTY OWNER'S CERTIFICATION

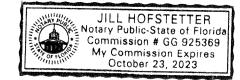
The unclusive resigned below, or as attached, swear and affirm that I are (will re) the owner of property that is subject to this application as shown in the records of a nett county, Georgia, bich is the subject in the attached application. I further authorize WILLIAM R. MILLER, AIA to file this application. 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.

Signature of Owner

Signature of Notary Public

Notary Seal



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

Slami lgm Notary Public

My Commission Expires: 10/13/17

(Notarial Seal)

Naorm 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 funited/liability company

Print Name: BYRON BLOWN
As its: MANAGINE 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 Wisterla 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, sald 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 decrees 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-ofway, 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 rightof-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.

As a result of ensuring a COVID-safe process for customers and associates, tag office waits are longer.

Check <u>wait times</u> and <u>required paperwork</u> in advance.



Q

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

○ Change Mailing Address

SITUS:

2420 WISTERIA DR

Tax District:

SNELLVILLE

Parcel ID

Property Type

Last Update

R5038 001

Real Property

3/8/2021 8:56:04 AM

Legal Description

L3 WISTERIA VILLAGE

Print Tax Bill

Click here to view and print your Oct 2020 tax bill.

* This bill is good through Dec 1, 2020 only.



Tax Bills

Note: Four years of tax information is available online. Email **tax@gwinnettcounty.com** to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2020	\$93,661.38	\$93,661.38	\$0.00	\$0.00	1/1/2021	\$0.00
2019	\$93,456.09	\$93,456.09	\$0.00	\$0.00	10/15/2019	\$0.00
2018	\$122,293.12	\$122,293.12	\$0.00	\$0.00	12/1/2018	\$0.00
2017	\$94,450.28	\$94,450.28	\$0.00	\$0.00	10/15/2017	\$0.00
Total						\$0.00

Pay Now

No payment due for this account.

Schedule Payments

Schedule Future Payments

As a result of ensuring a COVID-safe process for customers and associates, tag office waits are longer.

Check wait times and required paperwork in advance.



Q

BILL DETAIL

View/Pay Your Taxes / Account Detail / Bill Detail

Tax Account

Mailing Address:

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

2400 WISTERIA DR

Tax District:

SNELLVILLE

Parcel ID

Property Type

Last Update

R5038 170

Real Property

3/8/2021 8:57:05 AM

Legal Description

L4 HUGH DRIVE

Tax Values

Description	Market Value	Assessed Value
Land	\$427,500.00	\$171,000.00
Improvement	\$447,500.00	\$179,000.00
Total	\$875,000.00	\$350,000.00



Class Codes

353-Office Bldg LoRise 1-4

Assessments

		Net Tax	Savings
School Taxes		\$7,560.00	\$0.00
STATE OF GEORGIA TAXES		\$0.00	\$0.00
City of Snellville Taxes		\$1,605.80	\$0.00
SNELLVILLE STORMWATER FEES		\$1,201.93	\$0.00
County Incorporated No Police		\$4,007.50	\$0.00
	Total Tax	\$14,375.23	\$0.00

Tax Installment Information

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	24186315	12/1/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
Total Du	ıe:			\$0.00	\$0.00	\$0.00	\$0.00

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2020	24186315	B20.122911	\$14,375.23	12/1/2020

As a result of ensuring a COVID-safe process for customers and associates, tag office waits are longer.

Check wait times and required paperwork in advance.



Q

BILL DETAIL

View/Pay Your Taxes / Account Detail / Bill Detail

Tax Account

Mailing Address:

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

2430 WISTERIA DR

Tax District:

SNELLVILLE

Parcel ID

Property Type

Last Update

R5038 326

Real Property

3/8/2021 8:58:10 AM

Legal Description

L1 WISTERIA VILLAGE

Tax Values

Description	Market Value	Assessed Value
Land	\$126,500.00	\$50,600.00
Improvement	\$0.00	\$0.00
Total	\$126,500.00	\$50,600.00



Class Codes

300-Commercial Vacant Land

Assessments

		Net Tax	Savings
School Taxes		\$1,092.96	\$0.00
STATE OF GEORGIA TAXES		\$0.00	\$0.00
City of Snellville Taxes		\$232.15	\$0.00
County Incorporated No Police		\$579.37	\$0.00
	Total Tax	\$1,904.48	\$0.00

Tax Installment Information

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	24355341	12/1/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
Total Du	ıe:			\$0.00	\$0.00	\$0.00	\$0.00

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2020	24355341	B20.23531	\$1,904.48	10/6/2020

As a result of ensuring a COVID-safe process for customers and associates, tag office waits are longer.

Check <u>wait times</u> and <u>required paperwork</u> in advance.



Q

BILL DETAIL

View/Pay Your Taxes / Account Detail / Bill 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

Parcel ID

Property Type

Last Update

R5038 327

Real Property

3/8/2021 8:58:43 AM

Legal Description

L2 WISTERIA VILLAGE

Tax Values

Description	Market Value	Assessed Value	
Land	\$87,800.00	\$35,120.00	
Improvement	\$0.00	\$0.00	
Total	\$87,800.00	\$35,120.00	



Class Codes

300-Commercial Vacant Land

Assessments

		Net Tax	Savings
<u>School Taxes</u>		\$758.59	\$0.00
STATE OF GEORGIA TAXES		\$0.00	\$0.00
City of Snellville Taxes		\$161.13	\$0.00
County Incorporated No Police		\$402.12	\$0.00
	Total Tax	\$1,321.84	\$0.00

Tax Installment Information

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	24354852	12/1/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
Total Du	ie:			\$0.00	\$0.00	\$0.00	\$0.00

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2020	24354852	B20.29983	\$1,321.84	10/12/2020