

BOARD OF APPEALS APPLICATION

JUN 1 5 2023

APPLICATION FOR VARIANCE, WAIVER OR APPEAL

PLANNING & DEVELOPMENT
DATE RECEIVED:

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770 985 3515 Fax 770 985 3551 ww

2007 TANGLEWOOD DR #230029 I BOA VARIANCE/APPEAL BOA # 23-0 I

Phone 770.985.3515 Fax 77	70.985.3551 www.snellville.org	PARCEL- R5025-091			
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.			
ED BRAN	NEN				
Name (please print)	ZY RIDGE WAY	Name (please print)			
Address LILBURN, GA		Address			
City, State, Zip Code		City, State, Zip Code			
770 - 361 - Phone Number(s)	Fax	Phone Number(s) Fax			
Contact Person: ED	BRANNEN	Phone: Fax:			
Cell Phone: 770 - 361-		E-mail: ed. brannen@hotmail.com			
Application for: (check of the check of the	m Unified Development Ordin	ance (describe below) GARAGE ROOF Describe Request: ENLARGEMENT			
		VAR. #2: UDO SEC. 8-26.B.1.b			
Property Address/Location: 200	OT TANGLEWOOD I	DR. SNELLVILLE Tax Parcel Number(s) R5025-091			
State the purpose of this request:	PREATION OF A W	ALKABLE 8' X 20' ATTIC SPACE ABOVE			
EXISTING GAI	RAGE WORKSHO	P FOR STORAGE			
APPLICATIONS WILL N Letter of Intent explaining Attachment A - Analysis of Attachment B - Certificat Recorded Warranty Deer	ot BE ACCEPTED. The reason (and demonstrated has of impact (if variance application) or tions: the names, addresses, and or	riginal notarized signatures of the applicant and/or property owner(s). Deed including property legal description demonstrating evidence of property			
variance or walver and parcel number(s); (c) use classification of all adjectent of required buffer architect, or land surveyo above-mentioned professions by higher and accompany described to the surveyor above.	applications only: As-Built, Site or the dimensions with bearing and of jacent parcels, (g) the proposed lo areas; and (i) location of floodplain or whose Georgia state registration ionals no more than six (6) months ocumentation to support application	Concept Plan drawn to scale, showing: (a) north arrow; (b) district, land lot(s) distance; (d) acreage; (e) location of the tract(s), (f) the present zoning and land ocation of structures, driveways, parking and loading areas; (h) the location and ones. Site and Concept Plan shall be prepared by an architect, engineer, landscape in is current and valid. Site plan must be stamped and sealed by one of the four of sprior to the date of submittal. All documents must be folded to $8-\frac{1}{2}$ " × 11 "; on and request for variance, appeal, or waiver. al and one (1) unbound application (original) bearing original signatures and all			
other required documents					
A USB flash drive or CD-l Payment of the appropria Snellville:	te application, public notice sign,	and 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

	NA
Appeals unless and	n the terms of the Unified Development Ordinance shall not be granted by the Board of until the applicant has demonstrated and explained the following. You may attacked provide additional documentation as appropriate:
structure, or building	and explain how special conditions and circumstances exist which are peculiar to the lang involved and which are not applicable to other land, structures, or buildings in the same zoning
district.	~ SEE ATTACHED ~
2) Demonstrate a	nd explain how literal interpretation of the provisions of the UDO would deprive the applicant of
2) Demonstrate a rights commonly enjo	
rights commonly enjoints and a second	nd explain how literal interpretation of the provisions of the UDO would deprive the applicant object by other properties in the same zoning district under the terms of the UDO.
rights commonly enjo	nd explain how literal interpretation of the provisions of the UDO would deprive the applicant by other properties in the same zoning district under the terms of the UDO. 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.

Cornelia B Wilson NOTARY PUBLIC

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.

Col Branne 5/30/23

Type or Print Name and Title Convolta & Wolson Signature of Notary Public	5 30 2023 Date	Gwinnett County, GEORGIA My Commission Expires 08/07/2025
<u> </u>	PROPERTY OWNER'S CERTII	FICATION
application, as shown in the records application. I further authorizeundersigned is aware that, in granting an and safeguards in conformity with the when made a part of the terms under wand punishable under Article 3 of the Ula reapplication for such for such variance the original application.	of Gwinnett County, Georgy variance or waiver, the Board Unified Development Ordinary which the variance or waiver is DO. If an application for a varie or waiver may not be made	e are) the owner of property that is subject to this is which is the subject matter of the attached to file this application. The dof Appeals may prescribe appropriate conditions and safeguards granted, shall be deemed a violation of the UDC is ince or waiver is denied by the Board of Appeals earlier than twelve (12) months from the date of the conditional "Property Owner's Certification" sheets.
Signature of Owner	Date	
Type or Print Name and Title		Notary Seal
Signature of Notary Public	Date	

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.

First, I would like to look at attachment "2A, 2B & 3" that shows the layout of the house and the freestanding garage on the property. It shows that this garage <u>sits approx.170 feet off</u> <u>Tanglewood Drive</u>, only partially visible due to the long winding driveway and the wooded lot adjacent. Due to the location, the revision to the 14' roof height to 20' does not make a significant change this visual situation to the street. The location of this garage is atypical to over 90% of the houses in Nob Hill.

Second, due to the lot sloping up instead of down, the creation of the garage layout dictated that a stone barrier wall be created to allow for the construction of the garage in 2016 by the previous owner. Thus this garage "sits down" to the property owners to the left, right and rear. (please see attachment "4-9").

Lastly, the combination of this upward sloping lot and the stream that runs through front of the property mitigates any other storage opportunity but to go up.

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.

On the first variance request, the alteration/enlargement to an existing setback variance, I have tried to show that due to the location of this garage on the property and the roof alteration not changing the footprint of the garage that this would be seen as a consideration for approval. It is my hope that Kurt and Gretchen Schulz to be in agreement and share in person at the August 8th meeting.

On the second variance request, the current UDO section 8-26.B.1.b allows for 750 SF maximum for cumulative total square footage for all accessory buildings for lots under .99 acre (2007 Tanglewood Drive is .82 acre).

Actual measurements were again made to each of the three existing structures on the property to access remaining square footage available to create more space in the main garage attic for proposed storage capability.

1. Main free standing Garage:

20' x 20' (primary space) + 2.5' x 8' (closet between shed and garage) = 420 sq. ft.

2. Cinder block/framed shed:

12' x 11' (total space)

= 132 sq. ft.

3. Covered grill area:

9' x 5' (total space)

= 45 sq. ft.

597 sq. ft.

New proposed stand up attic space via 10/12 pitch roof alteration:

8' x 20' (total space)

= 160 sq. ft.

Total= 757 sq. ft.

Due to the exterior 3 ft. knee wall that is designed to just clear the existing stoop roof and rerouting of gutter drainage to rear yard (attachment "10"), it requires a variance due to the conditions in the zoning code above. By the literal code wording above this 3 ft. knee wall would drive square footage calculations to be 400 sq. ft. added.

Another aspect of this knee wall design is that it is what enables the creation of the floored/walkable height of 160 SF floor space. The area to the left and right of this room is non-floored and is comprised of knee wall diagonal braces and open floor joists to the workshop below (attachment "11-13")

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

When I purchased this house in 2017 I fully accepted the conditions of the stream in the front of the property and the rising slope in the back. They are features that I like and give the residence great appeal.

My wrongful action of starting the framing of this roof change before permit approval has caused me chastisement and fines from the city that I deserve and am embarrassed to say the least. I am truly sorry for my actions and have had several meetings with John Dennis to state such. I am submitting these two variance requests that I would hope would stand on their own pursuit and not due to me having already started work on this project. Again, I ask for your forgiveness.

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.

My first request is that the variance for consideration that deals with the previous setback variance granted in 2016 be revisited. This setback of 5 feet was granted for the garage versus the 20 feet setback requirement (UDO Section 201-1.6.B.4). It is my belief that this was granted primarily due to the adjacent homeowners, Kurt and Gretchen Shultz concurrence, of which I am most appreciative, even though I was not the current owner at that time.

The placement of this garage is such, being behind and to the side of the primary house, that it is not viewable to the property to the rear and only partially seen to the property to the right. There is no change or variance request to the footprint of the garage in any aspect. Thus it is my belief that no special privilege is being requested.

On the variance request for the roof design proposed to create *unconditioned* 160 SF of attic space, I do not believe that it grants any special privilege to this property. I have tried to make sure that it does not violate any standard building code and complies with all current roof design requirements.

REVIEW COMMENTS

FROM: John Dennis

Zoning Administrator

DATE:

5-15-2023

RE:

2nd STORY ADDITION TO EXISTING ROOFED ACCESSORY STRUCTURE

2007 TANGLEWOOD DRIVE, SNELLVILLE, GA

The following review comments have been prepared following the building permit application and revised drawings received May 8-2023.

ANALYSIS:

a) <u>UDO Sec. 201-1.9.B (Floor Area Other Uses)</u>, floor area is the sum of floor area on all floors within surrounding exterior walls of a building. Areas of a building not provided with surrounding walls are included in the floor area if such areas are included within the horizontal projection of the roof or floor above. Floor area does not include unenclosed balconies, unenclosed porches, unenclosed stoops, or parking structures.

The proposed 20'-0" X 20'-0" second-story addition (measured within the surrounding exterior walls) is 400 sq. ft. of additional building area and when added to the 530 sq. ft. ¹ exiting free-standing garage and cinder block shed area and 45 sq. ft. ¹ of existing covered grill area, the 975 sq. ft. total area for all existing and proposed structures exceeds 750 sq. ft. allowed in Condition #4 of the 5-10-2016 approved Board of Appeals variance, as well as, UDO Sec. 8-26.B.1.b. for 750 sq. ft. maximum allowed cumulative total square footage for all accessory buildings based on lots 10,501 SF to 0.99 acre in size by 225 sq. ft.

ACTION REQUIRED: Reduce size of proposed second-story addition to not exceed 750 sq. ft. total for all roofed accessory structures or submit variance application for approval consideration by the Snellville Board of Appeals.

b) The existing structure is legal non-conforming to the setback requirements of UDO Sec. 201-1.6.B.4 requiring a 20 feet setback from the adjacent lot line to the southeast for accessory uses and structures over 500 SF in area. Although variances were approved to allow the setback reduction from 5'-0" to 1'-3" for the pre-existing shed/garage/workshop, Per UDO Sec. 103-11.4.A (Nonconforming Buildings and Structures), no such nonconforming structure may be enlarged or altered in a way which increases its nonconformity. The 400 sq. ft. increase in area for the proposed second-story addition is considered an increase in its nonconformity.

ACTION REQUIRED: Submit variance application for approval consideration by the Snellville Board of Appeals.

ACCESSORY DWELLING UNIT:

Although the application for Building Permit indicates the proposed second-story addition is to "accommodate increased storage and free up room in workshop below", be advised that the current RS-30 (Single-family Residential) District zoning of the property does not allow for Accessory Dwelling Units,

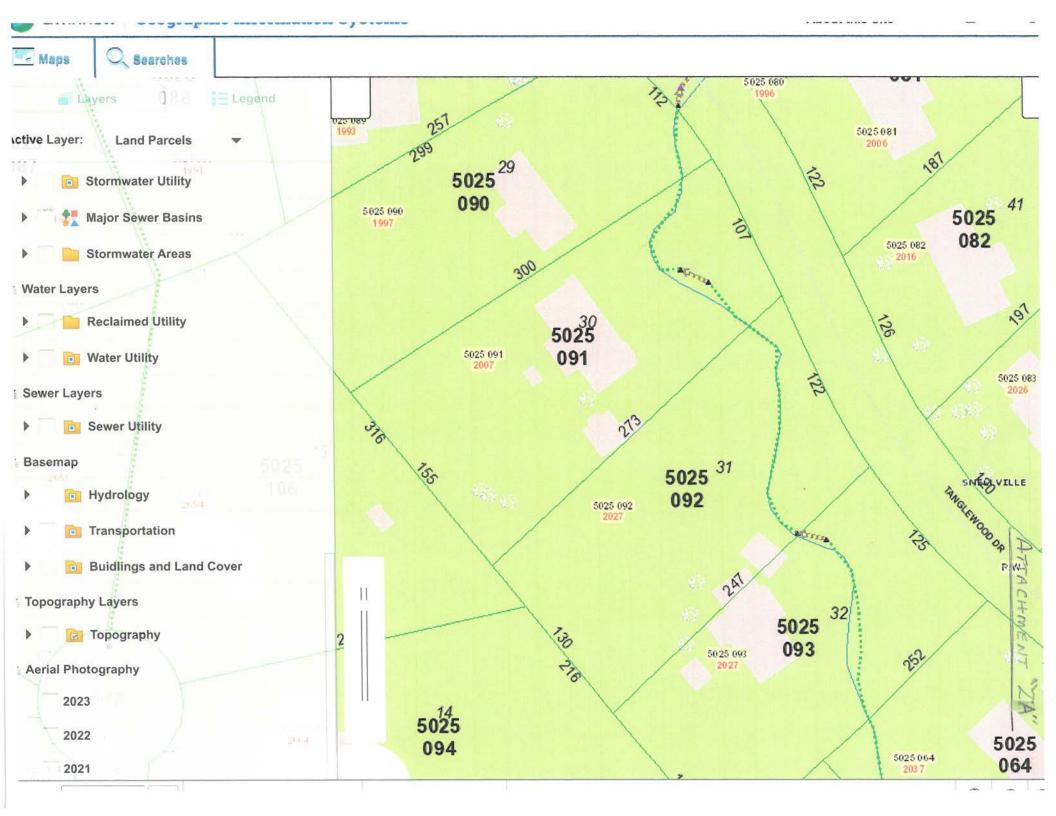
REVIEW COMMENTS

defined as a small, self-contained dwelling unit located on the same lot as a principal dwelling. Dw	elling
Unit is defined as a single unit providing complete, independent living facilities for one family, inclu	iding
permanent provisions for living, sleeping, eating, cooking, and sanitation.	

The Snellville Board of Appeals may not consider use variances

UDO Sec. 206-8.4 (Accessory Dwelling Unit) provides use standards for ADU's where permitted as a limited use.

¹ Area calculation not field verified



SITE PLAN (" ATTACHMENT "28" 2007 TANGEWOOD DRIVE SNELLVILLE, GA. 30078 (NOT TO EXACT SCALE) LOVERED GRILL AREA SHED House 2 CAR GARAGE 142' 170' DRIVE TANGLEWOOD 2007 TANGLEWOOD DRIVE

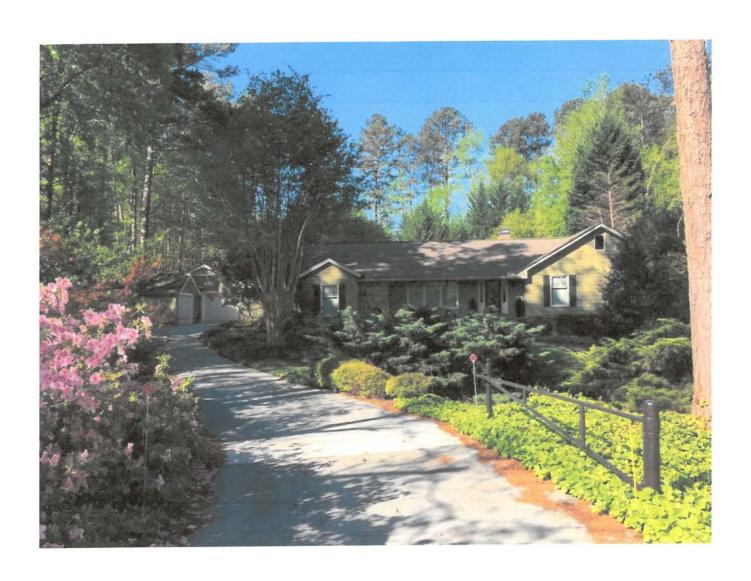
SHELLVILLE, GA. 30078

Pic 2

Ed Brannen

Sun 5/7/2023 10:05 PM

To: Ed Brannen <ed.brannen@hotmail.com>



Sent from my iPhone

VIEW FROM STREET

[EXISTING ROOF ELEVATION INCREASED FROM 14' TO 20')

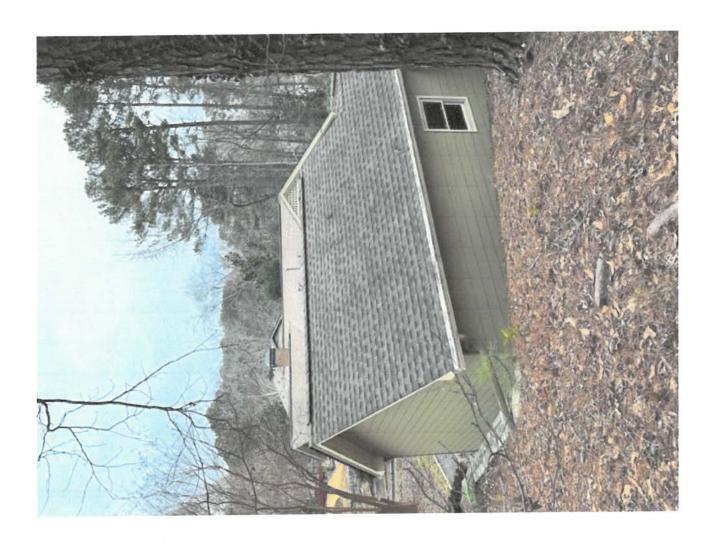
From: Ed Brannen

Sent: Wednesday, May 3, 2023 10:06 PM

To: Ed Brannen
Subject: Garage pics

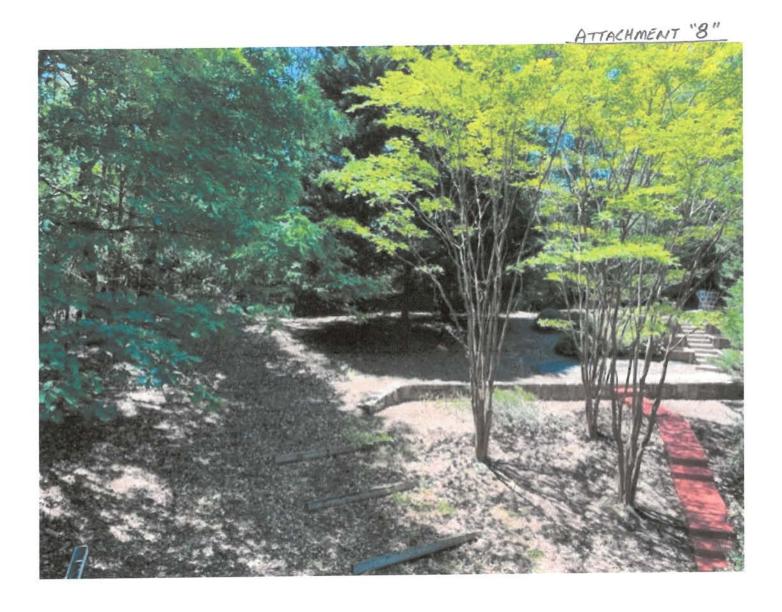






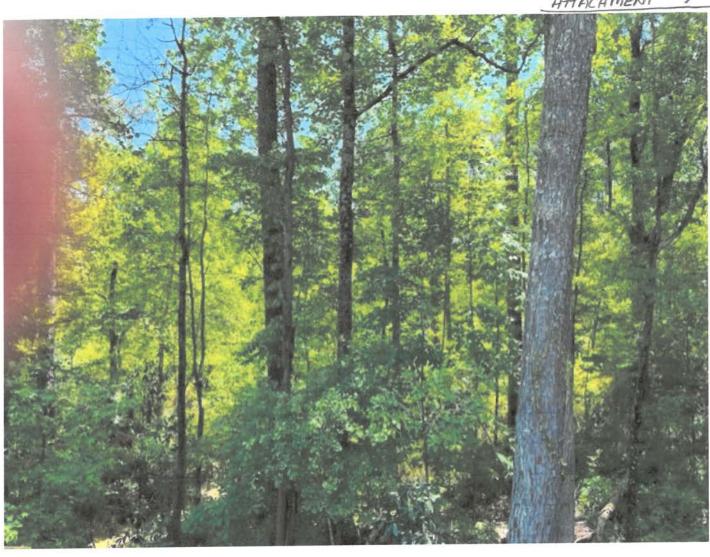


VIEW @ 20' LODKING WEST



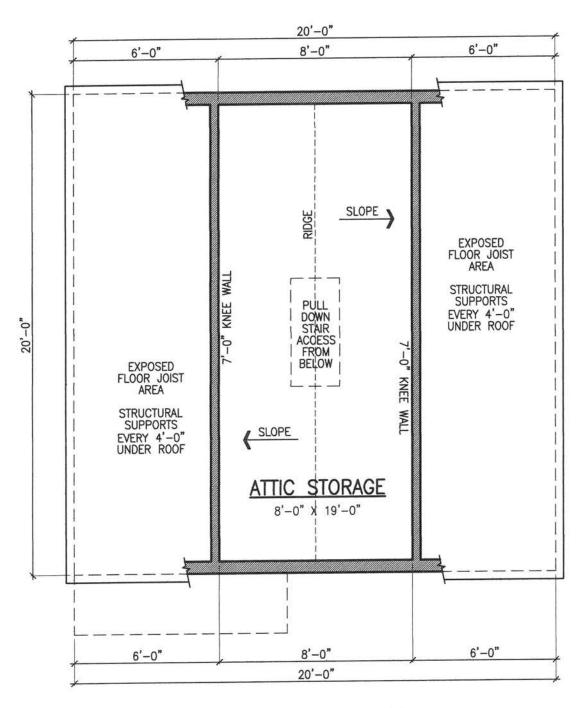
VIEW @ 20' LOOKING SOUTH

ATTACHMENT "9"



VIEW @ 20' LOOKING EAST

Sence: 14"=1-0" NEW DESIGN FOR PERMIT HPPROVACE ATTACHMENT (ELEVATION FACING STREET) 2 X 4 KMEE NADLL BRACING EVERY , 4" GARAGE DOOR EXISTINA œ, FOLD DOWN LADDER TO ATTIC SPACE SUPPORT SUPPORT 3' (KNEE WALL)



ATTIC FLOOR PLAN

SCALE: 1/4" = 1'-0"

Record and Return to: Weissman PC One Alliance Center, 3500 Lenox Road, 4th Floor Atlanta, GA 30326

File No.: SL105-17-1254-RC

LIMITED WARRANTY DEED

STATE OF GEORGIA COUNTY OF GWINNETT

THIS INDENTURE, made this 14th day of November, 2017 by and between **Gary T. Parker and Linda S. Parker**, as party or parties of the first part, hereinafter called Grantor, and **Edward L. Brannen**, 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 DOLLARS AND NO/100 (\$10.00) AND OTHER 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, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 25 of the 5th District, Gwinnett County, Georgia, being Lot 30, Block E, Nob Hill Estates, Unit Two, as per plat thereof recorded in Plat Book T, Page 263, Gwinnett County, Georgia, records, which plat is incorporated herein and made a part hereof by reference for a more detailed description; said property being known as 2007 Tanglewood Drive, according to the present system of numbering property in the City of Snellville, Gwinnett County, Georgia.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the 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 claiming by, through, or under Grantor herein.

Deed (Limited Warranty) SL105-17-1254-RC

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

Signed, sealed and delivered in the presence of:

Whotary Public

My Commission Expires:

Signed, sealed and delivered in the presence of:

Wardficial Witness

Notary Public

My Commission Expires:

DEDIJER

NOTARY 25.

NOTARY 2

All tax commissioner offices will be closed Monday, May 29 for Memorial Day. Click here for the tag office schedule.





Q

ACCOUNT DETAIL

View/Pay Your Taxes / Account Detail

Tax Account

Mailing Address:

BRANNEN EDWARD L 2007 TANGLEWOOD DR SNELLVILLE, GA 30078-3038

SITUS:

2007 TANGLEWOOD DR

Tax District:

SNELLVILLE

Parcel ID

Property Type

Last Update

R5025 091

Real Property

5/26/2023 8:09:28 PM

Legal Description

LOT 30 BK E UN 2 NOB H

Print Tax Bill

Click here to view and print your 2022 tax bill.*

* Bill as of September 1, 2022. For current amount due see information below.

Tax Bills

Note: Email tax@gwinnettcounty.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2022	\$3,735.15	\$3,735.15	\$0.00	\$0.00	11/1/2022	\$0.00
2021	\$2,833.92	\$2,833.92	\$0.00	\$0.00	10/15/2021	\$0.00
2020	\$3,337.91	\$3,337.91	\$0.00	\$0.00	12/1/2020	\$0.00
2019	\$3,330.05	\$3,330.05	\$0.00	\$0.00	10/15/2019	\$0.00
2018	\$2,928.35	\$2,928.35	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$2,281.83	\$2,281.83	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$2,056.49	\$2,056.49	\$0.00	\$0.00	10/15/2016	\$0.00
Total						\$0.00

Pay Now

No payment due for this account.



ANNUAL NOTICE OF ASSESSMENT



A

C

Gwinnett County Board of Assessors Office

75 Langley Drive Lawrenceville, GA 30046-6935 770.822.7200

EDWARD L BRANNEN 2007 TANGLEWOOD DR SNELLVILLE, GA 30078-3038

Official Tax Matter - 2023 Tax Year

This correspondence constitutes an official notice of ad valorem assessment for the tax year shown above.

Annual Assessment Notice Date: 4/7/2023

Last date to file a written appeal: 5/22/2023

*** This is not a tax bill Do not send payment ***

County property records are available online at: www.gwinnett-assessor.com

The amount of your ad valorem tax bill for the year shown above will be based on the <u>Appraised</u> (100%) and <u>Assessed</u> (40%) values specified in **BOX** 'B' of this notice. You have the right to submit an appeal regarding this assessment to the County Board of Tax Assessors. You must appeal no later than 45 days after the date of this notice, or your right to file an appeal will be lost. Forms and additional information on the appeal process may be obtained at <u>www.gwinnett-assessor.com</u>.

To file an appeal online, visit www.gwinnett-assessor.com

At the time of filing your appeal you must select one of the following appeal methods:

(1) County Board of Equalization (value, uniformity, denial of exemption, or taxability)

(2) Arbitration (value)

(3) County Hearing Officer (value or uniformity, on non-homestead real property or wireless personal property valued in excess of \$500,000)

All documents, records and methods used to determine the current value are available upon request. For further information regarding this assessment and filing an appeal, you may contact the county Board of Tax Assessors which is located at 75 Langley Drive, Lawrenceville, GA 30046 or by telephone at 770.822.7200. Your staff contact is Renee Boswell.

Additional Information on the Appeal process may be obtained at www.gwinnett-assessor.com

	Neighborhood/Market Area	Property ID Number	Acreage	Tax Dist	Covenant Yea	r Homestead		
	5950 M017	R5025 091	0.86	SNELLVILLE				
	Property Description	LOT 30 BK E UN 2 NOB H						
	Property Address	2007 TANGLEWOOD DR, SNELLVILLE 30078						
	2.09 - 20	Taxpayer Returned Value	Previou	Year Value Curre	ent Year Value	Current Year Other Value		
В	100% <u>Appraised</u> Value	0	290),900 2	97,700	0		
	40% Assessed Value	0	116	5,360 1	19,080	0		
	Reasons for Assessment Notice							
	Adjusted for Market Conditions							

The estimate of your ad valorem tax bill for the current year is based on the previous or most applicable year's net millage rate and the current value contained in this notice. This is not a tax bill. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions. The estimated tax below does not include fees (i.e. solid waste, storm water, street lights, speed bumps, etc.)

Taxing Authority	Other Exempt	Homestead Exempt	Net Taxable	Millage	Estimated Tax
Economic Development	0	0	119,080	0.3000	35.72
County General Fund	0	0	119,080	6.9500	827.61
Development/Code Enforcement	0	0	119,080	0.0000	.00
Fire & EMS	0	0	119,080	3.2000	381.06
Police	0	0	119,080	0.0000	.00
	0	0	119,080	1.0000	119.08
Recreation	0	0	119,080	19.2000	2,286.34
School School Bond	0	0	119,080	1.4500	172.67
School Bond Snellville	0	0	119,080	4.0000	476.32