



**BOARD OF APPEALS APPLICATION** APR 13 2021

APPLICATION FOR VARIANCE, WAIVER OR APPEAL CITY OF SNELLVILLE PLANNING & DEVELOPMENT

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

DATE RECEIVED: April 10, 2021

CASE # **BOA #21-03**  
rev 10-27-2020

**Applicant** is: (check one)  
 Owner's Agent  
 Contract Purchaser  
 Property Owner

**Innocent Nwachukwu**  
Name (please print)  
2550 Sandy Plains Rd., Ste 225  
Address  
Marietta, GA 30066  
City, State, Zip Code  
678-698-3816  
Phone Number(s) Fax

**Owner** (if not the applicant):  check here if there are additional property owners and attach additional sheets.  
**Joyce Spraggs**  
Name (please print)  
2176 Benchmark Drive  
Address  
Snellville, GA 30078  
City, State, Zip Code  
770-572-8360  
Phone Number(s) Fax

Contact Person: Innocent Nwachukwa Phone: 678-698-3816 Fax: \_\_\_\_\_  
Cell Phone: 678-698-3816 E-mail: vtaylor@verosinterior.com

**Application for:** (check one)  
 Appeal (describe): \_\_\_\_\_  
 Variance or Waiver from Unified Development Ordinance (describe below)  
UDO Section requested for VARIANCE or WAIVER consideration: : \_\_\_\_\_ Describe Request: Permission to reduce setback from 20ft to 10ft.

Property Address/Location: \_\_\_\_\_ Tax Parcel Number(s) \_\_\_\_\_  
State the purpose of this request: To cover existing patio and reduce setback from 20ft to 10ft.

**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:

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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. One of the occupants is 95 years of age and she still enjoys the outdoors.

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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. Most neighbors have porches and patios which they enjoy during the summer months.

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

When the applicants purchased the house the set back was already 20ft.

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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. Some of the neighbors have similar coverings; therefore, this will not be considered a special privileged.

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**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.

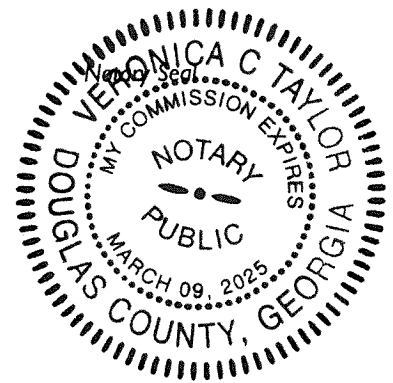
#### APPLICANT'S CERTIFICATION

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.

[Signature] \_\_\_\_\_ 4/10/21  
Signature of Applicant Date

INNOCENT NWACHUKWU  
Type or Print Name and Title

[Signature] \_\_\_\_\_ 4/10/21  
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 INNOCENT NWACHUKWU 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] \_\_\_\_\_ 4/10/21  
Signature of Owner Date

JOYCE SPRAGGS  
Type or Print Name and Title

[Signature] \_\_\_\_\_ 4/10/21  
Signature of Notary Public Date



Return to:  
Miles P. Hurley, P.C.  
100 Galleria Parkway, Suite 650  
Atlanta, GA 30339

## QUITCLAIM DEED

STATE OF GEORGIA  
COUNTY OF Fulton

THIS INDENTURE, made as of the 25<sup>th</sup> day of January, 2017, between

**JOYCE C. SPRAGGS,**

of the County of Gwinnett and the State of GEORGIA, as party of the first part, hereinafter called Grantor, and

**JOYCE C. SPRAGGS & ODESSA B. SPRAGGS, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP,**

of the County of Gwinnett and the State of GEORGIA, 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 one dollar (\$1.00) and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 59, 5<sup>th</sup> District, Gwinnett County, Georgia, and being shown as Lot 112, Phase 2A, Olde Hickory Village, as reflected in a plat of survey recorded in Plat Book 96, Page 191, Gwinnett County, Georgia records, which plat is by reference thereto incorporated herein and made a part hereof for a more particular and complete description.

Address: 2176 Benchmark Drive  
Snellville, GA 30078  
Tax Parcel Number: R5059-356

**TO HAVE AND TO HOLD** the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

**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:

Nancy Maheira  
(Unofficial witness)

MM

Joyce C. Spraggs (Seal)  
JOYCE C. SPRAGGS

The North Gwinnett and Peachtree Corners Tag Offices are closed due to public health risk and will reopen Monday, March 8.

Tag Offices open at 9 a.m. beginning March 1.



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.



TIFFANY P. PORTER  
GWINNETT COUNTY  
TAX COMMISSIONER



## BILL DETAIL

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

### Tax Account

**Mailing Address:**

SPRAGGS JOYCE C  
2176 BENCHMARK DR  
SNELLVILLE, GA 30078-6198

**SITUS:**

2176 BENCHMARK DR

**Tax District:**

SNELLVILLE

**Parcel ID**

R5059 356

**Property Type**

Real Property

**Last Update**

3/3/2021 8:31:12 AM

**Legal Description**

**Legal Description**

L112 OLDE HICKORY VILLAGE PH2A



**Tax Values**

Description	Market Value	Assessed Value
Land	\$50,000.00	\$20,000.00
Improvement	\$198,900.00	\$79,560.00
<b>Total</b>	<b>\$248,900.00</b>	<b>\$99,560.00</b>

**Class Codes** 101-Residential SFR

**Assessments**

	Net Tax	Savings
<u>School Taxes</u>	\$0.00	\$2,150.49
<u>STATE OF GEORGIA TAXES</u>	\$0.00	\$0.00
<u>City of Snellville Taxes</u>	\$433.84	\$22.94
<u>SNELLVILLE STORMWATER FEES</u>	\$57.33	\$0.00
<u>County Incorporated No Police</u>	\$796.26	\$343.71
<b>Total Tax</b>	<b>\$1,287.43</b>	<b>\$2,517.14</b>

**Tax Installment Information**

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	24295609	12/1/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Due:</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

## Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2020	24295609	B20.81867	\$1,287.43	11/18/2020



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