



# BOARD OF APPEALS APPLICATION

APPLICATION FOR APPEAL, VARIANCE OR WAIVER

City of Snellville  
Planning & Development Department  
2342 Oak Road, 2<sup>nd</sup> Floor  
Snellville, GA 30078  
Phone 770.985.3513 [www.snellville.org](http://www.snellville.org)

DATE RECEIVED: \_\_\_\_\_

BOA VARIANCE #23-04  
DUNKIN DONUTS  
2035 MAIN ST #2300495

CITY OF SNELVILLE  
PLANNING & DEVELOPMENT

OCT 20 2023

RECEIVED

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

Brent H. Moye P.E.  
Name (please print)  
116 Bethea Rd Suite 208  
Address  
Fayetteville, GA 30214  
City, State, Zip Code  
678-432-5720 678-432-5463  
Phone Number(s) Fax

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

Dorothy Thorpe  
Name (please print)  
Dorothy Thorpe  
Address  
2100 Meyers Dr. Lawrenceville, GA 30045  
City, State, Zip Code  
678-442-6177  
Phone Number(s) Fax

Contact Person: Brent H. Moye P.E. Phone: 678-432-5720 Fax: \_\_\_\_\_  
Cell Phone: 404-925-8776 E-mail: [bmoye@landengdev.com](mailto:bmoye@landengdev.com)

**Application for** (check one):

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

Variance Request #1 UDO Section 207-3.2.A.5 - Inter-parcel access driveways and alleys are allowed in all landscape strips but may not exceed 24 feet in width and must be placed generally perpendicular to the yard. The request is to allow the use of the existing drive at its approximately 29-foot width.

Variance Request #2 UDO Section 207-3.2.A.2 - Landscape strips must be provided as follows: Front: 10 ft. depth min. The request is to allow the use of the existing parking to be utilized where it is located with the current encroachment in to the front landscape strip.

Variance Request #3 UDO Section 207-3.2.A.2 - Landscape strips must be provided as follows: Side (interior): 5 ft. depth min. The request is to allow the use of the parking along the eastern property line where it is located with the current encroachment and allow the replacement of the existing parking on the western property line with the existing encroachment.

Property Address/Location: 2035 East Main ST. Snellville, GA District 5 Land Lot 59 Parcel R5059 233  
Subdivision or Project Name: Dunkin Lot: \_\_\_\_\_ Block: \_\_\_\_\_

### Application Submittal Checklist:

- Application original bearing original and notarized signatures and any supporting documents or exhibits.
- Letter of intent/written narrative detailing the appeal or requested variance or waiver.
- Responses to items on Attachment A.
- Responses to specific use criteria (see Criteria for Approval in Applicant Information).
- Site plan.
- Verification that county and city property taxes are paid.
- Warranty deed; security deed, or quit claim deed for subject property.
- Map indicating the subject property and adjacent properties identified by tax parcel number.
- Nine (9) stapled or bound copies of the application and any supporting documents or exhibits.
- Digital copy in .PDF format of application submittal (email, flash drive, etc.).
- Payment of application fee and public notification fees.

Board of Appeals Public Hearing Date and Time: December 12, 2023 at 7:30 p.m.

### Application Fees:

\$200.00 per appeal or requested variance PLUS \$75 per Sign and \$15 per Adjoining Property Owner

**ATTACHMENT "A"**

**APPEALS**

If request is to APPEAL the decision of the Planning Director, please discuss your grievance in detail below. You may attach additional sheets and provide additional documentation as appropriate.

Check Box if NOT APPLICABLE

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**VARIANCES AND WAIVERS**

To authorize, upon appeal in specific cases, variance or waiver from the terms of the Unified Development Ordinance ("UDO") as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the UDO would result in unnecessary hardship.

A variance may not be granted by the Board of Appeals unless and until a written application for a variance or waiver is submitted demonstrating the following (you may attach additional sheets if necessary):

1) 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.

The site was originally developed in 1990 and has an existing shared access drive with the adjacent automotive repair shop to the east and contains a cell tower with multiple carries along the north property line. The new owner must maintain the access to the cell tower and adjacent commercial property while redeveloping the site to provide vehicular access, utilities, storm water management, other minor site improvements to serve the new building, shile complying with as many of the requirements of the City's UDO as possible.

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2) That literal interpretation of the provisions of the UDO would deprive the applicant or rights commonly enjoyed by other properties in the same zoning district under the terms of the UDO.

If the literal interpretation of this code section is applied to this property it will deprive the current and future owner of the highest and best use of the property as enjoyed by other landowners with similar commercial zoning.

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3) That the special conditions and circumstances do not result from the actions of the applicant.

The special conditions and circumstances that prompted these requests for variances exist on the property as it was previously developed and were not the result of any action of the applicant.

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4) 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.

If granted the variances will not confer on the applicant any special privilege that is denied by the UDO to other land, structures, or buildings in the same zoning District. As shown on the landscape plan submitted with the application, the applicant will comply with all other landscape requirements of the UDO.

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No nonconforming 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 the issuance of a variance.



# 8.5x11\_Landscape



- Selection(s)
- County Boundary
- Property Parcels



8/6/2023

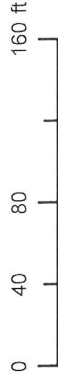
This map is a graphical representation of data obtained from aerial photography, recorded deeds, plats, engineering drawings and other public records, and data. Gwinnett County does not warrant the accuracy or currency of the data. It has provided and does not guarantee the suitability of the data for any purpose, expressed or implied. ALL DATA IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. This map is the proprietary product of Gwinnett County and in no event will Gwinnett County be liable for damages, including any loss of profits, lost savings, or other incidental or consequential damages arising out of the use of or inability to use this map.





Gwinnett

# 8.5x11\_Landscape



-  Selection(s)
-  County Boundary
-  Property Parcels



8/6/2023

This map is a graphical representation of data obtained from aerial photography, recorded deeds, plats, engineering drawings and other public records and data. Gwinnett County does not warrant the accuracy or currency of the data it has provided and does not guarantee the suitability of the data for any purpose, expressed or implied. ALL DATA IS PROVIDED AS IS, WITH ALL FAULTS, WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. This map is the proprietary product of Gwinnett County and in no event will Gwinnett County be liable for damages, including any loss of profits, lost savings, or other incidental or consequential damages, arising from the use of or inability to use this map.

BK 16253 PG0097  
WEBB, TANNER & POWELL  
P.O. Box 1390  
Lawrenceville, Georgia 30046

STATE OF GEORGIA  
COUNTY OF GWINNETT

WARRANTY DEED

THIS INDENTURE, Made as of the 22ND day of June in the Year of Our Lord One Thousand Nine Hundred and Ninety-Eight, between

WILLIAM STACEY BRITT, as to an undivided two-thirds interest  
And DARRON P. BRITT, as to an undivided one-third interest

of the State of Georgia and County of Gwinnett as Party or parties of the first part, hereinafter called Grantor, and

RALPH THORPE AND DOROTHY THORPE

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).

W I T N E S S E T H:

That: Grantor, for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS (\$10.00), in hand paid, at and before the sealing and delivery of these presents, the receipt of which 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 59 of the 5th Land District, Gwinnett County, Georgia, and being more particularly described on Exhibit A attached hereto and made a part hereof by reference.

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, 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.

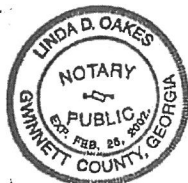
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature] (SEAL)  
Unofficial Witness WILLIAM STACEY BRITT

[Signature] (SEAL)  
Notary Public DARRON P. BRITT

My Commission Expires:



GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX

\$ 200.00  
TOM LAWLER CLERK OF  
SUPERIOR COURT

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.  
98 JUN 23 AM 8:00  
TOM LAWLER, CLERK

0511893

EXHIBIT A

ALL THAT TRACT or parcel of land lying and being in Land Lot 59 of the 5<sup>th</sup> Land District, Gwinnett County, Georgia, in the City of Snellville, being more particularly described as follows:

BEGINNING at a point on the northerly right of way line of U. S. Highway 78, a/k/a Georgia Highway 10, (having an 86 foot right of way at a point located 825.57 feet easterly as measured along said right of way line from its intersection with the westerly line of Land Lot 59; thence along a line that bears North 16 degrees 17 minutes 52 seconds West a distance of 289.47 feet to a point; thence along a line that bears North 89 degrees 17 minutes 21 seconds East a distance of 170.87 feet to a point; thence along a line that bears South 06 degrees 05 minutes 05 seconds East a distance of 275.29 feet to a point on said northerly right of way line of U. S. Hwy. 78; thence along said right of way and following the curvature thereof, an arc distance of 119.00 feet (said arc having a radius of 1428.00 feet and a chord of South 87 degrees 00 minutes 05 seconds West 118.97 feet) to the point of beginning.

Said tract containing 0.9200 acres of land according to survey by Cornerstone Planning Co., Inc. last revised June 11, 1990.

LESS AND EXCEPT THE FOLLOWING:

1. 0.0481 acres conveyed to Georgia Department of Transportation by Warranty Deed recorded in Deed Book 6123, Page 180, Gwinnett County, Georgia Records.
2. 0.077 acres conveyed by Limited Warranty Deed to ICB Tower, LLC, recorded in Deed Book 15812, Page 235, aforesaid records.

This deed is subject to access and utility easements contained in Short Form of Lease between William Stacey Britt, Landlord, and AT&T Wireless PCS Inc., Tenant, dated April 4, 1996, recorded in Deed Book 13725, Page 258, Gwinnett County, Georgia Records, AND in Limited Warranty Deed from William Stacey Britt to ICB Tower, LLC dated December 30, 1997, recorded in Deed Book 15812, Page 235, Gwinnett County, Georgia Records.

BK 15253 PG0097  
WEBB, TANNER & POWELL  
P.O. Box 1390  
Lawrenceville, Georgia 30046

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COUNTY OF GWINNETT

WARRANTY DEED

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WILLIAM STACEY BRITT, as to an undivided two-thirds interest  
And DARRON P. BRITT, as to an undivided one-third interest

of the State of Georgia and County of Gwinnett as Party or parties of the first part, hereinafter called Grantor, and

RALPH THORPE AND DOROTHY THORPE

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).

W I T N E S S E T H:

That: Grantor, for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS (\$10.00), in hand paid, at and before the sealing and delivery of these presents, the receipt of which 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,

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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, 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.

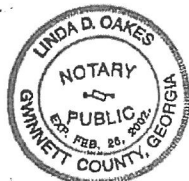
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

William Stacey Britt (SEAL)  
Unofficial Witness WILLIAM STACEY BRITT

Linda D. Oakes  
Notary Public  
My Commission Expires: \_\_\_\_\_

Darron P. Britt (SEAL)  
DARRON P. BRITT



GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX  
\$ 200.00  
TOM LAWLER CLERK OF  
SUPERIOR COURT

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.  
98 JUN 23 AM 8:00  
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**PAYMENT RECEIPT**  
 Department of Property Tax  
 Denise R. Mitchell, MPA  
 75 Langley Dr  
 Lawrenceville, GA 30046  
 770-822-8800

Receipt Number: U23.12926  
 Date Received: 10/05/2023  
 Received By: txvschoby  
 Location: GJAC

www.GwinnettTaxCommissioner.com

Description	Balance	Net Tax	Interest	Fees/Late Charges	Current Due	Current Paid	Balance Remaining
Bill Number: 25352726 Bill Year: 2023 PIN: R5059 233 Primary Owner: DOROTHY L THORPE Property Addr: 2035 EAST MAIN ST Property Desc: TRACT A HWY78	4,671.52	4,671.52	0.00	0.00	4,671.52	4,671.52	0.00
<b>Totals:</b>	4,671.52	4,671.52	0.00	0.00	4,671.52	4,671.52	0.00

Tender Information:

Charge Summary:

Check #317	4,671.52	Real Property	4,671.52
Total Tendered	4,671.52	Total Charges	4,671.52

Thank you for your payment. Payments made with a check, credit or debit card are pending transactions. Your taxes will be considered paid when the funds are received from your financial institution. If there is a balance remaining, the amount due is good only for the date on this receipt. Additional fees and interest may be added to any unpaid balance; call 770-822-8800 for total amount due.

By Whom Paid:

DOROTHY L THORPE  
 2100 MEYERS DR  
 LAWRENCEVILLE GA 30045-3468

CHARGES	4,671.52
PAID	4,671.52
BALANCE REMAINING	0.00
AMOUNT TENDERED	4,671.52
CHANGE	0.00



**PAYMENT RECEIPT**  
 Department of Property Tax  
 Denise R. Mitchell, MPA  
 75 Langley Dr  
 Lawrenceville, GA 30046  
 770-822-8800

www.GwinnettTaxCommissioner.com

Receipt Number: U23.9932  
 Date Received: 09/27/2023  
 Received By: txvschoby  
 Location: GJAC

Description	Balance	Net Tax	Interest	Fees/Late Charges	Current Due	Current Paid	Balance Remaining
Bill Number: 25515354 Bill Year: 2023 PIN: R5059 491 Primary Owner: THORPE RALPH & DOROTHY Property Addr: EAST MAIN ST Property Desc: TRACT B HWY 78	196.44	196.44	0.00	0.00	196.44	196.44	0.00
<b>Totals:</b>	196.44	196.44	0.00	0.00	196.44	196.44	0.00

Tender Information:

Charge Summary:

Check #315	196.44	Real Property	196.44
Total Tendered	196.44	Total Charges	196.44

Thank you for your payment. Payments made with a check, credit or debit card are pending transactions. Your taxes will be considered paid when the funds are received from your financial institution. If there is a balance remaining, the amount due is good only for the date on this receipt. Additional fees and interest may be added to any unpaid balance; call 770-822-8800 for total amount due.

By Whom Paid:

THORPE RALPH & DOROTHY  
 2100 MEYERS DR  
 LAWRENCEVILLE GA 30045-3468

CHARGES	196.44
PAID	196.44
BALANCE REMAINING	0.00
AMOUNT TENDERED	196.44
CHANGE	0.00



Snellville, GA  
 2342 Oak Rd  
 Snellville, GA 30078  
 (770) 985-3508

**2023**  
**Property Tax Bill**  
**\*\*\*TEMPORARY\*\*\***

Parcel ID	Tax District	Bill #	
R5059 233	10 - City of Snellville	007222	
Property Owner/Location/Description		Fair Market Value	Taxable Value
THORPE DOROTHY L 2035 EAST MAIN ST		428,000	145,520
Levies	Taxable Value	- Exemptions	= Net Assessment X Tax Rate = Net Tax
City of Snellville	145,520	0	145,520 4.0000000000 \$582.08
2023 STORMWATER			\$312.48

Exemptions:

Tax Bills are not automatically sent to mortgage conmapnies; therefore, if your taxes are paid through escrow, please forward this bill to your mortgage company.

All taxes and stormwater fees that are delinquent and paid after December 15, 2023 are subject to interest and penalties as allowed by law. FIFA costs are applied to delinquent property taxes after March 15, 2024.

The City will accept partial payments as long as the balance is paid in full by December 15th.

IF THIS TAX NOTICE INDICATES A PAST DUE AMOUNT, PLEASE CONTACT US TO DETERMINE PAYOFF AMOUNT.

Current Year Tax	\$894.56
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$894.56
Other Amounts Due	\$0.00
<b>Total Due</b>	<b>\$0.00</b>
Due Date	12/15/2023



**Snellville, GA**  
 2342 Oak Rd  
 Snellville, GA 30078

*\*Make check or money order payable to: City of Snellville*  
*\*Write the Tax Parcel ID Number on your check*  
*\*Full payment must be made by the due date*  
*\*Mailed payments will be posted using the official postmark date*  
*\*Taxes may be paid online by visiting [www.snellville.org](http://www.snellville.org)*  
*\*Convenience fees may apply to all credit/debit card payments*

Parcel ID: R5059 233  
 Amount Due: \$0.00  
 Bill#: 007222  
 Due Date: 12/15/2023

AMOUNT PAID

DOROTHY L THORPE  
 2100 MEYERS DR  
 LAWRENCEVILLE, GA 30045-3468

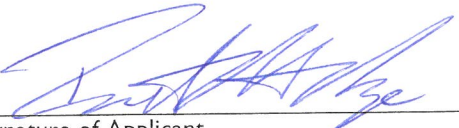
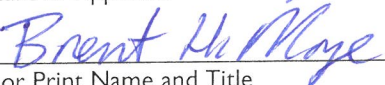
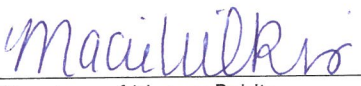
**Snellville, GA**  
 2342 Oak Rd  
 Snellville, GA 30078

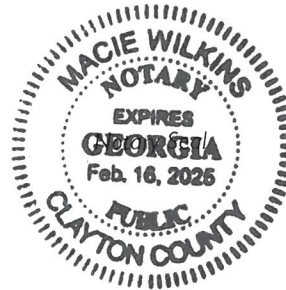
## APPLICATION CERTIFICATIONS

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

### APPLICANT CERTIFICATION

The undersigned below, is authorized to make this application and swears and affirms under penalty of perjury under the laws of the State of Georgia that the information provided herein is true and correct to the best of his/her knowledge and belief. 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 Unified Development Ordinance and punishable under Article 3 of the UDO. If the application for variance or waiver is denied by the Board of Appeals, a re-application for such variance or waiver may not be made earlier than 12-months from the date of the original application. The undersigned is aware that any person aggrieved by a decision or order of the Board of Appeals may appeal by certiorari to the Superior Court of Gwinnett County. Such appeal must be filed within 30-days from the date of the decision of the Board of Appeals. Upon failure to file the appeal within 30-days from the date of decision, the decision of the Board of Appeals will be final.

  
 Signature of Applicant \_\_\_\_\_ Date 10/10/23  
  
 Type or Print Name and Title \_\_\_\_\_  
  
 Signature of Notary Public \_\_\_\_\_ Date 10/10/23



### PROPERTY OWNER CERTIFICATION

The undersigned below, is the owner of the property considered in this application as it is shown in the records of Gwinnett County, Georgia and the City of Snellville, Georgia. I authorize the person named above to act as applicant in the pursuit of obtaining a variance or waiver for this property.

\_\_\_\_\_  
 Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_  
 \_\_\_\_\_  
 Type or Print Name and Title \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Notary Public \_\_\_\_\_ Date \_\_\_\_\_

Notary Seal

* * * * * FOR OFFICE USE ONLY * * * * *			
Date Received: _____	Received By: _____	Total Fees Paid: _____	Original RCVD: <input type="checkbox"/> YES <input type="checkbox"/> NO
		9 Copies RCVD: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Legal Ad Requested (Date): _____	for Publication on (Date) _____	PUBLIC HEARING DATE & TIME: _____	
Public Notice Sign(s) Requested (Date): _____	for Posting by (date): _____	APO Notice Mailing (date): _____	
Comments: _____			

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### APPLICANT CERTIFICATION

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\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Type or Print Name and Title

*Notary Seal*

\_\_\_\_\_  
Signature of Notary Public Date

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Dorothy R. Thorpe 10-06-2023  
Signature of Owner Date

Dorothy R. Thorpe CEO  
Type or Print Name and Title

Rebecca Rustin 10-06-2023  
Signature of Notary Public Date



***** FOR OFFICE USE ONLY *****			
Date Received: _____	Received By: _____	Total Fees Paid: _____	Original RCVD: <input type="checkbox"/> YES <input type="checkbox"/> NO 9 Copies RCVD: <input type="checkbox"/> YES <input type="checkbox"/> NO
Legal Ad Requested (Date): _____	for Publication on (Date) _____	PUBLIC HEARING DATE & TIME: _____	
Public Notice Sign(s) Requested (Date): _____	for Posting by (date): _____	APO Notice Mailing (date): _____	
Comments: _____			