



BOARD OF APPEALS APPLICATION

APPLICATION FOR APPEAL, VARIANCE OR WAIVER

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor

Snellville, GA 30078
Phone 770.985.3513 website: www.snellville.org

DATE RECEIVED: _____

CASE # **BOA**

Version 4-1-2025

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.

DIEM PHUONG THY NGUYEN
Name (please print)

Name (please print)

2079 Brookhill way
Address

Address

Snellville - GA - 30078
City, State, Zip Code

City, State, Zip Code

Phone Number(s) Fax

Phone Number(s) Fax

Contact Person: DIEM PHUONG THY NGUYEN Title: _____ Phone: _____

Cell Phone: _____ E-mail: _____

Application for (check one):

☐ Appeal (describe): _____

☒ Variance or Waiver from Unified Development Ordinance (describe below):

Variance from 40' foot rear building setback for construction of patio porch cover section 202.3.7 Reduce rear setback 40' to 30'

Property Address/Location: _____ District _____ Land Lot _____ Parcel _____

Subdivision or Project Name: _____ 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: _____ at 7:30 p.m.

Application Fees:

Please see the Planning Department Fee Schedule for application and public notification fees.

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

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 subject property has zoning conditions from reducing lot sizes typically associated with RS-30 zoning classifications. Under the current zoning there is little/no room to add a covered patio or deck.

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.

Yes, regularly zoned RS-30 lot would have enough depth to accommodate the construction of a covered porch/patio.

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

Yes, the applicant bought the lot/house as is.

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.

No, regular RS-30 zoned lots have plenty of depth to construct a covered patio/porch.

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.

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

PHUONG NGUYEN
Type or Print Name and Title

Notary Seal

Signature of Notary Public

Date

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

PHUONG NGUYEN
Type or Print Name and Title

Notary Seal

Signature of Notary Public

Date

***** FOR OFFICE USE ONLY *****

Date Received: _____ Received By: _____ Total Fees Paid: _____ Original RCVD: ☐ YES ☐ NO
9 Copies RCVD: ☐ YES ☐ 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: _____

ADMINISTRATIVE DECISION APPEALS

- A. Appeals to the Board of Appeals concerning interpretation or administration of the Unified Development Ordinance ("UDO") may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of a staff member of the Department of Planning and Development. Appeals must be filed with the Department within **fifteen (15) days of said decision** on the form/application provided by the City, including payment of application fee and public notification fees as determined by the Department fee schedule. The Director must forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from unless the Director certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril, to life or property. In such a case, proceedings may not be stayed otherwise than by the Zoning Board of Appeals or by a restraining order granted by a court of record on application, and notice to the Director for good cause shown.
- C. The person requesting the appeal must first submit to Department a written statement clearly defining the nature of the disagreement, the specific reference to the sections of the regulations at issue, and the applicant's own opinion.
- D. If the Department fails to respond within ten (10) business days from the date of transmittal of the appeal, the Department must automatically forward a copy of the appeal to the Board of Appeals for final action in their normal course of business.
- E. The Board of Appeals must hear and act upon within fifty (50) days of receipt of the appeal application and give public notice thereof in accordance with Sec. 103-7.2.B.3 (Public Notifications). At the hearing, any party may appear in person or by agent or attorney.
- F. In exercising the above-mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of the this UDO, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end will have the powers of the Department staff member from whom the appeal is taken.

PUBLIC NOTICE REQUIREMENTS

The Planning Department must provide notice of the date, time and place of the public hearing as follows:

- 1. **LEGAL AD:** Published in the Gwinnett Daily Post which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than 30-days, nor more than 45- days before the date of the public hearing.
- 2. **NOTICES TO ADJOINING PROPERTY OWNERS:** Notification to the owners of adjoining properties of the property for which the variance, or waiver is sought and/or their agent by first class USPS mail to the mailing address provided by the Gwinnett County Tax Commissioner's office. The notification must be mailed not fewer than 30-days, nor more than 45-days before the public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.
- 3. **PUBLIC NOTICE SIGN:** Posting of a Public Notice Sign on the property, one sign per road frontage, per parcel, posted at least 30-days before the public hearing. The sign must include a description of the application and the date, time, and place of the public hearing.

Once advertised the public hearing must be held. Any party may appear in person, or by agent or attorney.

RE-APPLICATION

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.

APPEALS

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.

CRITERIA FOR APPROVAL

The Board of Appeals must further make findings that the requirements of UDO Sec. 103-7.2.B. (Attachment A) have been met by the applicant for a variance or waiver.

The Board of Appeals must further make a finding that the reasons set forth in the application justify the granting of the variance or waiver is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The Board of Appeals must further make a finding that the granting of the variance or waiver will be in harmony with the general purpose and intent of the UDO, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Specific approval criteria is also provided in the Unified Development Ordinance as follows:

- a) Sec. 205-1. (Towne Center Overlay District)
- b) Sec. 205-1.1.1. (Vehicle Access and Parking Locations)
- c) Sec. 205-1.1.2. (Fences and Walls)
- d) Sec. 206-8.26. (Roofed Accessory Structures)
- e) Sec. 207-1.7.H. (Large Parking Facility Requirements)
- f) Sec. 207-1.8.B. (Parking Location Limitations)
- g) Sec. 207-1.1.1. (Driveways and Parking Surfacing)
- h) Sec. 207-2.D. (Buffer Width Reduction)
- i) Sec. 207-2.3.B.4. (Fences in Front or Side Street Yards)
- j) Sec. 207-3.D. (Structures in Landscape Strips)
- k) Sec. 207-6.6. (General Requirements – Signs)
- l) Sec. 401-3.2.B. (Block Measurement)
- m) Sec. 401-3.4.C. (Stub-out Streets)
- n) Sec. 401-3.4.H. (Interparcel Access)
- o) Sec. 401-4. (Streetscapes)
- p) Sec. 401-4.3. (Streetscape Design Standards)

CONDITIONS OF APPROVAL

In granting any variance, 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 is granted, will be deemed a violation of the Unified Development Ordinance that is punishable under its provision.

Phuong Nguyen 2079 Brookhill way



RECEIVED

JUN 2

CITY OF SHELLEVILLE
PLANNING & DEVELOPMENT

DEED B: 62415 P: 00019

03/25/2026 01:43 PM Pgs: 2 Fees: \$479.40

TTax: \$454.40

Tiana P Garner, Clerk of Superior Court

Gwinnett County, GA

PT-61 #: 0672026006239

ERECORDED

After Recording Return To:

McMichael & Gray, P.C.

2055 North Brown Road, Suite 250

Lawrenceville, GA 30043

Order No.: CEN-GA-260010-PUR

Property Appraiser's Parcel I.D. Number:

R5060 422

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made this 20th day of March, 2026, between

Century Communities of Georgia, LLC, a Colorado limited liability company

as party or parties of the first part, hereinafter called Grantor, and

Diem Phuong Thy Nguyen

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 And No/100 Dollars (\$10.00) and other good and 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,

All that tract or parcel of land lying and being in Land Lot 60 of the 5th District, City of Snellville, Gwinnett County, Georgia, being Lot 60 of Oak Grove Glen Subdivision, as per plat recorded in Plat Book 166, Pages 147-148, Gwinnett County, Georgia records, which plat is incorporated herein and made a part hereof for a more complete description.

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

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 owning, holding or claiming by, through or under the said Grantor.

After Recording Return To:
McMichael & Gray, P.C.
2055 North Brown Road, Suite 250
Lawrenceville, GA 30043

Order No.: CEN-GA-260010-PUR

Property Appraiser's Parcel I.D. Number:
R5060 422

THIS DOCUMENT HAS BEEN
E-RECORDED AT
Deed BOOK 62415 PAGE 19
COUNTY Gwinnett STATE GA
DATE: 3-25-26 TIME: 1:43 A.M./P.M.

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made this 20th day of March, 2026, between

Century Communities of Georgia, LLC, a Colorado limited liability company

as party or parties of the first part, hereinafter called Grantor, and

Diem Phuong Thy Nguyen

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 And No/100 Dollars (\$10.00) and other good and 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,

All that tract or parcel of land lying and being in Land Lot 60 of the 5th District, City of Snellville, Gwinnett County, Georgia, being Lot 60 of Oak Grove Glen Subdivision, as per plat recorded in Plat Book 166, Pages 147-148, Gwinnett County, Georgia records, which plat is incorporated herein and made a part hereof for a more complete description.

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

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 owning, holding or claiming by, through or under the said Grantor.

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



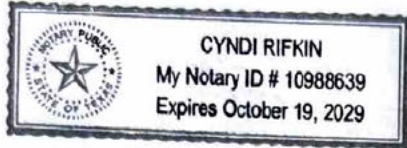
Unofficial Witness

CR

Notary Public

My Commission Expires:
[Notary Seal]

10/19/29



Century Communities of Georgia, LLC, a Colorado limited liability company

By: Century Communities, Inc., a Delaware corporation
Its Sole Member



By: Delores Morigonia (Authorized Signatory)

(Corporate Seal)





DENISE R. MITCHELL, MPA
GWINNETT COUNTY
TAX COMMISSIONER

Property Tax > View Pay Your Ta...

View/Pay Your Taxes

Account Details

[Back to Search](#)

Parcel ID :
R5060 422

Property Type :
Real Property

Site Address :
2079 BROOKHILL WAY
SNELLVILLE 30078

Mailing Address :
NGUYEN DIEM PHUONG THY
2079 BROOKHILL WAY
SNELLVILLE GA 30078-6407

[Change Mailing Address](#)

Legal :
L60 OAK GROVE GLEN - PB166-147

District :
SNELLVILLE

Last Update :
08/16/2026 08:04 PM

No payment **due** for this account.

Tax Bills

There are no records

02:41

Understanding Your Property Tax Bill.

INITIAL ESCROW ACCOUNT DISCLOSURE STATEMENT

Loan Number: [REDACTED]

Escrow Number: [REDACTED]

Borrower(s): Diem Phuong Thy Nguyen

Property Address: 2079 Brookhill Way
Snellville, GA 30078

This is an estimate of activity in your escrow account during the coming year based on payments anticipated to be made from your account.

[illegible]

(Please keep this statement for comparison with the actual activity in your account at the end of the escrow accounting computation year.)

Cushion selected by this servicer: [REDACTED]

Your monthly mortgage payment for the coming year will be [REDACTED] of which [REDACTED] will be for principal and interest [REDACTED] [REDACTED] grow account.

I/We _____ copy of this statement.

Diem Phuong Thy Nguyen

3/20/26
Date

Date _____