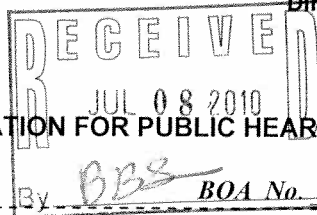




# DeKalb County Planning & Development Department

Burrell Ellis  
Chief Executive Officer

Patrick Ejike  
Director



## ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING

Applicant: Boos Development Group, Inc.

Mailing Address: 2651 McCormick Drive

City/State/Zip Code: Clearwater, FL, 33579 Email: jschneider@boosdevelopment.com

Telephone  
Home: \_\_\_\_\_ Business: (727) 669-2900 Fax No.: (727) 669-2915

### OWNER OF RECORD OF PROPERTY FOR WHICH APPLICATION IS MADE:

Owner: Payne Convenience Centers, Inc.

Address (Mailing): 74 Grandwater Drive, 30324

City/State/Zip Code: Suwanee, GA 30324 Email: BJScondo@aol.com

Telephone  
Home: 770-887-8512 Business: 404-626-4114 Fax No.: \_\_\_\_\_

Authorized Agent: Foresite Group, Inc. - Brad Horbal, P.E. BHORBAL@foresitegroupinc.com

Address  
(Mailing): 5185 Peachtree Parkway NW Ste 240 City: Norcross State: GA Zip: 30092

Telephone  
Home: \_\_\_\_\_ Business: (770) 368-1399

### ADDRESS/LOCATION OF PROPERTY FOR WHICH APPLICATION IS MADE

Address: 3500 Ashford Dunwoody Road City: Atlanta State: GA Zip: 30319

District(s): 18 Land Lot(s): 302 Block: 02 Parcel: 002

Zoning: C-1 (Local Commercial) Commission District(s): 1

### CIRCLE TYPE OF HEARING REQUESTED

- VARIANCE** (From Development Standards causing undue hardship upon owners of property.)
- SPECIAL EXCEPTIONS** (To reduce or waive off-street parking or loading space requirements.)
- OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.**

### TO BE COMPLETED BY PLANNING AND DEVELOPMENT DEPARTMENT

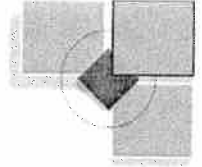
Date Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_



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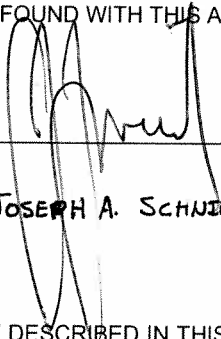
## SUBMITTAL INSTRUCTIONS

I hereby authorize the staff of the Planning Department to inspect the premises of the above described property.

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED AS A RESULT OF THIS APPLICATION IS TRUE AND CORRECT AND THAT IF I AM NOT THE PROPERTY OWNER, I AM AUTHORIZED BY THE SAME TO MAKE SUCH REQUESTS, CLAIMS, AND REPRESENTATIONS AS MAY BE FOUND WITH THIS APPLICATION.

DATE: 7-7-10


APPLICANT/AGENT:  
SIGNATURE

  
JOSEPH A. SCHWIEDER

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THIS APPLICATION AND HEREBY AUTHORIZE APPLICANT/ AGENT TO APPLY FOR HEARING TO THE ZONING BOARD OF APPEALS FOR REQUEST(S) AS SHOWN IN THIS APPLICATION.

DATE: 7-7-2010

OWNER (s):  
SIGNATURE

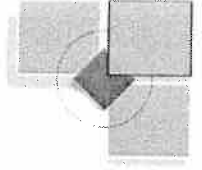
  
JERRY B. PAYNE



# DeKalb County Planning & Development Department

Burrell Ellis  
Chief Executive Officer

Patrick Ejike  
Director



## ZBOA APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: JULY 7, 2010

### CHECK TYPE OF APPLICATION:

( ) ADMINISTRATIVE APPEAL

(X) VARIANCE

( ) SPECIAL EXCEPTION

### TO WHOM IT MAY CONCERN:

(I) / (WE), PAYNE CONVENIENCE CENTERS, INC - JERRY B. PAYNE, PRESIDENT  
[Name of owner(s)]

being (owner)/(owners) of the property described below or attached hereby delegate authority to  
Boos Development Group - JOSEPH A. SCHNEIDER  
[Name of Applicant or Representative]

to file an application on (my) / (our) behalf.

[Signature]  
Notary Public  
MY COMMISSION EXPIRES APRIL 25, 2014

[Signature]  
Owner  
JERRY B. PAYNE

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner



5185 Peachtree Parkway  
Suite 240  
Norcross, GA 30092

July 8, 2010

T 770.368.1399

F 770.368.1944

W foresitegroupinc.com

DeKalb County Planning and Development  
Attn: Patrick Ejike  
330 West Ponce De Leon Avenue, Suites 100-500  
Decatur, Georgia, 30030  
[Planninganddevelopment@co.dekalb.ga.us](mailto:Planninganddevelopment@co.dekalb.ga.us)

RE: Variance's for parcel 18 302 02 002

Mr. Patrick Ejike:

We would like to request several variances from the C-1 zoning of the property located at 3500 Ashford Dunwoody Road, consisting of one parcel, to allow a new bank or retail development. We would like to request the following items to accommodate the proposed site layout:

1. A reduction in the 75 ft building setback along Ashford Dunwoody Road to 49 ft.
2. A reduction in the 20 ft building setback along the west property line to 10 ft.
3. A reduction in the required 10 ft landscape strip along Ashford Dunwoody Road to 5 ft.

We believe the size and shape of the parcel along with the present zoning code burden the site with restrictions that prevent its redevelopment. We believe granting both of these variances will allow the site to be redeveloped yet still provide conformance with the intent of the zoning code. In addition, the existing gas station also does not meet the codes discussed above. If you have any further questions please do not hesitate to contact us at (770) 368-1399.

Thank you for your time and consideration.

Sincerely,

**FORESITE GROUP, INC.**

A handwritten signature in black ink, appearing to read "Brad Horbal".

Brad Horbal, P.E.  
Project Manager

Enclosure: Variance application and required checklist items

## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 301 of the 18th District, DeKalb County, Georgia being more particularly described as follows:

BEGINNING at a 1/2-inch rebar found at the intersection of the Land Lot Line common to land lots 301 and 302 and the northern right-of-way of Johnson Ferry Road (100-foot right-of-way), said 1/2-inch rebar found also being on the division line between Regency Centers, Inc. (Deed Book 9262, Page 196) on the west and Payne Convenience Centers, Inc. (Deed Book 11830, Page 261) on the east, said 1/2-inch rebar found being the TRUE POINT OF BEGINNING. Thence along said division line and Land Lot Line, North 05 degrees 03 minutes 34 seconds West a distance of 138.74 feet to a 1/2-inch rebar found; Thence leaving said Land Lot Line, continuing along said division line, North 84 degrees 55 minutes 30 seconds East a distance of 150.05 feet to a 1/2-inch rebar found on the western right-of-way of Ashford Dunwoody Road (80-foot right-of-way); Thence along said right-of-way of following courses and distances, South 22 degrees 48 minutes 40 seconds East a distance of 30.64 feet to a PK nail set; along a curve to the left with an arc length of 176.03 feet, said curve having a radius of 2741.40 feet, with a chord distance of 176.00 feet, at South 26 degrees 11 minutes 16 seconds East, to a 5/8-inch rebar set; along a curve to the right with an arc length of 22.08 feet, said curve having a radius of 50.00 feet, with a chord distance of 21.90 feet, at South 34 degrees 49 minutes 58 seconds West, 5/8-inch rebar set; along a curve to the left with an arc length of 220.86 feet, said curve having a radius of 1450.00 feet, with a chord distance of 220.64 feet, at North 76 degrees 11 minutes 15 seconds West, to a 1/2-inch rebar found at the intersection of the Land Lot Line common to land lots 301 and 302 and the northern right-of-way of Johnson Ferry Road (100-foot right-of-way), said 1/2-inch rebar found also being on the division line between Regency Centers, Inc. (Deed Book 9262, Page 196) on the west and Payne Convenience Centers, Inc. (Deed Book 11830, Page 261) on the east, said 1/2-inch rebar found being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.718 acre.



