



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS**

VARIANCE CASE SUMMARY

November 8, 2022

CASE NUMBER: #BOA 22-06

REQUEST: Waive requirement for all dead-end streets to end in cul-de-sac and eliminate 6% recreation space requirement.

LOCATION: 8.14± Acres at Dorian Drive and Lenora Church Road, Snellville, Georgia

TAX PARCEL: R5028 008

CURRENT ZONING: RM (Multifamily Residential) District

DEVELOPMENT/PROJECT: **40-Unit Multi-family Townhome Development**

PROPERTY OWNERS: David Hunt and Tony Britt
Snellville, Georgia 30078

APPLICANT/CONTACT: Steven Holiday, P.E.
Planners & Engineers Collaborative
770-451-2741 or sholiday@pec.plus

RECOMMENDATION: **See Staff Recommendation**



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS**

VARIANCE CASE ANALYSIS

November 8, 2022

TO: Snellville Board of Appeals

REGULAR MEETING DATE: November 8, 2022

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 22-06**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Steven Holiday, P.E., Planners and Engineers Collaborative (applicant) representing David Hunt and Tony Clower (property owners), requesting waiver of the requirement for all dead-end streets to end in cul-de-sac and variance to eliminate the six-percent (6% recreation space requirement for a 40-unit multi-family townhome development on a 8.14± acre undeveloped tract located at Dorian Drive and Lenora Church Road, Snellville, Georgia.

The subject property was part of a larger 67.13± acre site that was annexed by the city in January, 1969 and zoned R-4, which allowed for single-family, duplex, and multifamily units. The R-4 District later became the RM District (Multifamily Residential).

The property is adjacent to the Park East subdivision, a quadplex multi-family development that received final plat approval in February 1980 and would connect to the existing Dorian Drive along the northeast side of the site.

Multi-family dwelling use defined as: *three or more dwelling units in a single building (that does not meet the definition of single-family attached dwelling) not within a Towne Center District*, is allowed as a principal permitted use in the RM District.

UDO Sec. 202-7 contains the district regulations for the RM District which is intended primarily for multi-family dwellings and located where public water supply and sewage facilities are available and where there is direct access to collector streets, major streets or State Routes and provides for a maximum site density of eight (8) units per acre.

The site is adversely impacted by wetlands, floodplain, stream and impervious buffers and sanitary sewer easements.

REQUEST:

The applicant is requesting relief from the Snellville Unified Development Ordinance (“UDO”), as follows:

- 1. Variance from Sec. 401-5.3.C.1. (Cul-de-sac Streets) requiring all dead-end streets to end with a cul-de-sac.**
- 2. Variance from Sec. 401-2.2.B.1. (Recreation Areas) requiring that six-percent (6%) of the site be set aside for ‘recreation space’ for multi-family developments greater than five (5) gross acres in size or with more than 40-units.**

STANDARDS FOR CONSIDERATION:

Pursuant to Sec. 103-7.2.B of Chapter 100 of the UDO, the City of Snellville Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

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;

Applicant Response: *The conditions and circumstances that make the strict application of the zoning ordinance infeasible are unique to the site, and are not applicable to land, structures or buildings in the same zoning district. As noted in the letter of intent, nearly 30 percent of the site is unbuildable due to existing hydrological conditions, and another 40 percent of the site has harsh, 2:1 slopes. The site itself is a strained, triangular shape that is cut off from the major surrounding roadways, leaving little room for flexibility in site planning. Neither of these features are the result of the applicant or developer, and severely limit the ability to develop large impervious cui-de-sacs on the site in all of the locations where they are required.*

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

Applicant Response: *The literal interpretation of the provisions of the UDO would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district. The site is severely constrained by existing natural features, and the shape of the parcel. The requirement for large areas of the site to be dedicated to impervious cui-de-sacs is prohibitive to the feasibility of the development, especially considering hammerheads achieve the same circulation result with less coverage, while still meeting the IFC regulations for fire safety.*

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

Applicant Response: *The special conditions and circumstances do not result from the actions of the applicant. This site is already zoned RM, meaning that the town home development would be by-right. The hydrological features, slopes, and awkward, triangular shape are not the result of the actions of the developer. Because of the limitations in site configuration, the cui-de-sacs are limited by these features regardless of actions of the developer.*

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

Applicant Response: *The variance will not confer on the applicant special privilege that is denied by the UDO to other lands in the same zoning district. The unique conditions of the site make the strict adherence of the code to the site prohibitive for virtually any by-right development. By requesting relief from this provision of the code, the developer will be able to utilize the highly constrained property for a by-right use that is otherwise unbuildable.*

VARIANCE ANALYSIS:

Although we agree that the property is adversely impacted by the existing site conditions, including the presence of wetlands, floodplain, stream and impervious buffers and topography, reconfiguration of the site and building layout to accommodate the two additional cul-de-sacs is believed to be possible, although it may result in a reduction in the project total unit count.

And, because of these existing conditions which represent thirty-two percent (32%) of the total site, some of which can be used for passive-recreation uses such as walking trails, the Department is supportive of the request for waiver of recreation area requirement.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends:

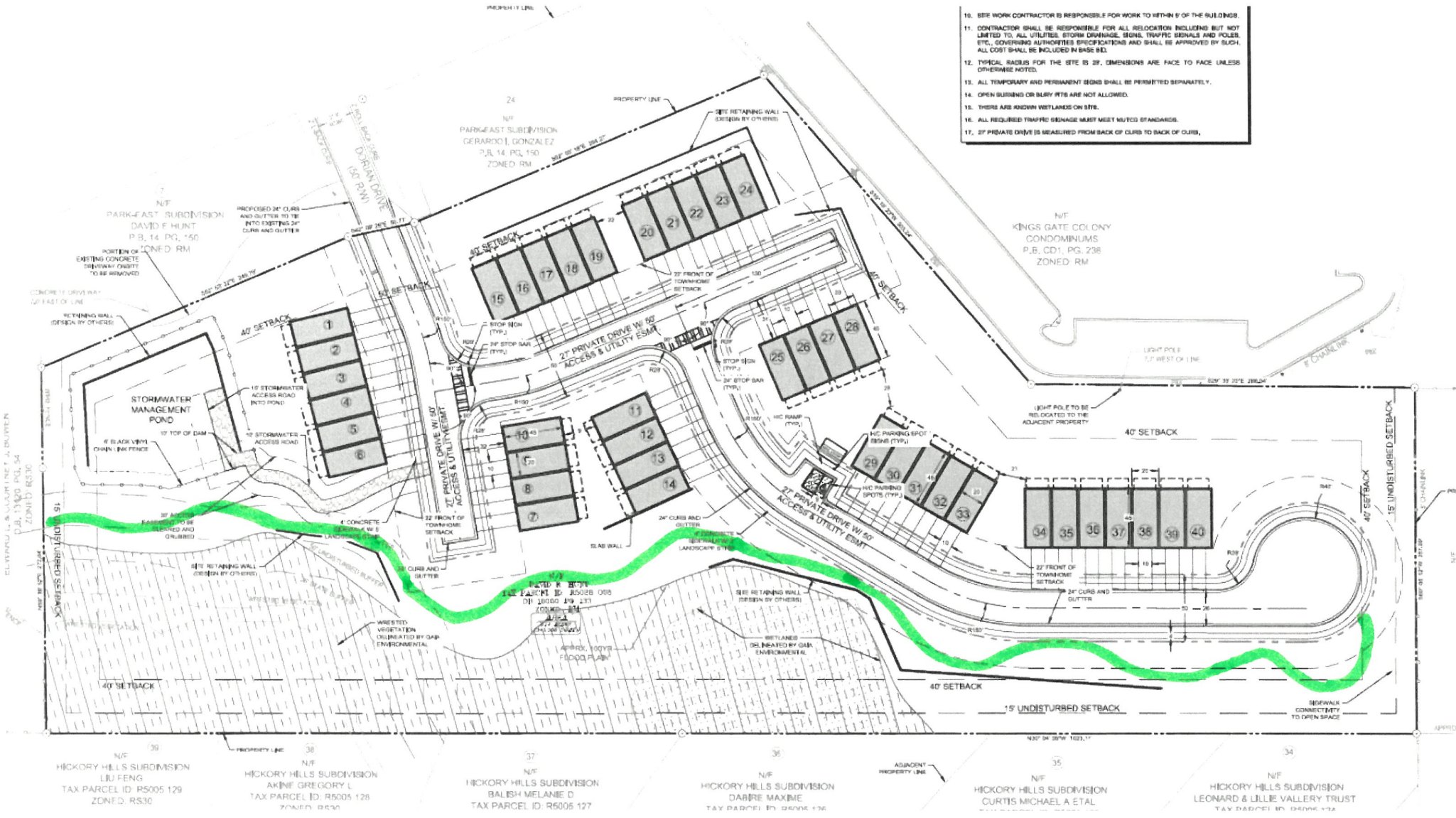
- **Denial** of Variance from Sec. 401-5.3.C.1. (Cul-de-sac Streets) requiring all dead-end streets to end with a cul-de-sac.
- **Approval** of Variance from Sec. 401-2.2.B.1. (Recreation Areas) to waive the requirement that six-percent (6%) of the site be set aside for 'recreation space' for multi-family developments greater than five (5) gross acres in size or with more than 40-units.

These recommendations are subject to the attachment of the following **Condition**:

1. In lieu of providing the 6% recreation area, developer shall install a four-feet (4') wide mulched walking trail along the western property boundary in general accordance as shown on Exhibit "A" with connectivity to each of the two southern cu-de-sacs and completed before release of the first certificate of occupancy.

EXHIBIT 'A'

4 FEET WIDE MULCH TRAIL



10. SEE WORK CONTRACTOR IS RESPONSIBLE FOR WORK TO WITHIN 5' OF THE BUILDING.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATION INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS AND POLES, ETC. COVERING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
12. TYPICAL RADIIUS FOR THE SITE IS 20'. DIMENSIONS ARE FACE TO FACE UNLESS OTHERWISE NOTED.
13. ALL TEMPORARY AND PERMANENT SIGNS SHALL BE PERMITTED SEPARATELY.
14. OPEN BURNING OR BURN PITS ARE NOT ALLOWED.
15. THERE ARE KNOWN WETLANDS ON SITE.
16. ALL REQUIRED TRAFFIC SIGNAGE MUST MEET MUTCD STANDARDS.
17. 27' PRIVATE DRIVE IS MEASURED FROM BACK OF CURB TO BACK OF CURB.

ELWIND L. & SARA J. NETT, A. BURTON
 P.B. 13, PG. 54
 ZONED: RS30

N/F HICKORY HILLS SUBDIVISION
 LIU FENG
 TAX PARCEL ID: R5005 129
 ZONED: RS30

N/F HICKORY HILLS SUBDIVISION
 AKINE GREGORY L.
 TAX PARCEL ID: R5005 128
 ZONED: RS30

N/F HICKORY HILLS SUBDIVISION
 BALISH MELANIE D
 TAX PARCEL ID: R5005 127

N/F HICKORY HILLS SUBDIVISION
 DABRE MAXIME
 TAX PARCEL ID: R5005 126

N/F HICKORY HILLS SUBDIVISION
 CURTIS MICHAEL A ETAL

N/F HICKORY HILLS SUBDIVISION
 LEONARD & LILLE VALLERY TRUST
 TAX PARCEL ID: R5005 124