



**CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT DEPARTMENT**

**BOARD OF APPEALS**

**VARIANCE CASE SUMMARY**

**November 8, 2016**

**CASE NUMBER:** #BOA 16-06

**REQUEST:** **To Reduce the RS-180 District Space Limits and Street Frontage Requirement**

**APPLICABLE SECTION(s):** Section 9.3(4), RS-180 District Space Limits, Article IX, Schedule of District Regulations of the Zoning Ordinance and Section 4.7, Street Frontage, Article IV of the Development Regulations

**LOCATION(s):** 2564, 2554, and 2544 Schooner Cove; and 1896, 1926, and 1946 Oak Road, Snellville

**TAX PARCEL(S):** 5025 144, 145, and 146; and 5025 005, 006, and 007

**SIZE:** 4.89± Acres

**ZONING:** **RS-180 (Single-Family Residence) District**

**DEVELOPMENT/PROJECT:** **18 Lot Single-Family Residential Subdivision**

**PROPERTY OWNER(s):** Glyndia B. Norton and James R. Norton, Jr.  
1926 Oak Road, Snellville, Georgia 30078

**APPLICANT/CONTACT:** Jeff Timler  
Split Silk Properties, LLC  
Loganville, Georgia 30052  
678.772.0202 or [timlerj@bellsouth.net](mailto:timlerj@bellsouth.net)

**RECOMMENDATION:** **Approval with Conditions**



**CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT DEPARTMENT**

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**VARIANCE CASE ANALYSIS**

**November 8, 2016**

**TO:** Snellville Board of Appeals

**DATE:** November 8, 2016

**FROM:** Jason Thompson  
Director, Planning and Development

**CASE NUMBER:** #BOA 16-06

**FINDING OF FACT:**

The Department of Planning and Development has received a variance application from Jeff Timler, Split Silk Properties LLC, and Glyndia B Norton and James “Jimmy” R. Norton, Jr., requesting variances from the Zoning Ordinance and Development Regulations to construct an 18-lot single-family residential subdivision with pocket park/amenity area.

The proposed development includes six parcels, three of which front Oak Road (1896, 1926, and 1946 Oak Road) and three parcels that are located in Harbour Oaks Subdivision and front Schooner Cove (2544, 2554, and 2564 Schooner Cove). Only a 0.276± acre portion of the 0.976± acre property at 2544 Schooner Cove will be used for the development, allowing the remaining 0.70± acres to remain undisturbed including the existing dwelling and improvements. The three Oak road properties have existing single-family homes that were constructed in the late 60’s and early to mid-70’s. The property at 2544 Schooner Cove was developed in 1979; while the lots at 2554 and 2564 Schooner Cove remain undeveloped single-family residential lots.

The proposed subdivision encompasses 4.89± total acres with 1.86± acres being dedicated to open space, including a 0.33± acre pocket park as a centerpiece in the development. The density calculates to 3.68 single-family residential units per acre. The subject property abuts single-

family residential uses to North, East and West. The City of Snellville Oak Road Passive Park is located South of the proposed development and across Oak Road.

**REQUEST:**

The applicant is requesting several variances from Section 9.3(4), RS-180 District Space Limits, of Article IX of the Zoning Ordinance and one variance from Section 4.7, Street Frontage, of Article 4 of the Development Regulations to construct a reduced lot size subdivision with 18 total lots and associated open space and amenity area. These variances are enumerated below:

1. Reduce the minimum lot area from 30,000 sq. ft. to 4,000 sq. ft.
2. Reduce the minimum lot width from 100 feet at building line to 45 feet.
3. Reduce the minimum front yard building setback from 50 feet to 10 feet.
4. Reduce the minimum rear yard building setback from 40 feet to 20 feet.
5. Reduce the minimum side yard building from 10 feet to 0 feet with a minimum of 10 feet between buildings.
6. Reduce the minimum side yard building setback on street side of corner from 35 feet to 10 feet.
7. Increase the maximum ground coverage, including any accessory structures, from 35% to 80%.
8. To reduce the required minimum street frontage from 25 feet to 0 feet on lots which do not abut a public street, but share a driveway.

**VARIANCE ANALYSIS:**

The applicant is proposing to assemble five parcels and a portion of one parcel which are located on Oak Road and Schooner Cove in the Harbour Oaks Subdivision and develop an 18 lot single-family residential subdivision. Once combined the subject development will contain 4.89± total acres with 1.86± acres being preserved for open space bringing the density to 3.68 units per acre.

The site plan shows a thirty (30) foot landscaped buffer adjacent to Oak Road, as well as, on the western side of the property boundary where abutting other low density single-family residential uses. A ten (10) foot landscape buffer is being proposed adjacent to the property located at 2544 Schooner Cove that will remain. It should be noted that no buffer is required between like uses but the addition of these buffers will help eliminate any adverse impacts to the surrounding property owners.

The applicant is proposing one ingress/egress point on Oak Road, “Street A”, which intersects into a circular street, “Street B” surrounding a 0.33± acre pocket park with a gazebo and sidewalks. The lots which range in size from 4,800 sq. ft. to 5,923 sq. ft. are arranged around the circular “Street B” providing a separate driveway with the exception of lots 3, 4, 15 and 16 which will share a common driveway.

The applicant has presented renderings that reflect “craftsman” style architecture, which has become very popular. Craftsman style architecture draws inspiration from nature and largely consists of simple forms, strong lines, natural mixed materials and distinctive elements. The applicant has agreed to utilize brick, stone, or masonry siding in the construction of the homes.

The subdivision will be required to have a home owners association which will be responsible for the upkeep of the entire open space area including greenspaces, landscape buffers, and stormwater detention facility. The applicant has indicated that the HOA will also provide ground maintenance for each home in the neighborhood, which is an asset in the sustainability of the community and is valuable to those that don’t want to, or just cannot, maintain the property on their own. Another key environmental benefit is the removal of five septic tanks and corresponding drain fields with sanitary sewer service being provided by Gwinnett County Water Resources. The removal of septic tanks and conversion to sanitary sewer is a priority with the County and City to improve environmental conditions which are important to all citizens.

The space limits for the RS-180 District and corresponding variance requests are provided in Table 1 below:

Table 1

<b>SPACE LIMIT</b>	<b>RS-180 DISTRICT REGULATION</b>	<b>REQUESTED VARIANCE</b>	<b>PLANNING DEPARTMENT RECOMMENDATION</b>
Min. Lot Area	30,000 sq. ft.	4,800 sq. ft.	<i>Approval</i>
Min. Lot Width at Bldg. Line	100 feet	45 feet	<i>Approval</i>
Min. Front Yard	50 feet	10 feet	<i>Approval</i>
Min. Rear Yard	40 feet	20 feet	<i>Approval</i>
Min. Side Yard	10 feet	Zero (0) feet*	<i>Approval</i>
Min. Side Yard (corner)	35 feet	10 feet	<i>Approval</i>
Max. Ground Coverage	25%	80%	<i>Approval</i>

\* Minimum ten (10) feet separation between buildings

*Each of the requested variances is appropriate given the rise in popularity of the small lot subdivisions, with similar type communities located in the City including Carrington Village, Olde Hickory Village, Stockton Walk, Woodberry, Sterling Creek, and Oak Meadow subdivisions and most recently ShadowBrook Crossing near Eastside Medical Center. These are all small lot residential subdivisions with similar lot dimensions that required variance approval, many of which were approved during the rezoning process.*

*Similar type developments including Governor’s Walk, Crimson Creek, Skylar’s Mill, Newton’s Crest, Hawthorn Farms and Hawthorn Glen subdivisions were developed under the PRC (Planned Residential Conservation) District that allowed for the smaller lot size but became*

*inactive in 2005 with the adoption of the Conservation Subdivision Overlay and Residential Village Overlay Districts applicable for developments containing fifteen (15) acres or more.*

*Without variance approval this type of development could not be developed due to the lack of a zoning district classification under the City's current Zoning Ordinance. We anticipate solving this issue within the next 12-15 months with the anticipated code revisions to the zoning and development codes and adoption of a Unified Development Ordinance, currently being prepared by City consultant TSW (Tunnell-Spangler-Walsh & Associates).*

The applicant has also requested a variance from Section 4.7 of the City's Development Regulations to reduce the twenty-five (25) foot minimum required road frontage to zero (0) for lots 3, 4, 15, and 16 due to the configuration of the lot layout.

*This variance seems reasonable and allows for lots 3-4 and 15-16 to share a 25' wide driveway easement and will provide adequate room for the passing of two-way traffic.*

#### **STANDARDS FOR CONSIDERATION:**

Pursuant to Section 14.5, Powers and Duties, of 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 district;

*Yes, the lack of an associated zoning district to allow for a small lot subdivision makes this type of development impossible without variance approval.*

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

*Yes, the lack of an associated zoning district to allow for a small lot subdivision makes this type of development impossible without variance approval. Furthermore, several other developments of this type have been approved for variances within the City.*

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

*No, the special conditions and circumstances are not the result of the developer due to the lack of an associated zoning district to support this type of development.*

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

*The granting of the requested variance will not confer any special privilege. Similar variances have been granted by the Board for properties located within the same zoning district.*

**STAFF RECOMMEDATION:**

The Department of Planning and Development recommends **Approval** of each of the requested variances in Table 1 and **Approval** of the variance to reduce the twenty-five (25) foot minimum required road frontage to zero (0) for lots 3, 4, 15, and 16 with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted Rezoning Exhibit entitled “Oak Road Tract”, sealed and dated 9-30-2016 with modifications to meet conditions of variance approval or State, County, and City regulations;
2. The single-family property shall be developed at a maximum of 3.70 units per acre;
3. The single-family detached homes will be craftsman style architecture similar to the provided renderings and all four sides will have facades consisting of brick, stone, stacked stone, cedar shake type and/or hardi-plank and the like. Architectural styles will be varied in order to create a more appealing streetscape;
4. A mandatory home owners association shall be formed for development and single-family lots and shall have maintenance and architectural design regulations for the single-family residential community which shall control such items as construction materials, landscaping, common area and common property maintenance, subdivision signage, fencing, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the single-family residences;
5. The covenants required by the preceding condition (in addition to standard covenants) shall include a restriction which shall restrict the rental of the single-family detached residences to no more than 10% of the total single-family detached residences for which a certificate of occupancy has been issued;
6. All new single family residential lots shall be required to connect to sanitary sewer, the use of onsite septic systems is prohibited;
7. A no-access easement shall be required on all new lots along Schooner Cove to prevent direct lot access to Schooner Cove;
8. Street trees, lot trees, and trees planted within the open space or landscape buffer shall be a minimum caliper at time of planting of three (3) inches DBH;
9. A temporary fifteen (15) foot construction buffer shall be left undisturbed along the perimeter of the thirty (30) foot landscape buffer where abutting the single family residential uses to the West (parcels 5025 109, 5025 110, and 5025 143);

10. Any additional non-substantial variance(s) as determined by the Director of Planning and Development for the design requirements, zoning requirements, development regulations and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development for this project; and
11. Prior to the issuance of a Development Permit the developer shall submit a Plan Book for the single-family residences, in accordance with the requirements of Section 9.2(4), Design Criteria of Article IX of the Zoning Ordinance, and Section 7.7, Architectural Design Standards of Article VII of the Zoning Ordinance, to the Director of Planning and Development for review and approval.