



**CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT DEPARTMENT**

**BOARD OF APPEALS**

**VARIANCE CASE SUMMARY**

**November 10, 2015**

**CASE NUMBER:** #BOA 15-14

**REQUEST:** Waiver of Corridor Overlay District Requirements

**APPLICABLE SECTION:** Sec. 9.15, Corridor Overlay District, Snellville Zoning Ordinance

**LOCATION:** 2096 McGee Road, Snellville, Georgia

**PARCEL:** 5008 295

**SIZE:** 1.57± Acres

**ZONING:** OP (Office Professional) District  
Corridor Overlay District

**DEVELOPMENT/PROJECT:** Medical Office Building/Dialysis Center

**PROPERTY OWNER:** Rosenbaum Sharon LLC  
Decatur, Georgia 30030

**APPLICANT/CONTACT:** Todd M. Peaster, RLA  
Georgia Civil, Inc.  
(706) 818-1114 or [todd@georgiacivil.com](mailto:todd@georgiacivil.com)

**PLANNING DEPARTMENT RECOMMENDATION:** Approval with Conditions



**CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT DEPARTMENT**

**BOARD OF APPEALS**

**VARIANCE CASE ANALYSIS**

**November 10, 2015**

**TO:** Snellville Board of Appeals

**DATE:** November 10, 2015

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

**CASE NUMBER:** #BOA 15-14

**LOCATION:** 2096 McGee Road, Snellville, Georgia

**PARCEL:** 5008 295

**DEVELOPMENT/PROJECT:** Medical Office Building/Dialysis Center

**FINDING OF FACT:**

The Department of Planning and Development has received an application from Todd Peaster, RLA, Georgia Civil, Inc. representing the property owner, Rosenbaum Sharon, LLC who is requesting waiver from the Corridor Overlay District requirements for a 2,100 sq. ft. building addition, modification of the parking lot to add two additional parking spaces, modification to the loading and unloading area and the installation of a new dumpster pad and enclosure for the FMC Dialysis Center, 2096 McGee Road, Snellville, Georgia.

The subject property, zoned OP (Office Professional) and located within the Corridor Overlay District is located north of the Fountain Square Shopping Center with access to the property via a private drive off of McGee Road. The adjacent properties are mostly all commercial zoning designations including a nursing home and other medical uses.

The 1.57± acre property was originally developed in 1996 for a medical office and includes a 5,488 sq. ft. building and associated parking. The site also has a stream that runs northeast to southeast of the property.

### **STAFF ANALYSIS:**

The applicant is proposing to construct a 2,100± sq. ft. (total) building addition (two separate additions), adding eleven (11) new parking spaces and double dumpster pad with an enclosure. A growing dialysis business is driving the expansion. It should also be noted that the existing structure and parking areas are currently located within a stream buffer. At the time of the original construction the City did not have a stream buffer in place; however since the applicant is not proposing any new impervious area within the buffer, no variance is required.

Currently the property has an extensive amount of greenspace in the front that will be preserved with additional parking areas to comply with the current Buffer, Landscape and Tree Ordinance. The applicant has indicated that eleven (11) new trees and six (6) new dwarf holly shrubs will be installed in the new parking areas. These plantings along with the existing vegetation will enhance the aesthetics of the property.

Given the age and existing condition of the property it would be nearly impossible to meet all of the Corridor Overlay Requirements without demolishing the existing structure and completely redeveloping the site. Furthermore, supporting this request for variance are several factors.

1. The site is not being totally redeveloped and strict adherence to the Corridor Overlay requirements is nearly impossible.
2. The site is remote and not visible from US Highway 78.
3. The site is not a pedestrian destination and many of the Corridor Overlay requirements revolve around pedestrian access.
4. There is no real frontage along a major road and many of the ascetic improvements are focused on improving the public right of way aesthetics.

Approving the necessary variances to allow the applicant to achieve the proposed scope of improvements seems appropriate given the circumstances and existing conditions of the property. Other buildings in the immediate area are allowed to operate without improvements because they have not expanding their operations.

### **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;

*Special conditions and circumstances do not exist other than the economic hardship that would result if the property owner was required to meet all of the current code requirements of the zoning ordinances. The property was originally developed before the current regulations were adopted.*

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;

*No, literal interpretation of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance as the Corridor Overlay Requirements have been in effect for quite some time.*

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

*Again there are no special conditions and circumstances resulting from the actions of the applicant.*

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.

*Granting the variances requested would confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.*

*However, Section 14.5(2)(f) allows the Board of Appeals to make a finding that granting of the variance “will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not injurious to the neighborhood, or otherwise detrimental to the public welfare.”*

#### **STAFF RECOMMENDATION:**

The Department of Planning and Development recommends **Approval** of request for waiver of the Corridor Overlay District requirements subject to the following **Conditions**:

1. The property shall be developed in general accordance with the submitted site plan entitled “FMC Dialysis Center - Snellville”, sealed and dated 10-02-2015 with modifications to meet conditions of zoning or State, County, and City regulations;
2. Any new trees planted shall be three (3) inch minimum caliper DBH. Trees shall be container grown trees, as available;

3. The parking lot shall be patched, re-sealed and re-stripped;
4. Any existing non-conforming parking lot light poles and fixtures shall be modified or replaced so that the fixture light source is completely concealed or shielded and shall be down directional;
5. Signs higher than 15 feet and larger than 225 square feet are prohibited; and
6. Any improvements made to the property as part of any initial building permit issued within the first twelve (12) months from the date of Board of Appeals approval shall not trigger a Substantial Building Permit. However, after the first twelve (12) months from the date of Board of Appeals approval, future improvements or re-development with a total value in excess of the Gwinnett County Tax Assessor's 100% assessed value of the existing improvements (only) will be subject to the requirements of a substantial building permit and applicable Landscape and Tree Ordinance requirements.