



**Variance #6: Allow painted block on the rear and west side wall of the Kroger even though they both face residential properties (Sec. 7-76(4)(B))**

A VARIANCE from the terms of the Snellville Zoning Ordinance or Development Regulations shall not be granted by the Board of Appeals unless and until the applicant has **demonstrated** the following. You may attach additional sheets and provide additional documentation as appropriate:

- 1) **Demonstrate** 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 rear wall of Kroger will face residential property owned by the land seller and will be shielded by a 60 foot heavily planted buffer. This wall will also be a considerable distance from the residential property – a minimum distance of 205 feet away. The rear wall is also separated from the residential property by a detention pond as well. The western wall is separated from the residential property by a 50 foot undisturbed buffer and an additional 25 foot non-impervious buffer on the Kroger side. This same buffer is required on the residential side as well, creating a total 100 foot undisturbed buffer along that side. The retail shops on the western side of the Kroger building shield views to the Kroger side wall from U.S. Highway 78. Due to the significant separation of the wall to the adjacent residential properties, the painted block will be indistinguishable from a typical brick wall.

- 2) **Demonstrate** that literal interpretation of the provisions of the Zoning Ordinance or Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance or Development Regulations.

Due to the screening provided by the planted buffer and the existing undisturbed buffer required along the western property line, combined with the significant distance to the adjacent residential property, a literal interpretation of the Zoning Ordinance would in effect result in double screening of those walls in question – which other properties in the zoning district are not required to provide.

- 3) **Demonstrate** that the special conditions and circumstances do not result from the actions of the applicant.

The site is bordered along the western property by a water feature that has been identified as wetlands and state waters not created by the applicant. These features have buffers required by the State of Georgia and the City of Snellville that will screen the western wall of the building. The seller of the property is choosing to keep some of the property in the rear for their own development and Kroger will be planting a 60 foot buffer along that property line. This property will also be

buffered by a considerable distance to the rear wall from the residential property. The location of the detention pond is dictated by the site topography and creates a significant distance between neighboring properties and the rear of the grocery store.

- 4) **Demonstrate** that granting the variance (or waiver) requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance or Development Regulations to other lands, structures, or buildings in the same zoning district. By granting said variance, this will not provide any special privilege to Kroger, as it is Kroger's intent and desire for the rear and side walls to not be visible to the residential properties - which is achieved by the extreme distance and the planted buffer to the rear and the undisturbed buffer to the west.

**Please Note: Non-conforming uses of adjacent properties cannot be considered as grounds to justify a variance. Peculiar conditions or circumstances which are the result of actions of the owner of property covered by this application cannot be considered as grounds justifying a variance. A "use variance", i.e. a variance for the purpose of using land or a structure, or combination thereof for a purpose prohibited by the present zoning classification of the property covered by this application will not be granted.**