



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE SUMMARY

February 9, 2016

CASE NUMBER: #BOA 16-01

REQUEST: To allow the construction of 4 parking spaces in front of the building

APPLICABLE SECTION: Sec. 9.15(c)(3) of the Snellville Zoning Ordinance

LOCATION: 2319 Scenic Highway, Snellville, Georgia

PARCEL: 5026 081

ZONING DISTRICT: BG (General Business) District

OVERLAY DISTRICT: Corridor Overlay District

DEVELOPMENT/PROJECT: Precise Tax and Accounting Services

PROPERTY OWNER/CONTACT: Keith Campbell
Precise Tax & Accounting Services LLC
(770) 982-2181 or precisetaxacct@yahoo.com

**PLANNING DEPARTMENT
RECOMMENDATION:** Approval with Conditions



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE ANALYSIS

February 9, 2016

TO: Snellville Board of Appeals

DATE: February 9, 2016

FROM: Jason Thompson
Interim Director, Planning and Development

CASE NUMBER: #BOA 16-01

FINDING OF FACT:

The Department of Planning and Development has received an application from Keith Campbell, Precise Tax & Accounting Services, LLC, who is requesting a variance from the Snellville Zoning Ordinance for the construction of four (4) additional parking spaces located in front of the office building located at 2319 Scenic Hwy., Snellville, Georgia.

The subject property previously served as a single-family residence prior to being converted to a commercial office development in late 2010. The property was developed as a single-family brick ranch home in 1951 and was rezoned from RS-180 (Single-Family Residence) to BG (General Business) on 8-28-2000 with eight (8) conditions of zoning.

The subject property is located along the Scenic Highway commercial corridor to the south of the intersection of Scenic Highway and Highway 78 (Main Street). The adjacent properties to the north, east, and west are all commercially zoned properties typically found along the Scenic Highway corridor. The adjacent properties to the north, west, and east are zoned BG (General Business), while the property directly adjacent to the south is zoned OP (Office Professional) and owned by Andrew and Karen Watson of Andrew Watson Photography.

REQUEST:

The applicant is requesting a variance from Section 9.16(c)(3) of the Snellville Zoning Ordinance for the construction of four (4) additional parking spaces located in front of the office building located at 2319 Scenic Hwy., Snellville, Georgia. The applicant is requesting to exceed the twenty (20) percent maximum allowed for parking in the front yard.

STAFF ANALYSIS:

The property was originally developed as a single-family ranch home in 1951. Keith Campbell, the current property and business owner, officially applied for a development permit in January, 2011. Mr. Campbell came before the Board of Appeals for landscaping and non-conforming use variances on 11-13-2012, case #BOA 12-02. The Board of Appeals granted the requested variances and Mr. Campbell completed the building and site improvements and opened his accounting and tax business. A copy of the 11-13-2012 approved Board of Appeals minutes are provided herein as Attachment "A".

Mr. Campbell is now leasing additional office space to a separate tenant and needs to provide sufficient parking for both customers and employees. Due to site constraints relating to the onsite sewage management (septic) system and several large specimen and special trees located in the rear yard, the only viable location for the additional parking is in the front yard. The additional parking spaces will connect to the existing driveway and will not require major grading or other site development improvements.

During a recent site inspection, it was observed that a fourteen (14) inch caliper Pecan Tree, as shown on the submitted 10-19-2012 Landscaping Plan and located just outside the front landscape strip, had been removed. Mr. Campbell indicated that he removed the tree because it was diseased and dying and unfortunately did not obtain documentation attesting to the condition of the tree or obtain City approval before its removal. The original landscaping plan was designed and approved prior to the adoption of the current tree protection ordinance. As initially approved the fourteen (14") caliper tree counted for 1.1 tree density units (TDUs) as a saved tree. However, the current ordinance would require that the same tree would count for 2.2 tree density units (TDU's). In an effort of fairness, and as part of the recommendation for variance approval, Mr. Campbell will be required to replant trees to make up the average loss between the two ordinances which results in the planting of 1.6 tree density units (TDUs). A tree planting plan shall be submitted to the City for review and approval. Additionally, Mr. Campbell shall be required to replace the missing shrubbery as shown on the 10-19-2012 Landscaping Plan approved by the Board of Appeals on November 13, 2012.

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 exist as the property was originally developed as a single-family residential home and later converted for commercial use. Meeting the City's Corridor Overlay requirements without redeveloping the entire site would create an hardship on the applicant.

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, literal interpretation 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 as most commercial properties are developed and designed as new construction and not as a retrofit to an existing residential dwelling.

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

Yes, there are no special conditions and circumstances not resulting from the actions of the applicant. The property was a previously a residential dwelling.

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 not confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district. Furthermore, variances have been granted for these types of developments in the past by the Board of Appeals.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the variance request for the construction of four (4) additional parking spaces located in front of the office building with the following **Conditions:**

1. The property shall be developed in general accordance with the submitted Landscape Plan, entitled "Precise Tax and Accounting Services" sealed and dated 11-30-2015 (and stamped received 1-04-2016), with modifications to meet conditions of zoning or State, County, and City regulations;

2. All street lights, pedestrian (sidewalk) lights, and pedestrian amenities required by the Corridor Overlay District shall be installed when either of the adjacent properties (5026 080, 5026 082 or 5026 302) are redeveloped;
3. A tree planting plan shall be submitted to the Director of Planning and Development for review and approval to make up for the loss in 1.6 tree density units (TDUs) as averaged from Table 2 of the preceding Tree Protection Ordinance and Table A of the current Buffer, Landscaping and Tree Ordinance; and
4. The applicant shall replace the missing shrubbery as shown on the 10-19-2012 Landscaping Plan approved by the Board of Appeals on November 13, 2012.



**CITY OF SNELLVILLE
BOARD OF ZONING APPEALS**

**REGULAR MEETING MINUTES
November 13, 2012**

Council Chambers, City Hall, 2342 Oak Road

Members Present: David Brown, Dennis Lawton, Sid Parrott, Marcy Pharris, and Marilyn Swinney.

Staff Present: Jon Davis, Planning Director and Jason Thompson, City Planner.

CALL TO ORDER

Chair Marcy Pharris called the November 13, 2012 regular meeting to order at 7:30 p.m. and announced that the public hearing was being audio taped to facilitate record keeping and Robert's Rules of Order shall govern the meeting.

APPROVAL OF MINUTES

David Brown made a motion to approve the revised minutes of the September 11, 2012 regular meeting.

Dennis Lawton made a second to the motion.

A vote was taken; voted 5 in favor, 0 opposed, motion approved.

OLD BUSINESS

None.

NEW BUSINESS

BOA 12-12 – Request by Keith Campbell, Precise Tax & Accounting Services, LLC for Variance from certain requirements of Section 9.15, Corridor Overlay District of Article IX, Schedule of District Regulations of the 2001 Zoning Ordinance; and various sections of Article III, Landscape Ordinance of Chapter 19 of the Municipal Code of Snellville for the ±0.567 acre property located at 2319 Scenic Hwy., Snellville, Georgia (Tax Parcel #5026 081), zoned BG (General Business).

Jon Davis presented a summary of the request for several variances from the Snellville Code of Ordinances including the Zoning Ordinance and Buffer, Landscape and Tree Ordinance. These requests are a result of the commercial conversion of a previously residential dwelling.

The applicant has requested that the required streetscape improvements of the Corridor Overlay District be postponed until a time when the adjoining properties are redeveloped. The applicant is also requesting that the required rear and side landscape strips be waived since the property already has existing plantings in those areas.

Mr. Davis concluded his presentation by stating that the Department of Planning and Development recommends approval of the request with the following conditions.

1. The property shall be developed in general accordance with the submitted Landscape Plan, entitled “Precise Tax and Accounting Services” sealed and dated 7-22-2012 (and stamped received 10-19-2012), with modifications to meet conditions of zoning or State, County, and City regulations; and
2. All street lights, pedestrian (sidewalk) lights, and pedestrian amenities required by the Corridor Overlay District shall be installed when any of the adjacent properties (5026 080, 5026 082 or 5026 302) are redeveloped.

The applicant, Keith Campbell, 1370 Auburn Hill Court, Lawrenceville spoke and said he didn't have anything to add to Mr. Davis' presentation.

Chair Marcy Pharris asked if Mr. Campbell and his wife were the only persons working in the building. Mr. Campbell answered yes.

Ms. Pharris also asked Mr. Campbell if he had any objections to the recommended conditions.

He responded that he did not have any objections.

Ms. Pharris opened the meeting to public comments.

There were none.

Dennis Lawton made a motion to approve #BOA 12-12 with the staff recommended conditions.

Sid Parrott made a second to the motion.

A vote was taken; 5 voted in favor, 0 opposed, motion approved.

ANNOUNCEMENTS

Mr. Davis announced that there would be a work session with the Mayor and Council on November 26, 2012 to discuss the proposed Sign Ordinance amendments.

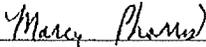
ADJOURNMENT

Motion to adjourn made by David Brown.

Marilyn Swinney made a second to the motion.

A vote was taken; 5 voted in favor, 0 opposed, motion approved.

The meeting was adjourned at 7:50 p.m.



Marcy Pharris, Board Chair



Jason Thompson, Secretary

THESE ARE OFFICIAL MINUTES AND WERE APPROVED BY THE
BOARD OF APPEALS DURING THE JANUARY 8, 2013 REGULAR
MEETING.

