



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE SUMMARY

May 10, 2016

CASE NUMBER: #BOA 16-04

REQUEST: To reduce the 5'-0" building setback to 1'-3" from the side property line; to allow an existing storage building to be partially located in the side yard

APPLICABLE SECTION: Sec. 7.1, Accessory Uses or Structures of the Snellville Zoning Ordinance

LOCATION: Lot 30 Blk E Nob Hill Estates Unit 2
2007 Tanglewood Drive, Snellville, Georgia

PARCEL: 5025 091

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

USE/PROJECT: Existing Storage Building with Proposed Addition

PROPERTY OWNER/CONTACT: Gary T. Parker
(770) 686-2892 or LSGTParker@yahoo.com

**PLANNING DEPARTMENT
RECOMMENDATION:** Approval with Conditions



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BOARD OF APPEALS

VARIANCE CASE ANALYSIS

May 10, 2016

TO: Snellville Board of Appeals

DATE: May 10, 2016

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 16-04

FINDING OF FACT:

The Department of Planning and Development has received an application from Gary T. Parker who is requesting variances from the Snellville Zoning Ordinance to reduce the five (5) foot side yard building setback to one-foot-three inches (1'-3") from the side property line for an existing and non-permitted twelve (12) foot by twelve (12) foot storage building and to allow the existing and non-permitted storage building to encroach nine-feet seven inches (9'-7") into the side yard with the remaining two-feet five inches (2'-5") located in the rear yard. Upon variance approval, the applicant intends to add a twenty (20) foot by twenty (20) foot addition to the existing storage building.

The subject property serves as the single-family residence for the Parker family. The existing concrete block and wood frame storage building was constructed by a previous owner and was never permitted by the City.

The subject property is located in the Nob Hill Estates residential subdivision and is surrounded by single-family residential uses.

REQUEST:

The applicant is requesting variances from Section 7.1, Accessory Uses or Structures of the Snellville Zoning Ordinance to:

- Reduce the five (5) foot side yard building setback to one-foot-three inches (1'-3") from the side property line for an existing and non-permitted twelve (12) foot by twelve (12) foot storage building [Sec. 7.1(1)(a)]; and
- Allow the existing and non-permitted storage building to encroach nine-feet seven inches (9'-7") into the side yard with the remaining two-feet five inches (2'-5") located in the rear yard [Sec. 7.1(1)(b)].

Upon variance approval, the applicant intends to add a twenty (20) foot by twenty (20) foot addition to the rear of the existing storage building.

STAFF ANALYSIS:

The existing and non-permitted twelve (12) foot by twelve (12) foot storage building is non-conforming and does not meet the five (5) foot minimum side yard setback and encroaches into the side yard by nine-feet seven inches (9'-7"). Section 7.1, Accessory Uses or Structures of the Zoning Ordinance requires these structures to be located a minimum of five (5) feet from the side and rear property line, as well as, to be located solely within the rear yard.

Since Mr. Parker intends to construct an addition to the existing and non-conforming storage building by adding a twenty (20) foot by twenty (20) foot addition, before the City can issue a building permit for the new construction, variance approval is necessary to address the existing non-conforming storage building. The proposed addition will meet requirements (a)-(h) of Section 7.1 with the combined sum of both the existing and proposed addition being 635 sq. ft. in total area.

Included in the Variance application, Mr. Parker provided photos of the existing storage building taken in 2002 when the Parker's purchased the property, and second photo taken in 2003 showing siding and roofing improvements made to the exterior of the storage building. These improvements are in keeping with: Section 7.1(f), requiring the façade to be constructed of exterior grade materials including wood, vinyl, brick, stone, stucco, and/or hardiplank siding; Section 7.1(g), requiring that the roofing materials be limited to asphalt shingles or manufactured pre-painted metal roofing; and Section 7.1(h), requiring paints, stains, etc. applied on the exterior shall match the primary dwelling.

In communicating with Kurt and Gretchen Schulz, the owners of the lot adjacent to Mr. Parker's property and who are most impacted by the existing storage building, they stated that they have no objection to Mr. Parker's variance requests and intend to express their support at the May 10th public hearing.

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 non-conforming storage building was constructed before the applicant purchased the property in 2002 and there is no record of any inquiries or complaints being received by area residents since its original construction.

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.

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

The special conditions and circumstances do not result from the actions of the applicant as the non-conforming storage building was constructed before the applicant purchased the property in 2002.

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 in the past by the Board for similar types of circumstances.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the two requested variances with the following **conditions**:

1. The applicant shall obtain an approved building permit from the Director of Planning and Development for the construction of the 400 sq. ft. roofed accessory structure addition;

2. No further encroachment into the side yard shall be allowed;
3. The storage building addition shall not encroach into the five (5) feet side yard building setback; and
4. Consistent with the zoning regulations for roofed accessory structures, the existing structure and proposed addition shall be: a) no higher than two stories; c) constructed of exterior grade materials; d) paints/stains applied shall match or be similar to the primary residence; and (e) contain asphalt shingles or manufactured pre-painted metal roof sheeting. No more than two (2) roofed accessory structures may be constructed. The combined sum of all roofed accessory structures shall not exceed 750 sq. ft. in area.