



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS**

VARIANCE CASE SUMMARY

February 14, 2016

CASE NUMBER: #BOA 17-02

REQUEST: **To Reduce the RS-180 District Space Limits and Street Frontage Requirement of the Zoning Ordinance; and Exemption from the Minor Subdivision Requirements of the Development Regulations**

APPLICABLE SECTION(s): See Exhibit "A"

LOCATION: 1965 Oak Road, Snellville, Georgia

TAX PARCEL: 5025 001

SIZE: 2.70± Acres

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

DEVELOPMENT/PROJECT: **7 Lot Single-Family Residential Development**

PROPERTY OWNER: Brenda Butler
1000 Lakeview Road, Grayson Georgia 30017

APPLICANT/CONTACT: Jeff Timler
Mid Century Investors, LLC
Snellville, Georgia 30078
678.772.0202 or timlerj@bellsouth.net

RECOMMENDATION: **Approval with Conditions**



**CITY OF SNELLVILLE
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VARIANCE CASE ANALYSIS

February 14, 2017

TO: Snellville Board of Appeals

DATE: February 14, 2017

FROM: Jason Thompson
Director, Planning and Development

CASE NUMBER: #BOA 17-02

FINDING OF FACT:

The Department of Planning and Development has received a variance application from Jeff Timler, Partner, Mid Century Investors, LLC, and Brenda Butler, Executrix for the Estate of Thelma Lorene Brownlee (deceased), requesting variances from the Zoning Ordinance and Development Regulations to record an exemption plat on the property that will allow the construction of a seven (7) lot single-family residential *minor* subdivision with open space.

The proposed development includes the 2.70± acre property located at 1965 Oak Road. However, because a portion of the property is impacted by a stream and floodplain, approximately 1.49± acres, 55% of the total property is to remain as open space and includes a fifty-foot (50') undisturbed stream buffer and twenty-five foot (25') impervious surface setback. The southern and eastern portion of the property lies within the 100-year FEMA Flood Hazard area "AE" of Watson Creek. The property contains an uninhabitable two-story 1,000 sq. ft. dwelling built in 1952 and two sheds that will be removed upon variance approval.

With the approved variances, the total density for the seven (7) lots will be 2.59 units per acre, below the 3.99 units per acre allowed for property designated as low-density residential on the 2030 Comprehensive Plan Future Land Use Map. The subject property abuts single-family residential uses to the north and east, the 4.67± acre City of Snellville Oak Road Passive Park to the west, and Nob Hill Estates to the south.

REQUEST:

The applicant is requesting several variances from Section 9.3(4), RS-180 District Space Limits, of Article IX of the Zoning Ordinance; variance from Section 4.7, Street Frontage Requirements, of Article IV of the Zoning Ordinance; and exemption from Section 3.4.3(a) and (b), Minor Subdivision Requirements of Article 3 of the Development Regulations to record an exemption plat on the property that will allow the construction of a seven (7) lot single-family residential *minor* subdivision with open space. These variances are enumerated below:

1. Reduce the minimum lot area from 30,000 sq. ft. to 4,800 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 20 feet from right-of-way.
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. Increase the maximum ground coverage, including accessory structures from 35 percent to 80 percent.
7. Reduce the 25 feet public street frontage requirement for all lots to zero (0) feet.
8. Waiver from requirement that each proposed lot will comply with all requirements of the Zoning Ordinance for single family detached residential use.
9. Waiver from requirement that each proposed lot abuts an existing public street.

VARIANCE ANALYSIS:

Section 3.4 of Article 3, Application of the Regulations of the City of Snellville Development Regulations allows an exemption from the subdivision procedures and required public improvements (project access improvements including deceleration lanes, turn lanes, etc.) portion of the Development Regulations, provided such subdivision is drawn as an Exemption Plat in accordance with the Final Plat standards of the Development Regulations.

Further, Section 3.4.3, Minor Subdivisions allows the division of a buildable lot of record into five (5) or fewer lots, provided:

- a. Each proposed lot complies with all requirements of the Zoning Ordinance and is limited to single family detached residential use.

- b. Each proposed lot abuts upon an existing Public Street.
- c. All Project related slope and utility easements as well as necessary street right-of-way as determined by the Department based on the Comprehensive Plan are provided at no cost to the City.
- d. Each lot thus created may not be resubdivided pursuant to the provisions of this subparagraph. Such resubdivision shall be accomplished only through the procedures contained in Article 11 of these Regulations.
- e. Each proposed lot shall comply with the requirements of the Gwinnett County Department of Public Utilities and the Gwinnett County Environmental Health Department, as appropriate whose certification of approval shall be required prior to approval of the Exemption Plat by the Department.

The Director is authorized to grant a modification from the five (5) lot maximum exemption; provided, however, modifications shall not be granted to exceed a total of seven (7) exempt lots. The Director of Planning and Development or his/her designee may impose conditions of approval upon any modification thus granted as may be necessary to ensure the general public welfare.

The applicant is proposing to subdivide the 2.70± acre property into a seven (7) lot single-family residential minor subdivision having a total density of 2.59 units per acre. Approximately 1.49± acres, or 55% of the total property, is to remain as open space and includes a fifty-foot (50') undisturbed stream buffer and twenty-five feet (25') impervious surface setback. The southern and eastern portion of the property lies within the 100-year FEMA Flood Hazard area "AE" of Watson Creek.

There is an existing sanitary sewer manhole located in the southeast corner of the property that will serve as the connection point for gravity flow sanitary sewer. There is a twelve-inch (12") water line on the north side of Oak Road that runs parallel to Oak Road. There are two (2) fire hydrants in close proximity to the property, with one fire hydrant across from the proposed private drive connection on Oak Road and approximately three-hundred feet (350') from Private Drive 'B' serving Lots 2-4.

Minor subdivisions are exempt from the open space, stormwater detention and water quality, curb and gutter, and sidewalk requirements of the Development Regulations.

The applicant is proposing to utilize only one ingress/egress point on Oak Road, identified as Private Drive 'A' on the site plan. Private Drive 'A' will serve as the driveway for Lots 1, 5-7 and connects to Private Drive 'B' serving as the driveway for Lots 2-4. The lots which range between 4,800 sq. ft. and 14,640 sq. ft. in size, with an average lot size of 7,550 sq. ft., are arranged around both private drives.

The applicant is proposing to construct single-family dwellings 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 Owner’s Association that will be responsible for the upkeep and maintenance of the open space area including greenspaces and private drives.

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

Table 1

SPACE LIMIT	RS-180 DISTRICT REGULATION	REQUESTED VARIANCE	PLANNING DEPARTMENT RECOMMENDATION
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	20 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>
Max. Ground Coverage	35%	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 twelve (12) 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 is also requesting waiver from the requirement that each proposed lot will comply with all requirements of the Zoning Ordinance for single family detached residential use. This exemption is warranted and shall apply only to the RS-180 District space limits of Section 9.3(4)

of the Zoning Ordinance as listed in Table 1 above. And finally, the applicant is requesting waiver from the requirement that each proposed lot abuts an existing public street and for a minimum distance of twenty-five feet (25'). These variances allow the applicant to utilize one curb cut on Oak Road that serves as the sole ingress/egress point for all of the seven (7) lots through Private Drive 'A' and Private Drive 'B'.

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.

Granting the variance request 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, similar variances have been granted by the Board for properties located within the same zoning district. 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 RECOMMEDATION:

The Department of Planning and Development recommends:

- **Approval** of each of the six (6) requested variances from the RS-180 District Space Limits as listed in Table 1 (above);
- **Approval** of the waiver requiring that no building or structure be erected on a lot that does not abut for at least a distance of twenty-five feet (25') upon an open street which is either a public street, a publicly approved street or a publicly maintained street;
- **Approval** of the waiver requiring that each proposed lot will comply with the requirements of the Zoning Ordinance for single family detached residential use pertaining only to the RS-180 District space limits of Section 9.3(4) of the Zoning Ordinance as listed in Table 1 above; and
- **Approval** of the waiver requiring that each proposed lot abuts an existing public street with the following **Conditions**:
 1. The property shall be developed in general accordance with the submitted Site Plan entitled "1965 Oak Road", sealed and dated 1-09-2017 with modifications to meet conditions of variance approval or State, County, and City regulations;
 2. The property shall be developed for fee-simple single-family detached use, not to exceed a total of seven (7) lots;
 3. The single-family detached homes will be constructed in craftsman style architecture with four sides 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. Streets/drives shall remain private. The driveway and driveway curb cut serving the development shall meet Gwinnett D.O.T. driveway requirements for the minor subdivision;
 5. As a requirement of the Exemption Plat approval, the applicant/developer shall execute a *Hold Harmless Agreement* to forever acquit and hold harmless the City of Snellville, its agents and employees from any liability of any kind whatsoever, now or in the future, as a result of any perceived inability of any emergency vehicles to pass along the driveway/private drive which is the access way to the residence constructed/to be constructed on the property upon which variances were sought;
 6. An easement shall be provided for all underground utilities including water, sanitary sewer, power, gas, cable television, telephone, etc. and shall require the developer, owner, or H.O.A. to assume all liability for all repair costs within said easement should they become damaged during the course of installation, maintenance or repair of any kind of the public utilities authorized to occupy said easement;

7. A mandatory Home Owner's Association shall be formed for the open space 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, private drives 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;
8. All new single family residential lots shall be required to connect to sanitary sewer, the use of onsite septic systems is prohibited; and
9. 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.

Exhibit "A"

	Section	Requirement	Request
1.	ZO 9.3(4)(1)	Min. Lot Area: 30,000 sq. ft.	4,800 sq. ft.
2.	ZO 9.3(4)(2)	Min. Lot Width: 100 feet at building line	45 feet
3.	ZO 9.3(4)(4)	Min. Front Yard: 50 feet from right-of-way	20 feet from boundary line
4.	ZO 9.3(4)(5)	Min. Rear Yard: 40 feet	20 feet
5.	ZO 9.3(4)(6)	Min. Side Yard: 10 feet	0 feet, with 10 feet between buildings
6.	ZO 9.3(4)(8)	Max. Ground Coverage including Accessory Buildings: 35 percent	80 percent
7.	ZO 4.7	Street Frontage Requirement: 25 feet on public street	Waiver (0 feet)
8.	DR 3.4.3(a)	Each proposed lot will comply with the requirements of the Zoning Ordinance for single family detached residential use	Waiver (for RS-180 District Space Limits Only)
9.	DR 3.4.3(b)	Each proposed lot abuts an existing public street	Waiver