



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE SUMMARY

July 11, 2017

CASE NUMBER: #BOA 17-06

REQUEST: Variance from Article VII, Accessory Uses or Structures of the 2001 Zoning Ordinance

APPLICABLE SECTION: 7.1(1)(b), Location for Accessory Structures

LOCATION: 2622 Colony Way, Snellville, Georgia

TAX PARCEL: 5025 334

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

PROPERTY OWNER: Robert C. Hembree (Son)
Snellville, Georgia 30078

APPLICANT/CONTACT: Robert C. Hembree, Sr. (Father)
(201) 655-9928 or bobhembree76@gmail.com

**PLANNING DEPARTMENT
RECOMMENDATION:** Approval with Conditions



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PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE ANALYSIS

July 11, 2017

TO: Snellville Board of Appeals

DATE: July 11, 2017

FROM: Jason Thompson
Director, Planning and Development

CASE NUMBER: #BOA 17-06

FINDING OF FACT:

The Department of Planning and Development has received a variance application from Robert C. Hembree, Sr., resident and father of the owner of the subject property. Mr. Hembree is requesting a variance from the Snellville Zoning Ordinance to construct a 384 sq. ft., 2-story accessory structure in the corner side yard of a corner lot for a workshop and storage space.

The property is located in Lot 1, Block A, Unit 1 of the Chimney Trace Subdivision at 2622 Colony Way, Snellville. The subject property is located at the intersection of Oak Road and Colony Way, southeast of Mountain View Road, Snellville.

REQUEST:

The applicant is requesting a variance from the Snellville Zoning Ordinance to construct a 2-story accessory structure in the corner side yard of a corner lot for a workshop and storage space.

The requested variance is outlined in Schedule "A" below.

Schedule “A”

	Zoning Ordinance Section	Zoning Ordinance Requirement	Variance Request
1.	7.1(1)(b)	All roofed accessory structures shall be located within the rear yard.	To allow the construction of a 384 sq. ft. 2-story accessory structure located in the corner side yard, as shown in the photo addendums. The applicant contends that the proposed location is the only suitable location for the structure, as his backyard is unlevel due to the presence of a sinkhole and a ditch. The applicant also has limited mobility due to existing health issues, and the location allows him the shortest walk from door to door.

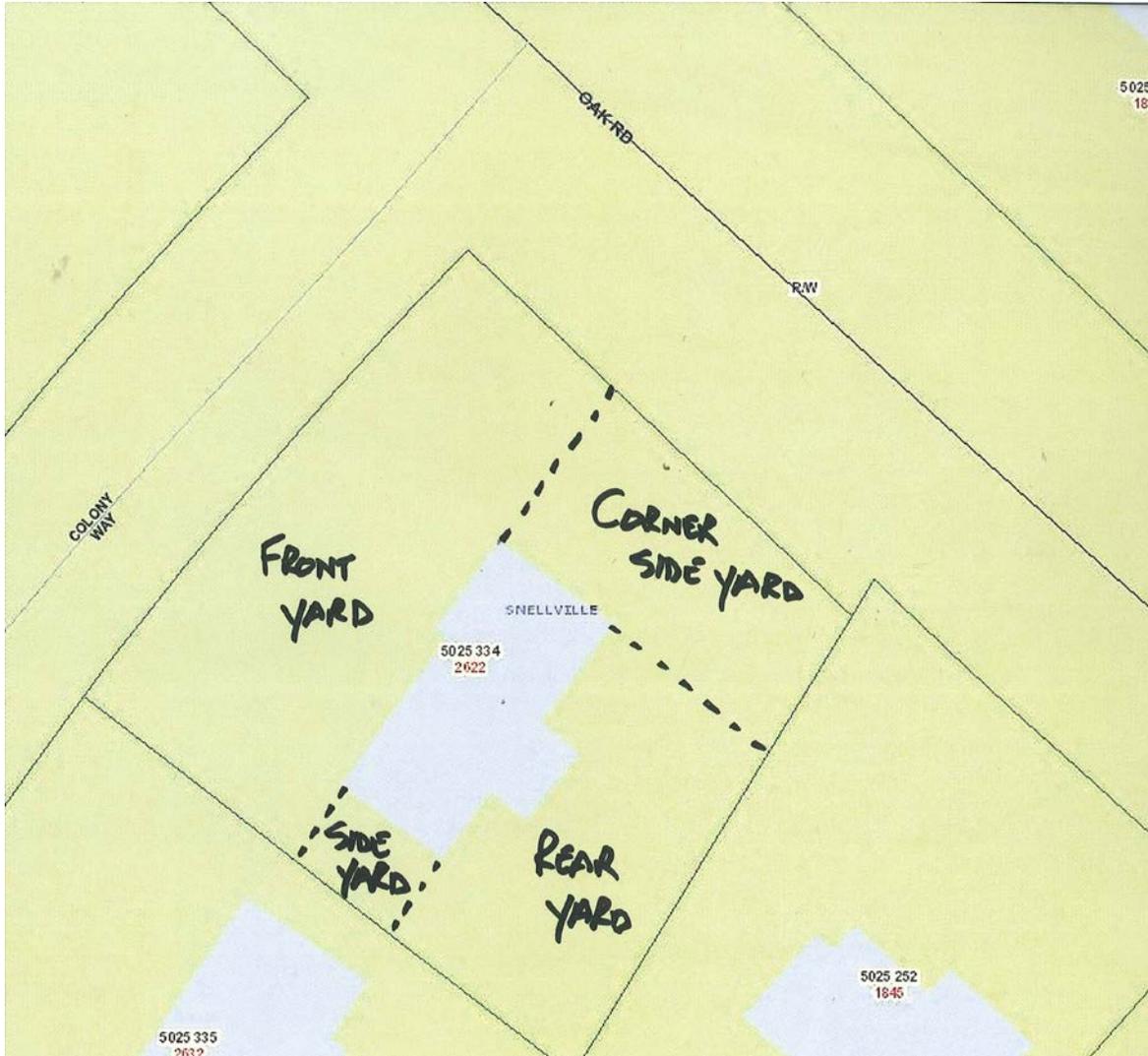
STAFF ANALYSIS:

The applicant’s son owns the property that is approximately 0.38± acres in size. The Chimney Trace Subdivision development was constructed in the mid to late 80’s with the subject property being constructed in 1986 and includes a 2,352 sq. ft. two-story single-family residence and associated driveway and parking area. A portion of rear and side yards contain a wooden privacy fence. A street view of the property as seen from Oak Road is shown below.



The corner lot was platted with the front yard located on Colony Way and corner side yard being located on Oak Road. The residence was constructed with the front of the house facing Colony Way. The corner side yard area along Oak Road contains mature pine trees, evergreen plantings and smaller deciduous trees. A recently constructed pedestrian sidewalk runs parallel to Oak Road.

The exhibit below shows the subject property and existing dwelling in relation to Colony Way and Oak Road and the front, side, corner side and rear property lines. Dashed lines separate the corresponding front, side, corner side, and rear yards. Corner lots abut and have frontage on at least two streets.



The applicant is proposing to construct the 16' wide by 24' deep structure in the corner side yard area, setback approximately 8 feet from the side and rear property boundary lines.

However, because there is an existing 20-foot drainage easement that runs parallel to and along the rear property boundary (see area highlighted), the structure will need to be located outside of the drainage easement and located a minimum of 12 feet closer toward the end of the driveway.



Since many of the side and rear yard drainage easements do not exceed 10 feet, the Board may consider a reduction of the drainage easement and allowing the structure to be located no closer than 10 feet from the rear property line. The Gwinnett County GIS does not indicate the presence of any underground stormwater pipe, manholes, catch basins or other underground stormwater structures and the typography tends to fall from the proposed workshop location to the south-southeast.

Although the proposed structure is two-stories with an asphalt-shingled gable roof and approximately 21 feet in overall height, the proposed location is partially screened and buffered by the wooden privacy fence and tree line that runs parallel to Oak Road and small grouping of trees at the rear corner of the property. The structure will be painted using earth-tone colors, allowing the structure to blend-in with the existing structures in the area.

And due to the sinkhole in the backyard and ditch caused by water runoff from the existing home, there is no other feasible place to locate the structure without having to remove the bad soil and bringing in fill dirt to level the yard.

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;

There are special conditions and circumstances that exist which are peculiar to the land, structure, or building involved. The backyard is unlevel due to the presence of a sinkhole in the center, and would require leveling before an accessory structure could be built. The rear right corner contains a ditch created by rain runoff from the primary structure.

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;

Literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district as the backyard as it stands is largely unfit for an accessory structure, leaving the left side yard as the remaining suitable space.

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

The special conditions and circumstances are not a direct result from the actions of applicant since the presence of the sinkhole is a natural occurrence and the creation of the ditch is due to rain runoff from the existing structure that was not foreseen by the

owner or architect of the home.

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 of these variances would not confer special privileges. Though technically a corner lot, the side yard is shielded from view by trees and a fence, and the accessory structure would be set back a suitable distance from the street in front of the property.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the variance to allow the construction and use of a 16 'x 24' two-story workshop/storage building and located within the corner side yard as described in the variance application with the following **Conditions**:

1. The roofed accessory structure shall be: a) no larger than 400 sq. ft. in area; b) no higher than two-stories; c) constructed of exterior grade materials; and d) paints/stains applied shall match or be similar to the primary residence; and contain asphalt shingles or manufactured pre-painted metal roof sheeting;
2. The applicant shall obtain an approved building permit from the Director of Planning and Development for the construction of the roofed accessory structure; and
3. The roofed accessory structure shall not be used as a separate dwelling unit.