



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE SUMMARY

December 12, 2017

CASE NUMBER: #BOA 17-09

REQUEST: Variances from the Snellville Zoning Ordinance

APPLICABLE SECTION(S): Sec. 9.6.6.5 of Article IX and Sec. 11.3 of Article XI of the Snellville Zoning Ordinance

LOCATION: **2961 Lenora Church Road, Snellville**

PARCEL: 5028 085

ZONING: RM (General Residence) District

SIZE: 8.99± Acres

DEVELOPMENT: 71-Unit Multi-Family Development

PROPERTY OWNER/APPLICANT: Mark T. Wright
Oracle Snellville 2017, LP
Louisville, Kentucky 40207

CONTACT: Jim Huffstetler, P.E.
Oracle Design Group, Inc.
(478) 338-0724 or j.huff@oracledesign.net

**PLANNING DEPARTMENT
RECOMMENDATION:** **Approval with Conditions**



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PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE ANALYSIS

December 12, 2017

TO: Snellville Board of Appeals

DATE: December 12, 2017

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 17-09

FINDING OF FACT:

The Department of Planning and Development has received an application from Mark T. Wright, of Oracle Snellville 2017, LP, requesting variances from the Snellville Zoning Ordinance regarding the number of parking spaces required per unit and the number of parking garages required for the development.

The subject 8.99± acre property, zoned RM (General Residence) District, is located at 2961 Lenora Church Road across the street from the southern portion of Briscoe Park, and adjacent to Kings Gate Condominiums to the north and Parkside quad-plex development to the south.

The site is the location of the 71-unit Park West apartment complex consisting of six (6) three-story multi-family buildings, community building, gazebo, picnic pavilion, outdoor playground, and related parking and is currently in the initial phases of construction. The site lies outside of the seventy-five (75) foot required buffer for a stream of the No Business Creek.

The adjacent properties to the north and south are also zoned RM. The western edge of the property borders a parcel currently zoned RS-180 that is owned and operated by the Gwinnett County Department of Water Resources.

VARIANCE REQUEST:

The applicant is requesting three (3) variances from the Snellville Zoning Ordinance as outlined below:

1. Variance from Sec. 9.6.6.5, Design Requirements for the RM District of Article IX of the Zoning Ordinance regarding the minimum number of required parking spaces per dwelling unit.

Applicant is requesting to reduce the required number of parking spaces from 2.5 spaces per dwelling unit to 1.5 spaces per dwelling unit.

2. Variance from Sec. 11.3, Parking Requirements of Article XI of the Zoning Ordinance regarding the minimum number of required parking spaces per dwelling unit.

Applicant is requesting to reduce the required number of parking spaces from 2.0 spaces per dwelling unit to 1.5 spaces per dwelling unit.

3. Variance from Sec. 9.6.6.5, Design Requirements for the RM District of Article IX of the Zoning Ordinance requiring that single-car garages be provided for all dwelling units.

Applicant is requesting to reduce the minimum required number of garages to roughly 20% from seventy-one (71) required covered parking spaces to sixteen (16) covered parking spaces.

STAFF ANALYSIS:

Due to the physical constraints on the site, the applicant is proposing to reduce the minimum required number of parking spaces from 178 total spaces (2.5 spaces per Sec. 9.6.5.6) or 142 total spaces (2.0 spaces per Sec. 11.3) to 1.5 spaces per unit or 108 total parking spaces. A major concern with reducing the number of spaces would be to ensure that there is adequate parking to accommodate both the residents and any temporary guests or visitors they may have.

Based on a total of 71 total dwelling units, with 62 units being three-bedroom units and 9 units being two-bedroom units, a more comfortable approach would be to require two-spaces per each three-bedroom unit and one-space per two-bedroom unit, or 133 total parking spaces including covered parking. This is an increase of 25 parking spaces over the 108 parking spaces being proposed by the applicant and represents a parking ratio of 1.87 spaces per dwelling unit.

Reducing the number of spaces has the added benefit of decreasing the amount of impervious surface that will be added to the site, reducing runoff and the burden to stormwater infrastructure.

The site variance to reduce the number of garages or covered parking spaces is likely motivated by a desire to reduce costs, given the discovery of a twelve (12) foot thick layer of bedrock and

the subsequent raising of the site. However, the garages as they were proposed were an unusual addition to the site. Though not nonconforming, they are more like carports and less like “garages” in the traditional sense. While covered parking is a nice amenity for residents, it is perhaps not the best fit aesthetically for the type of housing being constructed. Covered parking or garages would make more sense for a townhome or senior living development, rather than a multi-family development such as this one.

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;

The site is very linear due to a fifty (50) foot landscape buffer where the property abuts Lenora Church Road and an additional seventy-five (75) foot stream and impervious surfaces buffer on the southern and southeastern edge of the site. Additionally, twelve (12) foot thick rock was discovered on the site beneath the soil surface, requiring that the site be raised by approximately four (4) feet in areas.

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;

Where the current parking requirements vary from 2-2.5 spaces per unit, we are requesting a reduction of parking to 1.87 spaces per unit thus reducing the impervious surface area, and also reducing the heat gain on the buildings associated with expansive asphalt.

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

The request for variance stems from the narrow site configuration due to the combined seventy-five (75) foot stream buffer and fifty (50) landscape buffer, and the discovery of bedrock necessitating that the site be raised four (4) feet from what was originally planned.

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.

Variations can often lead to a better project that benefits both city and residents. Strict adherence to the ordinances may require tweaking and adjustments to ensure the best project. This redesign was a result of input from all parties, including City planning staff.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the following variances:

1. Variance from Sec. 9.6.6.5, Design Requirements for the RM District of Article IX of the Zoning Ordinance to reduce the minimum number of required parking spaces from 2.5 spaces to 1.87 spaces per dwelling unit.
2. Variance from Sec. 11.3, Parking Requirements of Article XI of the Zoning Ordinance to reduce the minimum number of required parking spaces from 2.0 spaces to 1.87 spaces.
3. Variance from Sec. 9.6.6.5, Design Requirements for the RM District of Article IX of the Zoning Ordinance to reduce the minimum number of single-car garages/covered parking from seventy-one (71) to sixteen (16) total covered parking spaces.

Variance approval shall be subject to the following **Conditions**:

1. The property shall be developed in general accordance with the submitted site plan, entitled "Revised Site Plan", sealed and dated 11-3-2017, with modifications to meet conditions of zoning or State, County, and City regulations;
2. Signs higher than 15 feet and larger than 225 square feet are prohibited; and
3. Any and all variances granted herein shall become null and void upon redevelopment of the property, as determined by the Director of Planning and Development.