



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

VARIANCE CASE SUMMARY

March 13, 2018

CASE NUMBER: #BOA 18-04

REQUEST: Variances from the Snellville Code of Ordinances

APPLICABLE SECTION(S): Section 9.15, 11.3 and 12.10 of the Zoning Ordinance regarding Corridor Overlay Requirements, Parking & Loading Requirements and Signs; and Art. III, Landscape Ordinance of Chapter 19, Buffer, Landscape and Tree Ordinance

LOCATION: 2366 Lenora Church Road, Snellville

TAX PARCEL: 5026 200

ZONING: OP (Office Professional) District

OVERLAY DISTRICT: Corridor Overlay District

PROPERTY OWNER: The Pickron Family, LLLP
Alpharetta, Georgia 30009

APPLICANT/CONTACT: Lindsey Warren
Gibraltar Real Estate Services
770-598-1429 or lwarren@gibraltarinc.net

**PLANNING DEPARTMENT
RECOMMENDATION:** SEE TABLE 1 – PAGE 6



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

VARIANCE CASE ANALYSIS

March 13, 2018

TO: Snellville Board of Appeals

DATE: March 13, 2018

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 18-04**

FINDING OF FACT:

The Department of Planning and Development has received an application from Lindsey Warren, Gibraltar Real Estate Services, on behalf of The Pickron Family, LLLP requesting variances from the Snellville Code of Ordinance.

The subject 0.64± acre property, zoned OP (Office Professional) District, lies within the Corridor Overlay District and is located at 2366 Lenora Church Road, Snellville. The property was originally developed in 1987 and consists primarily of a single mixed-material building totaling 5,007± sq. ft. and related parking. The property has primarily been used for medical and dental offices and became vacant in September 2014 with the closure of Pickron Orthodontic Care.

Since closure of the dental practice in 2014, the property has remained vacant for more than eighteen (18) months, resulting in the loss of all of its grandfathering privileges relating to the non-conformities of the property and building.

In accordance with Sec. 5.4(5), Non-conforming Uses:

“When a nonconforming use of structure, or structure and premises in combination, is discontinued or abandoned for eighteen (18) consecutive months or for 36 months

during any five-year (5) period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. The nonconformity of the structure and premises shall be calculated from the date of adoption of this amended section of this Ordinance (adopted 3-22-2010)."

Therefore, unless granted variance(s) approval, the property must be brought into full compliance with the current requirements of the Zoning Ordinance before issuance of any Certificate of Occupancy (CO) may be issued.

VARIANCE REQUEST:

In order to allow the property to be brought back into commerce, the applicant is requesting seven (7) variances from the Snellville Code of Ordinances as outlined below:

1. Variance from Section 9.15.A.3 of the Snellville Zoning Ordinance regarding the Corridor Overlay District Requirements. The applicant is requesting variance from the required 4' sidewalk connection from public rights-of-way to the entrance of the building.
2. Variance from Section 9.15.A.5 of the Corridor Overlay District requirements regarding "cobrahead" streetlights along public rights-of-way utilizing decorative light poles. The applicant is requesting these requirements be waived.
3. Variance from Section 9.15.B.2 of the Corridor Overlay District requirements requiring all street trees be placed six (6) feet from the back of the curb. Applicant is requesting they be placed further back due to existing power lines.
4. Variance from Section 9.15.C.5 of the Corridor Overlay District requirements requiring bicycle racks, benches and trash receptacles. Applicant is requesting these be waived due to the existence of these amenities across the street.
5. Variance from Section 9.15.D of the Zoning Ordinance regarding Architectural Design Standards to maintain the existing building as-is, which predates the current standards and is nonconforming.
6. Variance from Section 12.10 regarding Signs to allow the existing nonconforming sign to remain in its current condition.
7. Variance from Section 11.3 of the Zoning Ordinance regarding Parking and Loading standards to allow the existing twenty (20) parking spaces to remain "as-is".

STAFF ANALYSIS:

An important thing to keep in mind when considering these variances is that the owner of the property also owns the adjacent property immediately to the south, for which they are also requesting similar variances. Both properties are currently being marketed “For Sale” or “For Lease”.

Overall the property is in decent shape for a 30-year old property that has been vacant since 2014. The largest issues stem from the older landscaping on the property, which is either dated or nearing the end of its lifecycle. The applicant is planning to address both landscaping and site lighting issues, as shown on the submitted plan entitled “Variance Improvements Plan for 2366 Lenora Church Road” dated February 5th, 2018.

VARIANCE ANALYSIS:

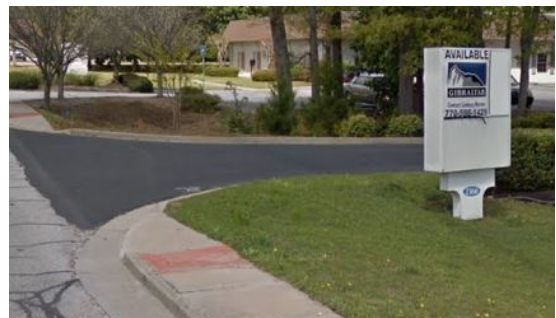
The applicant’s argument for Variance #1 is that the configuration of the site does not facilitate a new pedestrian access. The entrance to the building is in the rear, meaning that any pedestrian connection would have to wrap around the building and potentially cross the parking lot. In addition, the large stormwater ditch in front of the property would likely require more extensive earthwork than the applicant is expecting to expand the driveway and create space for an access. This request is reasonable.

The presence of the overhead power lines and the pedestrian amenities that were installed when Carlin Vision was developed are the reason behind Variances #2-4. The placement of the power lines means that trees planted in the location required by the Overlay District would grow directly into the power lines. It is then necessary to move the trees back behind the lines to avoid this conflict.

Requiring the placement of the concrete pad with benches, bike racks and trash cans would put it directly across the street from the existing pad at 2377 Lenora Church Road, which may be a strange sight to some. However, that is not a valid reason to not install the improvements, and the request is not supported.

The building façade is nonconforming by the current standards, in that each façade is not at least 50% brick, stone or stucco. However, routine maintenance of the exterior of the structure has been completed over the years, and requiring it to be redone to meet all the requirements of the existing code would be overly burdensome. The request is reasonable.

The request to allow the existing nonconforming pylon sign to remain on the property “as-is” is not supported, as the site plan shows the sign to be partially located within the public right-of-way. The applicant, or new property owner, shall be required to remove the non-conforming sign and any new signage shall comply with the City’s current sign



regulations and require an approved sign permit from the City before installation of any new signage.

The final variance request is to exceed the maximum number of parking spaces by one (1) space for a 5,007 sq. ft. office building requiring nineteen (19) total parking spaces. According to the Gwinnett Tax Assessor records, the building size is 3,674 sq. ft. which requires 13 parking spaces (minimum) and 14 parking spaces (maximum). The site contains 19 parking spaces, exceeding the maximum allowed by 5 spaces. Because the impact is minimal, the request is supported.

LANDSCAPE AND TREE PLANTING PLAN:

The applicant has proposed a landscape and tree planting plan that meets the intent of the Landscape and Tree Ordinance while also addressing the recompense for the illegal removal of several trees from both properties in the early part of 2016. The plan also proposes the removal of thirteen (13) older, dying, and problematic trees located at the rear of the property and are mostly Bradford Pears that are nearing the end of their lifespan.

The Tree Density Units (TDU) to be planted are in accordance with the current ordinance and also provides for the tree recompense for the removal of the large 28" (DBH) Silver Maple, requiring 8.6 TDUs. These 8.6 TDUs are being planted in the front of the property, just outside the 10 foot landscape strip to minimize conflict with the existing overhead utilities with four 4-inch (DBH) Red Maple trees and twenty Carissa Holly shrubs. At the rear of the property, six Cryptomeria evergreen trees and six Foster Holly trees are proposed for planting (six feet minimum height at time of planting).

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 was constructed prior to the current code and does not meet the requirements of the current code or the Corridor Overlay District. Site improvements are proposed in conjunction with this variance to ensure that the property is returned to commerce while also becoming more in conformance with current regulations.

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 would deprive the applicant of the right to operate a business, as there is functionally no way to fully comply with the ordinance without necessitating a complete redevelopment of the property.

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

The property was developed according to the codes and ordinances of the time in which it was built. The City has since amended or change said requirements through no action of the applicant.

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.

The variances proposed are specific to the site and would not confer the right of other aging properties to return to commerce without their own site-specific improvements to more fully meet the current codes.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends the following with regard to each of the seven (7) requested variances:

Table 1

Variance Request	Planning Department Recommendation
1. Variance from Section 9.15.A.3 of the Snellville Zoning Ordinance regarding the Corridor Overlay District Requirements. The applicant is requesting variance from the required 4’ sidewalk connection from public rights-of-way to the entrance of the building.	Approval
2. Variance from Section 9.15.A.5 of the Corridor Overlay District requirements regarding “cobrahead” streetlights along public rights-of-way utilizing decorative light poles. The applicant is requesting these requirements be waived.	Approval
3. Variance from Section 9.15.B.2 of the Corridor Overlay District requirements requiring all street trees be placed six (6) feet from the back of the curb. Applicant is requesting they be placed further back due to existing power lines.	Approval
4. Variance from Section 9.15.C.5 of the Corridor Overlay District requirements requiring bicycle racks, benches and trash receptacles. Applicant is requesting these be waived due to the existence of these amenities across the street.	Denial
5. Variance from Section 9.15.D of the Zoning Ordinance regarding Architectural Design Standards to maintain the existing building as-is, which predates the current standards and is nonconforming.	Approval

6. Variance from Section 12.10 regarding Signs to allow the existing nonconforming sign to remain in its current condition.	Denial
7. Variance from Section 11.3 of the Zoning Ordinance regarding Parking and Loading standards to allow the existing twenty (20) parking spaces to remain "as-is".	Approval

In conjunction with the variance recommendations above, the Planning Department recommends the following conditions:

1. The property shall be developed in general accordance with the submitted site plan, entitled "Variance Improvements Plan for 2366 Lenora Church Road" dated 2-5-2018 with modifications to meet conditions of zoning or State, County, and City regulations;
2. All tree and landscape improvements shall be completed within 60-days of variance approval or before issuance of any Certificate of Occupancy/Occupational Tax License, whichever occurs first;
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;
4. Evergreen trees shall be a minimum of six (6) feet in height at time of planting;
5. The non-conforming pylon sign shall be removed within 60-days of variance approval or before issuance of any Certificate of Occupancy/Occupational Tax License, whichever occurs first. Any new sign shall meet the City's Sign Ordinance regulations and require an approved sign permit from the Director of Planning and Development before installation;
6. New signs higher than 15 feet and larger than 225 square feet are prohibited; and
7. A solid waste dumpster pad and enclosure shall be constructed in accordance with Sec. 19-34 of the Buffer Ordinance within 60-days of variance approval or before issuance of any Certificate of Occupancy/Occupational Tax License, whichever occurs first.