



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

CASE SUMMARY

April 9, 2019

CASE NUMBER: #BOA 19-03

REQUEST: Variance from Sec. 26-505(a)(1), Buffer and Setback Requirements, Article IX, Stream Buffer Protection of Chapter 26 of the City Code

LOCATION: Lot 69 Block A Newtons Crest
3353 Newtons Crest Circle, Snellville, Georgia

TAX PARCEL: 5006 413

PRESENT ZONING: PRC (Planned Residential Conservation) District

DEVELOPMENT/PROJECT: Single-Family Detached Residential Dwelling

PROPERTY OWNER/APPLICANT: Adams Homes AEC, LLC
3000 Gulf Breeze Pkwy.
Gulf Breeze, Florida 32563-5623

CONTACT: Daniel Blitch
Production Manager, Adams Homes
470-297-5610 or dblitch@adamshomes.com

RECOMMENDATION: **Approval with Conditions**



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CASE ANALYSIS

April 9, 2019

TO: Snellville Board of Appeals

MEETING DATE: April 9, 2019

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 19-03

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Adams Homes AEC, LLC requesting variance from Sec. 26-505(a)(1), Buffer and Setback Requirements, Article IX, Stream Buffer Protection of Chapter 26 of the City Code to encroach into the 50 foot stream buffer by approximately 583 sq. ft. and encroach into the 75 foot impervious surface setback by approximately 982 sq. ft. for the construction of a 2,395 sq. ft. single-family detached residential dwelling.

The 6,558 sq. ft. lot is a developed lot in the Newtons Crest subdivision and identified as Lot 69 Block A Newtons Crest, 3353 Newtons Crest Circle, Snellville (Tax Parcel R5006 413).

BACKGROUND:

The lot is in the Newtons Crest subdivision, located in the 2400 Block of Scenic Highway (S.R. 124 South), across from Skylar's Mill Subdivision, adjacent to unincorporated Gwinnett County. Kennedy Development Co., Inc. received Final Plat approval on 11-22-2002 for the construction

of a 185-lot single-family detached subdivision with all lots having been graded and made building-pad ready. Building permits were issued shortly after with about 90% of the lots being constructed and occupied by the end of 2006.

At the time of Final Plat approval in 2002, the twenty-five (25) foot State waters stream buffer was applicable and appropriately identified on said plat.

On May 23, 2005, the City adopted the Stream Buffer Protection Ordinance codified and incorporated into the Snellville City Code as Article IX of Chapter 26, Environment, requiring a 50 foot undisturbed natural vegetative stream buffer and additional 25 foot impervious surface setback for a 75 foot combined buffer.

In July 2017, Adams Homes AEC, LLC acquired the remaining 20 undeveloped lots to complete the final buildout. On 1-24-2018 Adams Homes applied for the building permit for the construction of a 2,395 sq. ft. single-family detached dwelling. On 1-24-2018 the City Engineer approved the Residential Drainage Plan (RDP) in error. On 2-1-2018 the building permit was approved and issued on 2-7-2018. Construction began and a final building inspection was completed by the Building Inspector and passed on 7-16-2018. A temporary Certificate of Occupancy was signed on 7-16-2018, but never released. On 7-18-2018 the City advised the applicant that before release of the Certificate of Occupancy, Board of Appeals variance approval was necessary to allow encroachment into the 50 foot stream buffer and 75 foot impervious surface setback. On August 23, 2018 Adams Homes submitted a variance application that was incomplete. On March 4th of this year, the City received a complete variance application.

ANALYSIS:

The 6,558 sq. ft. rectangular-shaped lot measuring approximately 109 feet deep has a perennial stream at the rear of the lot and is adversely impacted by both the 50 foot City stream buffer and 75 foot impervious surface setback.

Georgia State law requires a 25 foot undisturbed natural vegetative buffer on both sides of the stream bank. Section 26-505(a) of the Stream Buffer Protection ordinance requires a 50 foot undisturbed natural vegetative buffer (25' State buffer plus 25' City buffer) with an additional 25 foot setback beyond the undisturbed natural vegetative buffers, in which all impervious cover (buildings, patios, etc.) shall be prohibited.

The applicant is requesting a variance to encroach into the 50 foot undisturbed stream buffer by approximately 583 sq. ft. in area for the rear portion of the dwelling and variance to encroach into the 75 foot impervious surface buffer by approximately 982 sq. ft. in area for approximately two-thirds of the footprint of the dwelling.

Given the platted building setbacks and location of the 50 foot stream buffer and 75 foot impervious surface buffer, there do not appear to be any viable options to build a house

without encroachment into these buffers. This request seems reasonable considering the physical, hydrologic, and topographic challenges that exist on the lot.

The City of Snellville's Stream Buffer Protection ordinance allows stream buffer variances to be considered when a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance (May 2005) prevents land development unless a buffer variance is granted. We agree with the applicant that the topography of this property and location of the stream with respect to the property's boundaries will render the site unbuildable unless a variance is granted.

The City's Stream Buffer Protection ordinance requires the following factors be considered when considering whether to approve a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

The small size of the property is 6,558 sq. ft. in area and is relatively flat until the rear portion of the lot where it slopes down steeply to an existing creek. The site covers CfS soils series and Chewacla silt loam consisting of 0-2 percent slopes and floods frequently. The State and City stream buffers protrude into the property with the impervious surface buffer encompassing approximately two-thirds of the dwelling footprint.

- b. The locations of all streams on the property, including along property boundaries.

The stream is located in the rear of the lot near the rear property line.

- c. The location and extent of the proposed buffer or setback intrusion.

The location of the intrusion and extent of the proposed buffer and setback intrusion is clearly shown on the submitted Buffer Encroachment Plan.

- d. Whether alternative designs are possible which require less intrusion or no intrusion.

Given the small lot size and reduced front building setback moving the house closer to the street is not desirable as the already shortened driveway would not be able to park a regular sized automobile without it protruding into the sidewalk. Moving the house toward either side of the property would not provide any significant reduction in the amount of encroachment into the 50 foot stream buffer and 75 foot impervious surface setback.

- e. The long-term and construction water-quality impacts of the proposed variance.

The applicant has offered to mediate any negative impacts by installing sod on all sides of the house including installation a proprietary underground water quality device for all roof drains to connect to.

- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Yes, with the planting of the sod and addition of the water quality device the environment should be protected from any negative impacts.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the variance request to encroach into the 50 foot stream buffer by approximately 583 sq. ft. and encroach into the 75 foot impervious surface setback by approximately 982 sq. ft. for the construction of a single-family detached residential dwelling with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted site plan, entitled "Buffer Encroachment Plan for Lot 69A 3353 Newtons Crest Cir Newtons Crest", dated 10-8-2018 and prepared by Falcon Design with modifications to meet conditions of variance or State, County, and City regulations;
2. The rear patio shall be constructed from pervious concrete;
3. The applicant shall provide a geotechnical proposal/plan on the fill and permanent stabilization of the slope at the rear of the lot for review and approval by the City Engineer. An inspection by the City Engineer shall be completed to ascertain compliance and implementation of the proposal/plan and if approved, a Certificate of Occupancy can then be released; and
4. The applicant shall be required to submit a residential drainage plan (RDP) for review and approval by the City Engineer. The plan shall include the installation of a water quality device and the connection to all applicable roof top drains.