



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

CASE SUMMARY

April 9, 2019

CASE NUMBER: #BOA 19-04

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 78 Block A Newtons Crest
3263 Newtons Crest Circle, Snellville, Georgia

TAX PARCEL: 5006 422

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 19-04

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 298 sq. ft. and encroach into the 75 foot impervious surface setback by approximately 896 sq. ft. for the construction of a 2,742 sq. ft. single-family detached residential dwelling.

The 6,452 sq. ft. lot is an undeveloped lot in the Newtons Crest subdivision and identified as Lot 78 Block A Newtons Crest, 3263 Newtons Crest Circle, Snellville (Tax Parcel R5006 423).

BACKGROUND:

The undeveloped 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 6-28-2018 Adams Homes applied for the building permit for the construction of a 2,742 sq. ft. single-family detached dwelling. The Building Permit was approved on 7-3-2018 but not released. On 7-18-2018 the City advised the applicant that before approval and issuance of the building permit, 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 6,452 sq. ft. rectangular-shaped lot measuring approximately 119 feet deep at its deepest point, is impacted by a meandering perennial stream located on the adjacent H.O.A. open space area and crosses the rear lot line, projecting approximately 20 feet into the lot before turning south and is adversely impacted by the 25 foot State buffer, 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 298 sq. ft. in area for the rear corner portion of the dwelling and 150 sq. ft. concrete patio and variance to encroach into the 75 foot impervious surface buffer by approximately 896 sq. ft. in area for the majority 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 6,452 sq. ft. in area and is relatively flat until the rear portion of the lot where it slopes down steeply toward the H.O.A. open space and 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 limit reaching up to the northeastern front portion of the house.

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

The meandering perennial stream located on the adjacent H.O.A. open space area and crosses the rear lot line, projecting approximately 20 feet into the lot before turning south.

- 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. There is a 25 foot Drainage Easement parallel to the northwest side lot line where adjacent to Lot 79A which prevents the dwelling foundation from being relocated.

- 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 289 sq. ft. and encroach into the 75 foot impervious surface setback by approximately 1,023 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 78A 3263 Newtons Crest Cir Newtons Crest", dated 2-11-2019 and prepared by Falcon Design with modifications to meet conditions of variance or State, County, and City regulations;
1. The rear patio shall be constructed from pervious concrete;
2. 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
3. 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.