



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

VARIANCE CASE SUMMARY

May 14, 2019

CASE NUMBER: #BOA 19-05

REQUEST: Variances from Zoning Ordinance

APPLICABLE SECTION(S): Section 9.8, 9.15 and 11.3 of the Zoning Ordinance regarding Setback Requirements, Corridor Overlay Requirements and Parking & Loading Requirements

LOCATION: **2239 Scenic Drive, Snellville**

PARCEL: 6051 018

ZONING: OP (Office Professional) District

OVERLAY DISTRICT: Corridor Overlay District

PROPERTY OWNER: Charles Richard Clower and Trudy Clower
Alpharetta, Georgia 30009

APPLICANT/CONTACT: Toney Clower
404-557-3977 or toney@clowerrealty.com

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



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VARIANCE CASE ANALYSIS

May 14, 2019

TO: Snellville Board of Appeals

DATE: May 14, 2019

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 19-05

FINDING OF FACT:

The Department of Planning and Development has received an application from Toney Clower of Clower Realty, on behalf of Charles Richard Clower and Trudy Clower, requesting variances from the Snellville Zoning Ordinance.

The subject property, zoned OP (Office Professional) District, is located at 2239 Scenic Drive in Snellville. The subject property is 0.59± acres and originally platted in 1960 as Lot 4 Block B Lanier Mountain Estates. It was originally developed in 1961 as a single-family residence. It consists primarily of a single rectangular brick building totaling 2,244± square feet, with related carport and driveway and small utility shed in the backyard.

VARIANCE REQUEST:

The applicant is requesting four (4) variances from the Snellville Zoning Ordinance and the Corridor Overlay District requirements. The requested variances are outlined below:

1. Variance from Section 9.15(A)3 of the Snellville Zoning Ordinance regarding the Corridor Overlay District requirements related to:

- a. Providing a 2x8 foot pad every 300 linear feet on sidewalk for decorative benches, bicycle racks and trash receptacles.
 - b. Providing decorative light fixtures and poles throughout the parking area.
 - c. Allow a variance to allow the parking in front of the building to exceed 20%.
2. Variance from Article XI, Section 11.3 of the Snellville Zoning Ordinance to allow four more parking spaces than the allowed maximum.
 3. Variance from Article XI, Section 9.8(4)6 of the Snellville Zoning Ordinance to allow an encroachment of 0.6 feet into the required 10-foot side setback by the existing building on the north side of the property.
 4. General variance to allow the site and building to be approved in its current condition except for the additional variances requested as part of this application.

STAFF ANALYSIS:

In the late 1980's, we believe the Mayor and Council approved the rezoning of all the parcels on Scenic Drive from RS-180 (Single-family Residence) District to O&I (Office Institutional) District. Then in 2002, the OP (Office Professional) District was created and all O&I zoned properties were rezoned to OP (Office Professional) and the O&I District became inactive.

In the years since, a couple of the properties on Scenic Drive have since converted to commercial uses. The subject property is currently a residential property, which the applicant wishes to convert to commercial office space.

The applicant is planning to address both landscaping and site lighting issues, as shown on the submitted plan titled "Variance Request Plan for 2239 Scenic Drive" dated April 2, 2019.

VARIANCE ANALYSIS:

1. Variance from Section 9.15(A)3 of the Snellville Zoning Ordinance regarding the Corridor Overlay District requirements related to:
 - a. Providing a 2x8 foot pad every 300 linear feet on sidewalk for decorative benches, bicycle racks and trash receptacles.

A proposed master plan for placement of pedestrian amenities on Scenic Drive shows that a pad is not planned to be located on this property. This request is recommended for approval.

- b. Providing decorative light fixtures and poles throughout the parking area.

The applicant contends that the existing lighting from both existing streetlights on Scenic Drive and planned sidewalk lights will be more than enough to provide

adequate lighting in the relatively small parking lot. The department recommends approval.

- c. Allow a variance to allow the parking in front of the building to exceed 20%.

The subject property is still on septic and is not required to connect to sanitary sewer since the sanitary sewer connection point is greater than 250 feet (measured from the building to the closest gravity sewer line) and greater than 100 feet (measured from the subject property line to the closest gravity sewer line), and most of the current rear yard is taken up by the septic system drain field. Therefore, the only reasonable place to put the parking is in the front of the property. This is recommended for approval.

2. Variance from Article XI, Section 11.3 of the Snellville Zoning Ordinance to allow four more parking spaces than the allowed maximum.

The total parking the applicant intends to provide on the site (with this variance) is 13 spaces, including one handicap-accessible space. Four spaces is not a substantial number of spaces, and the site is more than able to accommodate the increase. The department recommends approval.

3. Variance from Article XI, Section 9.8(4)6 of the Snellville Zoning Ordinance to allow an encroachment of 0.6 feet into the required 10-foot side setback by the existing building on the north side of the property.

The existing building was built before the advent of most of the current Code of Ordinances, and thus does not conform with current regulations regarding setbacks. The only other options available to the property owner would be to expand their property line north 0.6 feet, or remove the building entirely. Both are overly burdensome for the property owner. This variance is recommended for approval.

4. General variance to allow the site and building to be approved in its current condition except for the additional variances requested as part of this application. This request is recommended for approval.

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.

Existing structures and front yard area create circumstances that require these variance requests.

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.

It would create an undue hardship to the property owner to try to bring an existing structure and lot that were in place before the Corridor Overlay District was instituted up to all of the overlay's requirements.

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

Structure and lot were existing when zoning was changed on this property by the City and were not the result 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.

Granting these variances would not confer on the applicant any special privileges that are denied by the Zoning Ordinance to other lands, structures, or buildings as some of the overlay district requirements cannot be met by existing structures and lands.

STAFF RECOMMENDATION:

The Department of Planning and Development recommendations for each of the variances explained above are summarized in the following table:

Number	Variance	Recommendation
1a	Pedestrian Amenity Pad	Approval
1b	Parking Lot Lights	Approval
1c	Parking in Front	Approval
2	Four More Parking Spaces	Approval
3	North Setback Enroachment	Approval
4	General Variance	Approval

And further, the Department of Planning and Development recommends the attachment of the following **Conditions**:

1. The property shall be developed in general accordance with the submitted site plan, entitled "Variance Request Plan for 2239 Scenic Drive" dated April 2, 2019 with modifications to meet conditions of zoning or State, County, and City regulations;
2. New signs higher than 15 feet and larger than 225 square feet are prohibited;
3. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited; and
4. All approved variances shall become null and void upon redevelopment of the property or where the structure has been destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at time of loss, it shall not be reconstructed except in conformity with the provisions of the City Code of Snellville.