



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

VARIANCE CASE SUMMARY

October 8, 2019

CASE NUMBER: #BOA 19-08

REQUEST: Variances to Allow Certain Non-conforming Uses to Remain While Bringing Other Non-conforming uses into Compliance

APPLICABLE SECTION(s): Sign Ordinance and Buffer, Landscape and Tree Ordinance of the Snellville City Code

LOCATION: 1580 Tree Lane, Snellville, Georgia

TAX PARCEL: 5041 019

ZONING: **OP (Office Professional) District**

ACREAGE: ±1.30 Acres

DEVELOPMENT/PROJECT: Photography and Arts Studio

PROPERTY OWNER: Marie Soracco, LLC
Snellville, Georgia 30078

APPLICANT/CONTACT: Tiffany Young
PH Studios
770-820-9595 or TyThePinkOne@gmail.com

RECOMMENDATION: **Approval with Conditions**



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

VARIANCE CASE ANALYSIS

October 8, 2019

TO: Snellville Board of Appeals

DATE: October 8, 2019

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 19-08**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Tiffany Young, owner and operator of PH Studios who is requesting variances from the Sign Ordinance and Buffer, Landscape and Tree Ordinance to allow certain non-conforming uses and conditions to remain while bringing other non-conforming uses and conditions into code compliance.

The subject 1.30± acre property is located at 1580 Tree Lane, Snellville and is a residential improved commercial property that served as the chiropractic office location for Dr. Marie Soracco, Eastside Spine & Pain from 1992 until closure of the practice in 2016. Eastside Gynecology, PC also maintained a practice here from 2004 until closure in 2016. The property has remained vacant since.

Ms. Young has entered into a lease-purchase agreement with Dr. Soracco to operate a photography and arts studio targeted to teens and older adults.

The subject property was originally developed for a single-family detached dwelling and in 1986 the property was improved for office uses. There is a 50 foot tall freestanding (billboard) sign measuring 14 feet high by 48 feet wide that was originally erected in the 1990's that is located on the northwest corner of the property and remains today.

The subject and adjacent property to the southeast is zoned OP (Office Professional) District. Adjacent properties to the north and east include single-family detached home sites that are part of the Shadowbrook Crossing subdivision, zoned RS-150 (Single-family Residence) District.

REQUEST:

Because the property has been vacant and out of commerce for almost three (3) years now, and in accordance with Section 5.4(5) of Article V, Non-conforming Uses of the 2001 Zoning Ordinance requiring that the structure and premises in combination shall not be used except in conformity with the regulations of the district in which the property is located, the applicant is requesting relief from having to bring the property fully into compliance where non-conformities currently exist, while bringing other non-conformities into compliance with the current code.

The requested variances are listed below:

- 1. Variance from Sec. 19-32, Minimum Buffer Strips Between Dissimilar Uses of Article II, Chapter 19 of the Code of Ordinances to allow encroachment into the 50 foot buffer along the northwesterly property line 'as-is' where abutting low-density land uses of the Shadowbrook Crossing subdivision.**
- 2. Variance from Sec. 12.4(7), Freestanding Signs over 3 feet in Height and Less than 6 sq. ft. in area of Article XII, Sign Ordinance to allow the pre-existing 50± foot tall and 672± sq. ft. billboard sign to remain 'as-is'.**
- 3. Variance from Sec. 19-73, Landscape Strip Design Standards of Article III, Landscape Ordinance, Chapter 19 of the Code of Ordinances to allow the front and western side landscape strips to be planted with trees, shrubs, ground cover as per an approved landscape plan approved by the Planning Director.**
- 4. Variance from Sec. 8.3, Walls and Fences of Article VIII of the Zoning Ordinance to allow the removal of a barbed-wire fence and replacing instead with three privacy fence panels along the northwesterly property line and made part of the landscape plan improvements.**

Though not requested by the applicant, the following additional variances are also required:

5. Variance from Sec. 12.3(15), Freestanding Signs Larger than 6 SF in Sign Area Prohibited of Article XII, Sign Ordinance to allow the pre-existing 672± sq. ft. billboard sign to remain 'as-is'.
6. Variance from Sec. 12.3(16), Signs Over 15 Feet Prohibited of Article XII, Sign Ordinance to allow the pre-existing 50± foot tall billboard sign to remain 'as-is'.

VARIANCE ANALYSIS:

Variances (2), (5) and (6) are the result of the existing 50 feet tall by 14 feet high by 48 feet wide (672 sq. ft.) freestanding (billboard) sign that was originally erected in the 1990's then repaired and re-erected in 2002 that remains standing today and which is considered legal non-conforming under the current Sign Ordinance.

Approval of these variances is necessary to allow the applicant the opportunity in the future to permit conforming signage even though the non-conforming billboard sign may exist on the property [Sec. 12.6(2), Multiple Signs].

Granting variance will not change the legal non-conforming status of the billboard sign, provided the sign remain 'as-is' and in accordance with Sec. 12.10, Nonconforming Signs and Sec. 12.22, Maintenance and Removal of the Sign Ordinance.



Variance (1) is to allow the existing parking lot and rear corner of the building encroachment into the 50 feet buffer where the property abuts the low-density residential land use (Shadowbrook Crossing subdivision) to the northwest. The existing site conditions pre-exist the development and construction of the single-family home sites of the Shadowbrook Crossing subdivision. The Planning Department recommends approval, conditioned that no new encroachment of buildings or parking areas be constructed unless granted variance approval by the Board of Appeals, or Mayor and Council. However, the applicant shall be allowed to repair and maintain the existing privacy fence and add new fencing within the buffer.

Variance (3) is to allow the existing front and western side yard landscape conditions remain 'as-is' until such time that the applicant submit a landscape plan for review and approval by the

Planning Director. The Planning Department recommends approval, conditioned that the approved landscaped plan be implemented and landscaping installed before April 30, 2020.

Variance (4) is to allow the removal of a barbed-wire fence along the northwesterly property line and replacing instead with a six-foot high privacy fence and made part of the landscape plan improvements. The Planning Department recommends approval, conditioned that the approved landscaped plan be implemented and fencing installed before April 30, 2020.

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 special conditions and circumstance are the result of the property being vacant for almost three (3) years. The legal non-conforming billboard sign has continued to remain in use with no lapse of use since re-erection in 2002.

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 applicant to remove a portion of the existing structure and parking lot that were approved and constructed well before the City's buffer ordinance requiring a fifty (50) foot buffer between dissimilar uses. And denial of the variances relating to the existing billboard would prevent the applicant from installing new signage to advertise and promote her business.

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

The applicant simply wants to open her business while bringing a thirty-three year old commercial property closer into compliance with current City codes and regulations.

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 the variance request would confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district. However, similar variances have been approved by the Board of Appeals to

grant relief from current codes and regulations on these older properties.

However, Section 14.5(2)(f) of the Snellville Zoning Ordinance allows the Board of Appeals to make a finding that granting of the variance “will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not injurious to the neighborhood, or otherwise detrimental to the public welfare.”

CONCLUSION:

The Department of Planning and Development recommends **Approval** of each of the six (6) variances discussed above with the following recommended **Conditions**:

1. The applicant or property owner shall submit a landscape plan for review and approval by the Director of Planning and Development for the front landscape strip and northwesterly side yard landscape strip with said plan to be implemented and landscaping installed before April 30, 2020;
2. The continuation of the six-foot high privacy fence along the northwesterly property line shall extend to the end of the parking area and beginning of the existing barbed-wire fence and shall be constructed by the applicant or property owner in the same design as the existing fence to be erected and completed by April 30, 2020;
3. In order to prevent soil erosion and sedimentation, all areas on the property where there is exposed soil shall be mulched with pine straw, nuggets, mulch, etc. and completed by the applicant or property owner within 60-days of variance approval;
4. New signs higher than 15 feet or larger than 225 sq. ft. shall be prohibited;
5. The installation of any new signage shall conform to the Snellville Sign Ordinance and require application submittal for review and approval by the Director of Planning and Development; and
6. The granting of variance approval to allow the existing free standing (billboard) sign to remain shall not affect or repeal the legal non-conforming status of the sign, provided the sign remain ‘as-is’ and in accordance with Sec. 12.10, Nonconforming Signs and Sec. 12.22, Maintenance and Removal of the Sign Ordinance.