



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

VARIANCE CASE SUMMARY

December 10, 2019

CASE NUMBER:	#BOA 19-10
VARIANCE REQUEST:	To exceed the maximum number of roofed accessory structures in the rear yard from two to three structures
APPLICABLE SECTION:	Section 7.1, Accessory Structures of Article XII, General Provisions of the Zoning Ordinance
LOCATION:	2240 Pinehurst Road, Snellville
PARCEL:	5040A 044
ZONING:	RS-180 (Single-family Residence) District
PROPERTY OWNER/CONTACT:	Bobby Howard Snellville, Georgia 30078 770-982-3732 or 404-583-1099
PLANNING DEPARTMENT RECOMMENDATION:	Approval with Conditions

Mr. Howard is requesting relief from Section 7.1 of the Snellville Zoning Ordinance to exceed the maximum number of roofed accessory structures in order to build an additional 12' x 20' roofed accessory structure in the rear of his property.

Due to the existence of other non-permitted roofed accessory structures on the property, Mr. Howard was advised that variance approval by the Board of Appeals was necessary to lawfully allow the existing roofed accessory structures to remain in their current form before a building permit could be approved for the new 240 sq. ft. storage building.

INITIAL VARIANCE REQUEST:

Mr. Howard's initial variance request was for two (2) variances from Section 7.1, Accessory Structures of Article VII of the Snellville Zoning Ordinance as described below:

1. Variance from Section 7.1(1)(d), to increase the maximum number of roofed accessory structures allowed in the rear yard from two (2) to five (5) structures;
2. Variance from Section 7.1(1)(e), to increase the maximum size for all roofed accessory structures from 750 sq. ft. to 829 sq. ft.

APPLICATION AMENDMENT:

On December 4, 2019, Mr. Howard emailed the Planning Director agreeing to remove the roof structures from the 6' x 7' dog shelter and 8' x 8' hot tub and instead replacing the fixed-roof structures with retractable canopies. This amendment request eliminates the need for Variance #2 above as the combined sum of all existing and proposed roofed accessory structures is 723 sq. ft. and less than the 750 sq. ft. maximum size allowed by the ordinance.

With modification and conversion of the fixed-roof structures using retractable canopies for the dog shelter and hot tub, Variance #1 is modified as follows:

1. Variance from Section 7.1(1)(d), to increase the maximum number of roofed accessory structures allowed in the rear yard from two (2) to three (3) structures.

VARIANCE ANALYSIS:

Section 7.1 of Article VII of the Zoning Ordinance contains provisions for the regulation of roofed accessory structures as follows:

Roofed Accessory Structures: The construction of any roofed accessory structure larger than twenty (20) square feet requires the issuance of a building permit by the City. All permit

applications shall indicate the proposed use of the structure and shall include a drawing that shows the exact location on the property with distance(s) from the adjacent property line(s).

- 1). *All such accessory structures shall meet the following requirements:*
 - a) *Located no closer than five-feet (5') from any property line(s);*
 - b) *Located within the rear yard;*
 - c) *No higher than two (2) stories;*
 - d) ***No more than two (2) roofed accessory structures may be constructed on any one (1) lot;***
 - e) *The combined sum of roofed accessory structures shall not exceed seven-hundred-fifty (750) square feet;*
 - f) *The façade shall be constructed of the following exterior-grade materials: wood; vinyl; brick; stone; stucco, and/or hardiplank siding;*
 - g) *Roofing materials shall be limited to asphalt shingles or manufactured pre-painted metal roof sheeting; and*
 - h) *Paints, stains, etc. applied on the exterior of the structure shall match the primary structure on the lot.*

- 2). *Roofed accessory structures located on property in excess of one (1) acre will not be restricted to size as long as the building meets building codes and other requirements of this ordinance.*

Mr. Howard previously came before the Board of Appeals for a nearly identical case in 2011 (case #BOA 11-09) regarding unpermitted roofed accessory structures on property he previously owned on Shipshire Drive in the Harbour Oaks subdivision. He was prompted to apply for relief following a Quality of Life Notice of Violation, prompted by the construction of an unpermitted accessory structure. Mr. Howard was allowed to construct up to five (5) accessory structures on the property and not to exceed 2,705 sq. ft. in total area.

Mr. Howard has four (4) existing roofed accessory structures on the current property which serve a variety of functions, including outdoor storage, dog shelter, covered hot tub, and covered patio. The roof structures for the dog shelter and hot tub will be removed and converted to pergola type roof structures with retractable canopies. Mr. Howard would like to add an additional 12' x 20' roofed accessory structure in the rear yard referred to as a "She Shed".

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.

From the applicant: "While my goal is to always improve my property and this will do this in a cost effective way and the support of all my neighbors to make the improvements is appreciated."

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.

From the applicant: "The Board approved a very similar request in 2011 for another property I owned here in the city."

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

From the applicant: "My intent is to improve my property for the long-term enjoyability of my home. Rear yard and privacy fence."

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.

From the applicant: "Granting the variance would confer on the applicant special privilege. However, similar variances have been approved in the past. My case in 2011 case number BOA 11-09 is an example of this."

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the variance request to increase the maximum number of fixed-roof accessory structures to three (3) total structures (two existing structures and one new structure) with the following recommended **Conditions**:

1. The applicant shall obtain a building permit approved by the Director of Planning and Development for pre-existing roofed patio structure, passage of all required inspections by the Building Inspector and obtain a Certificate of Completion before any new roofed accessory structure may be permitted;
2. The applicant shall obtain a building permit approved by the Director of Planning and Development for the pre-existing dog shelter to include the conversion of the fixed-roof to a retractable canopy. Passage of all required inspections by the Building

Inspector and obtain a Certificate of Completion before any new structure may be permitted;

3. The applicant shall obtain a building permit approved by the Director of Planning and Development for the pre-existing hot tub shelter to include the conversion of the fixed-roof to a retractable canopy. Passage of all required inspections by the Building Inspector and obtain a Certificate of Completion before any new structure may be permitted; and
4. Prior to construction, and in accordance with Conditions (1-3) above, the applicant shall obtain a building permit approved by the Director of Planning and Development for the new 12' x 20' "She Shed".